



ZONING ORDINANCE CITY OF DAHLONEGA, GEORGIA

Ordinance 91-9

Amendment 21

City of Dahlonega Zoning Ordinance Table of Contents

		Page
Article I	Preamble and Enactment Clause	7
Article II	Short Title	8
Article III	Definitions	9
Article IV	Establishment of Districts	34
Section 401	Use Districts	34
Section 402	Official Zoning Map	34
Section 403	Replacement of Official Zoning Map	35
Section 404	Interpretation of District Boundaries	36
Section 405	Boundary Line Divides a Lot of Single Ownership	36
Section 406	Designation After Street Abandonment	36
Article V	Non-conforming Lots, Buildings and Uses	37
Section 501	Purpose and Intent	37
Section 502	Non-conforming Lots of Record	37
Section 503	Continuance of Non-Conforming Use	37
Section 504	Expansion of Non-Conforming Buildings	38
Section 505	Buildings Under Construction	38
Article VI	Off Street Parking, Loading and Access Requirements	39
Section 601	Off-street Parking and Loading Spaces Required	39
Section 602	Maximum Number of Off-Street Parking Spaces	39
Section 603	Handicapped Parking Requirements	42
Section 604	Maximum Number of Off-Street Loading Spaces	43
Section 605	Parking and Loading Area Design Requirements	43
	<i>Section 605.1 Improvement of Parking Lots</i>	43
	<i>Section 605.2 Curb Cut and Access Specifications</i>	44
Section 606	Deleted	45
Section 607	Parking Areas Must Be Appropriately Zoned	45
Article VII	General Provisions	46
Section 701	Use, Occupancy, and Erection	46

TABLE OF CONTENTS

Section 702	Minimum Requirements	46
Section 703	Height Limitations	46
Section 704	Every Use Must Be Upon a Lot	46
Section 705	One Principal Building on a Lot	47
Section 706	Separation Between Principal Buildings	47
Section 707	Reduction in lot Size Prohibited	47
Section 708	Annexation	47
Section 709	Street Frontage Required	47
Section 710	Use Prohibited when Not specified	48
Section 711	Accessory Buildings and Uses	48
Section 712	Regulations for Specific Accessory Structures	48
Section 713	Home Occupations	50
Section 714	Visibility at Intersections	51
Section 715	Parking or Storage of Recreational Vehicles	51
Section 716	Abandoned, Wrecked or Junked Vehicles	51
Section 717	Subdivision Plat Must Meet Zoning Requirements	51
Section 718	Yard Sales	52
Article VIII	Sign Regulations (Deleted)	53
Article IX	R-1, Single Family Residential District	54
Section 901	Purpose and Intent	54
Section 902	Permitted Uses	54
Article X	R-2, Multiple-Family Residential District	55
Section 1001	Purpose and Intent	55
Section 1002	Permitted Uses	55
Section 1003	Conditional Uses	56
Section 1004	Townhouse Development Regulations	56
Section 1005	Residential Condominium Development Regulations	57
Article XI	R-3, Multiple-Family Residential District	59
Section 1101	Purpose and Intent	59
Section 1102	Permitted Uses	59
Article XII	MHP, Mobile Home Park District	60
Section 1201	Purpose and Intent	60
Section 1202	Permitted Uses	60
Section 1203	Mobile Home Park Regulations	60
Section 1204	Mobile Home and Space Requirements	62
Article XIII	PUD, Planned Unit Development District	66
Section 1301	Purpose and Intent	66
Section 1302	Permitted Uses	66
Section 1303	Development Summary Report Required	66
Section 1304	Site Plan Approval Required	67
Section 1305	Report and Site Plan Minimum Requirements	67
Section 1306	Revisions to Approved PUD application	68
Section 1307	Minimum site Area and Frontage Required	68
Section 1308	Suggested Site Plan Guidelines	68

TABLE OF CONTENTS

Article XIV	B-1, Neighborhood Business District	70
Section 1401	Purpose and Intent	70
Section 1402	Permitted Uses	70
Section 1403	Outdoor Sales, Storage, and Display Prohibited	72
Article XV	B-2, Highway Business District	74
Section 1501	Purpose and Intent	74
Section 1502	Permitted Uses	74
Section 1503	Conditional Uses	76
Section 1504	Outdoor Sales, Storage, and Display Prohibited	77
Article XVI	B-3 Historical Business District	78
Section 1601	Purpose and Intent	78
Section 1602	Permitted Uses	78
Section 1603	Conditional Uses	80
Section 1604	Outdoor Sales, Storage, Display Prohibited	80
Section 1605	Alteration of Structures or Buildings	81
Section 1606	Signs	81
Article XVII	CBD, Central Business District	82
Section 1701	Purpose and Intent	82
Section 1702	Permitted Uses	82
Section 1703	Conditional Uses	83
Section 1704	Outdoor Sales, Storage, and Display Prohibited	83
Section 1705	Alteration of Structures, New Construction	84
Article XVIII	O-I, Office Institutional District	85
Section 1801	Purpose and Intent	85
Section 1802	Permitted Uses	85
Article XIX	I, Industrial District	87
Section 1901	Purpose and Intent	87
Section 1902	Permitted Uses	87
Section 1903	Conditional Uses	88
Section 1904	Industrial Performance Standards	89
Article XX	Minimum Dimensional Requirements	90
Section 2001	Minimum Setback Requirements by zoning District	90
Section 2002	Minimum Lot width, floor area, and Density	91
Article XXI	Buffer, Landscape, Screening and Landscape Requirements	92
Section 2101	Purpose and Intent	92
Section 2102	Buffer Required	92
Section 2103	Buffer Specifications	93
Section 2104	Landscape Strip Required	93
Section 2105	Acceptable Plant Materials	94
Section 2106	Maintenance of Buffers and Landscape Strips	94
Section 2107	Tree Protection Zone	94
Section 2108	Parking Area Landscaping Requirements	95
Section 2109	Screening of Outdoor Storage Areas Required	95
Section 2110	Screening of Dumpsters Required	95

TABLE OF CONTENTS

Section 2111	Administration and Enforcement	95
Article XXII	Flood Area Regulations	97
Section 2201	Purpose and Intent	97
Section 2202	Application of Regulations	97
Section 2203	Establishment of Special Flood Hazard Areas	97
Section 2204	Establishment of Base Flood Elevations	98
Section 2205	Encroachment Within Floodway Prohibited	98
Section 2206	Permitted Uses Within Special Flood Hazard Areas	98
Section 2207	Permit Regulations and Procedures	99
	<i>Section 2007.1 Application Stage</i>	99
	<i>Section 2007.2 Construction Stage</i>	100
Section 2208	Duties and Responsibilities of the Building Official	100
Section 2209	Development Provisions	101
	<i>Section 2209.1 General Requirement for New Construction and Substantial Improvements</i>	101
	<i>Section 2209.2 River and Stream Channels</i>	102
	<i>Section 2209.3 Non-Conforming Uses</i>	102
	<i>Section 2209.4 Residential Structures</i>	102
	<i>Section 2209.5 Non-Residential Structures</i>	102
	<i>Section 2209.6 Elevated Buildings</i>	103
	<i>Section 2209.7 Filling in Flood Hazard Area</i>	103
	<i>Section 2209.8 Residential Lot Area and Subdivision Requirements</i>	104
	<i>Section 2209.9 Certain Development</i>	104
	<i>Section 2209.10 Utilities and Equipment</i>	104
	<i>Section 2209.11 Standards for Manufactured Homes and Recreational Vehicles</i>	104
Section 2210	Warning and Disclaimer of Liability	105
Section 2211	Appeals	106
Section 2212	Variances	106
Section 2213	Criteria for Granting Variances to this Article	106
Section 2214	Conditions of Variance and Limits on Variance Authority	107
Section 2215	Standards for Streams without Established Flood Elevation and/or Floodway	107
Article XXIII	Planning Commission	109
Section 2301	Creation and Appointment	109
Section 2302	Meetings and Records	109
Section 2303	Powers and Duties	110
Article XXIV	Board of Zoning Appeals	111
Section 2401	Creation and Appointment	111
Section 2402	Meetings and Records	111
Section 2403	Powers and Duties Limited	112
Section 2404	Appeals	112
Section 2405	Determination of District Boundaries	112
Section 2406	Variances	113

TABLE OF CONTENTS

Section 2407	Conditional Approval Permitted	114
Section 2408	Approval Period Limited	114
Section 2409	Application, Hearings and Notice	114
Article XXV	Historic Properties and Districts	115
Section 2501	Application of Requirements	115
Section 2502	Alteration of Structures and Buildings: New Construction	115
Section 2503	Exemption for Ordinary Maintenance and Repair	115
Section 2404	Exemption for Signs	116
Section 2505	Historic Districts and Properties to be shown on Zoning Map	116
Article XXVI	Amendment, Application and Procedural Requirements	117
Section 2601	Authority to Amend	117
Section 2602	Initiation of Zoning Amendments	117
Section 2603	Frequency of Application	117
Section 2604	Withdrawal of Amendment Application	118
Section 2605	Application Requirements	118
Section 2606	Site Plan Requirements	119
Section 2607	Criteria to Consider for Map Amendments	119
Section 2608	Criteria to Consider for Conditional Uses	120
Section 2609	Public Notice and Public Hearing Required	121
Section 2610	Recommendations by Zoning Administrative Officer	122
Section 2611	Planning Commission Recommendation	123
Section 2612	Conduct of Public Hearings	123
Section 2613	Action by the Appropriate Body	124
Section 2614	Conditional Approval Permitted	125
Section 2615	Reversion of Conditional Zoning and/or Conditional use Approval	125
Section 2616	Approval Required by Appropriate Body	126
Section 2617	Procedure for Approved Zoning Ordinance Text Amendment	126
Section 2618	Designation of Approved Applications on Official Zoning Map	126
Article XXVII	Administration, Enforcement, Penalties and Remedies	127
Section 2701	Administration and Interpretation	127
Section 2702	Enforcement	127
Section 2703	Development Permit Required	127
Section 2704	Building Permit Required	128
Section 2705	Certificate of Occupancy Required	128
Section 2706	Penalties for Violations	128
Section 2707	Remedies	129
Article XXVIII	Legal Status Provisions	130
Section 2801	Conflict with Other Laws	130
Section 2802	Severability	130
Section 2803	Repealer	130
Section 2804	Effective Date	130

ZONING ORDINANCE
CITY OF DAHLONEGA, GEORGIA

AN ORDINANCE AMENDING AND RESTATING IN ITS ENTIRETY THE ZONING ORDINANCE OF THE CITY OF DAHLONEGA, GEORGIA ADOPTED ON SEPTEMBER 4, 1990, AS AMENDED, FOR THE PURPOSE OF REGULATING THE LOCATION, HEIGHT, BULK, NUMBER OF STORIES AND THE SIZE OF BUILDINGS AND STRUCTURES; THE AMOUNT OF LOT WHICH MAY BE OCCUPIED; THE SIZE OF YARDS, COURTS, AND OTHER OPEN SPACE; THE DENSITY AND DISTRIBUTION OF POPULATION; THE USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY, COMMERCE, RESIDENCE, RECREATION, AGRICULTURE, CONSERVATION, WATER SUPPLY, SANITATION, PUBLIC ACTIVITIES, AND OTHER PURPOSES; CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT: DEFINING THE POWERS AND DUTIES OF THE PLANNING COMMISSION, BOARD OF APPEALS, HISTORIC COMMISSION, BUILDING INSPECTOR, AND GOVERNING AUTHORITY; PROVIDING PENALTIES FOR VIOLATION; REPEALING CONFLICTING REGULATIONS; AND FOR OTHER PURPOSES.

ARTICLE I : PREAMBLE AND ENACTMENT CLAUSE

ARTICLE I

PREAMBLE AND ENACTMENT CLAUSE

Pursuant to the authority conferred by the 1983 Georgia State Constitution, Article IX, Section II, Paragraph IV, and for the purpose of promoting the health, safety, convenience, order, prosperity, and general welfare of the present and future inhabitants of the City of Dahlonega and the State of Georgia, including among other purposes the lessening of congestion in the streets; securing safety from fire, flood, panic, and other dangers; promoting health and the general welfare; providing adequate light and air; preventing the overcrowding of land and avoiding both undue concentration of population and urban sprawl; facilitating the adequate provision of transportation, water, sewerage service, schools, parks, and other public requirements; promoting such distribution of population, classification of land uses, distribution of land uses and distribution of land development and utilization as will tend to facilitate and promote desirable living conditions and the sustained stability of neighborhoods; preserving buildings, structures and uses in areas having national, regional, state or local historic or environmental significance; improving the aesthetic appearance of the City; protecting property against blight and depreciation; securing economy in governmental expenditures; conserving the value of buildings; and encouraging the most appropriate use of land, buildings and structures throughout the City of Dahlonega, all in accordance with a comprehensive plan for the development of the City of Dahlonega, the City Council does hereby ordain and enact into law the following Articles and Sections.

ARTICLE II : SHORT TITLE

**ARTICLE II
SHORT TITLE**

These regulations shall be known and may be cited as the "Zoning Ordinance of the City of Dahlonega, Georgia."

ARTICLE III : DEFINITIONS OF TERMS USED IN ORDINANCE

ARTICLE III

DEFINITIONS OF TERMS USED IN ORDINANCE

Section 301. Definitions

When used in this Ordinance, the following words and phrases shall have the meaning given in this Article. Terms not herein defined shall have their customary dictionary definitions where not inconsistent with the context. The term "shall" is mandatory. When not inconsistent with the context, words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future.

Abutting: Having property or district lines in common, or having property separated by only an alley. Separation by a street right-of-way is not considered abutting.

Accessory Building or Use: A building or use which: is subordinate to and serves a principal building or principal use; is subordinate in area, extent, or purpose to the principal building or use served; contributes to the comfort, convenience or necessity of occupants of the principal building or principal use; and is located on the same lot as the principal building or principal use. *

Agriculture: The cultivation or growth of a field or horticultural crop, including dairying, livestock and poultry raising, farm forestry, and other similar enterprises or uses.

Airport: Any area of land, water or mechanical structure which is used for the landing and take-off of aircraft, including any appurtenant structures and areas which are used or intended to be used for airport buildings, other airport facilities, rights-of-ways or easements.

Alley: A private or public thoroughfare which affords only a secondary means of access to a building or abutting property and is not intended for general traffic circulation.

Alteration: Any change in the supporting members of a building, any modification or change in construction, any addition which increases the area or height, any change in use from that of one district classification to another, or movement of a building from one location to another.

Animal Hospital: A facility operated by a licensed veterinarian specifically for the practice of veterinary medicine.

* Amendment 20 dated 18th day of October, 2012

ARTICLE III : DEFINITIONS OF TERMS USED IN ORDINANCE

Antique Shop: A store or shop for the sale of relics, objects of ancient times or of an earlier period, works of art, pieces of furniture or decorative objects made at a much earlier period than present.

Apartment House: A multi-family dwelling located on a parcel of land under a single ownership, designed for use by three or more housekeeping units, living independently of each other, and doing their own cooking on the premises

Architectural Features, Exterior: The architectural style, general design and general arrangement of the exterior of a building or other structure, including but not limited to, the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, features, details or elements relative to the foregoing.

Area of Shallow Flooding: A designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Art Gallery: A facility, structure or building used for the display of sculptures, paintings, photographs or other artistic works for public viewing with only incidental sales.

Automated Teller: An accessory facility through which certain banking functions such as deposits and withdrawals can be completed without the personal assistance of a bank employee.

Bakery, Bake Shop: The use of a structure or building for the production and retail sale of bakery products, including but not limited to breads, cakes, pastries and doughnuts. Wholesale bakeries are not included in this definition.

Basement: That portion of a building located wholly or partly underground but having less than one-half of its height above the grade.

Bed and Breakfast Inn: A dwelling unit, or portion thereof, where short term lodging rooms, with or without meals, are provided for compensation, and where the operator of the inn resides on the premises.

Berm: An earthen structure used as a screening device in conjunction with the planting of grass, shrubbery and trees.

Board of Zoning Appeals: The body established by these regulations composed of or appointed by the Governing Body which has original jurisdiction to take action on appeals, variances and other determinations as herein established.

ARTICLE III : DEFINITIONS OF TERMS USED IN ORDINANCE

Boarding House: A building, where for compensation, both lodging and meals are provided for persons, provided that a single family dwelling shall not be deemed to be a boarding house by reason of a contribution to or expense sharing arrangement with the owner or tenant occupying the dwelling by a person related by blood or marriage.

Broadcasting Studio: A room or suite or rooms operated as a radio or television broadcasting studio or station with local broadcast capability or intended for satellite distribution of programs.

Buffer: A landscaped open space and/or screen located between incompatible land uses for the purpose of visibly separating uses through distance and to shield or block noise, light, glare, or visual or other nuisances; that portion of a given lot, not covered by buildings, pavement, parking, access and service areas, established for the purpose of screening and separating properties with incompatible land uses, the width of which is measured from the common property line and extending the developed portion of the common property line. A buffer consists of trees, shrubs and other natural vegetation undisturbed by grading or site development and replanted where sparsely vegetated or where disturbed for approved access and utility crossings.

Buildable Area: The portion of a lot remaining after required yards, buffers and building setbacks have been provided, where construction of principal buildings is permitted.

Building: Any structure, either temporary or permanent, above or below ground, having a roof or other covering, and designed, built, or used as a shelter or enclosure for persons, animals, or property of any kind, including tents, awnings, or vehicles used for purposes of a building.

Building Addition: Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Building, Elevated: A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

Building Official: The Chief Building Inspector of the City of Dahlonega, or his authorized representative.

Building, Principal: A building or structure in which is conducted the main use of the property on which the building or structure is located. In any residential district, any structure containing a dwelling unit shall be defined to be the principal building on the lot on which said structure is located.

ARTICLE III : DEFINITIONS OF TERMS USED IN ORDINANCE

Building Setback Line: A line establishing the minimum allowable distance between the main or front wall of a building, including any covered porches, and the street right-of-way or property line when measured perpendicularly thereto. In the case of corner lots or double frontage lots, front yard requirements shall be observed for those areas adjacent to street right-of-ways.

Bulk: A term used to describe the size and shape of a building or structure and its relationship to other buildings, to the lot area for a building and to open spaces and yards.

Bus Terminal: An area and building where buses stop to load and unload passengers and luggage or packages and which may include the sale of bus tickets.

Campground: Land containing two (2) or more campsites which are located, established or maintained for occupancy by people in temporary lodging units such as camp tents, or cabins, for recreation, education or vacation purposes.

Car Wash: An establishment engaged in the business of washing domestic vehicles with self-serve, automated or staffed facilities.

Carport: An accessory structure or portion of a principal structure, consisting of a roof and supporting members such as columns or beams, unenclosed from the ground to the roof on at least two (2) sides, and designed or used for the storage of motor vehicles or boats.

Cemetery: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, but not including crematories and mortuaries.

Centerline of Street: That line surveyed and monumented by the Governing Body and designated as the center of a public street. If a centerline has not been surveyed, it shall be the line running midway between the outside curbs, ditches or pavement ends of such street.

Certificate of Appropriateness: deleted[†]

Certificate of Occupancy: A legal statement or document issued by the Building Official indicating that the building and use or reuse of a particular building or land is in conformity with all applicable codes and regulations, and that such building or land may be occupied for the purpose stated therein.

Church: An institution that people regularly attend to participate in or hold religious services, meeting and other purposes, including education, day care and recreation facilities when owned and operated by such church.

[†] Amendment 7 dated 6th day of April, 1998

ARTICLE III : DEFINITIONS OF TERMS USED IN ORDINANCE

Circus: The temporary use of land offering entertainment and instruction in the form of such things as thrill rides, games of chance and skill, educational exhibits, display of oddities and the like. The term also includes carnivals and fairs.

City Engineer: The Engineer of the City of Dahlonega, or his authorized representative.

Clinic: A building designed and used for the diagnosis and treatment of patients that does not include overnight care facilities.

Club: A building or facilities owned or operated by a group for social, educational or recreational purposes, but not customarily for profit or to render a service that is customarily carried on for gain.

College: A degree-granting establishment, accredited or qualified, which provides formal academic education and generally requiring for admission at least a high school diploma or equivalent academic training. Accessory uses under this definition include but are not limited to dormitories, cafeterias, bookstores, research facilities, sports facilities and auditoriums.

Commercial-Residential Group Project: One or more buildings containing both a permitted commercial operation(s) and a residential use(s) within such building(s). It is typically characteristic of a commercial-residential group project to have the residential unit or units occupied by the owners, operators, lessees, or employees of the shop, business or office which occupies the same building or project.

Compatibility: The characteristics of different uses or activities that permit such uses or activities to be located near each other in harmony and without conflict. Some elements affecting compatibility include: intensity of occupancy as measured by dwelling units per acre or gross square footage per acre; pedestrian or vehicular traffic generated; volume of goods handled, and such environmental affects as noise, vibration, odor, glare, air pollution or radiation.

Comprehensive Plan: Those coordinated plans or portions thereof which have been prepared by or for the Governing Body for the physical development of the jurisdiction; or any plans that designate plans or programs to encourage the most appropriate use of the land in the interest of public health, safety and welfare.

Conditional Use: A use which would not be appropriate without restriction throughout a zoning district and is not automatically permitted by right within a zoning district, but which may be permitted within a zoning district subject to meeting specific conditions (such as controls on number, size, area, location and activities) contained in these regulations or required by the Governing Body. Such uses may be permitted only if approved by the Governing Body in accordance with the regulations established herein.

ARTICLE III : DEFINITIONS OF TERMS USED IN ORDINANCE

Conditional Zoning: The granting or adoption of zoning for property subject to compliance with restrictions as to use, size, density or actions stipulated by the Governing Body to mitigate adverse impacts that are anticipated without imposition of such conditions.

Condominium (Residential Building): A building or complex of multiple-unit dwellings in which a tenant holds full title to his unit and joint ownership in the common grounds.

Contractor's Establishment: An establishment engaged in the provision of construction activities including but not limited to plumbing, electrical work, building, paving, carpentry and other such contracting activities, including the storage of materials and the overnight parking of commercial vehicles.

Convalescent Home: A home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, wherein two (2) or more persons are professionally cared for.

Convenience Store: A small retail store, 5,000 square feet or less, which sells convenience items as its primary sales. A convenience store may include the sale of gasoline and diesel fuel but such sales shall be accessory to the primary sale of convenience goods.

Conversion: Any change in the original use or purpose of a building or lot to a different use.

Cul-de-sac: A street having one end open to traffic and being permanently terminated by a vehicular turn-around.

Curb Cut: A provision for vehicular ingress and/or egress between property and an abutting public street.

Day Care Center: A child care facility, pre-kindergarten, play or other special school for young children (other than at public or private elementary schools) providing, for compensation, care and maintenance to seven (7) or more children under age 17 for a period of twelve (12) hours or less, typically during normal daytime hours. A day care center of six (6) children or less is considered to be a home occupation.

Deciduous: Falling off or shedding seasonally or at a certain stage of development in the life cycle.

Density: The number of dwelling units developed, or to be developed, per gross acre of land, or the gross square footage of a building per acre of land.

Department Store: A retail facility which offers the sale of various goods and merchandise and serves a regional market as opposed to a facility serving only neighborhood markets. A Department Store is typically at least 40,000 square feet in area and serves as an anchor for smaller retail stores and shops, usually located in a shopping mall or center.

ARTICLE III : DEFINITIONS OF TERMS USED IN ORDINANCE

Development: Any man-made change or improved or unimproved real estate including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or permanent storage of materials or equipment.

Developmentally Disabled Person: A person with a disability resulting in substantial functional limitations in such person's major life activities which disability is attributable to mental retardation, cerebral palsy, epilepsy, or autism or is attributable to any other condition related to mental retardation because such condition results in impairment of general intellectual functioning or adaptive behavior similar to that of mentally retarded persons.

District, Zoning: A geographical area or areas, designated with the use of symbols on the Official Zoning Map, wherein uses of land are restricted in type, size, height and other limitations as established in these regulations.

Dormitory: A building that is owned and/or operated by an educational institution, the primary purpose of which is to provide living accommodations for individuals associated with the institution, but which does not include individual kitchen facilities.

Drive-in: A retail or service enterprise wherein service is provided to the customer within a motor vehicle on the outside of the principal building.

Drive-in Theater: A facility designed for the outdoor projection of motion pictures onto a permanent screen to be viewed from the patron's automobile.

Dry Cleaners: An establishment engaged in providing laundry, dyeing and dry cleaning services to individual customers.

Dry Cleaning Plant: An establishment engaged in providing laundry, dyeing and dry cleaning services on a large scale for institutions, businesses or other such establishments.

Dwelling: A building, other than a mobile home or house trailer, designed, arranged or used for permanent living, and/or sleeping quarters.

Dwelling Unit: A building, or portion thereof, designed, arranged and used for living quarters for one (1) or more persons living as a single housekeeping unit with cooking facilities, but not including mobile homes and units in hotels or other structures designed for transient residence.

Dwelling, Multi-Family: A building designed for or occupied exclusively by three (3) or more single housekeeping units with separate kitchen or house-keeping facilities for each family or housekeeping unit,

ARTICLE III : DEFINITIONS OF TERMS USED IN ORDINANCE

including apartment houses, row houses, town houses, and similar housing types but not including motels, hotels, lodging houses, hospitals, nursing homes, or public institutions such as prisons and mental institutions.

Dwelling, Single-Family: A building designed or arranged to be occupied by one (1) single housekeeping unit only.

Dwelling, Two-Family (Duplex): A building designed or arranged to be occupied by two (2) single housekeeping units living independently of each other.

Easement: A non-possessory interest in land; a grant by a property owner for the use by the public, a corporation or persons, of a portion of land for a specified purpose or purposes.

Exterminator: An establishment engaged in the service of killing insects, mice, rats or other pests.

Facade: The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Family: An individual, or two (2) or more persons related by blood, marriage, adoption or guardianship, or a group of not more than four (4) unrelated persons, occupying a single dwelling unit and using the same cooking facilities; provided however that domestic servants employed on the premises may be housed on the premises without being counted as a separate family or families. Any group which is licensed by the State of Georgia, or any political subdivision thereof, which contains up to six developmentally disabled persons and up to two supervisors or surrogate parents residing on the premise at one time shall constitute a family.

Farm: An area of land principally devoted to agriculture.

Farm Supply Store: An establishment engaged in the retail sale of animal feeds, fertilizers, agricultural chemicals, pesticides, seeds and other such farm supplies.

Fence: A structural barrier for enclosure, screening or demarcation, presenting a solid face or having openings amongst or between its constituents members; also, a wall separate from or extending from a building.

Flea Market: The use of land, structures or buildings for the sale of produce or goods, usually second or cut-rate.

Flood, Base: The flood having a one percent chance of being equaled or exceeded in any given year, also known as the one-hundred-year flood.

ARTICLE III : DEFINITIONS OF TERMS USED IN ORDINANCE

Flood, Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Hazard Area, Special: Special flood hazard areas are those lands subject to periodic flooding and shown on the Flood Insurance Rate Map and/or Flood Hazard Boundary Map as a numbered or unnumbered "A" zone, subject to a one percent or greater chance of flooding in any one given year.

Flood Hazard Boundary Map (FHBM): An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A.

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study: The official report provided by the Federal Insurance Administration containing flood profiles as well as the Flood Hazard Boundary-Floodway Map and the water surface elevation of the base flood.

Flood Proofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood Plain: An area within the flood contour elevations subject to periodic flooding as designated by federal, state, regional, county or local studies.

Flood Way: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor: The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Floor Area: The gross heated, finished horizontal area of the floor or floors of a dwelling unit, exclusive of basement, attic, carport or garage.

Floor, Habitable: Any floor usable for living purposes, which includes sleeping, working, eating, cooking or recreation, or a combination thereof. A floor used for storage only is not a habitable floor.

ARTICLE III : DEFINITIONS OF TERMS USED IN ORDINANCE

Floor, Lowest: The floor of least elevation including basement and garage.

Funeral Home: A building or part thereof used for human funeral services, which may contain space and facilities for: embalming and the performance of other services used in preparation of the dead for burial; performance of autopsies; storage of caskets; and chapel services.

Furniture Finishing and Repair: An establishment engaged in the stripping, cleaning, painting, staining, sealing, varnishing, or other like refinishing of the wood or metal components of furniture or the replacement or repair of broken or missing portions of a piece of furniture.

Garage: An accessory building or portion of a principal building used only for the private storage of motor vehicles and other personal property as an accessory use.

Glare: A sensation of brightness within the visual field that causes annoyance, discomfort, or loss in visual performance and visibility.

Governing Body: The Mayor and City Council of the City of Dahlenega, duly elected by the citizens within the jurisdiction.

Grade: The average of the finished ground levels at the center of all walls of a building.

Greenhouse: A building designed or used for growing or propagating plants, with walls or roof usually designed to transmit light. Greenhouses shall not be construed to include commercial horticultural activities.

Guest House: A lodging unit for temporary guests in an accessory building. No such lodging unit shall contain independent cooking or kitchen facilities and shall not be rented or otherwise used as a separate dwelling.

Height, Building: The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the decklines of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof.

Heliport: An area, either at ground level or elevated on a structure, licensed or approved for the landing and takeoff of helicopters, and including auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

Helistop: A heliport, but without auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

ARTICLE III : DEFINITIONS OF TERMS USED IN ORDINANCE

Historic Commission: (See Preservation Commission).[‡]

Historic District: A geographically defined area that has been officially designated by the Governing body as a historic district within or pursuant to the procedures and requirements of the Historic Preservation Ordinance of Dahlonega, Georgia. [§]

Historic Property: An individual building, structure, site, or object, including the adjacent area necessary for the proper appreciation thereof, designated by the Governing body as a historic property pursuant to the procedures and requirements of the Historic Preservation Ordinance of Dahlonega, Georgia. ^{**}

Historic Structure: Any structure that is: listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior, or directly by the Secretary of the Interior in states without approved programs.

Home Occupation: Any use, occupation or activity conducted entirely within the dwelling by the residents thereof, which is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof, and in connection with which there is no display, no stock-in-trade nor commodity sold or stored on the premises; and where only those persons residing on the premises are employed specifically in connection with the home occupation. Provided further, that no mechanical equipment is installed or used except such as is normally used for domestic purposes.

Hospital: An institution providing health services, for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patients department, training facilities, central service facilities and staff offices.

[‡] Amendment 7 dated 6th day of April, 1998

[§] Amendment 20 dated 18th day of October, 2012

^{**} Amendment 20 dated 18th day of October, 2012

ARTICLE III : DEFINITIONS OF TERMS USED IN ORDINANCE

Hotel: A public commercial lodging facility intended for use as temporary residence including meals, entertainment and various personal services provided for compensation to persons traveling for business, tourism or other visitation purposes in which ingress and egress from all rooms is made through an inside lobby or office supervised by a person in charge at all hours.

Household Pet: An animal which is customarily kept for company or pleasure within a home or yard which is not exhibited to the public, nor raised for commercial purposes. Household pets include domestic canines, felines, tropical birds, fish, rabbits, rodents and other animals customarily sold in pet stores.

Inoperable Vehicle: Any motorized vehicle, other than those vehicles temporarily disabled incapable of immediately being driven. Any motorized vehicle without a current vehicle registration tag shall be considered an inoperable vehicle.

Junk/Salvage Yard: Any property involving the abandonment, parking, storage or disassembly of junked or inoperable vehicles or junked machinery, the abandonment, storage, sale, or resale of used auto parts, tires, scrap iron, metal, used plumbing fixtures, old stoves, refrigerators and/or other old household appliances, used brick, wood, or other building/structural materials, used paper, rags or other scrap materials.

Kennel: The housing, breeding, boarding or training of four (4) or more dogs, cats, or other domestic animals, whether or not it is operated for the purpose of providing income or revenue.

Laboratory: A place devoted to experimental study, such as testing and analyzing, but not including the manufacturing of product or products.

Land-Disturbing Activity: Any grading, scraping, excavating, or filling of land; clearing of vegetation; any other alteration of land which causes land and stream bank erosion, siltation or water pollution; and any construction, rebuilding or alteration of a structure.

Landfill: An area wherein solid wastes are placed, compacted and covered but specifically excluding hazardous or radioactive wastes.

Landscape Strip: That portion of a given lot, not covered by buildings, pavement, parking, access and service areas, established as landscaped open space, the width of which is measured from a given property line and extending the developed portion of the property line. A landscape strip, as distinguished from a buffer, may be disturbed by grading or side development but shall be maintained as landscaped open space. A landscape strip may consist of grass lawns, decorative planting, berms, walls, fences or other approved

ARTICLE III : DEFINITIONS OF TERMS USED IN ORDINANCE

features designed and arranged to produce an aesthetically pleasing effect within and outside of the development.

Landscaping: Changing, rearranging or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation.

Landscaping Service: An establishment engaged in performing a variety of lawn and landscaping services such as lawn fertilizing, mowing, spraying and planting, and the planting and maintenance of landscaping.

Laundromat: A business that provides home-type washing and drying machines for hire to be used by customers on the premises.

Library: A building in which literary, musical, artistic or reference materials are kept for use but not generally for sale.

Loading and Unloading Space: A space, typically with dimensions of twelve (12) feet by sixty (60) feet, logically and conveniently located for pickups and/or deliveries or for loading and/or unloading, scaled to delivery vehicles to be used, and accessible to such vehicles.

Lodging House: A fraternity house, sorority house, dormitory, or other such building designed and occupied, with or without separate kitchen or housekeeping facilities for each unit.

Lot: A parcel of land occupied or capable of being occupied for a use, by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same, and having principal frontage on a public street; a developed or undeveloped tract of land in one ownership legally transferable as a single unit of land.

Lot Area: The total horizontal area within the lot lines of a lot, exclusive of public street right-of-ways.

Lot, Corner: A lot abutting upon two or more streets at their intersection.

Lot Coverage: The part or percent of a lot occupied by buildings and structures, including accessory buildings and structures, but not including unenclosed parking areas.

Lot Depth: The mean horizontal distance from the front lot line to the rear lot line.

Lot, Double Frontage: Any lot, other than a corner lot, which has frontage on two (2) streets that do not intersect at a point abutting the property.

Lot, Flag: A tract or lot of land of uneven dimensions in which the portion fronting on a public street is less than the required minimum width for construction of a building or structure on that lot.

ARTICLE III : DEFINITIONS OF TERMS USED IN ORDINANCE

Lot Frontage: The width in linear feet of a lot where it abuts the right-of-way of any public street.

Lot of Record: A lot which is part of a subdivision, a plat of which has been recorded in the records of the County Superior Court Clerk; or a parcel of land, the deed of which has been recorded in the same office as of November 6, 1979.

Lot Width: The horizontal distance between side lot lines measured at the minimum required front yard (regulatory front building set back) line.

Mail Order Office: An establishment which engages in the taking of requests for mail order or catalog merchandise by telephone, but not including the storage or distribution of such merchandise. The establishment where orders are picked up or taken in person is not considered a mail order office.

Manufacturing, Processing and Assembling: The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories or mills and characteristically use power driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this definition if the new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastic resins or liquors.

Marina: A facility for storing, servicing, fueling and securing and launching of boats and other private pleasure craft.

Marquee: A permanent roof-like structure made of metal or other durable material affixed to the wall of a building.

Material Change in Appearance: A change that will affect either the exterior architectural or environmental features of a historic property or any building, structure, site, object, landscape feature or work of art within a historic district.

Metes and Bounds: A system of describing and identifying land by distances or measures (metes) and bearings or direction (bounds) from an identifiable point of reference, such as a monument or other marker or the corner of intersecting streets.

Mini-Warehouse: A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized stalls or lockers used for storage, including accessory office and/or night watchman's residence, but not including retail sale on the premises, commercial repair or other services, manufacturing or any other commercial use.

ARTICLE III : DEFINITIONS OF TERMS USED IN ORDINANCE

Mobile Home: A new or used, currently or formerly transportable structure, equipped or used now or previously for residential purposes, originally constructed to be towed on its chassis and suitable for year-round occupancy and containing the same water supply, waste disposal, and electrical conveniences as immobile housing. It can consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or two or more units separately towable but designed to be joined only by incidental hookups, but excluding motorized homes; Or a structure transportable in one or more sections built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning (if any), and electrical systems contained therein; Or that certain type of manufactured housing which is regulated by the Georgia Department of Community Affairs, including any structure or component whereof wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for ultimate installation or assembly on a building site and has been manufactured in such a manner where all parts cannot be inspected at the installation site without disassembly, damage to, or destruction thereof; Or a factory-fabricated home built in one or more sections, which must adhere to a national code for construction.

Mobile Home Park: A parcel of land or any portion thereof under single ownership which has been designed, planned, or improved for the placement of two or more mobile homes for residential use, including land, buildings, and facilities used by the occupants of mobile homes on such property.

Mobile Home Space: A parcel of land within a mobile home park which is reserved or leased for the placement of an individual mobile home and accessory structures for the exclusive use of its occupants.

Modular Home: Any structure or component thereof, designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation, or assembly and installation, on the building site, and which is designed and constructed to conform to the local building code rather than a national housing or construction code.

Motel: A public commercial lodging facility intended for use as temporary residence including meals, entertainment and various personal services provided for compensation to persons traveling for business, tourism or other visitation purposes, distinguished from a hotel in that ingress and/or egress to and from all rooms is made primarily from an exterior walkway rather than from an interior lobby.

Museum: An establishment engaged in the procurement, care, study, and display of objects of historical, educational and cultural value and interest.

New Construction: Any structure for which the start of construction commenced after the effective date of these regulations. The term also includes any subsequent improvements to such structure.

ARTICLE III : DEFINITIONS OF TERMS USED IN ORDINANCE

Non-Conforming Lot: A lot, the area, width, or other characteristic of which fails to meet requirements of the zoning district in which it is located and which was of record as of November 6, 1979. Any lot which was subsequently annexed into the Dahlonega City limits which does not meet the requirements of the particular zoning district shall also be considered a non-conforming lot.

Non-Conforming Structure: Any building or structure which does not conform to the regulations governing the bulk, location, height or size of buildings or structures permitted in the district.

Non-Conforming Use: Any building or use of land or building lawfully existing at the effective date of these regulations or as a result of subsequent amendments to these regulations, which does not conform with the permitted use provisions established herein for the district in which it is located.

Nuisance: Anything that interferes with the use or enjoyment of property, endangers public health or safety, or is offensive to the senses.

Nursing Home: Any building in which aged, chronically ill or incurable persons are housed and furnished with meals and professional nursing care for compensation, but not including hospitals and mental health institutions.

Office: A building or portion thereof wherein services are performed involving predominantly administrative, professional or clerical operations and not involving retail sales or other sales of any kind on the premises.

Official Zoning Map: The map, which accompanies the zoning ordinance text, that delineates the geographic location of the boundaries of zoning districts established in this ordinance in relation to natural features, man-made features and/or property uses.

Open Air Business: Any commercial establishment that displays products in a non-enclosed area.

Open Space, Landscaped: That portion or portions of a given lot, not covered by buildings, pavement, parking, access and service areas, set aside and maintained as a buffer, landscape strip or other approved open area.

Outdoor Display: See Outdoor Display, Outdoor Storage and Outdoor Sales.^{††}

Outdoor Storage: See Outdoor Display, Outdoor Storage and Outdoor Sales.^{‡‡}

^{††} Amendment 4 dated 4th day of December, 1995

^{‡‡} Amendment 4 dated 4th day of December, 1995

ARTICLE III : DEFINITIONS OF TERMS USED IN ORDINANCE

Outdoor Display, Outdoor Storage and Outdoor Sales:^{§§} The keeping, in an unenclosed area, of any goods, junk, material or merchandise in front of a business, building or establishment or in an area visible from a public street, for display, advertisement or purposes for attracting rental or sales. Such definition shall not be construed as to include the temporary loading or unloading of such goods, junk, material or merchandise to or from an enclosed area in which the period of time of storage is less than twenty-four hours and said items are not offered for attracting rental or sales during the temporary storage period. Further, this definition shall not include outdoor display, storage and sales in non-residential zones of the City of Dahlonega, provided that:

1. the display, storage and sales are to be conducted by nonprofit organizations;
2. said nonprofit organizations must be civic or religious entities which maintain a local organization located within the boundaries of Lumpkin County, Georgia;
3. the nonprofit organization must have received a permit from the City of Dahlonega and countersigned by the Sheriff of Lumpkin County for this activity at least thirty (30) days in advance of the date upon which sales will occur; and
4. the display, storage and sales are not conducted upon any public road and are not conducted on a door-to-door basis.

Parking Lot: Any public or private open area used for the express purpose of temporary storage of private motor vehicles. A parking lot may be the principal use on a given lot or an accessory use to the principal use on a given lot.

Parking Space: An area having typical dimensions of not less than nine (9) feet by twenty (20) feet and three hundred (300) square feet including maneuvering space within a parking lot, to be used exclusively as a temporary storage space for a motor vehicle.

Permitted Use: A use by right which is specifically authorized in a particular zoning district.

Person: An individual, firm, partnership, corporation, company, association or institution, including any trustee, assigns or other representative.

Personal Care Home: A dwelling in which the aged or infirmed persons are boarded and receive personal care on a 24-hour basis, but not including professional treatment.

Photography Studio: An establishment engaged in photography for the general public, including but not limited to portrait, passport, wedding and other special occasion photographs.

^{§§} Amendment 4 dated 4th day of December, 1995

ARTICLE III : DEFINITIONS OF TERMS USED IN ORDINANCE

Planned Unit Development: A form of development usually characterized by a unified site design for a number of housing units, clustered buildings, common open space, density increases, and a mix of building types and land uses.

Planning Commission: The Dahlonega Planning Commission as established in this Ordinance.

Premises: A lot as otherwise used in this Ordinance.

Preservation Commission: The body established and appointed by the Governing Body, as provided in this ordinance, which is authorized to review and approve the architectural styles and compatibility of buildings, structures and uses and to act on applications for certificates of appropriateness within the B-3, Historical Business District and CBD, Central Business District. *** †††

Public Use: Any building, structure or use owned and/or operated by the Federal Government, State of Georgia, Lumpkin County or other county, the City of Dahlonega or other municipality, or any authority, agency, board or commission of the above governments, which is necessary to serve a public purpose, such as but not limited to the following: government administrative buildings, police and fire stations, public health facilities and hospitals, public works camps, parks and community centers, public roads and streets, airports, water and sanitary sewerage storage, intake, collection and treatment and pumping facilities, public housing facilities, jails and correctional centers.

Recreation Facility, Commercial: A use of land involving some form of recreational activity or activities operated as a business and open to the public for a fee.

Recreational Vehicle: A vehicular type portable structure which can be towed, hauled or driven and is primarily designed as temporary living accommodations for recreational, camping and travel uses.

Recreational Vehicle (RV) Park: Any lot of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy on a temporary basis by recreational vehicles of the general public as temporary living quarters by campers, vacationers or travelers.

Recycling Collection Center: A principal or accessory use that serves as a neighborhood or regional drop-off point for temporary storage of recoverable resources such as cans, bottles and newspapers, but specifically excluding processing of such resources.

*** Amendment 7 dated 6th day of April, 1998

††† Amendment 20 dated 18th day of October, 2012

ARTICLE III : DEFINITIONS OF TERMS USED IN ORDINANCE

Recycling Plant: A facility in which recoverable resources such as cans, bottles and newspapers are recycled, reprocessed and treated to return such products to a condition in which they may again be used in packaging or for production.

Rehabilitation: The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions of the property which are significant to its historic, architectural and cultural values.

Rehabilitation Center: Facilities authorized or licensed by appropriate agencies for the primary purpose of rehabilitation of: offenders against the law; persons with drug or alcohol abuse problems; mentally handicapped; and physically handicapped.

Residence For Caretaker or Night Watchman: An accessory residence, which may be a mobile home, located inside or in addition to the principal structure or use of a parcel of land, designed or occupied by security personnel for security reasons only.

Residential District: Any R-1, R-2, R-3 or MHP Zoning District as indicated on the Official Zoning Map.

Restaurant: Any place or premises used for sale, dispensing or service of food, refreshment or beverages.

Restaurant, Drive-in: Any place or premises used for sale, dispensing or service of food, refreshment or beverage to person(s) in automobiles, including those establishments where customers may eat or drink on the premises.

Rezoning: An amendment to or a change in the official zoning map.

Right-of-Way: That area, distinguished from an easement, which is owned in fee-simple title by the governing body or other government, for the present or future use of roads, streets, and highways, together with its drainage facilities and other supporting uses and structures.

Rooming House: A building where, for compensation, lodging only is provided.

Sanitarium: A hospital used for treating chronic and usually long-term illness.

Satellite Dish Antenna: A round, parabolic antenna intended to receive signals from orbiting satellites and other sources.

School: A facility that provides a curriculum of elementary and secondary academic instruction. A school is considered public if operated by the County Board of Education.

School, Trade, Technical, Business: An establishment in which is offered, for compensation, instruction in a trade, craft, technical field, or business skills.

ARTICLE III : DEFINITIONS OF TERMS USED IN ORDINANCE

Screening: A method of shielding, obscuring or buffering one use or building from another use or building by fencing, walls, berms, densely planted vegetation, natural vegetation or other means; a visual and acoustical barrier which is of such nature and density that provides year-round maximum opacity from the ground to a height of at least six (6) feet or that screens structures and activities from view from the normal level of a first story window on an abutting lot.

Semi-Public Use: Any building, structure or use owned and/or operated by private utilities or private companies for a public purpose, or which is reasonably necessary for the furnishing of adequate service by such utilities, such as but not limited to the following: underground or overhead gas, electrical, steam or water distribution or transmission lines or systems, electric power substations, wires, towers, cables, and poles.

Service Station: Any building, structure or land used for the retail sale of motor vehicle fuel, oil, accessories, and motor vehicle servicing, except that major repairs, body repairs, and painting of motor vehicles shall not be considered motor vehicle servicing.

Setback: The minimum horizontal distance between a street, alley, or the property boundary lines of a lot and the front, rear, or side lines of a building located on that lot.

Shopping Center: A group of commercial establishments, planned, developed, owned and managed as a unit, with off-street parking on the property.

Sign: deleted

Sign, Animated: deleted

Sign Area: deleted

Sign, Bench: deleted

Sign, Construction: deleted

Sign, Directional: deleted

Sign, Flashing: deleted

Sign, Freestanding: deleted

Sign, Ground: deleted

Sign Height: deleted

Sign, Identification: deleted

ARTICLE III : DEFINITIONS OF TERMS USED IN ORDINANCE

Sign, Internally Illuminated: deleted

Sign, Mansard: deleted

Sign Number: deleted

Sign, Off-site: deleted

Sign, On-site: deleted

Sign, Political: deleted

Sign, Portable: deleted

Sign Projecting: deleted

Sign, Real Estate: deleted

Sign, Roof: deleted

Sign, Sandwich: deleted

Sign, Special Event: deleted

Sign Structure: deleted

Sign, Wall: deleted

Sign, Window: deleted

Site Plan: A graphic illustration, two-dimensional, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a lot or tract and the location of all buildings, structures, uses and principal site development features proposed for a specific lot or tract of land.

Slaughterhouse: An establishment where animals are killed, butchered and prepared for further processing.

Story: That portion of a building comprised between a floor and the floor or roof next above.

Street: A public or private thoroughfare which is open to the general public and which affords the principal means of access to abutting property.

Street, Arterial: Unless otherwise specified by the Comprehensive Plan, Transportation element of the Comprehensive Plan or Major Thoroughfare Plan, arterial streets are those streets and highway facilities,

ARTICLE III : DEFINITIONS OF TERMS USED IN ORDINANCE

including full and partial access controlled highways and major urban area entrance highways, which are designed to carry the highest traffic volumes and the longest trips through and within an urban area.

Street, Collector: Unless otherwise specified by the Comprehensive Plan, Transportation element of the Comprehensive Plan or Major Thoroughfare Plan, collector streets are those streets that collect traffic from minor streets or other collector streets and channel it to the arterial system. Collector streets provide land access and traffic circulation within residential neighborhoods, commercial and industrial areas.

Street, Public: A dedicated and accepted public right-of-way which affords the principal means of access to abutting properties.

Structure: Anything constructed or erected, the use of which requires more or less permanent location on the ground, or which is attached to something having more or less permanent location on the ground, not including utility poles.

Subdivision: The division of a parcel or tract of land into two (2) or more lots for the purposes of creation of lots for development, the rearrangement of existing lot lines, or for the purpose of transfer of ownership.

Substantial Improvement: Any combination of repairs, reconstruction, alteration, or improvement to a building, taking place during the life of a building, in which the cumulative cost equals or exceeds fifty percent of the market value of the building. The market value of the building should be (1) the appraised value of the building prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the building prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building.

The term does not, however, include any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions.

Taxi Cab Station: An establishment engaged in furnishing passenger transportation by automobile or van, not operating on regular schedules or between fixed terminals and containing space for taxi cab fleets and related office facilities.

Temporary Use: A prospective use, intended for a specified limited duration.

Townhouse: One (1) of a group of three (3) or more attached dwelling units under fee simple ownership.

ARTICLE III : DEFINITIONS OF TERMS USED IN ORDINANCE

Transitional Use: A permitted use, building or structure that by nature or level and scale of activity acts as a transition or buffer between two or more incompatible uses.

Travel Trailer: A portable dwelling or lodging unit, distinguished from a mobile home, designed for short-term travel, recreational or vacation use, including pickup campers and motor homes.

Tree: Any self-supporting, woody perennial plant having a single trunk diameter of two (2) inches or more which normally grows at maturity to an overall height of a minimum of fifteen (15) feet.

Tree Protection Zone: All areas of a lot or tract of land defined as the combined minimum front yard, minimum side yards, minimum rear yard or minimum buffer required by the particular district regulations within which such property is located.

Truck Stop: An area principally devoted to the service re-fueling, temporary storage or parking of trucks, including accessory buildings, structures and uses such as restaurants.

Truck Terminal: An area where cargo is stored for routing or reshipment and where trucks load and unload cargo on a regular basis, or an area in which semi-trailers and/or trucks are parked and stored.

Unenclosed Area: Any area of a given lot or structure which is not covered with a roof and protected by opaque walls on each of the sides of said area or structure.

Use, Principal: The primary or predominant purpose for which an individual tract of land, building or structure may be designed, arranged, intended, maintained, or occupied; or the primary or predominant activity, occupation, business, or operation carried on, or intended to be carried on, in a building or on a structure or a tract of land. A use that is an accessory use to a principal use on a property shall not be considered a principal use. (see the definition of an “accessory building, structure or use)^{***}

Variance: A minimal relaxation or modification of the strict terms of the height, area, placement, setback, yard, buffer, landscape strip, parking and loading regulations as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make a profit.

Warehouse: A building or group of buildings for the storage of goods or wares, with access to contents only through management personnel.

^{***} Amendment 20 dated 18th day of October, 2012

ARTICLE III : DEFINITIONS OF TERMS USED IN ORDINANCE

Wetland: An area that is inundated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Wholesale Distribution: An establishment engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users or to other wholesalers.

Wrecked Motor Vehicle Compound: An area used to store disabled motor vehicles until such time as their disposition (either by junk, salvage or repair) has been determined by the insurance company, the owner of the vehicle, or his legal representative.

Yard: A space on the same lot with a principal building, which is open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted. A yard may contain a parking and/or loading area unless otherwise specified by these regulations.

Yard, Front: A space on the same lot with a principal building, extending the full width of the lot, and situated between the street right-of-way and the front line of the building projected to the side lines of the lot. In the case of a corner lot, both spaces with street frontage shall be considered front yards. In the case of double frontage lots, the spaces as defined above shall both be considered front yards.

Yard, Rear: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

Yard, Side: A space on the same lot with a principal building, situated between the building and the side lot line and extending from the rear line of the front yard to the front line of the rear yard.

Yard Sale: The temporary sale of home furniture, appliances, clothing and/or domestic items owned by an occupant of a residential dwelling and taking place on the premises on which such occupant resides, whether in the yard or in a carport or garage, usually as a result of the occupant moving/relocating to another place of residence. Yard sales which do not take place on the premises on which such occupant resides are considered open-air businesses and are permitted only as a conditional use in the B-2, Highway Business District.

Zero Lot Line: The location of a building on a lot in such a manner that one or more building sides have no side building set back and rest directly on a side lot line.

ARTICLE III : DEFINITIONS OF TERMS USED IN ORDINANCE

Zoning: A police power measure in which the community is divided into districts or zones within which permitted uses, and in some cases conditional uses, are established as well as regulations governing lot size, bulk, height and other development requirements.

Zoning Administrative Officer: The zoning administrative officer of the City of Dahlonega, or his authorized representative.

ARTICLE IV : ESTABLISHMENT OF DISTRICTS: PROVISIONS FOR OFFICIAL ZONING MAP

ARTICLE IV

ESTABLISHMENT OF DISTRICTS:

PROVISION FOR OFFICIAL ZONING MAP

Section 401. Use Districts.

For the purpose of this Ordinance, the City of Dahlonega is hereby divided into use districts as set out below:

R-1, Single Family Residential District

R-2, Multiple-Family Residential District

R-3, Multiple-Family Residential District

MHP, Mobile Home Park District

PUD, Planned Unit Development District

B-1, Neighborhood Business District

B-2, Highway Business District

B-3, Historical Business District

CBD, Central Business District

O-I, Office-Institutional District

I, Industrial District

Section 402. Official Zoning Map.

The location and boundaries of the above listed districts are hereby established as shown on a map entitled Official Zoning Map of the City of Dahlonega, Georgia. Said map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bear the seal of the City or that of a Notary Public under the following words: "This is to certify

ARTICLE IV : ESTABLISHMENT OF DISTRICTS: PROVISIONS FOR OFFICIAL ZONING MAP

that this is the Official Zoning Map referred to in Article IV of the Zoning Ordinance, City of Dahlonega, Georgia", together with the date of the adoption of the Ordinance.

If in accordance with the provisions of this Ordinance and the applicable laws of the State of Georgia, changes are made in boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with appropriate entry or indication of such amendment on the Official Zoning Map. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map shall be located in the Office of the Mayor, City of Dahlonega and shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.

Section 403. Replacement of Official Zoning Map.

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bear the seal of the City or a Notary public under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of the Zoning Ordinance of the City of Dahlonega, Georgia."

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

ARTICLE IV : ESTABLISHMENT OF DISTRICTS: PROVISIONS FOR OFFICIAL ZONING MAP

Section 404. Interpretation Of District Boundaries.

1. Where boundaries are indicated as approximately following the centerline of streets or highways, street right-of-way lines or railroad right-of-way lines or such lines extended, such centerline, street right-of-way lines, or railroad right-of-way lines shall be construed to be such boundaries.
2. Where boundaries are indicated as approximately following the corporate limit line of the city, such corporate limit line shall be construed to be such boundaries.
3. Where boundaries are indicated as approximately following property lines or such lines extended, such property lines or such lines extended, as indicated by boundary survey, deed or legal description maintained in the official file of said zoning adoption or amendment, if available, shall be construed to be such boundaries.
4. Where boundaries are indicated as approximately following the centerline of stream beds or river beds, such centerline shall be construed to be such boundaries.
5. In the case where the exact location of a boundary cannot be determined by the foregoing methods, the Board of Zoning Appeals shall, upon application, determine the location of the boundary.

Section 405. Boundary Line Divides A Lot Of Single Ownership.

Where a boundary line as appearing on the Official Zoning Map divides a lot in single ownership at the time of the enactment of these regulations, the requirements for the district in which the greater portion of the lot lies may be extended to the balance of the lot without recourse or amendment procedure, provided that this provision shall not apply to a double frontage lot. In the case of a double frontage lot, the restrictions of the district applying to the adjoining lots which front on the same street as the lot frontage in question shall apply.

Section 406. Designation After Street Abandonment.

Where a public street, alley or other right-of-way is officially vacated or abandoned, the regulations applicable to the property to which it reverted shall apply to such vacated or abandoned public street, alley, or right-of-way.

ARTICLE V : NON-CONFORMING LOTS, BUILDINGS AND USES

ARTICLE V

NON-CONFORMING LOTS, BUILDINGS AND USES

Section 501. Purpose And Intent.

Within the districts established by this ordinance, there exist certain incompatible lots, buildings, structures, signs and uses of land which were lawful before these regulations were adopted but which would be prohibited, regulated or restricted under the terms of these regulations or future amendments.

It is the intention of this article to permit these non-conformities to continue, but not to encourage their survival. It is further the intent of these regulations that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for variances or for adding other structures or uses prohibited elsewhere in the same district.

Section 502. Non-Conforming Lots Of Record.

In any district, notwithstanding limitations imposed by other provisions of these regulations, a single-family dwelling and customary accessory buildings or any other permitted use may be erected on any single lot of record existing at the effective date of adoption or amendment of these regulations, even though such lot fails to meet the requirements for area or width, or both, applicable to the particular district involved, provided that yard dimensions and other requirements of the lot shall conform to the regulations for the district in which the lot is located.

Except for those lots described above, if two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of adoption or amendment of these regulations, and if all or part of the lots do not meet the requirements for lot width and area as established by these regulations, the lands involved shall be considered an undivided parcel for the purposes of these regulations, and no portion of said parcel shall be used which does not meet lot width and area requirements established by these regulations, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the applicable requirements.

Section 503. Continuance Of Non-Conforming Use.

The lawful use of any building, structure, sign or land existing at the time of enactment of these regulations may be continued, subject to the limitations of Section 504., even though such use does not

ARTICLE V : NON-CONFORMING LOTS, BUILDINGS AND USES

conform with the provisions of these regulations, except that the use of a principal building, structure or land containing a non-conforming use shall not be:

1. Changed to another non-conforming use;
2. Reestablished after discontinuance or abandonment for six (6) months;
3. Expanded, enlarged or extended, unless such use is changed to a use permitted in the district in which such use is located;
4. Rebuilt, altered or repaired after damage exceeding fifty (50%) percent of its replacement cost at the time of destruction as determined by the Building Official, and provided such rebuilding, alteration or repair is completed within one (1) year of such damage;
5. Moved in whole or in part to any other portion of the lot occupied by such use, except in conformity with these regulations.

Nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition any building, structure, or portion thereof, declared to be unsafe by an official charged with protecting the public safety or health, upon order of such official.

Changes in ownership or tenancy of a non-conforming use are permitted.

Section 504. Expansion of Non-Conforming Buildings.

A non-conforming building which contains a conforming use may be expanded, enlarged or extended, provided that any such additions meet the applicable yard and building setbacks, buffer and landscape strip requirements and all other regulations for the district in which it is located. This section shall not, however, be construed as to authorize the expansion of a non-conforming building for a use which is not permitted by the regulations for the district within which such building is located.

Section 505. Buildings Under Construction.

Nothing in this Article shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the adoption of these regulations.

ARTICLE VI : OFF-STREET PARKING, LOADING AND ACCESS REQUIREMENTS

ARTICLE VI

OFF-STREET PARKING, LOADING AND ACCESS REQUIREMENTS

Section 601. Off-street Parking And Loading Spaces Required.

Off-street automobile parking and loading spaces shall be provided, as specified in this Article, for uses and structures hereafter established in all districts at the time of initial construction of any principal building, unless otherwise exempted from this Article. For developments phased in timing, parking and loading requirements may also be phased in accordance with the requirements applying for each particular time phase of development.

Any building or use that is subsequently enlarged or converted to another use shall meet the off-street parking and loading space requirements of this Article, for the enlarged or new use.

Required parking and loading spaces shall be maintained and shall not be encroached upon by refuse containers, signs or other structures, unless an equal number of spaces are provided elsewhere in conformance with these regulations.

Required parking and loading spaces shall be provided with vehicular access to a public street or alley, unless such access is prohibited by these regulations.

Off-street parking and loading facilities required shall be located on the same lot as the principal building or use. However, as much as fifty (50%) percent of the required number of parking spaces may be located within four hundred (400) feet of the principal building or use, provided proof of ownership or a valid lease agreement for use of such premises is provided to the Zoning Administrative Officer. Such distance shall be measured between the nearest point of the parking facility and the nearest point of the principal building or use.

Section 602. Minimum Number Of Off-street Parking Spaces Required.

The minimum number of required off-street parking spaces for each type of permitted use shall be as indicated below. For uses not specifically listed, the off-street parking requirements shall be those of the most similar use as determined by the Zoning Administrative Officer. When the application of these parking requirements results in a fractional space requirement, the fractional space requirement shall be construed to mean one (1) additional space.

ARTICLE VI : OFF-STREET PARKING, LOADING AND ACCESS REQUIREMENTS

USE CLASSIFICATION	PARKING SPACE REQUIREMENTS
Apartment and other multiple-family residential uses	Two spaces per dwelling unit plus four spaces per leasing office and ten spaces per clubhouse or recreation center
Art Gallery	One space for each 300 square feet of gross floor area
Auditorium, stadium, assembly hall, gymnasium or community center	One space per four fixed seats in largest assembly room or area
Bank or financial institution	One space for each 200 square feet of gross floor area
Barber or beauty shop	Three spaces for each operator or chair
Billiard hall, amusement arcade	One space for each 200 feet of gross floor area
Boarding or rooming house	One space for each two guests plus one additional space for each resident manager or owner
Bowling alley	Three spaces for each alley
Church or place of worship	One space per four fixed seats in largest assembly room
Convenience retail store	One space for each 200 square feet of gross floor area
Dance Studio or school	One space for each employee plus one space per 150 Square feet of gross floor area
Day Care Center	One space for each eight children, plus one space per employee
Duplex	Two spaces per dwelling unit
Food Store	One space per 200 square feet of gross floor area
Funeral home or mortuary	One space for each four seats in largest assembly room
Furniture or appliance store	One space per 600 square feet of gross floor area

ARTICLE VI : OFF-STREET PARKING, LOADING AND ACCESS REQUIREMENTS

Gasoline service station	Two spaces per gasoline pump plus three spaces per service bay
	Three spaces for each hole plus one space for each two employees
Health Club, spa	One space for each 150 square feet of gross floor area
Hospital, clinic, nursing home	One space for each two beds plus one space for each staff or visiting doctor, plus one space for each three employees
Hotel, motel	One space for each guest room plus one space for each two employees on largest shift
Industrial or manufacturing	Two spaces for each three employees on largest shift
Laundry, self service	One space for each washer-dryer combination
Library, museum	One space for each 200 square feet of gross floor area
Lodge, club	One space for each three seats in largest assembly room
Miniature golf course	Three spaces per hole
Mobile home, mobile home park	Two spaces per dwelling unit plus one space for each resident manager and additional spaces for public park or use areas
Office, general or professional	One space for each 250 square feet of gross floor area
Office, medical or dental	Six spaces per practitioner
Personal service establishment	One space for each 200 square feet of gross floor area
Restaurant or lounge	One space for each 100 square feet of gross floor area
Retail business	One space for each 200 square feet of gross floor area
Sanitarium, rest and convalescent home, personal care home	One space for each four patient beds plus one space for each doctor and staff member

ARTICLE VI : OFF-STREET PARKING, LOADING AND ACCESS REQUIREMENTS

School, elementary	Two spaces per classroom and administrative or staff person
School, high	Ten spaces per classroom plus one space for each administrative or staff person
School, college, trade, vocational	Ten spaces per classroom plus one space for each administrative or staff person
Self-service storage facility, mini-warehouse	One space for each twenty storage stalls, plus two spaces for resident manager's office
Shopping center	One space for each 200 square feet of gross floor area
Single-family residence	Two spaces per dwelling unit
Theater, cinema	One space for each three seats
Wholesale	One space for each 500 square feet of gross floor area

Section 603. Handicapped Parking Requirements.

Each parking area of six (6) or more spaces devoted to uses other than residential shall provide handicapped parking spaces (a minimum of twelve feet in width), counted as a part of the total parking required, in accordance with the following scale:

<u>TOTAL PARKING REQUIREMENTS</u>	<u>HANDICAPPED SPACES REQUIRED</u>
6 – 25	1
26 – 50	2
51 – 75	3
76 – 100	4
101 – 150	5
151 – 200	6
201 – 300	7
301 – 400	8
401 – 500	9
501+	2% of total required

ARTICLE VI : OFF-STREET PARKING, LOADING AND ACCESS REQUIREMENTS

Section 604. Minimum Number Of Off-street Loading Spaces Required.

On the same lot with every building, structure or part thereof, erected or occupied for manufacturing, storage, warehouse, truck freight terminal, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, retail business or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for the standing, loading and unloading services to avoid undue interference with public use of streets and alleys.

Such loading and unloading space, unless otherwise adequately provided for, shall be an area twelve (12) feet by sixty (60) feet, with fourteen (14) foot height clearance, and shall be provided according to the following schedule.

For the above described uses, one (1) loading space shall be provided for the first 25,000 square feet of gross floor area or fractional part thereof. Uses in excess of 25,000 square feet shall provide loading spaces according to the following schedule:

<u>SQUARE FEET</u>	<u>NUMBER OF SPACES</u>
25,001 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 349,999	5
for each additional 100,000 or fraction thereof	1 additional

All plans for off-street loading areas shall be subject to the approval of the Zoning Administrative Officer.

Section 605. Parking And Loading Area Design Requirements.

605.1 Improvement of Parking Lots:

All parking areas containing more than five (5) spaces shall meet the following requirements:

- a. They shall be graded to insure proper drainage, surfaced with concrete or asphalt, and maintained in good condition free of obstructions.

ARTICLE VI : OFF-STREET PARKING, LOADING AND ACCESS REQUIREMENTS

- b. Parking areas shall not be used for the sale, repair, dismantling or servicing of any vehicle, equipment, materials or supplies.
- c. Each parking space shall be clearly marked, and directional arrows or signs shall be provided wherever necessary. Markers, directional arrows and signs shall be properly maintained at all times.
- d. A parking lot pavement setback of ten (10) feet from any public street right-of-way and five (5) feet from any exterior property line shall be provided, except where access points and interconnections to other parcels have been approved. The parking lot pavement setback shall be increased to ten (10) feet where such lot abuts a residential district. Concrete or other suitable curb stops shall be installed so as to prevent vehicle encroachment onto setback areas.
- e. Not less than ten (10%) percent of the total area devoted to parking shall be landscaped open space.
- f. Any lighting facilities installed shall be so arranged to prevent the direct illumination of adjacent residential properties or public streets.
- g. A site plan indicating property lines, parking areas, location of parking spaces, pavement setbacks, drainage facilities, paving materials, access and other features required to ensure compliance with this Article shall be submitted to the Zoning Administrative Officer. A permit shall be required prior to the construction of new parking areas, or for the expansion or alteration of existing parking areas.

605.2 Curb Cut And Access Specifications:

Access from public streets to all parking areas, regardless of the number of parking spaces provided, shall meet the following requirements:

- a. Curb cuts or access breaks for service drives, entrances and exits on public streets shall not be located within fifty (50) feet of the intersections of two (2) curb lines, street pavement lines or such lines extended or any street intersection nor within forty (40) feet of another curb cut or access break on the same side of the street.
- b. Curb cuts shall be no greater than forty (40) feet in width and no closer than twenty (20) feet to any property line, unless common use of driveways for an abutting lot is required or approved by the City Engineer.
- c. No more than two (2) curb cuts or access breaks shall be permitted for any lot or parcel with a frontage of two hundred (200) feet or less on any one (1) street.

ARTICLE VI : OFF-STREET PARKING, LOADING AND ACCESS REQUIREMENTS

- d. All curb cuts or access breaks onto public streets, except for those serving single-family detached residences, shall require a permit from the Building Official.
- e. Curb cuts for driveways that serve commercial, office or industrial zoning districts shall not be permitted to pass through residential zoning districts or to access alleys that abut a residential zoning district.
- f. Where the side of an accessed public street or alley does not contain curbing, such curbing or other method of approved access control shall be provided.

Section 606. Exemption of B-3 Historical Business District. §§§****†††

DELETED

Section 607. Parking Areas Must Be Appropriately Zoned.

Parking areas, parking lots or parking garages which constitute the principal use of a lot shall only be permitted in B-2, B-3, CBD, and I zoning districts. In cases where parking areas, parking lots or parking garages exist or are proposed to serve as accessory parking for a particular building or use, regardless of whether such parking is required by this Article, such land, area or lot, including all access drives, shall require the same or less restrictive zoning district as that within which such building or use it serves is located. Similarly, in cases where accessory parking serves a building or use which requires, or was approved as, a conditional use, such parking area and access drives shall require the same conditional use approval as that for which such conditional use or building it serves.

§§§ Amendment 2 dated 6th day of December, 1993
**** Amendment 6 dated 4th day of August, 1997
††† Amendment 17 dated 7th day of February, 2005

ARTICLE VII : GENERAL PROVISIONS

ARTICLE VII GENERAL PROVISIONS

Section 701. Use, Occupancy And Erection.

No building, structure, land, open space or water shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, structurally altered or maintained, and no new use or change shall be made or maintained of any building, structure, land, open space or water, unless in conformity with all the regulations herein specified for the district in which it is located.

Section 702. Minimum Requirements.

Within each district, the regulations set forth shall be minimum requirements and shall apply uniformly to each class or kind of building, structure or land.

Section 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 height of: thirty-five (35) feet; 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 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.

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 704. Every Use Must Be Upon A Lot.

No building or structure shall be erected or use established unless upon a lot of record as defined by these regulations except as otherwise provided herein.

ARTICLE VII : GENERAL PROVISIONS

Section 705. One Principal Building On A Lot.

Only one principal building and its accessory buildings may hereafter be erected on any one lot intended for such use; provided, however, that more than one multiple dwelling, office, institutional, commercial or industrial building may be located upon a lot, subject to setbacks and separation as provided in these regulations.

Section 706. Separation Between Principal Buildings.

No principal building shall be located closer than twenty (20) feet to another principal building, except that in the B-3, Historical Business District, and CBD, Central Business District, such principal building separation shall not apply.

Section 707. Reduction In Lot Size Prohibited.

No lot shall be reduced, divided or changed in size so that lot width, size of yards, lot area per dwelling unit or any other requirement of these regulations is not maintained, unless said reduction or division is necessary to provide land which is acquired for a public purpose.

Section 708. Annexation.

Any land area subsequently added to the incorporated area of Dahlonga shall automatically be classified R-1 (Single-Family Residential District) until or unless otherwise classified by amendment to the Official Zoning Map.

Section 709. Street Frontage Requirement.***

No building or structure shall hereafter be erected on a lot that does not abut for at least fifty (50) feet ^{****} on a public street unless the lot upon which the building permit is requested is an approved lot in an approved Planned Unit Development.

*** Amendment 11 dated 4th day of August, 1999

**** See Development Regulations adopted 4th day of December, 2000

ARTICLE VII : GENERAL PROVISIONS

Section 710. Use Prohibited When Not Specified.

Unless otherwise stated, any use not specifically permitted in a use district as provided in these regulations shall be prohibited in that district.

Section 711. Accessory Buildings and Uses. ****

Accessory buildings and uses shall be permitted only in side or rear yards, except as otherwise provided by these regulations. Accessory buildings, structures and uses shall be permitted only if they meet the following:

1. No accessory building shall be erected on a lot prior to the time of construction of the principal building to which it is accessory.
2. Only two (2) accessory buildings shall be permitted on a residential lot.
3. Accessory buildings and uses shall be setback a minimum of five (5) feet from any lot line.
4. Where an accessory building or structure is structurally attached to a principal building, it shall be subject to and must conform to all regulations applicable to the principal building.
5. In the case of double frontage lots, accessory buildings and structures shall observe front yard requirements on both streets.
6. Accessory buildings and structures in residential districts shall not be used for any type of commercial operation, whether permanent, part-time or as part of a home occupation.
7. No accessory building or structure on a residential lot shall exceed a height of twenty (20) feet.
8. Detached accessory buildings and structures shall be located a minimum of ten (10) feet from the principal building on a lot, except for ground-level structures such as patios and walkways.
9. In no instance shall an accessory building exceed the gross ground floor area of the principal building.

Section 712. Regulations For Specific Accessory Structures.

The following specified structures shall conform to the following regulations:

**** Amendment 20 dated 18th day of October, 2012

ARTICLE VII : GENERAL PROVISIONS

1. Fences and Walls:

All fences and walls shall conform to the following:

- a. A permit shall be obtained from the Building Official.
- b. No fence or wall shall exceed eight (8) feet in height, except for required retaining walls.
- c. No fence or wall shall be erected closer than five (5) feet from a public right-of-way or in such a manner as to obstruct vision on a public right-of-way.
- d. Barbed wire top strands six (6) feet above the ground may be permitted in commercial and industrial zoning districts.

2. Gasoline Pumps:

Gasoline pumps and pump island shall be setback a minimum of twenty-five (25) feet from any public right-of-way or property line.

3. Canopies:

Canopies and other attached or detached structures intended for cover shall be setback a minimum of ten (10) feet from any public right-of-way or property line.

4. Offices in Mobile Homes:

Mobile homes or other temporary structures shall not be used as a permanent or temporary office in any district; provided, however that such mobile homes or structures may be used for a temporary construction office for a licensed contractor in any district, upon issuance of a permit by the Building Official. Said permit shall be temporary but renewable once after a period of six (6) months.

5. Satellite Dishes:

Satellite receiving dish antennas shall be permitted as accessory structures only in rear yards unless it can be documented that reception is impaired by such a location. In such a case an antenna may be permitted in a side or front yard but not within a required front setback. Satellite dish antennas shall not be located on the roof of a single-family structure.

6. Swimming Pools: Deleted^{††††}

^{††††} Amendment 18 dated 7th day of February, 2005

ARTICLE VII : GENERAL PROVISIONS

Section 713. Home Occupations.

A home occupation as defined by these regulations shall conform to the following requirements:

1. Only residents of the dwelling may be engaged in the home occupation. Employment of person(s) not residing in the dwelling is expressly prohibited.
2. The home occupation shall be clearly incidental and secondary to the residential use of the dwelling and shall not change the residential character of the building or lot.
3. No storage or display of products or materials shall be visible from the adjoining street or adjacent properties, and only products produced on the premises may be sold on the premises.
4. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of a home occupation.
5. No internal or external alterations of the dwelling solely for the accommodation of a home occupation are permitted.
6. No chemical, electrical, or mechanical equipment that is not normally a part of domestic or household equipment shall be used primarily for commercial purposes, other than reproduction equipment and other equipment approved by the Zoning Administrative Officer for permitted home occupations.
7. No business identification sign shall be permitted.
8. Use of a building for a home occupation shall not exceed ten (10%) percent of one (1) floor of the principal building. Home occupations are not permitted, in whole or part, within accessory buildings.
9. A business license shall be obtained from the City of Dahlonega prior to the operation of any home occupation. Said business license shall require approval by the Zoning Administrative Officer.
10. The following uses are allowable as home occupations (not all inclusive): Tutoring, consultation and instruction in music, dance, arts, crafts and similar subjects, limited to two (2) students at one time; day care centers serving six (6) or less persons; professional services (i.e., attorneys, architects, accountants, realtors, insurance and travel agents; secretarial services and answering services; mail order and general offices not involving storage of equipment, materials or vehicles; phone solicitations; beauty salons and barber shops limited to two patrons at a time; food catering).
11. The following uses are specifically prohibited as home occupations (not all inclusive): cabinet shops and or metal cutting; doctors, dentists or other medical professions; automobile repair or

ARTICLE VII : GENERAL PROVISIONS

related work. The failure of a home occupation licensee to comply with any of the above conditions shall be reasonable grounds for revocation of a home occupation business license.

Section 714. Visibility At Intersections.

No fence, wall, sign, hedge or planting which obstructs the sight lines at elevations between two (2) and twelve (12) feet above any roadway shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines, or such lines extended, and a line connecting such right-of-way lines at points twenty-five (25) feet from the intersection of the right-of-way lines.

Section 715. Parking Or Storage Of Recreational Vehicles.

Recreational equipment such as boats, boat trailers, travel trailers, pick-up campers or coaches, motorized dwellings, motor coaches, tent trailers and other vehicles may be parked or stored only in side yards, rear yards, carports, or in an enclosed building, provided however, that such equipment may be parked or stored anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading and unloading.

Section 716. Abandoned, Wrecked Or Junked Vehicles And Materials.

Except as otherwise expressly permitted, it shall be prohibited in all districts to park or continuously store abandoned, wrecked, junked or inoperable vehicles, power-driven construction equipment, used lumber or metal, or any other miscellaneous scrap material in quantity that is visible from a public street or adjacent or abutting property. Said prohibition shall not be construed as to prohibit the temporary repair or maintenance of automobiles owned by the property owner or the storage of such vehicles, equipment or other materials within an enclosed building, provided that such vehicles, equipment or materials are not for commercial sale.

Section 717. Subdivision Plats Must Meet Zoning Requirements.

No proposed plat of a subdivision, nor any plat of re-subdivision, shall hereafter be approved by the Governing Body or by the Planning Commission unless the lots within such plat equal or exceed the

ARTICLE VII : GENERAL PROVISIONS

minimum size and width requirements set forth in the various zoning districts in these regulations and unless such plat fully conforms with the statutes of the State of Georgia and regulations of the Governing Body.

Section 718. Yard Sales.

Yard sales, are subject to the following requirements:

1. Yard sales may be allowed in the B-3 and CBD zoning districts by permit only, and may be held only by groups with non-profit status as classified by the Internal Revenue Service (IRS).
2. Yard sales will be allowed in all other zoning districts and may be held as frequently as once every month.
3. The duration of any yard sale shall not exceed forty-eight (48) hours.
4. Sales must be operated in such a manner so as not to be a nuisance to the neighbors or obstruct sidewalks or driveways, etc.

ARTICLE VIII : SIGN REGULATIONS (DELETED)

ARTICLE VIII

SIGN REGULATIONS (DELETED)

This section is now regulated by Ordinance 2008-4 sign Ordinance.

+++++

§§§§§

+++++

+++++ Amendment 1 dated 1st day of March, 1993
§§§§§ Amendment 7 dated 6th day of April, 1998
***** Amendment 9 dated 12th day of July, 1999
+++++ Amendment 14 dated 6th day of August, 2001

ARTICLE IX : R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT

ARTICLE IX

R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT

Section 901. Purpose And Intent.

The Single-Family Residential District is intended to establish and preserve quiet, stable single-family residential neighborhoods at low densities (up to approximately one and one-half units per acre) free from other uses except those which are compatible with and convenient to the residents of such a district.

Section 902. Permitted Uses.

1. Single-family detached dwellings, but not including mobile homes, travel trailers used as residences, or modular homes.
2. Accessory buildings and uses customarily incidental to the principal residential use of the property, including home gardens, non-commercial greenhouses, and shelters or enclosures for three (3) or less household pets that meet applicable health requirements. The keeping of four (4) or more animals shall constitute a kennel. Non-commercial livestock is a permitted accessory use on lots with a minimum area of three (3) acres, provided that any buildings or enclosures for the maintenance or shelter of animals shall be setback a minimum of one hundred fifty (150) feet from any property line.
3. Churches, temples, synagogues and places of worship, and their solely owned and operated customary accessory facilities, including cemeteries, provided such uses are located on a lot with a minimum area of two (2) acres, principal buildings are setback a minimum of fifty (50) feet from any property line, and parking areas are located outside of the required front yard and separated from any side or rear property line by a minimum six (6) foot high, opaque fence or wall, or a densely planted landscape strip of at least ten (10) feet in width.
4. Home occupations, as defined in Article III and limited in Section 713.
5. Parks, playgrounds, community centers, tennis courts, swimming pools, golf courses and other recreational facilities, operated on a non-profit basis.
6. Public and semi-public buildings and uses, as defined in Article III.
7. Schools, public elementary, middle and secondary.
8. Schools, parochial and private offering courses in general education substantially similar to that of a public school, not offered for profit.

ARTICLE X : R-2, MULTIPLE-FAMILY RESIDENTIAL DISTRICT

ARTICLE X

R-2, MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Section 1001. Purpose And Intent.

The R-2, Multiple-Family Residential District is intended to provide suitable land for a variety of dwelling types at low to medium densities (up to five and one-half units per acre) in areas served by public water and sanitary sewer.

Section 1002. Permitted Uses.

1. Any use permitted in the R-1, Single-Family Residential District, as specified in Section 902. of these regulations and subject to the same restrictions, except as indicated in Article XX.
2. Single-family attached dwellings (townhouses), provided that no dwelling is located closer than fifty (50) feet to a R-1 District boundary, subject to the requirements of Section 1004.
3. Two family dwellings (duplexes).
4. Residential condominiums, provided that no dwelling is located closer than fifty (50) feet to a R-1 District boundary, subject to the requirements of Section 1005.
5. Modular homes, but not including mobile homes.
6. Apartments, provided that no dwelling is located closer than one hundred (100) feet to a R-1 District boundary.
7. Personal care homes, homes for the elderly, boarding homes, lodging houses and dormitories serving ten (10) residents or less, provided that no such buildings shall be located closer than one hundred (100) feet to a R-1 District boundary, and provided a copy of the approved state license or permit is filed with the Zoning Administrative Officer prior to the issuance of a Certificate of Occupancy.
8. Day care centers, kindergartens and nursery schools serving twelve (12) or less persons, provided that no such principal building shall be located closer than one hundred (100) feet to a R-1 District boundary, that all applicable regulations of the Georgia Department of Human Resources regarding fencing and play area are met, and provided a copy of the approved state license or permit is filed with the Zoning Administrative Officer prior to the issuance of a Certificate of Occupancy.

ARTICLE X : R-2, MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Section 1003. Conditional Uses.

1. Personal care homes, homes for the elderly, boarding homes, lodging houses and dormitories serving more than ten (10) residents, provided that no such buildings shall be located closer than one hundred (100) feet to a R-1 District boundary, and provided a copy of the approved state license or permit is filed with the Zoning Administrative Officer prior to the issuance of a Certificate of Occupancy.
2. Day care centers, kindergartens and nursery schools serving more than twelve (12) persons, provided that no such principal buildings shall be located closer than one hundred (100) feet to a R-1 District boundary, that all applicable regulations of the Georgia Department of Human Resources regarding fencing and play area are met, and provided a copy of the approved state license or permit is filed with the Zoning Administrative Officer prior to the issuance of a Certificate of Occupancy.
3. Convalescent homes, nursing homes, group homes, rehabilitation centers, sanitariums and similar institutionalized residential facilities involving professional care and treatment, provided such use is located on property fronting an arterial or collector street, that no such dwelling is located closer than one hundred (100) feet to a R-1 District boundary, and provided a copy of the approved state license or permit is filed with the Zoning Administrative Officer prior to the issuance of a Certificate of Occupancy.

Section 1004. Townhouse Development Regulations.

All developments containing fee-simple townhouses shall conform to the following requirements:

1. Lots - Each townhouse shall be located on its own lot of record, and subdivision plat approval shall be required in accordance with the City of Dahlonega Subdivision Regulations.
2. Minimum Lot Size, Frontage, Width - Each townhouse lot shall contain a minimum lot area of two thousand (2,000) square feet with an overall average of at least two thousand four hundred (2,400) square feet. The minimum lot width and frontage for each lot shall be eighteen (18) feet, but the minimum average width of a group of five (5) or more lots shall be twenty (20) feet.
3. Setbacks - Townhouses shall conform to the setbacks established for the zoning district in which it is located; provided however that zero lot line (no side building setback) is permitted between individual townhouse units forming the same building. Between buildings, there shall be a side yard of not less than ten (10) feet. The rear setback shall be a minimum of twenty-

ARTICLE X : R-2, MULTIPLE-FAMILY RESIDENTIAL DISTRICT

five (25) feet. Dwelling units which form a part of a single building shall have the front setbacks and rooflines varied/staggered by a minimum of two (2) feet.

4. Maximum Units Per Building - No more than ten (10) townhouses shall be permitted to form any one single building.
5. Streets - All streets within a townhouse development shall be built to City specifications as provided in the City of Dahlonega Subdivision Regulations and dedicated to the City.
6. Maximum Density - Townhouse developments shall not exceed the maximum density permitted within the particular zoning district.†††††
7. Parking - Insofar as practicable, off-street parking facilities shall be grouped in bays, either adjacent to streets or in the interior of blocks. No off-street parking space shall be more than one hundred (100) feet by the most direct pedestrian route from a door of the dwelling unit it is intended to serve.

Section 1005. Residential Condominium Development Regulations

All developments containing residential condominiums shall conform to the following requirements:

1. Site plan approval by the Governing Body shall be required in accordance with Article XXVI.
2. Condominium developments shall meet all applicable state laws, including the Georgia Condominium Act.
3. Proposed condominium bylaws shall be submitted with the application for site plan approval. Format and content of the by-laws and declarations are subject to the approval of the City Attorney.
4. Residential condominiums shall conform to the setbacks established for the zoning district in which it is located; provided however that the rear setback for all residential condominium buildings shall be twenty-five (25) feet.
5. Maximum Density - Residential condominium developments shall not exceed the maximum density permitted within the particular zoning district.‡‡‡‡‡
6. Parking - Insofar as practicable, off-street parking facilities shall be grouped in bays, either adjacent to streets or in the interior of blocks. No off-street parking space shall be more than

††††† Amendment 12 dated 3rd day of April, 2000

‡‡‡‡‡ Amendment 12 dated 3rd day of April, 2000

ARTICLE X : R-2, MULTIPLE-FAMILY RESIDENTIAL DISTRICT

one hundred (100) feet by the most direct pedestrian route from a door of the dwelling unit it is intended to serve.

ARTICLE XI : R-3, MULTIPLE-FAMILY RESIDENTIAL DISTRICT

ARTICLE XI

R-3, MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Section 1101. Purpose and Intent.

The R-3, Multiple-Family Residential District is intended to provide suitable land for a variety of dwelling types at medium to high densities (up to eight units per acre) in areas served by public water and sanitary sewer.

Section 1102. Permitted Uses.

1. Any use permitted in the R-2, Multiple-Family Residential District, as specified in Section 1002. of these regulations, subject to the same restrictions except as indicated in Article XX.
2. Any use permitted in the R-2, Multiple-Family Residential District, as specified in Section 1003. of these regulations, subject to the same restrictions except as indicated in Article XX and except that conditional use approval is not required. Townhouses and condominiums are subject to all provisions of Section 1004 and Section 1005, respectively.
3. Mobile homes on individual lots, subject to the requirements of the Subdivision Regulations of the City of Dahlenega. All mobile homes on individual lots hereafter established shall meet the requirements of Section 1204. Items 3-6, of these regulations regarding foundations and tie-downs, skirting, landing or deck and steps, and age of mobile home.

ARTICLE XII : MHP, MOBILE HOME PARK DISTRICT

ARTICLE XII

MHP, MOBILE HOME PARK DISTRICT

Section 1201. Purpose And Intent.

The Mobile Home Park District is intended to provide areas for mobile home pads, which are leased rather than subdivided for individual ownership, that are served by public water, sanitary sewer and recreational amenities.

Section 1202. Permitted Uses.

1. Mobile homes within mobile home parks, but not including mobile homes on individual lots under separate ownership. Commercial uses or home occupations within individual mobile homes are not permitted.
2. Administration buildings and customary laundry and service buildings.
3. Community centers and recreation facilities intended to serve residents of the district.
4. Customary accessory uses and structures clearly incidental to one or more permitted uses and structures.
5. Public and semi-public buildings and uses.

Section 1203. Mobile Home Park Development Regulations.

Development for mobile home parks in the MHP District shall conform to the following regulations:

1. Site Plan Approval Required:

All mobile home park developments shall require site plan approval by the Governing Body in accordance with the procedures and requirements established in Article XXVI, Amendment, Application and Procedural Requirements.

2. Location and Frontage:

A Mobile Home Park District development shall be located on property with a minimum frontage of 200 feet on a public street.

ARTICLE XII : MHP, MOBILE HOME PARK DISTRICT

3. Street Requirement:

Interior roads serving the development shall be constructed to City standards as specified in the City of Dahlonega Subdivision Regulations, and in addition shall have a minimum pavement width of thirty (30) feet. If dedicated to the public, the roads within the development shall have a minimum right-of-way width of forty (40) feet.

4. Lot Area and Width:

A Mobile Home District development shall have a minimum area of five (5) contiguous acres and a lot width of at least 200 feet.

5. Density:

The maximum density of a Mobile Home District development is four (4) units per acre.

6. Recreation and Other Community Facilities:

Not less than ten (10%) percent of the total area of the development shall be devoted to recreation and other community use facilities for those mobile home parks designed for or containing twenty-five (25) or more mobile homes.

7. Perimeter Setback Required:

No mobile home or other building or structure shall be located closer than sixty (60) feet to any mobile home park perimeter property boundary.

8. Perimeter Screening Required:

A landscaped screen consisting of dense evergreen trees and/or shrubs and having a minimum width of ten (10) feet along all property lines shall be required. A minimum six (6) foot high, opaque fence or wall may be erected along the perimeter in lieu of such landscaped screen.

9. Lighting:

All mobile home parks shall have lighting of appropriate height, spacing and intensity so that each mobile home pad's access and parking is appropriately illuminated.

10. Utilities:

All mobile home parks shall be served by public water and public sanitary sewer systems and shall be subject to approval by the Lumpkin County Health Department.

ARTICLE XII : MHP, MOBILE HOME PARK DISTRICT

11. Refuse Collection:

Each mobile home park shall provide community refuse collection areas at locations convenient to each mobile home space, but in no case more than 200 feet from any mobile home space.

12. Space Numbering:

Each mobile home space shall be provided with a sign, not less than one (1) square foot in area, which indicates the appropriate space number or address.

Section 1204. Mobile Home And Mobile Home Space Requirements.

Each mobile home shall be located on a separate pad in accordance with the following regulations:

1. Space Size and Width:

Each mobile home space within the development shall contain a minimum space size of 8,000 square feet and a minimum space width of seventy (70) feet.

2. Setbacks:

Each mobile home shall be setback a minimum of twenty (20) feet from the front space line or street right-of-way, fifteen (15) feet from the side space line, and twenty (20) feet from the rear space line.

3. Foundations and Tie-Downs:

Each mobile home shall be supported by piers and foundations and shall be anchored to the ground in accordance with building code requirements, to secure the mobile home against uplift, sliding, rotation and overturning.

4. Skirting:

The space beneath each mobile home shall be enclosed, with the exception of ventilation and access openings. The enclosing materials shall extend from the lower edge of the exterior walls of the mobile home to the ground surface level of the pad on which it is located. All such enclosures shall be permanently installed and consist of opaque, rust and rot resistant materials. All ventilation and access openings shall be covered with wire mesh screen. Such skirting shall not be required for those homes with a complete masonry perimeter foundation.

ARTICLE XII : MHP, MOBILE HOME PARK DISTRICT

5. Landing or Deck and Steps:

At the time of installation and set-up, each mobile home with a door threshold height of 14 inches or greater from the ground shall have attached and affixed at each such door a landing not smaller than 48 inches by 48 inches. If the floor of the deck is more than 32 inches from the ground at any point, a railing 42 inches in height with picket spacing not to exceed six inches shall also be required and installed, except for that part of the deck where steps lead to the ground. Steps shall be not less than 36 inches in width and shall be of accepted tread height and depth for residential use.

At the time of installation and set-up, each mobile home with a door threshold height of 7 inches or greater from the ground, but less than fourteen inches from the ground, shall have attached and affixed at each such door a set of steps not less than 36 inches wide. The construction of the deck and steps must be of pressure treated wood, precast concrete, masonry construction or a reasonable equivalent. Steps constructed on flexible metal stands shall not be permitted. Loose stacks of block or brick steps shall not be permitted.

6. Age of Mobile Homes:*****

A. (1) No mobile home with a Year of Manufacture lower than, or earlier than, the sixth calendar year prior to the current calendar year shall be brought into Lumpkin County for use as a dwelling or other structure. No installation permit shall be issued for any mobile home until the year of manufacture has been adequately shown to be in compliance with this ordinance. The year model as shown on the title or previous tax bill shall be sufficient to create a presumption of year of manufacture.

a) No mobile home mover, to include an owner moving an owned home, shall move an older, non-complying, mobile home into the City of Dahlonega for use as a dwelling or other structure. Any mover moving such a non-complying mobile home as prohibited by this section shall be guilty of a violation of this ordinance and shall be subject to a fine not to exceed \$500.00 per occurrence and to a sentence not to exceed five days in jail.

b) No mobile home installer, to include an owner installing an owned home, shall install an older, non-complying, mobile home into the City of Dahlonega for use as a dwelling or other structure. Any installer installing such a non-complying mobile home as prohibited by this section shall be guilty of a

***** Amendment 5 dated 4th day of March, 1996

ARTICLE XII : MHP, MOBILE HOME PARK DISTRICT

violation of this ordinance and shall be subject to a fine not be exceed \$500.00 per occurrence and to a sentence not to exceed five days in jail.

- c) It is the intent of the ordinance that the moving and the installation shall, for the purpose of determining any violation of the terms of this ordinance, be considered separate acts each punishable as provided.

(2) Upon determination that any mobile home in the City of Dahlonega is in violation of this ordinance, each day shall be a separate violation of this ordinance and any owner, broker, lessee, renter, bailee or other person in possession shall be subject to a fine not to exceed \$500.00 per day.

(3) If any owner, broker, lessee, renter, bailee or other person in possession of a mobile home willfully violates this ordinance, such person or entity shall be subject to a fine not to exceed \$500.00 for each day and to a sentence not to exceed one day in jail for each day.

(4) Any mobile home whose year of manufacture is earlier than the year as provided above, but which mobile home was properly installed with an approved installation in the City of Dahlonega at the time this ordinance becomes effective and was occupied as a dwelling or other structure, and was properly returned for taxes as required by law, then such usage shall be "grandfathered" and may be continued.

- a) Such a mobile home may be moved to any new location within the City upon proper application for installation permit, and if required, moving permit.
- b) Any such mobile home not complying with the provisions of this paragraph may have the title transferred to a new owner, but may not be moved except for relocation outside City of Dahlonega.
- c) Any person violating this section of the ordinance, or attempting to violate this section, or conspiring to violate this section, shall be subject to a fine not to exceed \$500.00 and to a sentence not to exceed thirty days in jail.

(5) The Planning Commission, upon unanimous vote, may recommend to the City Council that a variance be granted for good cause, to include hardship, after the following conditions are met:

- a) Notice of request for variance, setting out the reasons for the request, the year of the mobile home and the location in which the home is to be located, shall

ARTICLE XII : MHP, MOBILE HOME PARK DISTRICT

be published in the official organ of the municipality for fifteen days prior to the regular meeting at which the request is to be considered.

- b) The Planning Commission shall hear the request in open meeting prior to the vote on the recommendation to the City Council.
 - c) Upon recommendation, unless the public safety requires otherwise, as set out in a written finding of fact, the City shall grant the variance.
- B. (1) The movement of site built structures built outside the City of Dahlonega and the movement of other existing structures, to include manufactured housing, into the City of Dahlonega shall be subject to the same regulations and restrictions as hereinabove provided for mobile homes.
- (2) Violation of this section of the ordinance shall be punished as provided above.

ARTICLE XIII : PUD, PLANNED UNIT DEVELOPMENT DISTRICT

ARTICLE XIII

PUD, PLANNED UNIT DEVELOPMENT DISTRICT

Section 1301. Purpose and Intent.

The Planned Unit Development District is intended to provide flexibility in the application of area, height, bulk, placement, and other zoning controls; provide for mixing a wide variety of residential housing types and arrangements; provide for the mixing of compatible residential, office, commercial and industrial land uses; encourage imaginative and innovative design for the unified development of tracts of land; provide an alternative for more efficient use of land, resulting in smaller networks of utilities and streets, thereby resulting in lower construction and maintenance costs to the public; preserve the natural amenities of the land by encouraging scenic and functional open areas within the development; and to promote land development in proper relation to the surrounding neighborhood.

Section 1302. Permitted Uses.

Any land uses and combinations thereof, including signs and accessory buildings and uses, which have been specifically proposed by the applicant and approved by the Governing Body as a part of a Planned Unit Development site plan, report, and/or other supporting information.

Section 1303. Development Summary Report Required.

Applications for rezoning to, or development within a Planned Unit Development District shall require a written report which explains the type, nature, size, intent and characteristics of the proposed development.

As a minimum, the report shall include the following:

1. A complete listing of every land use proposed within the development, including total acreage and the amount of acreage devoted to each use. All uses not specifically included in the report or site plan and approved by the Governing Body are prohibited unless subsequently the application is amended in accordance with applicable procedures.
2. Proposed development standards including minimum lot sizes, minimum lot widths, minimum lot frontages, minimum floor areas or residential dwelling unit sizes, maximum number of

ARTICLE XIII : PUD, PLANNED UNIT DEVELOPMENT DISTRICT

- dwelling units, maximum square footage figures for non-residential developments, minimum yards/building setbacks, landscape strips and buffers, height limitations, restrictive covenants, and any other such applicable standard or requirement. The report should also indicate any proposed exceptions or variations from the size, setback, frontage, density or other standards which are required in other conventional zoning districts, along with justification for such proposed exceptions or variations.
3. Time frame of development and provisions for ownership and management of the development.
 4. Intended plans for the provision of utilities, including water, sewer and drainage facilities.
 5. All streets and common open spaces not proposed for dedication to the public shall have the proposed maintenance and ownership agreements explained in detail.

Section 1304. Site Plan Approval Required.

Applications for rezoning to, or development within a Planned Unit Development District shall require a site plan including, as a minimum, those items enumerated in Section 2606, Site Plan Requirements, of these regulations. The Zoning Administrative Officer, Planning Commission and/or City Council may require, in addition, such other information, studies, plats, plans, or architectural elevations deemed necessary to perform an adequate review of the proposed application.

Site plans shall be prepared by a professional engineer, architect, land surveyor, land planner or landscape architect, and his/her seal of registration or professional initials shall be indicated on such plans.

Section 1305. Report And Site Plan Are Minimum Requirements.

The approved development summary report, site plan, and all other information, studies, plats, plans or architectural elevations submitted in the application, or required to be submitted by the Governing Body, shall establish the standards and minimum requirements for the subject property and shall become the zoning regulations that apply to the subject property, regardless of changes in property ownership.

ARTICLE XIII : PUD, PLANNED UNIT DEVELOPMENT DISTRICT

Section 1306. Revisions To Approved PUD Application.

Any additions in the types of land uses, increases in square footage or density, decreases in lot sizes, changes in the location or dimensions of streets, decreases in dwelling unit floor areas, major alterations in the land use patterns, or other substantial changes which, in the opinion of the Zoning Administrative Officer, result in a development of such intent and character which has not been conceptually approved by the Governing Body shall require additional approval in accordance with procedures established in Article XXVI. Otherwise minor changes may be approved by the Zoning Administrative Officer prior to issuance of building permits.

Section 1307. Minimum Site Area And Frontage Required.

The minimum site area for a Planned Unit Development District shall be three (3) contiguous acres, a minimum lot width of one hundred (100) feet and the site must have a minimum of one hundred (100) feet of frontage on a public street, which shall provide access to such public street.

Section 1308. Suggested Site Planning Guidelines.

The following specifications are not regulations, but recommended guidelines to be utilized in preparation of site plans for Planned Unit Developments:

1. Land uses which have traditionally been viewed as incompatible (e.g. single-family subdivision and a manufacturing plant) should not be proposed in the same Planned Unit Development unless considerable screening and physical separation is provided.
2. Office, commercial and/or industrial uses should be located adjacent to major thoroughfares or in other areas with suitable access that will not result in traffic through residential areas.
3. Lot sizes, lot widths, unit sizes and other characteristics of residential development within the Planned Unit Development should be similar to those characteristics of adjacent or nearby residential subdivisions or provide a suitable transition from such adjacent uses.
4. Location of land uses should conform substantially with land use plan goals, policies and suggested types of uses.
5. Street lengths, alignments, patterns and other characteristics should conform to city subdivision regulations or standard planning principles.
6. Proposed developments should make maximum use of natural features of the land.

ARTICLE XIII : PUD, PLANNED UNIT DEVELOPMENT DISTRICT

7. For developments that are predominantly residential, only limited commercial uses (up to 10,000 square feet, or 10% of the total development site area) of a convenience retail nature, internally oriented and intended to serve the needs of the residents of the development, should be proposed.

ARTICLE XIV : B-1, NEIGHBORHOOD BUSINESS DISTRICT

ARTICLE XIV

B-1, NEIGHBORHOOD BUSINESS DISTRICT

Section 1401. Purpose and Intent.

The Neighborhood Business District is intended to provide areas for limited small-scale commercial uses of a convenience nature serving nearby residential neighborhoods as opposed to a regional market. The district is not intended to accommodate automotive or other types of more intensive commercial activities that are of such magnitude or type that would result in the generation of excessive traffic, noise, odors, pollution, safety hazards, or other adverse impacts which would detract from the desirability of adjacent properties for residential use. In general, the neighborhood business district includes offices and retail and service establishments but excludes those highway-oriented uses which involve use of chemicals and outside sales, storage or display.

Section 1402. Permitted Uses.

1. Accessory uses and structures normally incidental to principal permitted uses and structures.
2. Antique shops.
3. Art and school supply stores.
4. Automated car washes, as accessory to convenience stores with retail gasoline sales.
5. Bake shops and bakeries, but not including wholesale.
6. Banks and financial institutions, including drive-in, drive-through and automatic teller facilities as accessory or principal uses, not to exceed 10,000 square feet of gross floor area.^{††††††††}
7. Barber shops and beauty shops.
8. Book or stationary stores.
9. Churches, temples, synagogues and places of worship, and their customary accessory uses and structures, including cemeteries.
10. Clubs, lodges, fraternal institutions and other places of public assembly for membership groups, non-profit or for profit, not to exceed 10,000 square feet of gross floor area.
11. Clothes pressing, repair, sale and rental, but not including department stores.
12. Convenience food and retail stores with or without retail gasoline sales.

^{††††††††} Amendment 3 dated 2nd day of May, 1994

ARTICLE XIV : B-1, NEIGHBORHOOD BUSINESS DISTRICT

13. Day care centers.
14. Dressmaking, millinery, sewing and tailor shops.
15. Drug stores.
16. Dry-cleaners and laundromats not exceeding 2,500 square feet of total floor area.
17. Electronic equipment sales.
18. Food and grocery stores.
19. Food catering establishments.
20. Florist shops.
21. Gift shops.
22. Hardware stores.
23. Hobby shops.
24. Ice cream and yogurt shops.
25. Instructional studios, such as music, dance, gymnastics aerobics and martial arts.
26. Interior decorating shops.
27. Jewelry stores.
28. Libraries, museums and art galleries.
29. Locksmith shops.
30. Music stores.
31. Offices, business, medical, professional, insurance and real estate, and general.
32. Paint stores.
33. Photocopying, printing and reproduction services not exceeding 2,500 square feet of total floor area.
34. Photography shops and studios.
35. Public and semi-public buildings and uses.
36. Radio and television repair and sales stores.
37. Record, tape, and video rental and sales stores.
38. Recycling collection centers, but not including processing of recyclable materials.
39. Residences, single-family detached, but not including mobile homes. Home occupations are permitted as accessory uses.
40. Restaurants, but not including drive-in or drive-through facilities.
41. Schools, public elementary, middle and secondary, and public and private colleges and universities.
42. Schools, parochial, private vocational, technical & others, non-profit or operated for profit.
43. Small appliance repair shops.

ARTICLE XIV : B-1, NEIGHBORHOOD BUSINESS DISTRICT

44. Snack and sandwich shops, but not including drive-in or drive-through facilities.
45. Sporting goods stores.
46. Toy stores.
47. Travel agencies.
48. Watch and clock sales and repair shops.

Section 1403. Outdoor Sales, Storage and Display Prohibited.

Outdoor display of goods shall be allowed as an accessory use for all uses requiring site plan approval. It is the intent of this Ordinance to allow the display of merchandise for sale, but not where the display of such items impedes the flow of pedestrian or vehicular traffic, or creates an unsafe condition. Outdoor sales/display is allowed by permit if applicant complies with the following conditions:

1. All outdoor sales must be conducted solely and exclusively on private property.
2. The business seeking to conduct outdoor sales must be in full compliance with all existing City of Dahlongega codes including but not limited to sign and zoning regulations.
3. The business must absolutely meet or exceed the applicable offstreet parking regulations for said business, and no portion of the required offstreet parking spaces for the business may be used for the conducting of outdoor sales;
4. All outdoor display of goods shall be located immediately adjacent to the store front and not in loading zones or fire lanes. All outdoor display areas must be contiguous to one another.
5. No goods shall be attached to a building's wall surface and all goods offered for outdoor sale shall be goods owned by the applicant and sold in the normal course of the applicant's business;
6. At least 5 feet along the perimeter of the display shall be maintained free of obstruction to allow for pedestrian and handicap movement, such that handicapped pedestrians and others do not have to enter the parking lot or drive aisle to "walk around" the display.
7. The area used for outdoor display and sale of goods shall be limited to no more than ½ of the length of the store front. Additionally, in the case of a shopping center, the storefront shall include the entire frontage of each shopping center block, meaning that the total amount of display and sale area for all the in-line tenants combined in that block shall not exceed 50% of the aggregate storefront of the overall shopping center;
8. The area of outdoor display and sale shall not encompass the width of the entrance doors to the facility as projected straight out from the facility. For example, if the width of the entrance

ARTICLE XIV : B-1, NEIGHBORHOOD BUSINESS DISTRICT

doors is 20 feet, then there shall be at least a 10 ft clearance from the doors as projected straight out and away from the facility;

9. The approval of outdoor display and sales shall be made by the City Planning Department staff. All new development plans must show the location of outdoor display and sales areas in accordance with this Section. Existing non-residential uses that desire to have outdoor display and sales areas must submit a plan showing the location of the display areas and how the requirements of this Section are being met.
10. The area of existing parking lots set aside for outdoor sales and display must be limited to pedestrian traffic only.
11. There shall be no outdoor sales of hazardous or inflammable items such as gasoline, oil, antifreeze, kerosene, pesticides and similar items.
12. All permits for outdoor sales shall expire one year from issuance.
13. The fee for outside sales permits shall be \$100.00

ARTICLE XV : B-2, HIGHWAY BUSINESS DISTRICT

ARTICLE XV

B-2, HIGHWAY BUSINESS DISTRICT

Section 1501. Purpose And Intent.

The Highway Business District is intended to provide adequate space for various types of general business uses that serve residents on a community level rather than neighborhood level, including the retailing of major goods and services of large scale, automotive and other types of more intensive commercial activities and establishments that rely on highway-oriented, passer-by traffic. It is the intent of this district not to permit unenclosed display, sales and/or storage, except for automobile, boat, recreational vehicle, farm vehicle, and mobile home sales and rental.

Section 1502. Permitted Uses.*****

1. Any use permitted in the B-1, Neighborhood Business District as enumerated in Section 1402 and any use permitted in the CBD Central Business District as enumerated in Section 1702 of these regulations, but not subject to any specified square footage limitations except as provided in Article XX.
2. Accessory uses and structures normally incidental to permitted principal uses.
3. Agricultural implement and equipment sales, service, rental and repair.
4. Amphitheaters and stadiums.
5. Animal hospitals and veterinary clinics.
6. Assembly halls, auditoriums and meeting halls.
7. Automobile, boat, truck, motorcycle, bicycle and other vehicle rental, repair, service and sales.
8. Automobile, boat, truck, motorcycle, bicycle and other vehicle parts sales.
9. Automobile car washes, including automated, full-service or self-service.
10. Banks and financial institutions.
11. Billiard halls, poolrooms and amusement/video arcades.
12. Blueprinting establishments.
13. Bowling alleys.
14. Building materials sales and lumber yards.

***** Amendment 20 dated 18th day of October, 2012

ARTICLE XV : B-2, HIGHWAY BUSINESS DISTRICT

15. Bus passenger stations, terminals.
16. Cabinet shops.
17. Camper and recreational vehicle sales, service and repair.
18. Christmas tree sales.
19. Contractor's establishments, building, electrical and plumbing.
20. Convalescent homes, nursing homes, group homes, rehabilitation centers, sanitariums and similar institutionalized residential facilities involving professional care and treatment.
21. Department stores.
22. Dry-cleaning establishments, laundromats and laundries.
23. Equipment rental, sales and service.
24. Exterminators and pest control businesses.
25. Firearms sales and service, including gun clubs and indoor shooting ranges.
26. Firewood sales.
27. Flea markets.
28. Floor covering stores.
29. Funeral homes, mortuaries and mausoleums.
30. Furniture, fixtures and home furnishing stores, including rental, finishing, repair and sales but not manufacturing.
31. Garden supply centers, greenhouses and landscaping services.
32. Golf courses, golf driving ranges, miniature golf courses, and baseball batting cages.
33. Health clubs and spas.
34. Heliports and helistops.
35. Hospitals and clinics.
36. Hotels, motels, and bed and breakfast inns.
37. Kennels.
38. Lawn mower rental, repair and sales and service shops.
39. Machine shops.
40. Mini-warehouses and mini-storage facilities, where no individual storage stall or compartment exceeds 500 square feet of total floor area.
41. Mobile home and mobile building sales, but not including residential occupancy of mobile homes.
42. Monument sales establishments.
43. Palm reading and fortune telling establishments.
44. Parking garages and parking lots.

ARTICLE XV : B-2, HIGHWAY BUSINESS DISTRICT

45. Pawn shops.
46. Pet stores and grooming establishments.
47. Printing establishments.
48. Private clubs operated for profit.
49. Race tracks for animals or motor-driven vehicles, provided the site contains a minimum of fifteen (15) acres.
50. Radio and television studios, and cable television stations, including broadcasting towers and satellite receiving antennas as accessory uses.
51. Recycling collection centers, but not including the processing of recyclable materials.
52. Repair of household appliances.
53. Research and scientific laboratories.
54. Residences, single-family detached, attached, duplexes, townhouses, condominiums and apartments. Townhouses and condominiums are subject to all provisions of Section 1004 and Section 1005, respectively.
55. Restaurants, including drive-in and drive-through facilities.
56. Sign fabrication and painting shops, occupying not more than 2,500 square feet of floor area.
57. Skating rinks.
58. Tattoo Parlors. §§§§§§§§
59. Taxi-cab and limousine services.
60. Taxidermist shops.
61. Theaters, indoor and outdoor.
62. Truck stops and truck terminals.
63. Welding shops.

Section 1503. Conditional Uses.

1. Building materials and lumber sales with open air or unenclosed storage.
2. Auction facilities.
3. Circus.
4. Open storage yards, subject to the screening requirements set forth in Section 2109.
5. Residences for a caretaker or night watchman.
6. Warehousing and storage uses which occupy no more than 10,000 square feet of floor area.

§§§§§§§§ Amendment 10 dated 4th day of August, 1999

ARTICLE XV : B-2, HIGHWAY BUSINESS DISTRICT

7. Wholesale establishments which occupy no more than 10,000 square feet of floor area.

Section 1504. Outdoor Sales, Storage, and Display Prohibited. ***** ††††††††

Except as otherwise provided by specific ordinance of the City of Dahlonega, it shall be unlawful in the B-2 highway 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 automobile, boat, recreational, farm and mobile home and other vehicle rental and sales, nor shall it apply to restaurants which desire to sell outdoors provided that any restaurant who holds an alcohol license of any kind must restrict outdoor sales as follows:

1. Sales shall occur only within an area of the zoned premises approved by the Planning Director of the City of Dahlonega and that Limits access to the outdoor dining area.
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. Sidewalks and other public rights of way may not be utilized in this district for outdoor dining.
5. Any restaurant seeking to implement outdoor dining of any kind must comply with Ordinance 2004-4 which comprises the City of Dahlonega regulations regarding outdoor food sales.

***** Amendment 16 dated 16th day of September, 2004
†††††††† Amendment 15 dated 3rd day of June, 2002

ARTICLE XVI : B-3, HISTORICAL BUSINESS DISTRICT

ARTICLE XVI

B-3, HISTORICAL BUSINESS DISTRICT

Section 1601. Purpose And Intent.

The Historical Business District is intended to protect and promote the educational, cultural, economic, and general welfare of the public through the preservation and protection of the old, historic, architecturally worthy structures in historic areas or neighborhoods which exhibit a distinct aspect of the community and which serve as visible reminders of the history and cultural heritage of the community, state or nation. The district is also intended to assure that new structures and uses within such districts will be architecturally in keeping with the character to be preserved or enhanced.

Section 1602. Permitted Uses.*****

1. Accessory uses and structures customarily incidental to one or more principal permitted uses.
2. Antique shops.
3. Art and school supply stores.
4. Automated car washes, as accessory to convenience stores with retail gasoline sales.
5. Bake shops and bakeries.
6. Banks and financial institutions, including drive-in, drive-through and automatic teller facilities as accessory uses.
7. Barber shops and beauty shops.
8. Book or stationery stores.
9. Churches, temples, synagogues and places of worship.
10. Clubs, lodges, fraternal institutions and other places of public assembly for membership groups, non profit or for profit.
11. Clothes pressing, repair, sale and rental.
12. Convenience food and retail stores with or without retail gasoline sales.
13. Dressmaking, millinery, sewing and tailor shops.
14. Drug stores.
15. Dry-cleaners and Laundromats not exceeding 2,500 square feet of total floor area.

***** Amendment 20 dated 18th day of October, 2012

ARTICLE XVI : B-3, HISTORICAL BUSINESS DISTRICT

16. Electronic equipment sales.
17. Food and grocery stores.
18. Food catering establishments.
19. Florist shops.
20. Gift shops.
21. Hardware stores.
22. Hobby shops.
23. Hotels, motels, and bed and breakfast inns.
24. Ice cream and yogurt shops.
25. Instructional studios, such as music, dance, gymnastics, aerobics and martial arts.
26. Interior decorating shops.
27. Jewelry stores.
28. Libraries, museums and art galleries.
29. Locksmith shops.
30. Music stores.
31. Offices, business, medical, professional, insurance and real estate, and general.
32. Parking garages and parking lots.
33. Photocopying, printing and reproduction services not exceeding 2,500 square feet of total floor area.
34. Photography shops and studios.
35. Public and semi-public buildings and uses.
36. Radio and television repair and sales stores.
37. Radio and television studios, but not including broadcasting towers.
38. Record, tape, and video rental and sales stores.
39. Residences, single-family detached, attached, duplexes, townhouses, condominiums and apartments. Townhouses and condominiums are subject to all provisions of Section 1004 and Section 1005, respectively.
40. Restaurants but not including drive-in or drive-thru facilities.
41. Schools, public elementary, middle and secondary, and public and private colleges and universities.
42. Schools, parochial, private vocational, and technical, non-profit or operated for profit.
43. Small appliance repair shops.
44. Snack and sandwich shops, but not including drive-in or drive-through facilities.
45. Sporting goods stores.

ARTICLE XVI : B-3, HISTORICAL BUSINESS DISTRICT

- 46. Toy stores.
- 47. Travel agencies.
- 48. Watch and clock sales and repair shops.

Section 1603. Conditional Uses.

- 1. Commercial-Residential Group Projects, as defined in Article III.
- 2. Farmers' markets, flea markets, roadside stands and other similar seasonal or temporary activities.

Section 1604. Outdoor Sales, Storage and Display Prohibited. §§§§§§§§

Except as otherwise provided, by specific ordinance of the City of Dahlonge, it shall be unlawful in the B3-Historical Business District, to provide and outdoor storage, outdoor display or outdoor sales on any portion of a subject lot; provided, however, that said prohibition shall not apply to restaurants which desire to sell outdoors provided that any restaurant who holds an alcohol license of any kind must restrict outdoor food sales as follows:

- 1. Sales shall occur only within an area of the zoned premises approved by the Planning Director of the City of Dahlonge and that limits access to the outdoor dining area.
- 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 utilizing sidewalk right of way must comply with the regulations of the City of Dahlonge concerning such sidewalk dining facilities.

§§§§§§§§ Amendment 16 dated 16th day of September, 2004

ARTICLE XVII : CBD, CENTRAL BUSINESS DISTRICT

ARTICLE XVII

CBD, CENTRAL BUSINESS DISTRICT

Section 1701. Purpose and Intent.*****

The intent of this Article is to establish and preserve a compact central business district convenient and attractive for a wide range of retail uses, business transactions, government and professional offices, places of amusement, employment activities, and services to the public designed primarily to meet the day-to-day shopping and service needs of residents of the City of Dahlonega.

It is further the intent of this Article to ensure that development within the Central Business District is consistent or compatible with development in the B-3, Historical Business District. The Governing Body finds that, due to the proximity of the Central Business District (CBD) to the historic downtown square, that development within the Central Business District could either substantially enhance or threaten the character and economic conditions of the historic downtown square, depending upon the type, nature and architectural character of such development. Because of the potential impact development within the CBD could have on the long term economic vitality of properties within the B-3, Historical Business District, which such historical properties are found to be of utmost importance to tourism and the economies of Dahlonega and Lumpkin County, the Governing Body finds that all alterations to structures and development of new structures within this district shall require a review according to the guidelines of the City of Dahlonega Preservation Ordinance. This is required to ensure the integrity, stability and enhancement of the B-3, Historical Business District. (See Section 1705.)

Section 1702. Permitted Uses. ††††††††

1. Any use permitted in the B-1, Neighborhood Business District, as enumerated in Section 1402 and any use permitted in the B3 Historical Business District as enumerated in Section 1602 of these regulations, but not subject to any specified square footage limitations except as provided in Article XX.
2. Bus stations and terminals.
3. Commercial recreation facilities conducted entirely within an enclosed building.

***** Amendment 7 dated 6th day of April, 1998
†††††††† Amendment 20 dated 18th day of October, 2012

ARTICLE XVII : CBD, CENTRAL BUSINESS DISTRICT

4. Hospitals and clinics
5. Hotels, motels, and bed and breakfast inns.
6. Manufacturing and fabrication shops which occupy no more than one thousand (1,000) square feet of floor area.
7. Parking garages and parking lots.
8. Recycling collection centers, but not including the processing of recyclable materials.
9. Restaurants, including drive-in or drive-thru facilities.
10. Residences, single-family attached, duplexes, townhouses, condominiums and apartments. Townhouses and condominiums are subject to all provisions of Section 1004 and 1005, respectively.
11. Taxi-cab and limousine services.
12. Theaters, indoor only.

Section 1703. Conditional Uses.

1. Circuses and carnivals.
2. Commercial-Residential Group Projects, as defined in Article III
3. Farmers' markets, flea markets, roadside stands and other similar seasonal or temporary activities.

Section 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 restaurants which desire to sell outdoors provided that any restaurant who holds an alcohol license of any kind must restrict outdoor food sales as follows:

1. Sales shall occur only within an area of the zoned premises approved by the Planning Director of the City of Dahlenega and that limits access to the outdoor dining area.
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.

***** Amendment 16 dated 16th day of September, 2004

ARTICLE XVIII : O-I, OFFICE INSTITUTIONAL DISTRICT

ARTICLE XVIII

O-I, OFFICE INSTITUTIONAL DISTRICT

Section 1801. Purpose and Intent.

The Office-Institutional District is intended to establish and preserve a compatible land use arrangement relative to the needs of North Georgia College and provide suitable areas for the development of offices and professional enterprises, medical and dental facilities, and institutions. This district is also intended to apply to areas with a transitional character, where such permitted uses provide a buffer or transition between more intensive non-residential and residential districts.

Section 1802. Permitted Uses.

1. Any use permitted within the R-1, Single-Family Residential District, as enumerated in Section 902 of these regulations and subject to the same restrictions except as indicated in Article XX.
2. Colleges and universities.
3. Convalescent homes, nursing homes, group homes, rehabilitation centers, sanitariums and similar institutionalized residential facilities involving professional care and treatment, provided such use is located on property fronting an arterial or collector street, that no such dwelling is located closer than one hundred (100) feet to a R-1 District boundary, and provided a copy of the approved state license or permit is filed with the Zoning Administrative Officer prior to the issuance of a Certificate of Occupancy.
4. Day care centers, kindergartens and nursery schools, provided that no such principal building shall be located closer than one hundred (100) feet to a R-1 District boundary, that all applicable regulations of the Georgia Department of Human Resources regarding fencing and play area are met, and provided a copy of the approved state license or permit is filed with the Zoning Administrative Officer prior to the issuance of a Certificate of Occupancy.
5. Instructional studios, such as music, dance, gymnastics, aerobics and martial arts.
6. Lodges, clubs, fraternal institutions and other places of public assembly for membership groups, operated on a non-profit basis.
7. Offices, medical, professional, insurance, real estate and general, but not involving retail sales of any kind.

ARTICLE XVIII : O-I, OFFICE INSTITUTIONAL DISTRICT

8. Personal care homes, homes for the elderly, boarding homes, lodging houses and dormitories, provided that no such buildings shall be located closer than one hundred (100) feet to a R-1 District boundary, provided a copy of the approved state license or permit is filed with the Zoning Administrative Officer prior to the issuance of a Certificate of Occupancy.
9. Photographic studios, but not involving the retail sale of film or photographic equipment.
10. Schools, non-profit or operated for profit.

ARTICLE XIX : I, INDUSTRIAL DISTRICT

ARTICLE XIX

I, INDUSTRIAL DISTRICT

Section 1901. Purpose And Intent.

The Industrial District is established with the purpose of reserving certain areas with relatively level topography, adequate water and sewerage facilities, and access to arterial streets for industrial operations, but where such areas' proximity to residential and other districts makes it desirable to limit industrial operations to those that are not objectionable by reason of the emission of noise, vibration, smoke, dust, gas, fumes, odors or radiation and that do not create fire or explosion hazards or other objectionable conditions. Uses within this district do not require substantial quantities of water for manufacturing operations and do not necessarily require rail, air and water transportation. Certain commercial uses having an open storage characteristic, or which are most appropriately located as neighbors of industrial uses, are also included within this district.

Section 1902. Permitted Uses.

1. Accessory uses and structures normally incidental to permitted principal uses, including offices, showrooms and administrative facilities.
2. Agricultural implement rental, repair, sales and service, and farm supply stores and storage yards.
3. Airports and accessory facilities.
4. Blueprinting and printing establishments.
5. Building material and other outside storage yards.
6. Bus passenger stations, terminals.
7. Cabinet shops.
8. Contractor's establishments.
9. Distribution of products and merchandise.
10. Dry-cleaning plants.
11. Exterminators and pest control businesses.
12. Heliports and helistops.
13. Junkyards and used auto parts yards, subject to screening requirements set forth in Section 2109. on all four (4) sides of the lot on which said use is located.

ARTICLE XIX : I, INDUSTRIAL DISTRICT

14. Kennels.
15. Lumber yards, planing and sawmills.
16. Machine shops.
17. Mini-warehouse and mini-storage facilities.
18. Parking garages and parking lots.
19. Race tracks for animals or motor-driven vehicles, provided the site contains a minimum of fifteen (15) acres.
20. Radio and television broadcasting towers.
21. Repair of household appliances.
22. Recycling plants, including any processing activities.
23. Research and scientific laboratories.
24. Sign fabrication and painting shops.
25. Storage buildings and storage yards.
26. Soft drink bottling and distributing plants.
27. Truck stops and truck terminals.
28. Welding shops.
29. Wholesaling and warehousing facilities.
30. Wrecked motor vehicle compounds.

Section 1903. Conditional Uses.

1. Asphalt plants.
2. Canning establishments.
3. Ceramic production facilities.
4. Cold storage, frozen food lockers and ice manufacture.
5. Concrete, cement, clay, mortar and plaster production.
6. Extraction or removal of sand, gravel, top soil, clay, dirt, precious metals, gems, or other natural resources.
7. Feed, grain, or fertilizer manufacture or storage.
8. Food processing plants, including fish and poultry facilities.
9. Landfills.
10. 10. Manufacturing, processing and assembling of the following products: chemicals, floor coverings, glass, machinery, metals, rubber, textiles, tobacco, and wood.
11. Residences for a caretaker or night watchman.

ARTICLE XIX : I, INDUSTRIAL DISTRICT

Section 1904. Industrial Performance Standards.

All uses hereafter established in the I, Industrial District, shall conform to the following performance standards:

Lighting:

Exterior illumination on a particular site shall not exceed 1.2 footcandles of illumination at any property line, nor will the light source be directly visible from adjoining residential properties.

1. Noise:

Within an I District, the loudness or energy level of sound resulting from machinery or activities shall not exceed 70 decibels (dB) for more than five minutes during any one (1) hour, as measured at any given property line abutting a residential district.

2. Electromagnetic Interference:

No use, activity or process shall be conducted which produces electromagnetic interference with radio or television reception in adjacent or neighboring residential areas.

ARTICLE XX : MINIMUM DIMENSIONAL REQUIREMENTS

ARTICLE XX

MINIMUM DIMENSIONAL REQUIREMENTS

Section 2001. Minimum Setback Requirements By Zoning District. (In Feet)

NOTE: Additional setbacks may be required for specific uses; for more information refer to section for each particular zoning district. Additional setback and buffer may also be required in accordance with Article XXI and with the City of Dahlonega’s Soil Erosion, Sedimentation and Pollution Control Ordinance. *

ZONING DISTRICT	FRONT ARTERIAL STREETS	FRONT OTHER STREET	REAR	SIDE
R-1 see Article IX	60	35	15	15
R-2 see Article X	60	35	15**	15
R-3 see Article XI	60	35	10**	10
MHP	As specified in Sections 1203 and 1204			
PUD	As approved by City Council and indicated on site plan			
B-1 see Article XXI	60	35	15*	15*
B-2 see Article XXI	60	35	15*	15*
B-3 see Article XXI	0	0	5	0
CBD see Article XXI	15	15	5	0
O-I see Article XXI	60	35	30*	30*
I see Article XXI	60	35	15*	15*

NOTE: *An additional setback and buffer may be required in accordance with Section 2102.

NOTE: ** For townhouses and condominiums, a rear setback of twenty-five (25) feet is required as provided in Section 1004 and Section 1005, respectively.

NOTE: Additional setbacks may be required for specific uses as provided in permitted uses sections of particular zoning districts.

NOTE: See Section 711 Accessory Buildings and Uses.

NOTE: See Section 706 Separation Between Principal Buildings.

ARTICLE XX : MINIMUM DIMENSIONAL REQUIREMENTS

Section 2002. Minimum Lot Width, Lot Size, Floor Area and Density Standards.***\$\$\$\$\$\$\$\$\$\$**

ZONING DISTRICT	MINIMUM LOT WIDTH (FEET)	MINIMUM LOT SIZE (SQUARE FEET)	MAXIMUM DWELLING UNITS PER ACRE (MULTIPLE FAMILY UNITS)	MINIMUM FLOOR AREA PER DWELLING UNIT (SQUARE FEET)
R-1	100	30,000	0	1,200
R-2	80	15,000*	5.5*	1,000
R-3	60	10,000**	8.0**	700
MHP	See Section 1204		4.0 mobile home	650
PUD	As indicated on site plan and approved by City Council			
B-1	80	20,000	0	700
B-2	NONE	NONE	8.0	700
B-3	NONE	NONE	8.0	700
CBD	NONE	NONE	8.0	700
O-I	80	10,000	0	1,000
I	100	21,780	0	650

Notes: Minimum lot width and minimum lot sizes apply to non-residential uses as well as residential uses.

*30,000 square feet is required for a two-family dwelling (duplex).

**20,000 square feet is required for a two-family dwelling (duplex).

NOTE: See Section 709 Street Frontage Requirement

NOTE: See City of Dahlonega Comprehensive Development Regulations

***** Amendment 12 dated 3rd day of April, 2000
 \$\$\$\$\$\$\$\$\$\$ Amendment 20 dated 18th day of October, 2012

ARTICLE XXI : BUFFER, LANDSCAPE, SCREENING AND OPEN SPACE REQUIREMENTS

ARTICLE XXI

BUFFER, LANDSCAPE, SCREENING AND OPEN SPACE REQUIREMENTS

Section 2101. Purpose And Intent.

The following regulations are designed to promote the health, safety, order, aesthetics and general welfare by protecting against incompatible uses of land, providing for a more attractive urban environment, assuring adequate open space, and reducing noise, night lighting, glare, odor, objectionable views, loss of privacy and other adverse impacts and nuisances through the use of buffers and landscaping. These regulations are also designed to encourage the protection and planting of trees, which are declared to be beneficial public resources, and to prevent the needless, wasteful or purposeless destruction of trees in order to better control problems of flooding, soil erosion and air pollution.

Section 2102. Buffer Required.*****

Property zoned for commercial and industrial uses shall provide a buffer, as defined by these regulations, along any rear or side property lines abutting a residential district or abutting an alley across from a specified residential district, provided that no buffer shall extend within fifteen (15) feet of a public right-of-way line. Minimum buffer widths shall be established in accordance with the following schedule:

1. When a B-1 or O-I District abuts a R-1 or R-2 District, a setback of forty (40) feet shall be provided, including a thirty (30) foot buffer, except Residential use in the B-1 or O-I District would be subject to setbacks provided in Section 2001.
2. When a B-2 District abuts a R-1 or R-2 District, a setback of sixty (60) feet shall be provided, including a fifty (50) foot buffer, except Residential use in the B-2 District would be subject to setbacks provided in Section 2001.
3. When an I District abuts a R-1, R-2, R-3, MHP, or PUD District, a setback of one hundred (100) feet shall be provided, including a ninety (90) foot buffer

It shall be the responsibility of the developer, upon installation of utilities, streets, etc., to designate required buffers on construction plans and to ensure that existing vegetation within required buffers is

***** Amendment 20 dated 18th day of October, 2012

ARTICLE XXI : BUFFER, LANDSCAPE, SCREENING AND OPEN SPACE REQUIREMENTS

maintained unless disturbance of the buffer is approved by the Zoning Administrative Officer as specifically provided herein.

It shall be the responsibility of the property owner of the lot to be used or built upon to maintain existing vegetation within required buffers and to replant where sparsely vegetated or install fencing, walls, etc. as approved to achieve the desired screening. Installation of vegetation, fencing, walls, etc. may be phased in accordance with approved building plans.

Section 2103. Buffer Specifications.

All buffers required by these regulations shall conform to the following provisions:

1. Utilization will be made of existing vegetation where it has been determined by the Zoning Administrative Officer that existing vegetation is appropriate for inclusion within the buffer, or when found not appropriate, shall be supplemented with approved, additional plantings.
2. Disturbance or modification of the natural topography of the land for property improvements or during construction and maintenance activities is to be minimized, except in the following instances that have been approved by the Zoning Administrative Officer:
 - a. where the land must be cleared and graded as required by the application of laws to prevent soil erosion or sedimentation;
 - b. where regulations for storm drainage improvements require alteration of the topography;
 - c. where necessary to prevent a nuisance, or to thin natural growth that has become so dense as to prohibit normal growth, or to remove diseased, misshapen, or dangerous or decayed growth;
 - d. where access and/or utility crossings have been approved.
3. Vegetation, except for ground covers, shall be of such type as to be a height of not less than three (3) feet when planted and which will, in normal growth, attain a height of six (6) feet within three (3) years; provided, however that such plant materials can form a hardy screen, dense enough and high enough both to interrupt vision and to reduce the transmission of sound.

Section 2104. Landscape Strip Required.

All properties except those containing single-family detached or attached residences and two-family residences shall provide a landscape strip, as defined by these regulations, of ten (10) feet in width along the developed portion abutting any public street and five (5) feet in width along the developed portion

ARTICLE XXI : BUFFER, LANDSCAPE, SCREENING AND OPEN SPACE REQUIREMENTS

of side property lines. A five (5) foot wide landscape strip along a side property line may be relocated if required to share a common access drive along said side property line.

It shall be the responsibility of the property owner of a lot to be used or built upon to install the required landscape strips. Installation of landscape strips may be phased in accordance with approved building plans.

Section 2105. Acceptable Plant Materials.

In those instances where the natural vegetation and topography are insufficient to achieve the desired level of screening required by these regulations, a planted buffer shall be provided and shall consist of plant material of such growth characteristics as will provide an acoustical and visual screen. Planted materials shall conform to the following specifications:

1. Trees used for screening purposes should be native to the region and shall not be deciduous. Trees should be at least three (3) feet in height above the ground when planted or which will, in normal growth, attain a height of six (6) feet within three (3) years.
2. Shrubs that are used to form hedges shall not be deciduous. Shrubs shall be at least three (3) feet above the ground level when planted. They should be spaced in such a way that, when mature, they will form a continuous visual screen (hedge) that is at least six (6) feet in height.

Section 2106. Maintenance Of Buffers And Landscape Strips.

The owner and/or user of the property shall be responsible for installing the trees and shrubs and maintaining them in a neat and orderly appearance. This includes irrigating or watering, fertilizing, pruning and replanting where necessary. In cases of non-compliance, the Building Official shall be empowered to take action as provided by law to ensure maintenance of all plant and landscaping materials.

Section 2107. Tree Protection Zone.

Within the tree protection zone, as defined by these regulations, no more than twenty (20%) percent of the mature, healthy, existing trees, as defined, shall be cut, damaged, or destroyed; provided, however that additional trees may be removed upon approval by the Zoning Administrative Officer if one (1) tree is planted and maintained for each one (1) tree removed.

ARTICLE XXI : BUFFER, LANDSCAPE, SCREENING AND OPEN SPACE REQUIREMENTS

Section 2108. Parking Area Landscaping Requirements.

Interior landscaping for parking areas shall be required for parking lots designed and constructed for more than five (5) or more spaces. Such interior landscaping shall not be less than ten (10%) percent of the total area devoted to parking on the lot, and no parking space shall be located more than one hundred (100) feet from a landscape island or other area devoted to landscaped open space.

Section 2109. Screening of Outdoor Storage Areas Required.

In districts where permitted, all outside storage areas shall be screened from all public rights-of-ways with a 100% opaque, solid wooden fence or masonry wall at least six (6) feet in height, or a densely planted landscape strip of at least ten (10) feet in width. The insertion of plastic or metal weaving into chain link fences shall not be considered to comply with the requirements of this Section. Access driveways serving open storage areas shall be provided with a gate that is 100% opaque. In cases where the Governing Body approves an open storage area as a conditional use in the B-2, Highway Business District, the Governing Body may require screening in addition to the requirements of this Section.

Section 2110. Screening of Dumpsters Required.

In all zoning districts, dumpsters and trash receptacles shall be screened from view from all public rights-of-ways, either by locating said dumpsters to the rear of a building, or by erection of a 100% opaque, solid wooden fence or masonry wall on three (3) sides of said dumpster.

Section 2111. Administration And Enforcement.

Where buffers are required, the applicant must demonstrate, whether on appropriate plans or after inspection by the Zoning Administrative Officer, that the plant materials in place or installed achieve the required screening. All site plans, plot plans and grading and drainage plans shall indicate all required buffers and landscape strips.

Required buffers, landscape strips, and parking lot landscaping shall be installed in accordance with approved plans prior to the issuance of a Certificate of Occupancy. However, owing to special conditions

ARTICLE XXI : BUFFER, LANDSCAPE, SCREENING AND OPEN SPACE REQUIREMENTS

or exceptional circumstance such as drought, said buffers and landscape strips may be installed within ninety (90) days after the issuance of a Certificate of Occupancy, provided that a letter of credit, escrow money, performance bond or other approved alternative is submitted to the Zoning Administrative Officer prior to the issuance of a Certificate of Occupancy

ARTICLE XXII : FLOOD HAZARD AREA REGULATIONS

ARTICLE XXII

FLOOD HAZARD AREA REGULATIONS

Section 2201. Purpose And Intent.

The purpose of this Article is to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by the application of regulations designed to: restrict or prohibit uses which are dangerous due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities; require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; control the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters; control filling, grading, dredging and other development which may increase erosion or flood damage; and prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

It is further the intent of this Article to: protect human life and health; minimize expenditure of public money for costly flood control projects; minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; minimize prolonged business interruptions; minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains; help maintain a stable tax base by promoting the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas; and to insure that potential home buyers are notified that property is in a flood area.

Section 2202. Application Of Regulations.

The provisions of this Article shall apply to all areas of special flood hazard, as defined by these regulations, within the jurisdiction of the City of Dahlonega

Section 2203. Establishment Of Special Flood Hazard Areas.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Hazard Boundary Map (FHBM) Revision, dated January 23, 1976, with accompanying maps and any revision thereto, are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE XXII : FLOOD HAZARD AREA REGULATIONS

Section 2204. Establishment Of Base Flood Elevations.

Where the Flood Insurance Study and accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps establish base flood elevations, such elevations shall govern. However, in the event base flood elevations are not provided by said study and maps, or in the event a study by the U.S. Army Corps of Engineers or other reputable engineering studies prepared by a current state-registered professional engineer establishes base flood elevations for a more specific land area, then said specific elevations prepared by the Corps or registered engineer shall govern, upon acceptance by the Federal Emergency Management Agency (FEMA) and amendment of appropriate maps. When base flood elevations cannot be established by these means, the base flood elevations may be determined by data submitted by a registered land surveyor based on the best information available, subject to the approval of the Building Official.

Section 2205. Encroachment Within Floodway Prohibited.

Within any floodway, as defined by these regulations, no encroachments, including fill, new construction substantial improvements and other development shall be permitted unless certification (with supporting technical data) by a state registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during occurrence of the base flood. All such construction must be in conformance with the provisions of these regulations. No structure or land shall hereafter be located or extended, converted or structurally altered without full compliance with the terms of this Article. Mobile or manufactured homes shall not be permitted in designated floodways.

Section 2206. Permitted Uses Within Special Flood Hazard Areas.

Notwithstanding the uses permitted by the zoning district applying to the property, only the following uses shall be permitted within a special flood hazard area:

1. Agriculture, including forestry and livestock raising, requiring no structure.
2. Dams, provided they are constructed in accordance with the requirements of this Article and with all applicable State and Federal Regulations.
3. Fences having sufficient open area to permit the free flow of water and/or debris.

ARTICLE XXII : FLOOD HAZARD AREA REGULATIONS

4. Grading and other construction necessary to raise a building site above the flood plain, provided that said activities are accomplished in conformance with the development standards of these regulations and all applicable State and Federal Regulations.
5. Identification, regulatory and warning signs.
6. Public, private and commercial parks and recreational areas including boat ramps and docks but not including any temporary or permanent buildings, provided such use is approved by the City Engineer and the U.S. Army Corps of Engineers.
7. Parking lots.
8. Public utility poles, towers, pipelines, sewers, streets, and similar facilities, provided they are constructed in such a manner as to permit the free flow of flood waters.
9. Other uses may be permitted upon approval of a conditional use in accordance with the procedures established in Article XXVI.

Section 2207. Permit Requirements And Procedures.

In all developments that involve change, modification, or alteration of a special flood hazard area, except such agricultural activities as plowing, tilling, seeding and planting, such development shall require a development permit in accordance with Section 2703. from the Building Official prior to the commencement of activities. No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

Application for a Development Permit shall be made to the City of Dahlonega Building Official on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

2207.1. Application Stage.

1. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings;
2. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed;

ARTICLE XXII : FLOOD HAZARD AREA REGULATIONS

3. Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in this Article.
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2207.2. Construction Stage.

Provide a floor elevation or flood-proofing certification after the lowest floor is completed, or instances where the building is subject to the regulations applicable to Coastal High Hazard Areas, after placement of the horizontal structural members of the lowest floor. Upon placement of the lowest floor, or flood-proofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the City of Dahlonega Building Inspector a certification of the elevation of the lowest floor, flood-proofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The City of Dahlonega Building Official shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

Section 2208. Duties and Responsibilities of the City of Dahlonega Building Official.

Duties of the City of Dahlonega Building Official with regard to this Article shall include, but not be limited to:

1. Review all development permits to assure that the permit requirements of this Ordinance have been satisfied;
2. Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.

ARTICLE XXII : FLOOD HAZARD AREA REGULATIONS

3. Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
5. Verify and record the actual elevation (in relation to mean seal level) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with this Article.
6. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been flood-proofed, in accordance with this Article.
7. When flood-proofing is utilized for a particular building, the City of Dahlonega Building Official shall obtain certification from a registered professional engineer or architect, in accordance with this Article.
8. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the City of Dahlonega Building Official shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article.
9. When base flood elevation data or floodway data have not been provided in accordance with this Article, then the City of Dahlonega Building Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of this Article.
10. All records pertaining to the provisions of this Ordinance shall be maintained in the office of the City of Dahlonega Building Official and shall be open for public inspection.

Section 2209. Development Provisions.

Development within special flood hazard areas shall conform to the following regulations:

Section 2209.1. General Requirement For New Construction and Substantial Improvements.

New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure; constructed with materials and equipment resistant to flood damage;

ARTICLE XXII : FLOOD HAZARD AREA REGULATIONS

constructed by methods and practices that minimize flood damage. Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this Article, shall meet the requirements for new construction as contained in this Article.

2209.2. River and Stream Channels.

Relocation or realignment of river or stream channels shall be prohibited if such action would reduce the floodway capacity with respect to the base flood elevation, or significantly alter water flow characteristics so as to create a hazard. Prior to any alteration or relocation of a watercourse, adjacent communities and the Georgia Department of Natural Resources shall be notified, and written evidence of such notification shall be submitted to the Federal Emergency Management Agency.

2209.3. Non-Conforming Uses.

Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provisions of this Article, if permitted by these regulations, shall be undertaken only if said non-conformity is not furthered, extended or replaced.

2209.4. Residential Structures.

Any new residential structure or substantial improvement thereof, or mobile or manufactured home in all areas of a special flood hazard area, if permitted by these regulations, shall have its lowest floor, including basement, elevated no lower than three (3) feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with this Article.

2209.5. Non-Residential Structures.

Any new construction or substantial improvement of any commercial, industrial or other non-residential structure (including mobile or manufactured home), if permitted by these regulations, shall have the lowest floor, including basement, elevated no lower than three (3) feet above the base flood elevation. Buildings located in all A-zones, if permitted by these regulations, may be flood proofed in lieu of being elevated provided that all areas of the building below the required elevation are water tight with walls

ARTICLE XXII : FLOOD HAZARD AREA REGULATIONS

substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic or hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this Article are satisfied.

2209.6. Elevated Buildings.

New construction or substantial improvements of elevated buildings, if permitted by these regulations, that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

- a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - 1) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - 2) The bottom of all openings shall be no higher than one foot above grade; and
 - 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
- c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

2209.7. Filling in Flood Hazard Area.

Lands may be removed from a special flood hazard area by raising the elevation of such land above the base flood elevation, provided the raising of such land is accomplished in accordance with the requirements of this Article and any State and Federal regulations.

ARTICLE XXII : FLOOD HAZARD AREA REGULATIONS

2209.8. Residential Lot Area and Subdivision Requirements.

In zoning districts which permit residential use, at least fifty (50%) percent of the required minimum lot area established by the zoning district shall be above the base flood elevation. Base flood elevation data shall be provided for subdivision proposals (including mobile and manufactured home parks and subdivisions) and other proposed development which is greater than the lesser of fifty (50) lots or five (5) acres. All subdivision proposals shall be consistent with the need to minimize flood damage, shall have public utilities and facilities such as sewer, gas,

electrical and water systems located and constructed to minimize flood damage, and shall have adequate drainage provided to reduce exposure to flood hazards.

2209.9. Certain Development Prohibited.

No construction, including grading and filling, shall be permitted which would: raise the base flood elevation beyond the boundaries of the property being developed; reduce the flood storage capacity of the floodway; impede the movement of flood waters; or increase the velocity of flood waters.

2209.10. Utilities and Equipment.

All new and replacement water supply systems and sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. On site sewage disposal systems shall be located to avoid impairment to them or contamination from them during flooding. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

2209.11. Standards for Manufactured Homes and Recreational Vehicles.

- a) All manufactured homes, if permitted by these regulations, placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring.

ARTICLE XXII : FLOOD HAZARD AREA REGULATIONS

- b) All manufactured homes, if permitted by these regulations, placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
- 1) The lowest floor of the manufactured home is elevated no lower than three (3) feet above the level of the base flood elevation, or
 - 2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above grade.
 - 3) The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to applicable state requirements for resisting wind forces.
 - 4) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of Article XXII, Section 2209., 2209.11. (b) (1) and (3) above.
- c) All recreational vehicles placed on sites must either:
- 1) Be fully licensed and ready for highway use, or
 - 2) The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of Article XXII, Section 2209., 2209.11. (a) or (b) (1) and (3) above.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security services and has no permanently attached structures.

Section 2210. Warning And Disclaimer Of Liability.

The degree of flood protection provided by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and do occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Article does not imply that land outside of the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the City of Dahlenega, or

ARTICLE XXII : FLOOD HAZARD AREA REGULATIONS

by any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

Section 2211. Appeals.

In the case of an alleged error in determination or act of an official in the administration or enforcement of this Article, such aggrieved person may appeal said determination or action to the Board of Zoning Appeals in accordance with Article XXIV of these regulations.

Section 2212. Variances.

The Board of Zoning Appeals shall hear and decide requests for variances from the requirements of this Article, in accordance with Article XXIV of these regulations. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

Section 2213. Criteria for Granting Variances to Provisions of This Article.

In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:

1. the danger that materials may be swept onto other lands to the injury of others;
2. the danger to life and property due to flooding or erosion damage;
3. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. the importance of the services provided by the proposed facility to the community;
5. the necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
6. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
7. the compatibility of the proposed use with existing and anticipated development;
8. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

ARTICLE XXII : FLOOD HAZARD AREA REGULATIONS

9. the safety of access to the property in times of flood for ordinary and emergency vehicles;
10. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
11. the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Section 2214. Conditions of Variance and Limits on Variance Authority.

1. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
2. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building;
3. Variances shall only be issued upon (a) showing of good and sufficient cause, (b) a determination that failure to grant the variance would result in exceptional hardship, and; (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
4. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the building is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduces lowest floor elevation.
5. The City of Dahlonega Building Official shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency.

Section 2215. Standards For Streams Without Established Base Flood Elevation and/or Floodways.

Located within the areas of special flood hazard established in this Article, where streams exist but where no base flood data has been provided without floodways, the following provisions apply:

ARTICLE XXII : FLOOD HAZARD AREA REGULATIONS

2215.1.

No encroachments, including fill material or structures shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

2215.2.

New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with this Article.

ARTICLE XXIII : PLANNING COMMISSION

ARTICLE XXIII

PLANNING COMMISSION

Section 2301. Creation And Appointment.

The Planning Commission for the City of Dahlonga is hereby created. The Planning Commission shall be composed of seven (7) members appointed by the Governing Body in such a manner as hereinafter provided. Four (4) members present shall be required to constitute a quorum. One (1) such member shall be annually elected chairman of the Planning Commission by the Planning Commission members, and the Chairman shall not vote except in cases of a tie-vote between the other members. In cases of a tie-vote and the Chairman excuses himself from voting, then such tie-vote shall constitute denial of said motion, application or action. All members appointed to the Planning Commission shall be residents of the City. The members shall serve staggered terms, with three (3) members serving a term of three (3) years, two (2) members serving a term of two (2) years, and two (2) members serving a term of one (1) year. Thereafter, the members of the Planning Commission shall be appointed for a term of three (3) years and shall serve until their successors are appointed. The compensation of the members of the Planning Commission shall be as established by the Governing Body. Any vacancy in the membership of the Planning Commission shall be filled for the unexpired term of such vacancy in the same manner as the original appointment. The Governing Body may remove any member of the Planning Commission for due cause after written notice to such member and after a public hearing. Members of the Planning Commission shall appoint a secretary, or in lieu of such appointment, the Zoning Administrative Officer shall serve as the secretary of the Planning Commission

Section 2302. Meetings And Records.

The Planning Commission shall meet at least one (1) time each month at the call of the chairman, or at such other times as the Planning Commission may determine, and all such meetings shall be open to the public. The Planning Commission shall adopt rules for the transaction of business, or in lieu of such rules, the Commission shall follow "Robert's Rules of Order," latest edition. The Planning Commission shall keep record of its resolutions, recommendations, transactions, findings, and determinations, and all such records shall be public record and available for purchase by interested parties at a reasonable cost.

ARTICLE XXIII : PLANNING COMMISSION

Section 2303. Powers And Duties.

The Planning Commission shall have the following functions, powers and duties:

1. Cooperate with, contract with, or accept funds from federal, state, regional, or local public or semi-public agencies or private individuals or corporations; expend such funds; and carry out such cooperative undertakings or contracts.
2. Make expenditures for the purchase of required equipment and supplies. Expenditures, exclusive of gifts to the Planning Commission or contract receipts, shall be within the amounts appropriated for the purpose by the Governing Body.
3. Conduct surveys and studies of existing conditions and probable future developments and to prepare and recommend to the Governing Body any plans for physical, social and economic growth as will best promote the public health, safety, order, convenience, aesthetics, prosperity or the general welfare of the City of Dahlenega.
4. Prepare and recommend for adoption by the Governing Body zoning regulations and official zoning map, subdivision regulations and other such land use regulations; prepare and recommend for adoption by the Governing Body amendments to any of the land use regulations; and to review and make recommendations concerning applications for zoning map amendment, conditional use approvals, variances, annexation or other such applications.
5. Perform other planning functions and duties as may be required by the Governing Body.

ARTICLE XXIV : BOARD OF ZONING APPEALS

ARTICLE XXIV

BOARD OF ZONING APPEALS

Section 2401. Creation And Appointment.

A Board of Zoning Appeals is hereby established. The Board of Zoning Appeals shall perform all of its duties and exercise all of its powers in such a way that the purpose and intent of the zoning regulations shall be accomplished, public health, safety and welfare secured, and substantial justice done.

The Governing Body shall serve as the Board of Zoning Appeals. Four (4) members present shall be required to constitute a quorum. One (1) such member shall be annually elected chairman by the members of the Board of Zoning Appeals, or in lieu of such election, the Mayor shall preside over such meetings. The Chairman shall not vote except in cases of a tie-vote between the other members. In cases of a tie-vote and the Chairman excuses himself from voting, then such tie-vote shall constitute denial of said motion, application or action. A secretary shall be appointed, or in lieu of such appointment, the Zoning Administrative Officer shall serve as the secretary of the Board of Zoning Appeals.

Section 2402. Meetings And Records.

The Board of Zoning Appeals shall meet at least one (1) time each month at the call of the chairman, or at such other times as the Board of Zoning Appeals may determine, and all such meetings shall be open to the public. Meetings of the Board of Zoning Appeals may be conducted on the same calendar day as a regular meeting of the Mayor and City Council. However, such meeting shall take place separate from such regular meeting and shall be adjourned or convened before or after such regular meeting. The Board shall adopt rules for the transaction of business, or in lieu of such rules, the Board shall follow "Robert's Rules of Order," latest edition. The Board shall keep record of its findings, proceedings and official determinations, which shall be kept separate from minutes of any other meetings of the Governing Body, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and such records shall be public record and available for purchase by interested parties at a reasonable cost. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony, and the production of books, papers, files and other evidence pertinent to the matters before it. On all appeals, applications and matters before the Board, said Board shall inform in writing all parties involved in its decision.

ARTICLE XXIV : BOARD OF ZONING APPEALS

Section 2403. Powers And Duties Limited.

The Board of Zoning Appeals is a body of limited powers, and its actions are taken in a quasi-judicial capacity rather than a legislative capacity. Failure to adopt written findings justifying all decisions shall render such decision null and void.

Section 2404. Appeals.

The Board is empowered to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrative Officer, Building Official, or City Engineer in the interpretation or enforcement of these zoning regulations.

The Board is empowered to hear an appeal made by any person, firm, or corporation, or by any officer, department, board, or bureau affected by any decisions of the Historic Commission, Zoning Administrative Officer, Building Official or other employee based on the zoning regulations.

Such appeal shall be taken within sixty (60) days, or as provided by the rules of the Board, by filing with the Zoning Administrative Officer notice of appeal specifying the grounds thereof. All papers constituting the record upon which the action appealed from was taken shall forthwith be transmitted to the Board of Zoning Appeals.

The Board shall select a reasonable time and place for the hearing of the appeal and give at least fifteen (15) days of public notice thereof and due notice to the parties in interest and shall render a decision on the appeal within a reasonable time.

Section 2405. Determination Of District Boundaries.

The Board of Zoning Appeals shall have original jurisdiction to, upon application, determine the location of a particular district boundary in question as specified in Section 404 of these regulations.

ARTICLE XXIV : BOARD OF ZONING APPEALS

Section 2406. Variances. ††††††††††††

The Board of Zoning Appeals is hereby empowered to authorize upon application in specific cases such variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will in an individual case, result in unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. The existence of a non-conforming use of neighboring land, buildings or structures in the same zoning district or of permitted or non-conforming uses in other districts shall not constitute a reason for the requested variance. A variance may be granted in an individual case of unnecessary hardship, after appropriate application in accordance with Article XXVI, upon specific findings that all of the following conditions exist. The absence of any one (1) of the conditions shall be grounds for denial of the application for variance.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other land or structures in the same district; and
2. A literal interpretation of the provisions of these zoning regulations would create an unnecessary hardship and would deprive the applicant of rights commonly enjoyed by other property owners within the district in which the property is located; and
3. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located; and
4. Relief, if granted, will be in harmony with the purpose and intent of these regulations and will not be injurious to the neighborhood or general welfare in such a manner as will interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonable affect their value; and
5. The special circumstances are not the result of the actions of the applicant; and
6. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure; and
7. The variance is not a request to permit a use of land, building or structures which are not permitted by right in the district involved.

†††††††††††† Amendment 20 dated 18th day of October, 2012

ARTICLE XXIV : BOARD OF ZONING APPEALS

Section 2407. Conditional Approval Permitted.

In exercising the powers to grant appeals and approve variances, the Board may attach any conditions to its approval which it finds necessary to accomplish the reasonable application of the requirements of these regulations.

In exercising its powers, the Board of Zoning Appeals may, in conformity with the provisions of these regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and to that end shall have all of the powers of the Zoning Administrative Officer and Building Official and may issue or direct the issuance of a permit. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrative Officer, Building Official, or City Engineer.

Section 2408. Approval Period Limited.

No order of the Board permitting the erection or alteration of a building or other variance shall be valid for a period of longer than six (6) months unless such use is established within such period; provided, however that such order by the Board shall continue in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with such permit.

Section 2409. Application, Hearings And Notice.

Applications for variance shall be made in accordance with all applicable provisions of Article XXVI.

ARTICLE XXV : HISTORIC PROPERTIES AND DISTRICTS

ARTICLE XXV

HISTORIC PROPERTIES AND DISTRICTS*****

Section 2501. Application of Requirements.

The requirements of this Article apply to all properties within a historic district or individual historic property, as designated by the Governing body under the provisions of the Historic Preservation Ordinance of the City of Dahlonega, Georgia.

Section 2502. Alteration of Structures and Buildings; New Construction.

Within any designated Historic district, prior to any material change in appearance (including painting), demolition, relocation, or removal of an existing structure or building in whole or in part, or new construction of a structure or building, a design review shall be conducted by the Preservation commission in accordance with the City of Dahlonega Historic Preservation Ordinance and the preservation Commission’s adopted Rules of Procedure. A Certificate of Appropriateness approved by the Preservation Commission shall be required as a precedent to such material change in appearance, demolition, relocation, removal or new construction, and for issuance of a building permit as may be required to authorize any such activity.

Section 2503. Exemption for Ordinary Maintenance and Repair; Public Safety.

Nothing in this Article shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any structure or building to correct deterioration or decay, or to sustain the existing architectural form, and that does not involve a material change in appearance of the structure of building. Nothing in this Article shall be construed to prevent the construction, reconstruction, alteration or demolition of any such elements which any authorize public official shall certify as required by imminent threat to public health or safety.

***** Amendment 7 dated 6th day of April, 1998

***** Amendment 20 dated 18th day of October, 2012

ARTICLE XXV : HISTORIC PROPERTIES AND DISTRICTS

Section 2504. Exemption for Signs.

For the purpose of this Article, signs shall not be considered structures, and issuance of a sign permit within a designated Historic District shall not require that a Certificate of Appropriateness be approved by the Preservation Commission. All signs and other advertising devices are regulated according to the City of Dahlonega sign Ordinance.

Section 2505. Historic Districts and Properties to be Shown on Zoning Map.

The boundaries of each historic district, and the location of each individual historic property, as designated by the Governing Body under the provisions of the Historic Preservation Ordinance of the City of Dahlonega, Georgia, shall be shown on the Official Zoning Map.

ARTICLE XXVI : AMENDMENT, APPLICATION AND PROCEDURAL REQUIREMENTS

ARTICLE XXVI

AMENDMENT, APPLICATION AND PROCEDURAL REQUIREMENTS

Section 2601. Authority To Amend.

The Governing Body may from time to time amend the number, shape, boundary or area of any district, or may amend any regulation pertaining to any district; or may amend any Article or Section of these regulations. The procedure for amending these regulations shall be as provided in this Article.

Section 2602. Initiation Of Zoning Amendments.

A petition to amend the text of these zoning regulations or the official zoning map may be initiated by the Governing Body, the Planning Commission, or any person, firm, corporation or agency that owns property involved in a petition for amendment, subject to the provisions established herein.

Section 2603. Frequency Of Application.

The Governing Body or the Planning Commission may at any time file, in its own name, an application for amendment to the text of the zoning regulations or the official zoning map, except that if a zoning decision of the Governing Body is for the rezoning of property and the amendment to the zoning ordinance and map to accomplish the rezoning is defeated by the Governing Body, then the same property may not again be considered for rezoning until the expiration of at least six (6) months immediately following the defeat of the rezoning by the Governing Body.

A property owner or subsequent property owner shall not initiate action for a map amendment, conditional use permit, or variance affecting the same or any portion of property more often than once every twelve (12) months from the date of any previous decision rendered by the Governing Body; provided, however, that a property owner may petition for the alteration, modification or deletion of conditions of zoning in accordance with the provisions of this Article.

A property owner or subsequent property owner shall not initiate action for a text amendment affecting the same or any portion of property more often than once every twelve (12) months from the date of any previous decision rendered by the Governing Body.

ARTICLE XXVI : AMENDMENT, APPLICATION AND PROCEDURAL REQUIREMENTS

Section 2604. Withdrawal Of Amendment Application.

Any petition for an amendment to the zoning regulations, official zoning map, conditional use approval, or variance may be withdrawn, at the discretion of the person or agency initiating such a request, at any time prior to final action by the Governing Body upon written notice to the Zoning Administrative Officer. Any required application fees shall be refunded to the applicant only if such application has not been prepared and submitted for advertisement as determined by the Zoning Administrative Officer.

Section 2605. Application Requirements .*****

Application materials specified in this section shall be required for the following petitions: amendments to the official zoning map, alterations or extensions of conditional zoning, conditional use permits, development plan approvals within the Planned Unit Development (PUD) District, Mobile Home Park (MHP) District, applications for condominium site plan approval, variances or appeals to the Board of Zoning Appeals:

1. An application form furnished by the Zoning Administrative Officer; and
2. A legal description of the property to be considered in the application. The legal description shall be by metes and bounds unless an alternative legal description is accepted by the Zoning Administrative Officer. Boundary surveys of the property should be submitted with the application whenever available; and
3. A letter of intent which describes general characteristics of the proposed development such as type and time frame of development, background information in support of such application, and any other information deemed pertinent by the applicant. For variance applications, the letter of intent shall address the criteria specified in Section 2406. of these regulations. For zoning map amendment applications, the letter of intent shall address the standards specified in Section 2607. of these regulations. For conditional use permit applications, the letter of intent shall address the standards specified in Section 2608. of these regulations. For PUD applications the letter of intent shall take the form of a development plan summary report which shall also address the items enumerated in Section 1303.
4. A site plan with all information specified in Section 2606. except that zoning map amendment applications for R-1 zoning shall not require a site plan. Unless otherwise noted in the approval,

ARTICLE XXVI : AMENDMENT, APPLICATION AND PROCEDURAL REQUIREMENTS

the site plan submitted in support of an approved application shall be considered a part of the approval and must be followed.

5. A fee for said application as established by the Governing Body from time to time.
6. Applications for conditional use permits to exceed the height limitations, applications for conditional signs, and applications for Certificates of Appropriateness shall also require architectural elevations of all proposed structures and buildings requested for approval.
7. Applications which require action by the Governing Body shall also require disclosure of any conflicts of interest as specified in Chapter 67A of the Georgia Code, "Conflict of Interest in Zoning Actions."

Applicants shall submit fifteen (15) copies of any required site plans, development plans, elevation drawings and letters of intent to the Zoning Administrative Officer for distribution to the applicable bodies and/or review agencies. The Zoning Administrative Officer may require more or less copies depending on the nature and extent of required review.

Section 2606. Site Plan Requirements.

All site plans required by this Article shall, at a minimum, contain the following information:

1. Title of the proposed development and the name, address and telephone number of the property owner.
2. The name, address and telephone number of the architect, engineer or other designer of the proposed development.
3. Scale, date, north arrow, and general location map showing relationship of the site to streets or natural landmarks.
4. Boundaries of the subject property, all existing and proposed streets, including right-of-way and street pavement widths; buildings; water courses; parking and loading areas; and other physical characteristics of the property and proposed development.
5. Building setbacks, buffers, landscape strips, and tree protection zone.

ARTICLE XXVI : AMENDMENT, APPLICATION AND PROCEDURAL REQUIREMENTS

Section 2607. Criteria To Consider For Map Amendments (Rezoning).

In exercising the zoning powers granted to the Mayor and City Council by State Law, the City Council shall apply the following standards in making zoning decisions, weighing each standard to the extent appropriate or relevant to each zoning decision:

- a) Standards for consideration of rezonings:
 - 1) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
 - 2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
 - 3) Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
 - 4) Whether the zoning proposal is consistent with the Comprehensive Plan, transportation plans, or other plans adopted for guiding development within the City of Dahlonega.
 - 5) Whether there are other existing or changing conditions affecting the use and development of property that give supporting grounds for either approval or disapproval of the zoning or special use proposal.
- b) Standards for considering the adoption of or amendment to Ordinance 91-9 Amended or other "zoning" ordinances:
 - 1) Is the proposal consistent with the purpose and intent of the ordinance or regulation under consideration?
 - 2) Does the proposal further or is it compatible with the purpose and intent of the Comprehensive Plan?
 - 3) Is the proposal required to adequately address new or changing conditions or to properly implement the Comprehensive Plan?
 - 4) Does the proposal reasonably promote the public health, safety, morality or general welfare?

ARTICLE XXVI : AMENDMENT, APPLICATION AND PROCEDURAL REQUIREMENTS

Section 2608. Criteria To Consider For Conditional Uses.

The applicant, staff, Planning Commission and Governing Body should review applications for conditional uses with regard to the following criteria:

1. Off-street parking and loading facilities are adequate in terms of location, amount and design to serve the use.
2. The number, size and type of signs proposed are compatible with the surrounding area.
3. The amount and location of open space and the provision of screening is such that buffering of incompatible uses is achieved.
4. Ingress and egress to the property is suitable and safe, and the effect of the proposed activity on traffic flow along adjoining streets is not adverse.
5. The location and intensity of outdoor lighting is such that it does not cast light on adjacent, adjoining or neighboring properties.
6. Hours and manner of operation of the proposed use are not inconsistent with adjacent and nearby uses.
7. Public facilities and utilities are capable of adequately serving the proposed use.
8. The proposed use will not have a significant adverse effect on the level of property values or the general character of adjacent land uses or the general area.
9. The physical conditions of the site, including size, shape, topography and drainage, are suitable for the proposed development.
10. The proposed use is consistent with the goals and objectives of the Comprehensive Plan of the City of Dahlonega.

The staff, Planning Commission and Governing Body may consider other factors deemed relevant before formulating recommendations and taking action on a particular conditional use application.

Section 2609. Public Notice And Public Hearing Required.

This section shall apply to all applications for amendments to the text of the zoning regulations, amendments to the official zoning map, petitions for variances and appeals to the Board of Zoning Appeals, requests for conditional use approval, requests for alteration or extension of conditional zoning, applications for site plan approval in the MHP District, and petitions for development approval for property within the PUD, Planned Unit Development District, and applications for condominium site plan approval.

ARTICLE XXVI : AMENDMENT, APPLICATION AND PROCEDURAL REQUIREMENTS

Prior to making any zoning decision, the City Council shall conduct a Public hearing. The public hearing shall be called and a public notice provided in accordance with the provisions of Ordinance 91-9 as amended and in accordance with the provisions of O.C.G.A. §36-66-4. Public Hearing Notice, as follows:

- a) A notice of time and place of the hearing shall be published at least 15 Days, but not more than 45 days, prior to said Public hearing in the official legal organ of the City of Dahlonega or another newspaper of general circulation within the territorial boundaries of the city. The notice shall state the time, place and purpose of the hearing in accordance with O.C.G.A. §36-66-4. If the proposed amendment is a rezoning of property or special use initiated by a party other than the City Council, then:
 - 1) The published notice, in addition to the foregoing, shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property; and
 - 2) A sign or signs containing that same information shall be placed on the property by the City not less than 15 days, nor more than 45 days, prior to the date of the hearing. The sign or signs shall be placed in a conspicuous location on the property frontage in such manner as to be legible from the public road. On lots with more than one road frontage, a sign will be placed facing each Public road. If the property has no road frontage, a sign shall be placed at a location on each road where access will be gained to the property.

All required public hearings shall be held by the Governing Body, and no action shall be taken on said applications until a public hearing has been held by the Governing Body.

Public hearings regarding variances and appeals shall be held by the Board of Zoning Appeals, and no action shall be taken on said applications until a public hearing has been held by the Board of Zoning Appeals.

Public hearings may be delayed, rescheduled or continued at another time and date, provided announcement is given at the time and place of the initially scheduled and advertised public hearing, and provided such date, time and location of the public hearing to be delayed, rescheduled or continued is given. If the applicant of a petition before the Planning Commission or Governing Body fails to attend the public hearing, then the Planning commission or Governing Body may require re-advertisement of the subject petition at the expense of the applicant. If there is no quorum of the Planning Commission or Governing Body at the scheduled public hearing, then the public hearing(s) shall be rescheduled and re-advertised at the City of Dahlonega's expense.

Section 2610. Recommendation By Zoning Administrative Officer.

ARTICLE XXVI : AMENDMENT, APPLICATION AND PROCEDURAL REQUIREMENTS

4. All comments shall be directed to the body and shall be made in an orderly manner.
5. The applicant shall then have an opportunity for summary remarks and rebuttal concerning the proposed application.
6. Upon the completion of any comments from interested parties and the summary by the applicant, the public hearing shall be completed and adjourned.
7. A member of the City staff will then briefly summarize the requested application and staff recommendation shall respond to any questions from the body regarding the staff recommendation related to the proposed application, any applicable background material, and the recommendations and reports of the Planning Commission if appropriate. All public comments having been heard, the members of the body considering the application may discuss the request among themselves. During this discussion period, the members of the body may call on the applicant or other interested parties to clarify points made previously or to answer questions. Said applicant or interested parties may respond upon recognition.
8. The Mayor and Council will then take the matter under consideration for voting but may ask questions of the Staff, Consultants, Applicant or other persons in attendance during the voting process.

Section 2613. Action By The Appropriate Body.

After completion of the public hearing, if so required by these regulations, the Governing Body may take action to approve or deny the request, refer the application back to the Zoning Administrative Officer, or Planning Commission for further study, or the Governing Body may table or defer action until a later meeting. The Board of Zoning Appeals, after the public hearing has been completed, may take action to approve or deny the request, or defer action until a later meeting.

Section 2614. Conditional Approval Permitted.

The Zoning Administrative Officer and Planning Commission may recommend, and the Governing Body may approve, applications for zoning map amendments, conditional use permits, applications for development approval within the PUD, Planned Unit Development District, and application for condominium site plan approval, subject to certain conditions, provided that said conditions are set forth in the ordinance regarding approval of such application. Said conditions of approval may reduce the number or type of permitted uses, limit the nature or scope of permitted uses, restrict certain activities on the

ARTICLE XXVI : AMENDMENT, APPLICATION AND PROCEDURAL REQUIREMENTS

for variances and appeals shall require approval by the Board of Zoning Appeals before development may be initiated or before such application is made effective. Applications for Certificates of Appropriateness require review and approval by the Preservation Commission before development, demolition or alteration may be initiated or before such application is made effective.

Section 2617. Procedure for Approved Zoning Ordinance Text Amendments.

The date of all approved amendments to the text of the zoning ordinance shall be indicated on the title/cover page of the text, and any sections within the zoning ordinance text hereafter amended or repealed shall be so indicated in text and concurring footnote providing the date such amendment was approved. All such text amendments shall be incorporated within the text without unreasonable delay.

Section 2618. Designation Of Approved Applications On Official Zoning Map

Rezoning changes/zoning map amendments shall be entered onto the Official Zoning Map in accordance with Section 402. In addition, all conditional use approvals, variances, site plan approvals and Certificates of Appropriateness shall also be indicated on said Official Zoning Map, with an abbreviation of application type and number (i.e. CU, Z, V, CA, SP) (e.g., 2-90-01). Such entries shall be made on the Official Zoning Map without unreasonable delay.

**ARTICLE XXVII : ADMINISTRATION, INTERPRETATION, ENFORCEMENT,
PENALTIES AND REMEDIES**

ARTICLE XXVII

**ADMINISTRATION, INTERPRETATION, ENFORCEMENT,
PENALTIES AND REMEDIES**

Section 2701. Administration and Interpretation.

The provisions of this ordinance shall be administered by the Zoning Administrative Officer who shall be appointed by the Governing Body and serve at its pleasure. The Zoning Administrative Officer shall be responsible for interpretation of the provisions of these regulations and for maintenance of the official zoning map.

Section 2702. Enforcement.

The provisions of these regulations shall be enforced by the Building Official and Zoning Administrative Officer.

Section 2703. Development Permit Required.

A development permit shall be required for any proposed use of land(s) or building(s) to indicate and insure compliance with all provisions of these regulations before any building permit is issued or any improvement, grading, land disturbing activity or alteration of land(s) or building(s) commences; provided, however, that development permits for individual structures within approved single-family residential subdivisions or for single-family dwelling units on individual lots shall not be required. Approval of a preliminary plat in accordance with all applicable provisions of the Subdivision Regulations shall constitute approval of the development permit for each subdivision, and plan approval of a planned unit development, mobile home park, or condominium development as specified in these regulations shall constitute approval of a development permit.

All development permits shall be issued by the Building Official only after prior approval by the Zoning Administrative Officer, who shall in no case approve a development permit for the use, construction, or alteration of any land or building if the land or building as proposed to be used, constructed or altered would be in violation of any of the provisions of these regulations or any other codes and laws. Development permits shall be valid for two (2) years from its issuance. If work described in any

**ARTICLE XXVII : ADMINISTRATION, INTERPRETATION, ENFORCEMENT,
PENALTIES AND REMEDIES**

development permit has not begun within one hundred twenty (120) days from the date of issuance thereof, said permit shall expire, and further work shall not proceed until a new development permit has been obtained.

Section 2704. Building Permit Required.

No building, structure or sign, except as specifically exempted by these regulations, shall be erected, moved, extended, enlarged or structurally altered, nor shall any excavation or filling of any lot for the construction of any building be commenced until the Building Official has issued a building permit for such work in conformity with the provisions of these regulations.

All building permits shall be issued by the Building Official. In cases of uncertainty regarding whether a proposed building or structure conforms to any provisions within these regulations, the Building Official shall consult with the Zoning Administrative Officer for his interpretation and ruling. Building permits shall become invalid unless the work authorized by it shall have been commenced within ninety (90) days of its date of issue, or if the work authorized by it is suspended or abandoned for a period of six (6) months or more.

Section 2705. Certificate of Occupancy Required.

A Certificate of Occupancy issued by the Building Official is required in advance of occupancy or use of any lot or change or extension in the use of any lot; any building or structure hereafter erected; or any change in the use of an existing building or structure.

All Certificates of Occupancy shall be issued by the Building Official, and no such Certificate shall be issued unless the proposed use of a building or land conforms to the applicable provisions of these regulations. Business licenses shall not be issued until the business conforms to the regulations of the district in which it is located and a valid Certificate of Occupancy is issued.

Section 2706. Penalties For Violation.

Any person, firm or corporation violating, neglecting or refusing to comply with any of the provisions of these regulations shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than fifty (\$50) dollars nor more than two hundred (\$200) dollars for each offense, or as determined by the court of proper jurisdiction. Each day such violation continues shall constitute a separate offense.

**ARTICLE XXVII : ADMINISTRATION, INTERPRETATION, ENFORCEMENT,
PENALTIES AND REMEDIES**

Section 2707. Remedies.

In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building structure or land is or is proposed to be used in violation of any provision of these regulations, the Building Official, Zoning Administrative Officer or any other appropriate authority may, in addition to other remedies, and after due notice to the owner of the violation, issue a citation for violation of these regulations requiring the presence of the violator in the court of proper jurisdiction; institute injunction, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use to correct or abate such violation or to prevent the occupancy of such building, structure or land. Where a violation of these regulations exists with respect to a structure or land, the Building Official may, in addition to other remedies, require that utility service be withheld therefrom until such time as the structure or premises is no longer in violation of these regulations.

ARTICLE XXVIII : LEGAL STATUS PROVISIONS

ARTICLE XXVIII

LEGAL STATUS PROVISIONS*****

Section 2801. Conflict With Other Laws.

Whenever the provisions of these regulations impose more restrictive standards than are required in or under any other statute, the provisions of these regulations shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by these regulations, the provisions of such statute shall govern.

Section 2802. Severability.

In the event that any section, subsection, sentence, clause, or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, 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 thereof.

Section 2803. Repealer.

Whenever the provisions of this Ordinance impose more restrictive standards than are required in or under any other ordinance or regulation, the provisions of this Ordinance shall govern. Whenever the provisions of any other ordinance or regulation require more restrictive standards than are required by this Ordinance, the provisions of such ordinance or regulation shall govern.

Section 2804. Effective Date.

This Ordinance shall be effective upon its adoption by the Mayor and City Council of the City of Dahlonega, Georgia and shall be enforced thereafter.

***** Amendment 20 dated 18th day of October, 2012

ARTICLE XXVIII : LEGAL STATUS PROVISIONS

Effective Date: October 7, 1991

Last Amended: October 18, 2012

ORDAINED THIS _____ DAY OF _____, 2016

Gary McCullough, Mayor

Attest:

Kimberly Smith, City Clerk