

**LAND USE RESOLUTION**  
of  
**DAWSON COUNTY, GEORGIA**

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*Approved and Adopted in Regular Session by*  
The Board of Commissioners  
February 23, 1998  
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Amended May 1, 2003  
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Amended January 20, 2011

**Current Board of Commissioners**

Mike Berg, Chairman  
Gary Pichon, District 1  
James Swafford, District 2  
Jimmy Hamby, District 3  
Julie Hughes Nix, District 4

NOTE: (The amended or revised date above will be updated with each change to the resolution,  
The Planning and Zoning Department can inform you of the most current edition.)

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**ARTICLE I  
TITLE, PURPOSE, AND JURISDICTION**

**Section 100. Title.**

This Resolution shall be known and may be cited as the Dawson County Land Use Resolution.

**Section 101. Purpose.**

The purpose of this Resolution is to advance and encourage the development of economically sound and stable land use patterns within the unincorporated areas of Dawson County, Georgia; to reduce or eliminate the occurrence of certain conditions, which may threaten the safety, health, morals, or general welfare of the citizens of Dawson County. In order to insure this purpose is maintained and prevent arbitrary or unreasonable land use and districting decisions, this Resolution has been prepared and is administered with guidance from the following:

- A. Future District Map (Article VIII)
- B. Present Land Use District Map (Article VII)
- C. Guidelines for Granting Amendments (Article X)
- D. Guidelines for Granting Variances (Article IX)
- E. Constitution of the State of Georgia, 1983, Article IX, Section II, Paragraph IV.

This Resolution provides for the establishment of Land Use Districts; Residential Land Use Districts; Commercial Land Use Districts; variance and amendment procedures; future and present district maps; administrative and enforcement procedures; general provisions; powers of various county officials; and definitions of terms used. This Resolution has been prepared in accordance with and pursuant to the Constitution of the State of Georgia, 1983, Article IX, Section II. Paragraph IV.

**Section 102. Jurisdiction.**

This Resolution applies to all the land within the unincorporated areas within the political boundary of Dawson County, Georgia.

**ARTICLE II  
ESTABLISHMENT OF LAND USE DISTRICTS**

**Section 200. Purpose.**

The purpose of this Article is to establish and explain Land Use Districts used in this Resolution and to divide Dawson County into Land Use Districts.

**Section 201. Land Use Districts Established.**

Under this Resolution, Dawson County is divided into the following Land Use Districts:

A. Residential Land Use Districts

- |     |       |  |
|-----|-------|--|
| 1.  | RT    | Residential Town                               |
| 2.  | RL    | Residential Lakefront                          |
| 3.  | RS    | Residential Suburban                           |
| 4.  | RSR   | Residential Sub-Rural                          |
| 5.  | RSRMM | Residential Sub-Rural Manufactured/Moved       |
| 6.  | RMF   | Residential Multiple-family                    |
| 7.  | VCR   | Vacation Cottage Restricted (deleted category) |
| 8.  | VC    | Vacation Cottage (deleted category)            |
| 9.  | RA    | Residential Exurban/Agricultural               |
| 10. | RRE   | Residential Rural Estate                       |
| 11. | RPC   | Residential Planned Community                  |
| 12. | RMHP  | Residential Manufactured/ Mobile Home Park     |

B. Commercial Land Use Districts

- |    |       |                                    |
|----|-------|------------------------------------|
| 1. | C-RB  | Rural Business                     |
| 2. | C-CB  | Community Business                 |
| 3. | C-HB  | Highway Business                   |
| 4. | C-PCD | Planned Comprehensive Development  |
| 5. | C-OI  | Office, Institutional              |
| 6. | C-IR  | Industrial Restricted              |
| 7. |       | Commercial Tower (CONDITIONAL USE) |

C. Mixed Use Village (MUV)

**Section 202. Land Use Districts Explained.**

Land Use Districts are areas of land within the county, which have different standards for development and use. These standards and uses are prescribed in order to provide the citizens of Dawson County with economically sound and stable land development to protect established values; protect the citizens of Dawson County from fire and health dangers; plan for growth within the county consistent with the ability to provide adequate services to the present and future citizens of Dawson County.

**ARTICLE III  
RESIDENTIAL LAND USE DISTRICTS**

**Section 300. Purpose.**

The purpose of this Article is to establish Residential Land Use Districts and to provide standards for development and use. Residential Districts are established to prevent incompatible uses, which could reduce or destroy established values or environment within communities in Dawson County. This Resolution provides guidelines for change or development and gives citizens an opportunity for input into the decision-making process before significant changes are made that affect the county.

**Section 301. RT Residential Town.**

Residential Town Districts are areas where urbanized single family residential growth occurs near the City limits of Dawsonville. These areas are typified by small lot single-family construction with access to public water and sewer. Uses that will devalue investment and undermine environmental quality are prohibited. Buffers should be provided from more intensive or commercial development.

- A. Permitted Uses. The following uses are allowed within this district. Uses not listed in this Subsection are prohibited in this district.
1. Single family dwellings with on-site construction only. Only one principal residence per parcel of land.
  2. Short-Term Home Rentals in accord with the definition of “short-term home rental” and that also comply with the following requirements:
    - a) Only one rental residence is allowed per parcel.
    - b) Must obtain a permit from the Dawson County Planning and Development department.
    - c) Must remit all applicable hotel/motel taxes as necessary and required by law.
    - d) Parking must be provided off-street for a minimum of two (2) vehicles.
    - e) Maximum occupancy is limited to two persons per bedroom plus two additional persons per household from 11 PM to 8 AM.
    - f) Short Term Rental Permit requirements:
      - i. The permit shall include the name and phone number of the owner and operator who is available 24 hours a day seven days a week to respond to complaints regarding the operation or occupancy of the short-term rental unit.
      - ii. The permit shall include a notarized statement signed by the owner/ operator that the short-term rental shall be in compliance with these regulations.
      - iii. Proof of ownership is required at time of permitting.
      - iv. Short-term rental structure must have a Certificate of Occupancy prior to issuance of permit.
      - v. Unless revoked the short-term rental permit is valid for one year from the date of issuance of the permit.
      - vi. If the permit is revoked or denied, it may be appealed to the Board of Commissioners.
  3. Churches or other places of worship and cemeteries.
  4. Accessory uses, such as private garages, swimming pools, home workshops, tennis courts, children's play houses, small gardens, non-commercial greenhouses, and home offices. Accessory uses must be located on a parcel that is currently occupied by a principal residential structure.

- a) Accessory structures shall be no larger than the footprint of the primary structure or one-half the gross square footage, whichever is greater.
        - i. Exception: When the lot size is three (3) acres or greater, then the size of the accessory structure shall not be regulated in size but shall meet all setback requirements.
  - 5. Animals such as dogs or cats owned by the resident for their personal enjoyment in compliance with the Dawson County Animal Control Ordinance and not for commercial purposes.
  - 6. Home Occupations upon approval if the following requirements are met in addition to those found under Article VI, Section 611.
    - a) The use of an accessory building for a home occupation is prohibited.
  - 7. Industrialized single family modular home.
  - 8. Public parks and subdivision amenity areas.
  - 9. Private Amenity areas such as swimming pools, tennis courts, children's play areas, small gardens, non-commercial greenhouses, fitness and recreations centers, club houses or community rooms and other similar uses if the following conditions are met:
    - a. Adequate parking area is provided for the amenity area; typically a minimum of 15 parking spaces, unless a variance is approved.
    - b. The area is fenced and landscaped. All pools shall be landscaped and screened such that at least 50% of the view from the public road is obscured.
    - c. The amenity area is constructed and completed in the first phase of the development.
    - d. Lighting is provided for the parking area and all walkways and pedestrian access points.
  - 10. Schools and other public buildings.
  - 11. Public Utilities with a maximum gross total of 400 sq. ft. of structure per parcel, unless a Variance is approved.
- B. Prohibited Uses.
- 1. Commercial Uses.
  - 2. Industrial Uses.
  - 3. Manufactured (Mobile) Homes and houses moved from other locations (excluding industrialized modular homes) are prohibited.
  - 4. Animals that individually or in numbers create a nuisance by noise, smell, unsanitary or visual effects. Horses are prohibited. Kennels for the breeding of any animal for sale are prohibited. Pet fowl or birds may be kept in cages in accord with the same provisions of this sub-section. No swine are permitted.
  - 5. Any use not permitted in accord with the terms hereof.

C. Building Requirements.

The minimum area, yard, setback, and building requirements in the RT Land Use District are as set forth herein unless a variance is approved.

1. Minimum Lot Size: 1.50 acre on septic tank and well; 0.75 acre on septic and community or public water; 0.40 acre on public water and sewer; minimum width at building line - 75 feet, minimum depth - 100 feet.
2. Minimum Setbacks: Front yard - 80 feet on parkways, 60 feet on state highways, 30 feet on others; side yard - 10 feet; rear yard - 20 feet. Front yard setback applies to all frontages on publicly maintained streets with the exception of rear alleys.
3. Minimum Setbacks for Accessory Structures: Front Yard – 40 feet; side yard 5 feet; and Rear Yard 10 feet
4. Maximum Building Height: 35 feet.
5. Please note that should a principal residential structure be located less than 15' from any property line, additional local fire codes must be addressed.



**Section 302. RL Residential Lakefront.**

Residential Lakefront Districts are areas of single family residential growth that continue to infill around Lake Lanier. These areas are typified by small lot single-family construction with access to public water and are found on, or very near, the lake shore. Uses that will devalue investment and undermine environmental quality are prohibited. Conservation subdivisions are welcomed in this district. However, buffers shall be provided from more intensive or commercial development.

A. Permitted Uses. The following uses are allowed within this district. Uses not listed in this Subsection are prohibited in this district.

1. Single family dwellings with on-site construction only. Only one principal residence per parcel of land.
2. Bed and Breakfast establishment in accord with the definition of “bed and breakfast” and that complies with the following requirements:
  - a) Bed and Breakfast Permit requirements:
    - i. The permit shall include the name and phone number of the owner/operator whose primary residence is the Bed and Breakfast.
    - ii. Only one Bed and Breakfast is allowed per parcel.
    - iii. The number of guest rooms is limited to one less than the total number of bedrooms in the dwelling unit, with an overall maximum of 6 guest rooms. Maximum occupancy is limited to two adults per guest room.
    - iv. Must remit all applicable hotel/motel taxes.
    - v. The permit shall include a notarized statement signed by the owner/operator that the Bed and Breakfast shall be in compliance with these regulations.
    - vi. Proof of ownership is required at time of permitting.
    - vii. Bed and Breakfast structure must have a Certificate of Occupancy prior to issuance of permit.
    - viii. Unless revoked the Bed and Breakfast permit is valid for one year from the date of issuance of the permit.
    - ix. Structure must be inspected and approved by Dawson County Fire Marshal and Building Official prior to the issuance of the Bed and Breakfast permit.
    - x. Off street parking spaces must be provided and screened from the view of adjoining property uses and the public street.
    - xi. If the permit is revoked or denied, it may be appealed to the Board of Commissioners.
3. Short-Term Home Rentals in accord with the definition of “short-term home rental” and that also comply with the following requirements:
  - a) Only one rental residence is allowed per parcel.
  - b) Must obtain a permit from the Dawson County Planning and Development department.
  - c) Must remit all applicable hotel/motel taxes as necessary and required by law.
  - d) Parking must be provided off-street for a minimum of two (2) vehicles.
  - e) Maximum occupancy is limited to two persons per bedroom plus two additional persons per household from 11 PM to 8 AM.

- f) Short Term Rental Permit requirements:
  - i. The permit shall include the name and phone number of the owner and operator who is available 24 hours a day seven days a week to respond to complaints regarding the operation or occupancy of the short term rental unit.
  - ii. The permit shall include a notarized statement signed by the owner/ operator that the short term rental shall be in compliance with these regulations.
  - iii. Proof of ownership is required at time of permitting.
  - iv. Short term rental structure must have a Certificate of Occupancy prior to issuance of permit.
  - v. Unless revoked the short term rental permit is valid for one year from the date of issuance of the permit.
  - vi. If the permit is revoked or denied it may be appealed to the Board of Commissioners.
  
- 4. Churches or other places of worship and cemeteries.
  
- 5. Accessory uses, such as private garages, swimming pools, home workshops, tennis courts, children's play houses, small gardens, non-commercial greenhouses, and home offices. Accessory uses must be located on a parcel that is currently occupied by a principal residential structure.
  - a) Accessory structures shall be no larger than the footprint of the primary structure or one-half the gross square footage, whichever is greater.
    - i. Exception: When the lot size is three (3) acres or greater then the size of the accessory structure shall not be regulated in size but shall meet all setback requirements.
  
- 6. Animals such as dogs or cats owned by the resident for their personal enjoyment in compliance with the Dawson County Animal Control Ordinance and not for commercial purposes.
  
- 7. Home Occupations upon approval if the following requirements are met in addition to those found under Article VI, Section 611.
  - a) The use of an accessory building for a home occupation is prohibited.
  
- 8. Industrialized single family modular home.
  
- 9. Public parks and subdivision amenity areas.
  
- 10. Private Amenity areas such as swimming pools, tennis courts, children's play areas, small gardens, non-commercial greenhouses, fitness and recreations centers, club houses or community rooms and other similar uses provided that the following conditions are met:
  - a) Adequate parking area is provided for the amenity area, typically a minimum of 15 parking spaces, unless a variance is approved,
  - b) The area is fenced and landscaped. All pools should be landscaped and screened such that at least 50% of the view from the public road is obscured.
  - c) The amenity area is constructed and completed in the first phase of the development.
  - d) Lighting is provided for the parking area and all walkways and pedestrian access points.
  
- 11. Schools and other public buildings.
  
- 12. Public Utilities with a maximum gross total of 400 sq. ft. of structure per parcel unless a variance is approved.

B. Prohibited Uses.

1. Commercial Uses.
2. Industrial Uses.
3. Manufactured (Mobile) Homes and houses moved from other locations (excluding industrialized modular homes) are prohibited.
4. Animals which individually or in numbers, create a nuisance by noise, smell, unsanitary or visual effects. Horses on lots less than 3 acres and stables housing horses other than those owned by the resident are prohibited. Kennels for the breeding of any animal for sale are prohibited. Pet fowl or birds may be kept in cages under the same provisions. No swine are permitted.
5. Any use not permitted in accord with the terms hereof.

C. Building Requirements.

The minimum area, yard, setback, and building requirements in the RL Land Use District are as set forth herein, unless a variance is approved.

1. Minimum Lot Size: 1.50 acre on septic tank and well; 0.75 acre on septic and community or public water; 0.75 acre on public water and sewer; minimum width at building line - 75 feet, minimum depth - 100 feet.
2. Minimum Setbacks: Front yard – 80 feet on parkways, 60 feet on state highways, 40 feet on others; side yard - 10 feet; rear yard - 20 feet. Front yard setback applies to all frontages on publicly maintained streets with the exception of rear alleys.
3. Minimum Setbacks for Accessory Structures: Front Yard –100 feet on parkways, 60 feet on state highways, 40 feet; on others; Side Yard 5 feet; and Rear Yard 10 feet
4. Maximum Building Height: 35 feet.
5. If a principal residential structure is located less than 15' from any property line, then local fire codes impose certain requirements.
6. All utilities shall comply with applicable regulations, and street lighting shall be included on all new public streets.

**Section 303. RS Residential Suburban.**

Residential Suburban Districts are areas where single family residential growth occurs in the southeastern portion of Dawson County. These areas are typified by conventional subdivision development and suburban style, single-family, on-site construction. Uses that will devalue investment and undermine environmental quality are prohibited. Conservation subdivisions are welcome in this district. However, buffers shall be provided from more intensive or commercial development.

A. Permitted Uses. The following uses are allowed within this district. Uses not listed in this Subsection are prohibited in this district.

- 1) Single family dwellings with on-site construction only. Only one principal residence per parcel of land.
- 2) Churches or other places of worship and cemeteries.
- 3) Accessory uses, such as private garages, swimming pools, home workshops, tennis courts, children's play houses, small gardens, non-commercial greenhouses, and home offices. Accessory uses must be located on a parcel that is currently occupied by a principal residential structure.
  - a. Accessory structures shall be no larger than the footprint of the primary structure or one-half the gross square footage, whichever is greater.
    - i. Exception: When the lot size is three (3) acres or greater, then the size of the accessory structure shall not be regulated in size but shall meet all setback requirements.
- 4) Short-Term Home Rentals in accord with the definition of "short-term home rental" and that also comply with the following requirements:
  - a. Only one rental residence is allowed per parcel.
  - b. Must obtain a permit from the Dawson County Planning and Development department.
  - c. Must remit all applicable hotel/motel taxes as necessary and required by law.
  - d. Parking must be provided off-street for a minimum of two (2) vehicles.
  - e. Maximum occupancy is limited to two persons per bedroom plus two additional persons per household from 11 PM to 8 AM.
  - f. Short Term Rental Permit requirements:
    - i. The permit shall include the name and phone number of the owner and operator who is available 24 hours a day seven days a week to respond to complaints regarding the operation or occupancy of the short term rental unit.
    - ii. The permit shall include a notarized statement signed by the owner/ operator that the short term rental shall be in compliance with these regulations.
    - iii. Proof of ownership is required at time of permitting.
    - iv. Short term rental structure must have a Certificate of Occupancy prior to issuance of permit.
    - v. Unless revoked the short term rental permit is valid for one year from the date of issuance of the permit.
    - vi. If the permit is revoked or denied it may be appealed to the Board of Commissioners.
- 5) Animals such as dogs or cats owned by the resident for their personal enjoyment in compliance with the Dawson County Animal Control Ordinance and not for commercial purposes.

- 6) Home Occupations upon approval if the following requirements are met in addition to those found under Article VI, Section 611.
  - a) The use of an accessory building for a home occupation is prohibited.
- 7) Industrialized single family modular home.
- 8) Public parks and subdivision amenity areas.
- 9) Private Amenity areas such as swimming pools, tennis courts, children's play areas, small gardens, non-commercial greenhouses, fitness and recreations centers, club houses or community rooms and other similar uses Provided that the following conditions are met:
  - a. Adequate parking area is provided for the amenity area;, typically a minimum of 15 parking spaces, unless a variance is approved.
  - b. The area is fenced and landscaped. All pools should be landscaped and screened such that at least 50% of the view from the public road is obscured.
  - c. The amenity area is constructed and completed in the first phase of the development.
  - d. Lighting is provided for the parking area and all walkways and pedestrian access points.
- 10) Schools and other public buildings.
- 11) Public Utilities with a maximum gross total of 400 sq. ft. of structure per parcel, unless a variance is approved.

**B. Prohibited Uses.**

1. Commercial Uses.
2. Industrial Uses.
3. Manufactured (Mobile) Homes and houses moved from other locations are prohibited.
4. Animals that individually or in numbers, create a nuisance by noise, smell, unsanitary or visual effects. Horses are prohibited. Kennels for the breeding of any animal for sale are prohibited. Pet fowl or birds may be kept in cages. No swine are permitted.
5. Any use not permitted in accord with the terms hereof.

**C. Building Requirements.**

The minimum area, yard, setback, and building requirements in the RS Land Use District are as follows, unless a variance is approved:

1. Minimum Lot Size: 1.50 acre on septic tank and well; 1 acre on septic and community or public water; 1 acre on public water and sewer; minimum width at building line - 75 feet, minimum depth - 100 feet.
2. Minimum Setbacks: Front yard - 80 feet on parkways, 60 feet on state highways, 40 feet on others; side yard - 10 feet; rear yard - 20 feet. Front yard setback applies to all frontages on publicly maintained streets with the exception of rear alleys.
3. Minimum Setbacks for Accessory Structures: Front Yard – 40 feet; Side Yard 5 feet; and Rear Yard 10 feet

4. Maximum Building Height: 35 feet.
5. If a principal residential structure be located less than 15' from any property line, then local fire codes impose certain requirements.
6. All utilities shall comply with applicable codes, and street lighting may be included on new public streets.

**Section 304. RSR Residential Sub-Rural**

Residential Sub-Rural Districts are areas where substantial investment in permanent residences has been and will be made. Uses that will devalue investment and undermine environmental quality are prohibited. The size of lots should be large with a pleasing environment and should be located away from intensive or commercial development. Conservation subdivisions are welcome in this district, however, buffers shall be provided from more intensive or commercial development. Manufactured, relocated, or temporary housing is not permitted.

A. Permitted Uses. Uses not listed in this Subsection are prohibited in this district.

- 1) Single family dwellings with on-site construction only. Only one principal residence per parcel of land.
- 2) Churches or other places of worship and cemeteries.
- 3) Accessory uses, such as private garages, swimming pools, home workshops, tennis courts, children's play houses, small gardens, non-commercial greenhouses, and home offices. Accessory uses must be located on a parcel that is currently occupied by a principal residential structure.
  - a. Accessory structures shall be no larger than the footprint of the primary structure or one-half the gross square footage, whichever is greater.
    - i. Exception: When the lot size is three (3) acres or greater, then the size of the accessory structure shall not be regulated in size, but shall meet all setback requirements.
- 4) Short-Term Home Rentals in accord with the definition of "short-term home rental" and that also comply with the following requirements:
  - a. Only one rental residence is allowed per parcel.
  - b. Must obtain a permit from the Dawson County Planning and Development department.
  - c. Must remit all applicable hotel/motel taxes as necessary and required by law.
  - d. Parking must be provided off-street for a minimum of two (2) vehicles.
  - e. Maximum occupancy is limited to two persons per bedroom plus two additional persons per household from 11 PM to 8 AM.
  - f. Short Term Rental Permit requirements:
    - i. The permit shall include the name and phone number of the owner and operator who is available 24 hours a day seven days a week to respond to complaints regarding the operation or occupancy of the short term rental unit.
    - ii. The permit shall include a notarized statement signed by the owner/ operator that the short term rental shall be in compliance with these regulations.
    - iii. Proof of ownership is required at time of permitting.
    - iv. Short term rental structure must have a Certificate of Occupancy prior to issuance of permit.
    - v. Unless revoked the short term rental permit is valid for one year from the date of issuance of the permit.
    - vi. If the permit is revoked or denied it may be appealed to the Board of Commissioners.
- 5) Animals such as dogs or cats owned by the resident for their personal enjoyment and not for commercial purposes.
- 6) Home Occupations if requirements in Article VI, Section 611 are met.

a) The use of an accessory building for a home occupation is prohibited.

7) Industrialized Single Family Modular Home.

8) Public parks and Subdivision amenity areas

9) Private Amenity areas such as swimming pools, tennis courts, children's play areas, small gardens, non-commercial greenhouses, fitness and recreations centers, club house or community rooms and other similar uses Provided that the following conditions are met:

- a. Adequate parking area is provided for the amenity area, typically a minimum of 15 parking spaces
- b. The area is fenced and landscaped. All pools should be landscaped and screened such that at least 50% of the view from the public road is obscured.
- c. The amenity area is constructed and completed in the first phase of the development.
- d. Lighting is provided for the parking area and all walkways and pedestrian access points.

10) Schools and other public buildings

11) Public Utilities with a maximum gross total of 400 sq. ft. of structure per parcel, unless a Variance is approved.

**B. Prohibited Uses.**

1. Commercial Uses.

2. Industrial Uses.

3. Manufactured (Mobile) Homes and houses moved from other locations (Except industrialized single family modular homes).

4. Animals which individually or in numbers, create a nuisance by noise, smell, unsanitary or visual effects. Animals such as dogs and cats are permitted when their number in relation to area does not create a nuisance to neighbors. Kennels for the breeding of any animal for sale are prohibited. Pet fowl or birds may be kept in cages under the same provisions. No swine are permitted.

5. Horses are prohibited on lots less than (3) acres.

6. Any use not permitted in accord with terms hereof.

**C. Building Requirements.**

The minimum area, yard, setback, and building requirements in the RSR Land Use District are as follows, unless a variance is approved:

1. Minimum Lot Size: 1.50 acre on septic tank and well; 1 acre on septic and community or public water; minimum width at building line - 100 feet, minimum depth - 150 feet.

2. Minimum Setbacks: Front yard - 100 feet on parkways, 60 feet on state highways, 40 feet on others; side yard - 10 feet; rear yard - 20 feet. Except that no setbacks are required from U.S. Army Corps of Engineers line on Lake Lanier unless a road is involved. Front yard setback applies to all frontages on publicly maintained streets with the exception of rear alleys.

3. Minimum Setbacks for Accessory Structures: Front Yard – 100 feet on parkways, 60 feet on state highways, 40 feet on others; Side Yard 5 feet; and Rear Yard 10 feet



4. Maximum Building Height: 35 feet.
5. If a principal residential structure is located less than 15' from any property line, then local fire code impose certain requirements.

**Section 305. RSRMM Residential Sub-Rural Manufactured/Moved**

Residential Sub-Rural Manufactured/Moved Districts are similar to RSR Districts except that Manufactured Housing and houses moved from other locations are permitted.

A. Permitted Uses. Uses not listed in this Subsection are prohibited in this district.

- 1) Single family dwellings with on-site construction only. Only one principal residence per parcel of land.
- 2) Churches or other places of worship and cemeteries.
- 3) Accessory uses, such as private garages, swimming pools, home workshops, tennis courts, children's play houses, small gardens, non-commercial greenhouses, and home offices. Accessory uses must be located on a parcel that is currently occupied by a principal residential structure.
  - a. Accessory structures shall be no larger than the footprint of the primary structure or one-half the gross square footage, whichever is greater.
    - i. Exception: When the lot size is three (3) acres or greater, then the size of the accessory structure shall not be regulated in size, but shall meet all setback requirements.
- 4) Short-Term Home Rentals in accord with the definition of "short-term home rental" and that also comply with the following requirements:
  - a. Only one rental residence is allowed per parcel.
  - b. Must obtain a permit from the Dawson County Planning and Development department.
  - c. Must remit all applicable hotel/motel taxes as necessary and required by law.
  - d. Parking must be provided off-street for a minimum of two (2) vehicles.
  - e. Maximum occupancy is limited to two persons per bedroom plus two additional persons per household from 11 PM to 8 AM.
  - f. Short Term Rental Permit requirements:
    - i. The permit shall include the name and phone number of the owner and operator who is available 24 hours a day seven days a week to respond to complaints regarding the operation or occupancy of the short term rental unit.
    - ii. The permit shall include a notarized statement signed by the owner/ operator that the short term rental shall be in compliance with these regulations.
    - iii. Proof of ownership is required at time of permitting.
    - iv. Short term rental structure must have a Certificate of Occupancy prior to issuance of permit.
    - v. Unless revoked the short term rental permit is valid for one year from the date of issuance of the permit.
    - vi. If the permit is revoked or denied it may be appealed to the Board of Commissioners.
- 5) Animals such as dogs or cats owned by the resident for their personal enjoyment and not for commercial purposes.
- 6) Home Occupations if requirements in Article VI, Section 611 are met
  - a) The use of an accessory building for a home occupation is prohibited.

- 7) Industrialized Single Family Modular Home.
- 8) Public parks and Subdivision amenity areas
- 9) Private Amenity areas such as swimming pools, tennis courts, children's play areas, small gardens, non-commercial greenhouses, fitness and recreations centers, club house or community rooms and other similar uses Provided that the following conditions are met:
  - a. Adequate parking area is provided for the amenity area, typically a minimum of 15 parking spaces
  - b. The area is fenced and landscaped. All pools should be landscaped and screened such that at least 50% of the view from the public road is obscured.
  - c. The amenity area is constructed and completed in the first phase of the development.
  - d. Lighting is provided for the parking area and all walkways and pedestrian access points.
- 10) Schools and other public buildings
- 11) Public Utilities with a maximum gross total of 400 sq. ft. of structure per parcel, unless a Variance is approved.
- 12) Manufactured Housing and houses moved from another location. Only one principal residence per parcel of land.

**B. Prohibited Uses.**

1. Commercial Uses.
2. Industrial Uses.
3. Animals, which individually or in numbers, create a nuisance by noise, smell, unsanitary or visual effects. Animals such as dogs and cats are permitted when their number in relation to area does not create a nuisance to neighbors. Kennels for the breeding of any animal for sale are prohibited. Pet fowl or birds may be kept in cages under the same provisions. No swine are permitted. Horses are prohibited on lots less than (3) acres.
4. Any use not permitted in accord with the terms hereof.

**C. Building Requirements.**

Unless a variance is approved, the minimum area, yard, setback, and building requirements in the RSRMM District are the same as in the RSR District.

- D. Manufactured Home Compatibility Standards.** Manufactured or mobile homes are allowed provided that only one such principal residence is permitted per lot and shall be subject to the following compatibility standards:
1. The home shall be attached to a permanent foundation; each home shall be provided with anchors and tiedowns such as cast-in-place concrete deadmen or other similar devices, which secure the stability of the home, approved by the Building Official.
  2. All towing devices, wheels, axles and hitches must be removed.
  3. At each exit door there must be a landing that is a minimum of forty-eight inches (48") by forty-eight inches (48").

4. The roof shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass, or metals tiles, slate built up gravel materials, or other similar materials approved by the Building Official. All roofs shall have a minimum 4/12 pitch to approximate the traditional architecture within the county to protect the public health, safety and welfare.
5. The exterior siding materials shall consist of wood, masonry, concrete, stucco, masonite, metal or vinyl lap or other materials of like appearance.
6. Each home shall be completely skirted with an appropriate barrier, properly ventilated, to enclose the area between the bottom of the structure and the ground. Such skirting shall not be required for that home with a complete masonry or concrete perimeter foundation.
7. Each home shall be established in accordance with the installation instructions from the manufacturer, as appropriate.
8. All utility connections, including but not limited to water, sanitary sewer/septic tank, electricity and gas shall be made as required by all building codes of the county.
9. Said home shall compare aesthetically to site-built and other housing in the immediate general area within the same zoning or residential district or area.
10. Campers, travel trailers, recreational vehicles, motor homes, busses, and the like, which may require or may have been required to purchase a tag for travel on the road, are not considered mobile homes. They cannot be permanently connected to utilities and cannot be used as a single family dwelling in any zoning category.

### **306. RMF Residential Multi-Family**

Residential Multi-Family Districts are intended to provide suitable land for a variety of dwelling types at medium to high densities (up to six units per acre) in areas served by public water and public sewer facilities. Mobile Home Parks are not included in this district.

A. Permitted Uses. Uses not listed in this Subsection are prohibited in this district.

1. Apartments, duplexes, triplexes, quadplexes, semi-detached residences and townhouses.
2. Condominiums as a form of ownership.
3. Churches or other places of worship and cemeteries.
4. Private Amenity areas such as swimming pools, tennis courts, children's play areas, small gardens, non-commercial greenhouses, fitness and recreations centers, club house or community rooms and other similar uses provided that the following conditions are met:
  - a) Adequate parking area is provided for the amenity area; typically a minimum of 15 parking spaces, unless a variance is approved.
  - b) The area is fenced and landscaped. All pools should be landscaped and screened such that at least 50% of the view from the public road is obscured.
  - c) An amenity area is constructed and completed in the first phase of the development.
  - d) Additional Amenities may be shown as a part of a specific phase(s) of a master plan and must also be constructed within said phase.
  - e) Lighting is provided for the parking area and all walkways and pedestrian access points.
5. Accessory uses such as mail box banks, private laundry facilities, waste receptacle loading areas and home offices. Accessory uses must be located within the proposed development.
6. Animals such as dogs or cats owned by the resident for their personal enjoyment in compliance with the Dawson County Animal Control Ordinance and not for commercial purposes.
7. Home Occupations if requirements in Article VI, Section 611 are met.
  - a) The use of an accessory building for a home occupation is prohibited.
8. Public parks and amenity areas.
9. Schools and other public buildings.
10. Public Utilities with a maximum gross total of 400 sq. ft. of structure per parcel, unless a variance is approved.

B. Prohibited Uses.

1. Commercial Uses.
2. Industrial Uses.
3. Manufactured (Mobile) Homes and houses moved from other locations (excluding industrialized modular homes) are prohibited.

4. Animals, which individually or in numbers, create a nuisance by noise, smell, unsanitary or visual effects. Dogs and cats are permitted when their number in relation to area does not create a nuisance to neighbors. Horses are prohibited.

C. Development Regulations.

All apartment, duplex, triplex, quadplex, semi-detached residences and townhouse developments shall conform to the following regulations:

1. Site Plan Approval Required. All multi-family developments including apartments, duplexes, triplex, quadplex, semi-detached residences and townhouses require site plan approval by the Planning Commission in accordance with all procedures and requirements established by the County.
2. All site plans required by this section shall, at a minimum, contain the following information:
  - a. Title of the proposed development and the name, address and telephone number of the property owner.
  - b. The name, address and telephone number of the architect, engineer or other designer of the proposed development.
  - c. Scale, date, north arrow, and general location map showing relationship of the site to streets or natural landmarks.
  - d. 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; flood plain; storm water detention; recreation areas; and other physical characteristics of the property and proposed development.
  - e. Building setbacks, buffers, landscape strips, and common areas as well as topographic contours at two (2) feet intervals.
  - f. All accessory structures and locations shown
3. No multi-family development shall take place in whole or part without being served by both public water and public sewer facilities.
4. Regulations - All condominium developments shall meet all applicable state laws, including the Georgia Condominium Act.
5. By-laws - Proposed condominium bylaws shall be submitted with the application for site approval. Format and content of the by-laws and declarations are subject to approval of the County Attorney and Planning Commission.
6. Driveways and Interior Roads.
  - a) An interior road(s) serving any multi-family development shall be paved and have a minimum width of 24 feet, including curb and gutter. Parking on interior roads is to be regulated by Section 507. Off-Street Parking and Loading Spaces Required.
  - b) Access from a street to an individual townhouse or residential unit shall be restricted to a single driveway of no more than 10 feet in width. Two such units may combine and share their driveways along a common property line if the width of the common drive does not exceed 10 feet for each unit. Side-by-side parking spaces between a street and a townhouse, duplex, triplex, quadplex or semi-detached residence is not allowed.
  - c) All interior roads shall have sidewalks installed on both sides of the street.
  - d) Sidewalks and pedestrian ways shall connect to public streets and adjoining developments as applicable.

7. Fire Protection.

- a) All multi-family developments shall provide adequate fire protection in the form of placement of water lines, fire hydrants, sprinkler systems, and fire walls as required by local and state fire codes required for these types of structures.
- b) If a residential structure **is** located less than 15' from any property line, then local fire codes impose certain requirements.

8. Buffer, Landscaping, and Open Space Requirements.

- a) All multi-family developments shall conform to the following regulations. The following regulations are designed to promote the health, safety, order, aesthetics and general welfare by protecting against incompatible uses of land, controlling problems of flooding, soil erosion and air pollution, providing for a more attractive environment, assuring adequate open space, and reducing noise, night lighting, glare, odor, objectionable view, loss of privacy and other adverse impacts and nuisances through the use of buffers, landscaping and open space.
- b) Each development shall have a minimum of 25 percent of the development's total land area as landscaped open space. A buffer of at least 10 feet in width shall be provided and maintained around the entire exterior perimeter of all apartment, condominium, duplex and townhouse developments. Utilization of existing trees and vegetation is appropriate for inclusion within the buffer, or when not found appropriate, shall be supplemented with approved additional landscaping and plantings.

9. Service Buildings. Subordinate accessory structures are permitted for maintenance, storage and other incidental uses supportive to the primary use of the property. Community service facilities and accessory structures are subject to site plan approval, for the convenience of the residents of the property. Such structures may include, but are not limited to, the following uses: facility management offices, community laundry facilities, and indoor community recreation areas.

D. Townhouse Development Regulations.

1. Lots - Each townhouse shall be located on its own lot of record.
2. Minimum Lot Size - A minimum lot size for a total townhouse development is three (3) acres.
3. Frontage - The minimum frontage of the site for each townhouse development project on a public street shall be at least 60 feet.
4. Setbacks - Townhouse lots shall conform to setbacks of a minimum of 20 feet from the front and shall have front setbacks and rooflines varied/staggered by a minimum of two feet. Between buildings, there shall be a side yard of not less than 20 feet. A minimum of 50 feet from any adjoining parcel boundary is required. The rear setbacks shall be a minimum of 20 feet except where a rear entry garage, carport, or other parking area accessible from an alley is provided; then the setback shall be twenty (20) feet measured from the alley pavement.
5. Building Height - No townhouse building or structure shall exceed the height of 35 feet.
6. Maximum Units per Building - No more than six (6) townhouses shall be permitted to form any one single building.
7. Minimum Heated Floor Area - All units shall have a minimum heated floor area of 800 square feet.

9. Maximum Density - Townhouse developments shall not exceed a density of six (6) units per acre. This maximum is to be density neutral and construction on site may be creatively arranged such that the total average gross density is no more than 6 units per acre.

E. Residential Duplex, Triplex, and Quadplex Development Regulations.

1. Minimum Lot Size - Each development shall have a minimum lot size of ten (10) acres.
2. Frontage - The minimum lot frontage on a public street for each duplex, triplex or quadplex development project shall be at least 60 feet.
3. Setbacks - All developments shall have side setbacks minimum of 20 feet and a minimum rear setback of 50 feet.
4. Building Height - No building or structure shall exceed the height of 35 feet.
5. Maximum Units per Building - No more than four (4) units shall be permitted to form any one single building.
6. Minimum Heated Floor Area - All units shall have a minimum heated floor area of 800 square feet.
7. Maximum Density - All developments shall not exceed a density of six (6) units per acre. This maximum is to be density neutral, and construction on site may be creatively arranged such that the total average gross density is no more than 6 units per acre.

F. Apartment Regulations.

1. Minimum Lot Size - Each lot for apartment development shall have a minimum lot area of ten (10) acres.
2. Width and Frontage - The minimum frontage for each development on a public street shall be at least 60 feet.
3. Structure Separation - Apartment buildings shall be constructed with a separation of at least 20 feet.
4. Setbacks - All apartment developments shall have side setbacks minimum of 20 feet and a minimum rear setback of 50 feet.
5. Building Height - No apartment building or structure shall exceed the height of 35 feet, except as otherwise specifically exempted by the Planning Commission upon approval of a conditional use.
6. Minimum Heated Floor Area - All units shall have minimum heated floor area of 800 square feet.
7. Maximum Units per Building - No more than twelve (12) units shall be permitted to form any one single building.
8. Maximum Density - All apartment developments shall not exceed a density of six (6) units per acres. This maximum is to be density neutral and construction on site may be creatively arranged such that the total average gross density is no more than 6 units per acre.

G. Semi-Detached Residential Development Regulations.

1. Minimum Lot Size - Each development shall have a minimum lot size of ten (10) acres.
2. Frontage - The minimum lot frontage on a public street for each semi-detached residential development project shall be at least 60 feet.



3. Setbacks - All developments shall have side setbacks minimum of 20 feet and a minimum rear setback of 50 feet.
4. Building Height - No building or structure shall exceed the height of 35 feet.
5. Maximum Units per Building - No more than four (4) units shall be permitted to form any one total building.
6. Minimum Heated Floor Area - All units shall have a minimum heated floor area of eight hundred (800) square feet.
7. Maximum Density - All developments shall not exceed a density of six (6) units per acre. This maximum is to be density neutral, and construction on site may be creatively arranged such that the total average gross density is no more than 6 units per acre.

**Section 307. VCR - Vacation Cottage Restricted.**

THE VCR DISTRICT HAS BEEN DELETED. NO APPLICATIONS TO REZONE PROPERTY TO THIS DISTRICT WILL BE HEARD BY THE PLANNING COMMISSION OR THE COUNTY COMMISSION FROM THE ADOPTED DATE OF THIS RESOLUTION. ALL LAND AREAS CURRENTLY ZONED VCR DISTRICT SHALL ABIDE BY THE FOLLOWING REGULATIONS.

A. Permitted Uses.

- 1) Single family dwellings with on-site construction only. Only one principal residence per parcel of land.
- 2) Churches or other places of worship and cemeteries.
- 3) Accessory uses, such as private garages, swimming pools, home workshops, tennis courts, children's play houses, small gardens, non-commercial greenhouses, and home offices. Accessory uses must be located on a parcel that is currently occupied by a principal residential structure.
  - a. Accessory structures shall be no larger than the footprint of the primary structure or one-half the gross square footage, whichever is greater.
    - i. Exception: When the lot size is three (3) acres or greater, then the size of the accessory structure shall not be regulated in size, but shall meet all setback requirements.
- 4) Short-Term Home Rentals in accord with the definition of "short-term home rental" and that also comply with the following requirements:
  - a. Only one rental residence is allowed per parcel.
  - b. Must obtain a permit from the Dawson County Planning and Development department.
  - c. Must remit all applicable hotel/motel taxes as necessary and required by law.
  - d. Parking must be provided off-street for a minimum of two (2) vehicles.
  - e. Maximum occupancy is limited to two persons per bedroom plus two additional persons per household from 11 PM to 8 AM.
  - f. Short Term Rental Permit requirements:
    - i. The permit shall include the name and phone number of the owner and operator who is available 24 hours a day seven days a week to respond to complaints regarding the operation or occupancy of the short term rental unit.
    - ii. The permit shall include a notarized statement signed by the owner/ operator that the short term rental shall be in compliance with these regulations.
    - iii. Proof of ownership is required at time of permitting.
    - iv. Short term rental structure must have a Certificate of Occupancy prior to issuance of permit.
    - v. Unless revoked the short term rental permit is valid for one year from the date of issuance of the permit.
    - vi. If the permit is revoked or denied it may be appealed to the Board of Commissioners.
- 5) Animals such as dogs or cats owned by the resident for their personal enjoyment and not for commercial purposes.

- 6) Home occupations upon approval if the following requirements are met in addition to those found under Article VI, Section 611 are met
  - a) The use of an accessory building for a home occupation is prohibited.
- 7) Industrialized Single Family Modular Home.
- 8) Public parks and Subdivision amenity areas
- 9) Private Amenity areas such as swimming pools, tennis courts, children's play areas, small gardens, non-commercial greenhouses, fitness and recreations centers, club house or community rooms and other similar uses Provided that the following conditions are met:
  - a. Adequate parking area is provided for the amenity area, typically a minimum of 15 parking spaces
  - b. The area is fenced and landscaped. All pools should be landscaped and screened such that at least 50% of the view from the public road is obscured.
  - c. The amenity area is constructed and completed in the first phase of the development.
  - d. Lighting is provided for the parking area and all walkways and pedestrian access points.
- 10) Schools and other public buildings
- 11) Public Utilities with a maximum gross total of 400 sq. ft. of structure per parcel, unless a Variance is approved.

**B. Prohibited Uses.**

1. Commercial Uses.
2. Industrial Uses.
3. Manufactured (Mobile) Homes and houses moved from other locations (Except industrialized single family modular homes).
4. Animals which individually or in numbers, create a nuisance by noise, smell, unsanitary or visual effects. Animals such as dogs and cats are permitted when their number in relation to area does not create a nuisance to neighbors. Kennels for the breeding of any animal for sale are prohibited. Pet fowl or birds may be kept in cages under the same provisions. No swine are permitted.
5. Horses are prohibited on lots less than (3) acres.
6. Any use not permitted in accord with terms hereof.

**C. Building Requirements. Unless a variance is approved the minimum requirements for the VCR Land Use District are:**

1. Minimum square footage for all residential structures in this district is 1,200 square feet (heated).
2. Minimum lot size - 25,700 square feet if served by a septic tank and private, individual well; 20,000 square feet if served by an approved public water system; 16,000 square feet if served by an approved public water system and an approved public sewerage system. (NOTE: The Dawson County Health Department may require larger lot sizes; lot sizes may also be affected by slope requirements, performance standards, and additional requirements found in the Dawson County Land Development Resolution.)
3. Minimum Setbacks: Front yard - 100 feet on parkways, 60 feet on state highways, 40 feet on others; side yard - 10 feet; rear yard - 20 feet. Except that no setbacks are required from U.S. Army Corps of Engineers

line on Lake Lanier unless a road is involved. Front yard setback applies to all frontages on publicly maintained streets with the exception of rear alleys.

4. Minimum Setbacks for Accessory Structures: Front Yard – 100 feet on parkways, 60 feet on state highways, 40 feet on others; Side Yard 5 feet; and Rear Yard 10 feet
5. Maximum Building Height is 35 feet.
6. If a principal residential structure **is** located less than 15' from any property line, then local fire codes impose certain requirements.

**Section 308. VC - Vacation Cottage.**

THE VC DISTRICT HAS BEEN DELETED FROM THIS ORDINANCE. NO APPLICATIONS TO REZONE PROPERTY TO THIS DISTRICT WILL BE HEARD BY THE PLANNING COMMISSION OR THE COUNTY COMMISSION FROM THE ADOPTED DATE OF THIS RESOLUTION. ALL LAND AREAS CURRENTLY ZONED VCR DISTRICT SHALL ABIDE BY THE FOLLOWING REGULATIONS.

A. Permitted Uses.

- 1) Single family dwellings with on-site construction only. Only one principal residence per parcel of land.
- 2) Churches or other places of worship and cemeteries.
- 3) Accessory uses, such as private garages, swimming pools, home workshops, tennis courts, children's play houses, small gardens, non-commercial greenhouses, and home offices. Accessory uses must be located on a parcel that is currently occupied by a principal residential structure.
  - a. Accessory structures shall be no larger than the footprint of the primary structure or one-half the gross square footage, whichever is greater.
    - i. Exception: When the lot size is three (3) acres or greater, then the size of the accessory structure shall not be regulated in size, but shall meet all setback requirements.
- 4) Short-Term Home Rentals in accord with the definition of "short-term home rental" and that also comply with the following requirements:
  - a. Only one rental residence is allowed per parcel.
  - b. Must obtain a permit from the Dawson County Planning and Development department.
  - c. Must remit all applicable hotel/motel taxes as necessary and required by law.
  - d. Parking must be provided off-street for a minimum of two (2) vehicles.
  - e. Maximum occupancy is limited to two persons per bedroom plus two additional persons per household from 11 PM to 8 AM.
  - f. Short Term Rental Permit requirements:
    - i. The permit shall include the name and phone number of the owner and operator who is available 24 hours a day seven days a week to respond to complaints regarding the operation or occupancy of the short term rental unit.
    - ii. The permit shall include a notarized statement signed by the owner/ operator that the short term rental shall be in compliance with these regulations.
    - iii. Proof of ownership is required at time of permitting.
    - iv. Short term rental structure must have a Certificate of Occupancy prior to issuance of permit.
    - v. Unless revoked the short term rental permit is valid for one year from the date of issuance of the permit.
    - vi. If the permit is revoked or denied it may be appealed to the Board of Commissioners.
- 5) Animals such as dogs or cats owned by the resident for their personal enjoyment and not for commercial purposes.

- 6) Home Occupations upon approval if the following requirements are met in addition to those found under Article VI, Section 611
  - a) The use of an accessory building for a home occupation is prohibited.
- 7) Industrialized Single Family Modular Home.
- 8) Public parks and Subdivision amenity areas
- 9) Private Amenity areas such as swimming pools, tennis courts, children's play areas, small gardens, non-commercial greenhouses, fitness and recreations centers, club house or community rooms and other similar uses Provided that the following conditions are met:
  - a. Adequate parking area is provided for the amenity area, typically a minimum of 15 parking spaces
  - b. The area is fenced and landscaped. All pools should be landscaped and screened such that at least 50% of the view from the public road is obscured.
  - c. The amenity area is constructed and completed in the first phase of the development.
  - d. Lighting is provided for the parking area and all walkways and pedestrian access points.
- 10) Schools and other public buildings
- 11) Public Utilities with a maximum gross total of 400 sq. ft. of structure per parcel, unless a
  - a. Variance is approved.
- 12) Manufactured Housing and houses moved from another location. Only one principal residence per parcel of land.

B. Prohibited Uses.

- 1) Commercial Uses.
- 2) Industrial Uses.
- 3) Animals, which individually or in numbers, create a nuisance by noise, smell, unsanitary or visual effects. Animals such as dogs and cats are permitted when their number in relation to area does not create a nuisance to neighbors. Kennels for the breeding of any animal for sale are prohibited. Pet fowl or birds may be kept in cages under the same provisions. No swine are permitted. Horses are prohibited on lots less than (3) acres.
- 4) Any use not permitted in accord with the terms hereof.

C. Building Requirements. Unless a variance is approved the minimum requirements for the VC LandUse District are:

1. Mobile/Manufactured Homes must comply with Compatibility Standards of Section 305.
2. Minimum lot size - 25,700 square feet if served by a septic tank and private, individual well; 20,000 square feet if served by an approved public water system; 16,000 square feet if served by an approved public water system and an approved public sewerage system. (NOTE: The Dawson County Health Department may require larger lot sizes; lot sizes may also be affected by slope requirements, performance standards, and additional requirements found in the Dawson County Land Development Resolution.)
3. Minimum Setbacks: Front yard - 100 feet on parkways, 60 feet on state highways, 40 feet on others; side yard - 10 feet; rear yard - 20 feet. Except that no setbacks are required from U.S. Army Corps of Engineers

line on Lake Lanier unless a road is involved. Front yard setback applies to all frontages on publicly maintained streets with the exception of rear alleys.

4. Minimum Setbacks for Accessory Structures: Front Yard – 100 feet on parkways, 60 feet on state highways, 40 feet on others; Side Yard 5 feet; and Rear Yard 10 feet.
5. Maximum Building Height is 35 feet.
6. If a principal residential structure be located less than 15' from any property line, then local fire codes impose certain requirements.

**Section 309. R-A Residential Agricultural/ Residential Exurban.**

Residential Agricultural/Residential Exurban Districts are areas that are either primarily agricultural in land use with residential or other use incidental to the agricultural use, or areas that are not under intensive development pressures and are in relatively large parcels. Agricultural uses range from horticulture, animal husbandry, poultry, and forestry, including intensively managed tree farms to non-managed woodlands. The conservation of prime agricultural and forestry land use from intensive development into other uses is a primary objective of this classification and is encouraged. Some prime agricultural land is geographically located on land with constraints on intensive residential or commercial development, such as steep forested slopes or river valley floor plains; therefore, careful consideration should be given to changes in those areas.

A. Permitted Uses. Uses not listed in this Subsection are prohibited in this district.

- 1) “Only one principal farm residence is permitted per tract of land. One Guest quarters or caretaker/employee residence is permitted per tract of land in accordance with Section 310.A.2. Moved-in houses, manufactured housing, and mobile homes are allowed on tracts of land of five (5) acres or more and are conditionally allowed with the approval of the Planning Commission and Board of Commissioners on tracts of land under five (5) acres. All manufactured and mobile homes must comply with the compatibility conditions of Section 305 of this Resolution.”
- 2) Bed and Breakfast establishment in accord with the definition and also compliant with the following:
  - a. Bed and Breakfast Permit requirements:
    - i. The permit shall include the name and phone number of the owner/operator whose primary residence is the Bed and Breakfast.
    - ii. Only one Bed and Breakfast is allowed per parcel.
    - iii. The number of guest rooms is limited to one less than the total number of bedrooms in the dwelling unit, with an overall maximum of 6 guest rooms. Maximum occupancy is limited to two adults per guest room.
    - iv. Must remit all applicable hotel/motel taxes.
    - v. The permit shall include a notarized statement signed by the owner/operator that the Bed and Breakfast shall be in compliance with these regulations.
    - vi. Proof of ownership is required at time of permitting.
    - vii. Bed and Breakfast structure must have a Certificate of Occupancy prior to issuance of permit.
    - viii. Unless revoked the Bed and Breakfast permit is valid for one year from the date of issuance of the permit.
    - ix. Structure must be inspected and approved by Dawson County Fire Marshal and Building Official prior to the issuance of Bed and Breakfast permit.
    - x. Off street parking spaces must be provided and screened from the view of adjoining property uses and the public street.
    - xi. If the permit is revoked or denied it may be appealed to the Board of Commissioners.
- 3) Short-Term Home Rentals in accord with the definition of “short-term home rental” and that comply with the following requirements:



- a. Only one rental residence is allowed per parcel.
  - b. Must obtain a permit from the Dawson County Planning and Development department.
  - c. Must remit all applicable hotel/motel taxes as necessary and required by law.
  - d. Parking must be provided off-street for a minimum of two (2) vehicles.
  - e. Maximum occupancy is limited to two persons per bedroom plus two additional persons per household from 11 PM to 8 AM.
- f. Short-Term Rental Permit requirements:
- i. The permit shall include the name and phone number of the owner and operator who is available 24 hours a day seven days a week to respond to complaints regarding the operation or occupancy of the short term rental unit.
  - ii. The permit shall include a notarized statement signed by the owner/ operator that the short term rental shall be in compliance with these regulations.
  - iii. Proof of ownership is required at time of permitting.
  - iv. Short term rental structure must have a Certificate of Occupancy prior to issuance of permit.
  - v. Unless revoked the short term rental permit is valid for one year from the date of issuance of the permit.
  - vi. If the permit is revoked or denied it can be appealed to the Board of Commissioners.
- 4) All agricultural and forestry uses, including fisheries, the raising or growing of crops, bee and other farm animals, all types of poultry production, and any other livestock or animal husbandry operations; provided, however, that there shall be no meat processing, or manufacturing operations related to the agricultural use. Temporary location of a portable sawmill on timber sale property for no more than one year.
- 5) Customary and essential accessory farm buildings and uses including barns and other livestock structures, storage sheds, used for the day-to-day operation of such activities, for the storage or preservation of said crops, products and foodstuffs raised or grown on said parcel, and roadside stands for the sale of products grown on that property only.
- a. Accessory structures shall be no larger than the footprint of the primary structure or one-half the gross square footage, whichever is greater.
    - i. Exception: When the lot size is three (3) acres or greater, then the size of the accessory structure shall not be regulated in size, but shall meet all setback requirements.
- 6) Storage, retail or wholesale marketing, or processing of agricultural products into a value-added agricultural product is a permitted use in a farming operation if more than 50 percent of the stored, processed or merchandised products are produced by the farm operator.
- 7) Wineries selling wine, in a tasting room, subject to the following conditions:
- a. Wineries must be licensed according to the Dawson County Alcohol Ordinance.
  - b. Retail sales and ancillary restaurant facilities are allowed if approved by the Board of Commissioners after review and recommendation of the Planning Commission.
  - c. Retail sales and restaurant or food service facilities are clearly accessory to the production of wine.
  - d. Any restaurant facilities shall be approved by the Dawson County Health Department.
- 8) Direct marketing of produce in a farm market, on-farm market or roadside stand no greater than five hundred (500) square feet of building area, unless a variance is approved.
- 9) Seasonal U-pick fruits and vegetable operations.

- 10) Seasonal Outdoor mazes of agricultural origin such as straw bales or corn, small-scale outdoor entertainment such as a car show, art fair or music concert, fun houses or haunted houses, non-profit benefits, and festivals with a special use business permit.
- 11) Food sales/processing, processing any fruits/produce, with the exception of no meat processing and no food franchises or franchise products.
- 12) Agricultural farm operations may include any or all of the following ancillary agriculturally related uses and some non-agriculturally related uses so long as the general character of the farm is maintained and the activities represent less than 50 percent of the gross receipts of the farm:
  - a. Value-added agricultural products or activities such as education tours or processing facilities, etc.
  - b. Bakeries selling baked goods containing produce grown on site.
  - c. Playground areas or equipment, not including motorized vehicles or rides.
  - d. Petting farms, animal display and pony rides.
  - e. Wagon, sleigh and hay rides.
  - f. Nature trails.
  - g. Open air or covered picnic areas with restrooms.
  - h. Educational classes, lectures, seminars.
  - i. Historical agricultural exhibits.
  - j. Kitchen facilities and/or tasting rooms for processing/cooking or serving of items for sale containing produce and crops grown on site.
  - k. Gift shops for the sale of agricultural products and non-agricultural products such as antiques or crafts, limited to 1000 sq. ft. building area.
- 13) Animal hospitals, Veterinary Clinics, dog kennels, and grooming catteries, riding stables, hunting preserves using natural or native game resources, or wildlife preserves and structures necessary or accessory to the above uses; provided that approval is granted for a permissive use through a special use permit by the Planning Commission. The Planning Commission shall consider the evidence presented on the proposed use and shall consider all relevant data relating to the public health, safety and welfare including:
  - a. Noise factors that may impact adjacent residential areas,
  - b. Isolating factors, such as topography or buffers, and
  - c. noxious odors affecting adjacent properties
- 14) Non-commercial racetracks and arenas, permitted after Public Hearing and approval by the Planning Commission.
- 15) Churches, other places of worship and Cemeteries.
- 16) Home Occupations if requirements in Article VI, Section 611 are met.
- 17) Public Parks and recreation areas.
- 18) Schools and other public buildings.
- 19) Public Utilities with a maximum gross total of 400 sq. ft. of structures per parcel unless a variance is approved.

**B. Prohibited Uses.**

1. Residential subdivisions where lots are less than five (5) acres in size.
2. Commercial campgrounds or multiple ownership land sales operations, or nudist colonies.

3. Commercial activities listed under Commercial District permitted uses.
4. Industrial and warehousing uses.
5. Any use not permitted in accord with the terms hereof.

#### C. Building Requirements

The minimum area, yard, and building requirements in the R-A Residential Agricultural District are:

1. Minimum lot size: 1.5 acre or as determined by the Dawson County Health Department, whichever is greater. Except in residential subdivisions, when the minimum lot size is 5 acres.  
Minimum width at building line: 175 feet  
Minimum depth: 200 feet
2. Minimum Setback.
  - a. Residences - Front yard 100 feet on parkways, 60 feet on State Highways, 40 feet on all others; side yard - 20 feet, rear yard - 35 feet. Front yard setback applies to all frontages on publicly maintained streets with the exception of rear alleys.
  - b. Major farm buildings - fifty (50) feet from the property line or 200 feet from the nearest residence, other than the residence of the owner, whichever is greater. The exhaust end of all poultry houses shall be located not less than 300 feet from any existing residence other than the applicant's. All poultry houses shall be located not less than 300 feet from a property line adjacent to residentially zoned property and 50 feet from the property line of any property located in an RA, or C-RB district. As an alternative to this requirement, the applicant may upon approval of the Planning Commission, construct an earth berm, vegetative buffer or other barrier as specified and approved by the Planning Commission to shield the exhaust from any such residence.
  - c. No setback required from Lake Lanier Government Line.
  - d. Health Department regulations require 10 feet from property line and 100 feet from a well for septic field lines.
3. Maximum Building Height.
  - a) Residences: 35 feet
  - b) Height of accessory and other customary farm related buildings and structures shall be approved by the Planning Commission if greater than 35 feet.
4. Specific requirements for ancillary uses

If any agricultural farm includes the listed ancillary uses in section 309.A.12 then adequate parking facilities must be provided in the form of the following:

- a) A minimum of twenty (20) parking spaces must be provided.
- b) Parking facilities may be located on a grass or gravel area. All parking areas shall be defined by either gravel, cut lawn, sand or other visible marking.
- c) All parking areas shall be located in such a manner to avoid traffic hazards associated with entering and exiting the public roadway.
- d) Paved parking areas must meet all design, landscaping and screening and setback requirements set forth by Dawson County codes and regulations.
- e) All lighting, parking and otherwise shall meet the commercial lighting requirements of the Land Use Ordinance.

#### D. Special District Requirements.

Agricultural districts include uses of land primarily for active farming activities and will result in odors, noise, dust and other effects, which may not be compatible with adjacent single-family development. Future abutting developers in non-RA land use districts shall be provided with a "Notice of RA Adjacency" at the time of application for a building or occupancy permit for property adjacent to an RA district. Prior to administrative action on either the land use district or the issuance of a building or occupancy permit the applicant therefore shall be required to sign a waiver on a form prepared by the Planning and Development Director which will indicate that the applicant understands that a use is ongoing adjacent to his use which will produce odors, noise, dust and other effects which may not be compatible with the applicant's development. Nevertheless, understanding the effects of the adjacent RA use, the applicant agrees by executing the form to waive any objection to those effects and understands that his district change and/or his permits are issued and processed in reliance on his agreement not to bring any action (asserting that the adjacent uses in the RA District constitute a nuisance) against local governments and adjoining landowners whose property is located in an RA District. Any such notice or acknowledgment provided to or executed by a landowner adjoining a tract in an RA District shall be a public record.

**Section 310. RRE Residential Rural Estate.**

Residential Estate Districts are areas that are either primarily single family residential with other agricultural, pastoral or recreational uses incidental to the principal residential use, or areas that are not under intensive development pressures and are in relatively large parcels. Typical rural residential uses range from horticulture, agri-tourism, livestock and animal husbandry, to non-managed woodlands. The conservation of prime agricultural and forestry land use from the need to extend urbanized infrastructure (public water and sewer service) is a primary objective of this classification and is encouraged to maintain the rural character. Some prime agricultural land is geographically located on land with constraints on intensive residential or commercial development, such as steep forested slopes or river valley floor plains; therefore, careful consideration should be given to changes in those areas.

A. Permitted Uses. Uses not listed in this Subsection are prohibited in this district.

- 1) "Only one principal residence is permitted per tract of land. One Guest quarters or caretaker/employee residence is permitted per tract of land in accordance with Section 310.A.2. Moved-in houses, manufactured housing, and mobile homes are allowed on tracts of land of five (5) acres or more and are conditionally allowed with the approval of the Planning Commission and Board of Commissioners on tracts of land under five (5) acres. All manufactured and mobile homes must comply with the compatibility conditions of Section 305 of this Resolution."
- 2) Only one (1) caretaker or guest house is permitted on a parcel or lot and must be located on the same parcel as the principal residence provided:
  - a. At least one of the residences must be owner occupied full-time.
  - b. Access to the guest quarters shall be from the same driveway as the primary residence.
  - c. Primary residence must be existing or under construction prior to allowance of a caretaker or guest residence.
- 3) Bed and Breakfast establishment in accord with the definition and also compliant with the following:
- 4) Bed and Breakfast Permit requirements:
  - a. The permit shall include the name and phone number of the owner/operator whose primary residence is the Bed and Breakfast.
  - b. Only one Bed and Breakfast is allowed per parcel.
  - c. The number of guest rooms is limited to one less than the total number of bedrooms in the dwelling unit, with an overall maximum of 6 guest rooms. Maximum occupancy is limited to two adults per guest room.
  - d. Must remit all applicable hotel/motel taxes.
  - e. The permit shall include a notarized statement signed by the owner/ operator that the Bed and Breakfast shall be in compliance with these regulations.
  - f. Proof of ownership is required at time of permitting.
  - g. Bed and Breakfast structure must have a Certificate of Occupancy prior to issuance of permit.
  - h. Unless revoked the Bed and Breakfast permit is valid for one year from the date of issuance of the permit.
  - i. Structure must be inspected and approved by Dawson County Fire Marshal and Building Official prior to the issuance of Bed and Breakfast permit.
  - j. Off street parking spaces must be provided and screened from the view of adjoining property uses and the public street.
  - k. If the permit is revoked or denied it may be appealed to the Board of Commissioners.
- 5) Short-Term Home Rentals in accord with the definition of "short-term home rental" that also comply with the following requirements:
  - a. Only one rental residence is allowed per parcel.
  - b. Must obtain a permit from the Dawson County Planning and Development department.

- c. Must remit all applicable hotel/motel taxes as necessary and required by law.
  - d. Parking must be provided off-street for a minimum of two (2) vehicles.
  - e. Maximum occupancy is limited to two persons per bedroom plus two additional persons per household from 11 PM to 8 AM.
  - f. Short Term Rental Permit requirements:
    - i. The permit shall include the name and phone number of the owner and operator who is available 24 hours a day seven days a week to respond to complaints regarding the operation or occupancy of the short term rental unit.
    - ii. The permit shall include a notarized statement signed by the owner/ operator that the short term rental shall be in compliance with these regulations.
    - iii. Proof of ownership is required at time of permitting.
    - iv. Short term rental structure must have a Certificate of Occupancy prior to issuance of permit.
    - v. Unless revoked the short term rental permit is valid for one year from the date of issuance of the permit.
    - vi. If the permit is revoked or denied it can be appealed to the Board of Commissioners.
- 6) When compatible with residential uses in a limited area, agriculture, floriculture, horticulture, silvaculture, cultivation of field or garden crops or similar related uses.
- 7) Customary and essential accessory farm buildings and uses including barns and other livestock structures, storage sheds, and roadside stands not greater than 100 sq. ft. for the sale of products grown on that property only.
- 8) Accessory structures shall be no larger than the footprint of the primary structure or one-half the gross square footage, whichever is greater.
  - i. Exception: When the lot size is three (3) acres or greater, then the size of the accessory structure shall not be regulated in size, but shall meet all setback requirements.
- 9) Animal hospitals, Veterinary Clinics, dog kennels, and grooming catteries, riding stables, hunting preserves using natural or native game resources, or wildlife preserves and structures necessary or accessory to the above uses; provided that approval is granted for a permissive use through a special use permit by the Planning Commission. The Planning Commission shall consider the evidence presented on the proposed use and shall also consider all relevant data relating to the public interest including;
  - a. Noise factors that may impact adjacent residential areas,
  - b. Isolating factors, such as topography or buffers, and
  - c. Possibility of noxious odors affecting adjacent properties
- 10) Churches, other places of worship, and cemeteries.
- 11) Home Occupations if requirements in Article VI, Section 611 are met.
  - a) The use of an accessory building for a home occupation is prohibited.
- 12)Public Parks and recreation areas.
- 13)Schools and other public buildings.

14) Private Amenity areas such as swimming pools, tennis courts, children's play areas, small gardens, non-commercial greenhouses, fitness and recreations centers, club house or community rooms and other similar uses Provided that the following conditions are met:

- a. Adequate parking area is provided for the amenity area, typically a minimum of 15 parking spaces, unless a variance is approved.
- b. The area is fenced and landscaped. All pools should be landscaped and screened such that at least 50% of the view from the public road is obscured.
- c. The amenity area is constructed and completed in the first phase of the development.
- d. Lighting is provided for the parking area and all walkways and pedestrian access points.

15) Public Utilities with a maximum gross total of 400 sq. ft. of structures per parcel.

**B. Prohibited Uses.**

1. Residential subdivisions with lots less than three (3) acres in size.
2. Commercial campgrounds or multiple ownership land sales operations, or nudist colonies.
3. Commercial activities listed under Commercial District permitted uses.
4. Industrial and warehousing uses.
5. Any use not permitted in accord with the terms hereof.

**C. Building Requirements**

The building requirements in the RRE, Residential Rural Estate District are as follows, unless a variance is granted:

1. Minimum lot size: 1.5 acre or as determined by the Dawson County Health Department, whichever is greater. Except in residential subdivisions where the minimum lot size is 3 acres.  
Minimum width at building line: 150 feet  
Minimum depth: 200 feet
2. Minimum Setback.
  - a) Residences - Front yard 100 feet on parkways, 60 feet on State Highways, 40 feet on all others; side yard - 20 feet, rear yard - 35 feet. Front yard setback applies to all frontages on publicly maintained streets with the exception of rear alleys.
  - b) Major farm buildings (Horse barns, etc.) - thirty (30) feet from the property line or 100 feet from the nearest residence, other than the residence of the owner, whichever is greater.
  - c) Minimum Setbacks for Accessory Structures: Front Yard – 100 feet on parkways, 60 feet on state highways, 40 feet on others; Side Yard 5 feet; and Rear Yard 10 feet
  - d) No setback required from Lake Lanier Government Line, but is encouraged by the Planning Commission.
3. Maximum Building Height.
  - a) Residences: 35 feet
  - b) Height of farm related buildings and structures shall not be over 35 feet without approval by the Planning Commission

D. Special District Requirements.

Residential Rural Estate districts include uses of land primarily for residential and minor farming activities and will result in odors, noise, dust and other effects, which may not be compatible with adjacent single-family development. Nevertheless, understanding the effects of the adjacent RRE use, the applicant agrees by executing the form to waive any objection to those effects and understands that his district change and/or his permits are issued and processed in reliance on his agreement not to bring any action (asserting that the adjacent uses in the RRE District constitute a nuisance) against local governments and adjoining landowners whose property is located in an RRE District. Any such notice or acknowledgment provided to or executed by a landowner adjoining a tract in an RRE District shall be a public record.



**Section 311. RPC Residential Planned Community.**

The Residential Planned Community District is a parcel of land developed with a variety of land uses which may vary from strict application of minimum standards in other land use classifications with the purpose of encouraging the development of large tracts of land as planned communities; encourage flexible and creative concepts in site planning; preserve the natural environment by encouraging scenic and functional open areas within residential areas; and provide for an efficient use of land resulting in increased efficiency in providing services, thus lowering development costs due to the smaller networks for streets and shorter utility lines. The Residential Planned Comprehensive Development is a flexible alternative which advocates the grouping or clustering of lots and buildings on a smaller portion of the tract, where the developer can maintain the same residential density but offer smaller lots, with remaining land dedicated or reserved for open space, agriculture, woodlands or recreation.

- A. Applicability. RPC is permitted only if a single developer or development group is planning and constructing the entire unit, including all amenities, and shall not be available to any development if any lots or parcels are sold to others before construction of amenities and buildings (excepting single family residences). Amenities may be shown as part of a specific phase(s) of the master plan and must be constructed accordingly.
- B. In the event of the failure of the developer to complete any portion of the approved plan, then all requirements of subdivision regulations shall be complete before sale of any lots or issuance of building or occupancy permits.
- C. The minimum acreage permitted for RPC is 100 contiguous acres. The amount of permanent open space or natural space required shall be no less than forty (40) percent of the development. An active amenity area consisting of at least a pool, clubhouse, and two tennis courts is required. The overall net density shall be no more than one (1) unit per acre. In some cases, the health department may require a lower density for septic tank requirements based on soils and slope.
- E. An application for zoning and any development permits shall be preceded in each case by informal meeting with the Planning staff prior to submission and shall be consistent with the format required for subdivision approval with the following additions:
  - 1. A proposed master plan showing at minimum:
    - a) Total property area included in the development with a legal description of the subject property and bounds;
    - b) Proposed buildings with approximate square footage and footprints;
    - c) Proposed street layout;
    - d) Existing topographic conditions to include a contour interval of a minimum 5 feet based on field surveys or photogram metric/photogrammetric methods;
    - e) Amenity areas and buildings, including defined open space;;
    - f) Traffic impact study.
  - 2. Water and sewage disposal and other utility plans.
  - 3. A Statement of Intent containing disclosure of ownership, financial information, of the character of the proposed development, including a summary of gross density, types of dwelling units, amenities provided, agreements or protective covenants, and a schedule for the completion of various stages of the development including completion of amenities, open space and landscaping.
  - 4. A master drainage plan shall be provided with the application for rezoning to identify the detention/retention and encourage creative water quality and quantity treatment processes.
- F. Lapse of approval shall occur two years after the approval of the development plan or if the applicant fails to reasonably maintain the development schedule (delay over 6 months for any phase of the project without satisfactory explanation.) The Planning Commission may extend approval for one year at its discretion. Upon lapse of approval, all approved documents shall be revoked and the area shall be returned to the previous district

classification following appropriate notice, hearings and approvals of the Board of Commissioners. The developer shall receive a minimum of 60 days notice of intent to revoke approval prior to initiating the application.

- G. The approved rezoning to RPC shall automatically be conditioned upon the approved master plan regardless of ownership unless approval lapses pursuant to Section 311.F. Any Change or revision to the master plan after the initial rezoning or any change to any other zoning condition imposed by the County, shall require a rezoning application. The approved plan and any revisions shall be recorded in the office of the County Clerk with the minutes of the meeting when the plan is approved or revised.
- H. Any major or substantial change in the approved master development plan that affects the intent and character of the development, increases the density or changes the land use pattern, changes the location or dimensions of streets or similar changes must be reviewed and approved by the Dawson County Board of Commissioners after review and recommendation by the Planning Commission before any work shall be permitted. A request for revision of the master development plan shall be supported by a written statement justifying the necessity or desirability for such revision. Any such major change shall be considered a request to change a zoning condition and shall be subject to rezoning procedures.
- I. Permitted Uses.

The following uses are allowed within this district. Uses not listed in this Subsection are prohibited in this district.

1. Single family dwellings with on-site construction only. Only one principal residence per parcel of land.
2. Apartments, duplexes, triplexes, quadplexes, semi-detached residences and townhouses.
3. Owner-occupied condominiums.
4. Bed and Breakfast establishment in accord with the definition of “bed and breakfast” and that complies with the following requirements:
  - a) Bed and Breakfast Permit requirements:
    - i. The permit shall include the name and phone number of the owner/operator whose primary residence is the Bed and Breakfast.
    - ii. Only one Bed and Breakfast is allowed per parcel.
    - iii. The number of guest rooms is limited to one less than the total number of bedrooms in the dwelling unit, with an overall maximum of 6 guest rooms. Maximum occupancy is limited to two adults per guest room.
    - iv. Must remit all applicable hotel/motel taxes.
    - v. The permit shall include a notarized statement signed by the owner/ operator that the Bed and Breakfast shall be in compliance with these regulations.
    - vi. Proof of ownership is required at time of permitting.
    - vii. Bed and Breakfast structure must have a Certificate of Occupancy prior to issuance of permit.
    - viii. Unless revoked the Bed and Breakfast permit is valid for one year from the date of issuance of the permit.
    - ix. Structure must be inspected and approved by Dawson County Fire Marshal and Building Official prior to the issuance of Bed and Breakfast permit.
    - x. Off street parking spaces must be provided and screened from the view of adjoining property uses and the public street.
    - xi. If the permit is revoked or denied it may be appealed to the Board of Commissioners.

5. Short-Term Home Rentals in accord with the definition of “short-term rental” that also comply with the following requirements:
  - a. Only one rental residence is allowed per parcel.
  - b. Must obtain a permit from the Dawson County Planning and Development department.
  - c. Maximum occupancy is limited to two persons per bedroom plus two additional persons per household from 11 PM to 8 AM.
  - d. Must remit all applicable hotel/motel taxes as necessary and required by law.
  - e. Parking must be provided off-street for a minimum of two (2) vehicles.
  - f. Short Term Rental Permit requirements:
    - i. The permit shall include the name and phone number of the owner and operator who is available 24 hours a day seven days a week to respond to complaints regarding the operation or occupancy of the short term rental unit.
    - ii. The permit shall include a notarized statement signed by the owner/ operator that the short term rental shall be in compliance with these regulations.
    - iii. Proof of ownership is required at time of permitting.
    - iv. Short-term rental structure must have a Certificate of Occupancy prior to issuance of permit.
    - v. Unless revoked the short-term rental permit is valid for one year from the date of issuance of the permit.
    - vi. If the permit is revoked or denied, it can be appealed to the Board of Commissioners.
  
6. Churches or other places of worship and cemeteries.
  
7. Accessory uses, such as private garages, swimming pools, home workshops, tennis courts, children's play houses, small gardens, non-commercial greenhouses, and home offices. Accessory uses must be located on a parcel that is currently occupied by a principal residential structure.
  - a) Accessory structures shall be no larger than the footprint of the primary structure or one-half the gross square footage, whichever is greater.
    - i. Exception: When the lot size is three (3) acres or greater, then the size of the accessory structure shall not be regulated in size, but shall meet all setback requirements.
  
8. Animals such as dogs or cats owned by the resident for their personal enjoyment in compliance with the Dawson County Animal Control Ordinance and not for commercial purposes.
  
9. Home Occupations upon review, if the following requirements are met in addition to those found under Article VI, Section 611
  - a) The use of an accessory building for a home occupation is prohibited.
  
10. Industrialized single family modular home.
  
11. Public parks and subdivision amenity areas.
  
12. Private Amenity areas such as swimming pools, tennis courts, children's play areas, small gardens, non-commercial greenhouses, fitness and recreations centers, club house or community rooms and other similar uses Provided that the following conditions are met:

- a) Adequate parking area is provided for the amenity area; typically a minimum of 15 parking spaces, unless a variance is approved,
- b) The area is fenced and landscaped. All pools should be landscaped and screened such that at least 50% of the view from the public road is obscured.
- c) The amenity area shall be constructed and completed in the first phase of the development if the development is 100 acres or less. If the development is greater than 100 acres, the developer shall construct the amenity area in conjunction with the development of a specific phase of the development. This shall be clearly delineated and noted on the master plan.
- d) Lighting is provided for the parking area and all walkways and pedestrian access points.

13. Schools and other public buildings.

14. Public Utilities with a maximum gross total of 400 sq. ft. of structure per parcel.

15. A limited commercial component to the project is allowed, i.e. golf clubhouse, villas, etc. This may be included at no more than four percent (4%) of the total gross acreage. The commercial uses are intended for small-scale neighborhood service and will be specifically determined by the Board of Commissioners upon Master Plan approval. The commercial component of the plan shall be integrally designed with the residential component and shall provide both vehicular and pedestrian interconnectivity and access throughout.

J. Prohibited Uses.

- 1. Commercial Uses not specifically permitted under Section 311.I.14.
- 2. Industrial Uses.
- 3. Manufactured (Mobile) Homes and houses moved from other locations are prohibited.
- 4. Animals that individually or in numbers create a nuisance by noise, smell, unsanitary or visual effects. Horses are prohibited. Kennels for the breeding of any animal for sale are prohibited. Pet fowl or birds may be kept in cages in accord with the terms of this sub-section. No swine are permitted.
- 5. Any use not permitted in accord with the terms hereof.

K. Open Space Requirements.

- 1. Minimum area. Each separate tract of open space shall contain at least two acres; except that no minimum tract size is required for open space in medians in streets or islands for cul-de-sac turnarounds.
- 2. Minimum width. Walkways or "fingers" of open space created to provide access from individual lots to a larger expanse of open space shall have a minimum width sufficient to accommodate a path, given the existing terrain, the center of which path shall be at least twenty-five (25) feet from any property line. All path dimensions shall have a width no more than eight (8) feet.
- 3. Desired features. Open Space shall include irreplaceable natural features of the site such as streams, significant stands of trees, individual trees of significant size, rock outcropping, and peaks and ridges that are themselves scenic features or from which scenic views are available.
- 4. Natural limitations. Natural areas which are unsafe for or not easily accessible to pedestrians - including swamps, floodplains, wetland areas, steep slopes (35% or more for a distance of 100 feet or more), woodlands, lakes, ponds and streams - may be included as open space. These areas shall not count for more than fifty percent (50%) of the total open space required.

5. Uses restricted. Buildings shall not occupy open space, but may occupy area allocated for one or more conventional lots.
6. Easements restricted. Open space may be entered or crossed by utility easements where such easements will involve access by persons or vehicles for periodic maintenance or repair only.
7. Open space shall be undisturbed except where designed as an active amenity area.

L. Roads and utilities:

1. All roads within RPC zoning district shall be private roads and shall be maintained by a property owners association formed by the developer; except those roads which serve to connect the development to other public roads.
2. All roads within a RPC development district shall be designated as private on all plats, maps, deeds, and road signs of the development.
3. All private roads with the development shall be built to public standards.
4. All roads shall have sidewalks and/or permanent pedestrian access designed throughout the project.
5. All utilities shall comply with applicable codes, and street lighting shall be included on all new streets by the developer. If either condition exists, then ongoing responsibility for maintenance of utilities and lighting shall be held by the Homeowners or Property Owner's Association as appropriate.

- M. Annual Review. To ensure continued progress toward completion, the approved Master Development Plan with updated accomplishments shall be submitted to the Dawson County Planning Commission for annual review. Failure to submit the review documents may result in Lapse of Approval pursuant to Sec.311.F.

**Section 312. RMHP - Residential Manufactured/Mobile Home Park.**

A. Purpose and Intent.

The Residential Manufactured/Mobile Home Park District is considered a higher density, multi-family development intended to provide clustered areas for mobile home pads, which are leased rather than subdivided for individual ownership, that are served by public water, public sanitary sewer and recreational amenities.

B. Permitted Uses.

1. Mobile homes and manufactured homes within mobile home parks, but not including mobile homes on individual lots under separate ownership. Commercial uses 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.
  - a) Accessory structures shall be no larger than the footprint of the primary structure or one-half the gross square footage, whichever is greater.
    - i. Exception: When the lot size is three (3) acres or greater, then the size of the accessory structure shall not be regulated in size, but shall meet all setback requirements.
5. Public and semi-public buildings and uses.

C. 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 Planning Commission.

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.

3. Street Requirement:

Interior roads serving the development shall be constructed to county standards as specified in the Dawson County Subdivision Regulations, and in addition shall have a minimum pavement width of twenty-four (24) feet, including curb and gutter. All interior roads within the development are the responsibility of the property owner(s) and shall be adequately maintained to acceptable county standards.

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 six (6) 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 ten (10) or more mobile homes.

7. Perimeter Setback Required:

No mobile home or other building or structure shall be located closer than forty (40) 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. All perimeter screening must be maintained by park owners.

9. Utilities:

All mobile home parks shall be served by approved public water and public sanitary sewer systems. All electric, gas, cable lines serving mobile home parks shall be placed underground. Meter boxes shall also be clustered in designated sites and adequately buffered.

10. Refuse Collection:

Each mobile home park shall provide refuse collection pads at locations convenient to each mobile home space, but in no case more than fifty (50) feet from the street serving each mobile home. Refuse collection sites must be properly screened and buffered with both fencing and a vegetative buffer.

11. 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. Numbering shall meet minimum E911 regulation standards.

12. Fire Protection:

All Mobile Home Park developments shall provide adequate fire protection in the form of placement of water lines and fire hydrants and additional protection measures as deemed reasonable and necessary by the Planning Commission and/or according to local fire codes.

13. Service Buildings:

- a. Subordinate accessory structures are hereby required for maintenance and other incidental uses supportive to the primary use of the property. A minimum forty-eight (48) square feet of storage space shall be required by the developer for each unit in a mobile home park. This shall be included on a site plan and approved by the planning commission. These types of facilities shall be grouped, centrally and conveniently located for park patrons. All service facilities shall be built and maintained by the park owner(s) in compliance with all local commercial building codes.

- b. Community service facilities and related accessory structures are subject to site plan approval, for the convenience of the complex patrons. A laundry facility for park patrons shall be required and must be maintained by park owners.
- c. All mobile home park developments shall provide a covered school bus stop shelter accessible to a designated school bus route.

14. Animal Control:

All mobile home park developments shall provide an animal control plan approved by the Planning Commission. The animal control plan shall be enforced by the owner of the mobile home park.

15. Parking:

Off-street paved 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 routes from a door of the dwelling unit it is intended to serve. Parking shall be provided at a rate of two parking spaces per each mobile home in the development.

16. Street Lighting:

Street lighting shall be required at each entrance or exit to a mobile home park. Street lighting shall also be placed and staggered every 300 feet along all streets in the mobile home park.

17. Miscellaneous:

- a. In the event that a swimming pool is developed or planned as a part of the mobile home park, this facility shall be enclosed by a chain link, masonry or wood fence not less than six feet high.
- b. No individual lot or space in any mobile home park may be sold or control of that lot or space transferred with the intent or effect of a sale unless that lot or space and mobile home park shall meet all requirements of the county subdivision regulations and the park owner shall hold a valid subdivision recording permit.
- c. Junk vehicles shall not be allowed to be stored or placed at any location within a mobile home park. This shall be enforced by the owner(s) of the mobile home park.
- d. Any covenants required by the owner(s) of all mobile home parks shall be submitted with the site plan.

D. 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 4,000 square feet and a minimum space width of forty (40) feet.

2. Setbacks:

Each mobile home shall be setback a minimum of ten (10) feet from the front space line or street right-of-way, three (3) feet from the side space line, and ten (10) 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. Porches/Landings:

At each entrance/exit door of each mobile home shall be a landing or porch that is a minimum of forty-eight (48) inches by forty-eight (48) inches.

**ARTICLE IV  
COMMERCIAL LAND USE DISTRICTS**

**Section 400. Purpose.**

The purpose of this Article is to establish Commercial Land Use Districts by defining their characteristics and prescribing development standards therefore. Commercial Land Use Districts are of greater intensity of use and are usually incompatible with Residential Districts.

- A. Setbacks; The Minimum Setbacks from the Right of Way for all Commercial Districts (Unless noted otherwise in this Resolution) are as follows; 100 feet on Parkways and Divided State Highways, 60 feet on Collector Roads and State Highways, 40 feet on all other County Roads and Interior Development Streets. The Minimum Setback for Parking Areas is 20 feet from Parkways and Divided State Highways and 10 feet on all other Rights of Way. (If no right of way is established the right of way shall be considered 15 feet from the centerline of the road)
- B. Maintenance Requirements. Developments in commercial districts shall comply with the site maintenance requirement set forth herein after a Certificate of Occupancy has been issued and released. The owner shall be responsible for these requirements regardless of any tenant relationship or any relationship with any other party:
  - 1. the cleanliness of the entire site shall be maintained by removing any trash, rubbish or other debris deposited at the site;
  - 2. landscaping shall be maintained, and dead or damaged plants shall be replaced;
  - 3. any damaged elements of a building (including broken windows) and the site (including curb stops, parking stripes and dumpster screening) shall be repaired or replaced if the building or the site becomes dilapidated or in disrepair;
  - 4. all fire suppression systems, including sprinkler systems, shall be maintained in compliance with applicable local, state, and federal statutes, regulations, and ordinances;
  - 5. if the commercial structure or structures shall be vacated, then the owner shall continue to maintain the site in accord with the terms hereof and shall remove all signs from the site within 60 days of the day the structure becomes vacant; and,
  - 6. if any single occupant premise becomes vacant for more than 60 days and the owner fails to maintain the property in accord with the terms hereof and after notice from the County of such failure, then the owner shall be subject to citation and shall be subject to the maximum fine permitted for ordinance violations for each day of each violation of any provision of this ordinance.
- C. Outdoor Lighting. Outdoor lighting shall be designed to provide the minimum lighting necessary to insure adequate safety, night vision and comfort and shall not create nor cause excessive glare upon adjacent properties or public streets or rights-of-way. All light sources shall be located, designed, fitted, aimed, shielded, installed and maintained to limit illumination only to the target area and shall minimize light trespass. Light sources shall not at any time be directed or angled such that the light emitted from the fixture is focused to a point off the property of the owner of such light fixture.

1. Light Levels. Light levels shall be as follows:

	at property lines <u>including rights-of-way</u>	minimum foot-candles	maximum foot-candles
a)	at property line abutting a residential zoning district	None	0.5
b)	at property line abutting an office-professional zoning district	None	1.0
c)	at property line abutting a	None	1.5

commercial or light industrial zoning district

	off-street parking lots	minimum foot-candles	average foot-candles	maximum foot-candles
d)	office-professional districts	1.0	4	8
e)	commercial districts	2.0	6	12
f)	light industrial districts	1.0	4	8

7. Security and Parking Lot Lighting.

- a. All security and parking lot lighting shall be installed such that the lamp (light-emitting device) is not protruding from the bottom of the fixture.
- b. All light fixtures shall be installed so that the light produced is emitted downward.
- c. Light shall not be emitted horizontally from the side of the fixture.
- d. Pole lights shall not exceed 35 feet in height and shall have box-type fixtures.
- e. Wall packs shall be used for security lighting along the side and rear of the buildings only and all light emitted shall be focused downward.

8. Sign Lighting. Sign lighting shall be as follows:

- a. light fixtures illuminating signs shall be aimed and shielded so that direct illumination is focused exclusively upon the sign.

4. Building Facade Lighting and Landscape Lighting. Building facade lighting and landscape lighting shall be as follows: light fixtures shall be selected, located, aimed and shielded so that direct illumination is focused exclusively upon the building façade, plantings and other intended site features and away from adjoining properties and the public street and right-of-way.

5. Architectural Lighting. Architectural lighting shall be as follows: decorative and architectural lighting is allowed upon the building façade if the lighting emits ten or less foot-candles and is focused downward.

6. Grandfathering of Nonconforming Light Fixtures. Grandfathering of Nonconforming Light Fixtures shall be as follows:

- a. all light fixtures lawfully in place before the date of this Ordinance shall be grandfathered. However, any light fixture that replaces a grandfathered light fixture or any grandfathered light fixture that is moved shall meet the standards of this Ordinance;
- b. grandfathered light fixtures that direct light toward a street or parking lot that causes disabling glare to motorists shall be either shielded or redirected within 90 days of notification from Dawson County so that the light fixtures do not cause a potential hazard to motorists;
- c. grandfathered light fixtures that can be adjusted to conform to this ordinance without changing the fixture shall so comply within 30 days of notice from Dawson County regarding conforming to the terms hereof; and
- d. new businesses occupying existing structures with grandfathered light fixtures that do not comply with the terms of this ordinance may not replace bulbs or repair offending light fixtures. Instead, the offending fixture shall be replaced.

7. Submission Of Plans. All sites of new commercial construction shall provide the Dawson County Planning and Development Office a lighting plan for the site at the time of submission of plans before the issuance of land development permits or building permits, as applicable. The lighting plan shall include all proposed light fixtures,

including light fixtures to be placed upon the building. The lighting plan shall show an overview of the site with light level calculations and foot-candles. The light intensity of each light fixture shall be in accordance with the regulations set forth herein. If light fixtures to be placed upon the building façade cannot be included during the submission of the plans, then the developer/owner/applicant shall show cause regarding why descriptions of the light fixtures cannot be shown at that time. If the cause shown is sufficient, then the Planning Director may allow the light fixtures to be shown when the developer/owner/applicant submits building plans if the developer/owner/applicant provides a revised lighting plan that provides information regarding the added light generated by such fixtures. All lighting plans submitted shall include a detail sheet, which shall provide descriptions of all light fixtures to be installed.”

**Section 401. C-RB Rural Business District.**

Rural Business Districts are areas where small businesses are established to meet the needs of the rural communities within the county. These establishments are usually located at rural cross roads and on collector roads rather than major arterial roads.

- A. Permitted Uses: The following users are allowed within this district. Uses not listed in this Subsection are prohibited in this district.
1. Retail gas sales (no repair garage).
  2. A general store, convenience-type only, not having more than one cash register or check-out counter.
  3. Small feed stores, hardware stores and nurseries, not exceeding 5,000 sq. ft.
  4. Animal hospitals or veterinarian clinics; provided however, that approval is granted for a permissive use by the Board of Commissioners, after review and recommendation by the Planning Commission. The Board shall consider the evidence presented on the proposed use. They shall also consider all relevant data relating to the public interest including;
    - a) Noise factors which may impact adjacent residential areas,
    - b) Isolating factors, such as topography or buffers,
    - c) Possibility of noxious odors affecting adjacent properties
  5. Churches and cemeteries.
  6. Campgrounds and commercial fishing ponds.
  7. Public recreational, emergency service, utility, and semi-public uses.
- B. Prohibited Uses: The following uses are specifically not allowed within this district. Other uses not listed as permitted uses above are also prohibited in this district.
1. Those uses and activities generating sound, odor, or visual effects, which are objectionable and noticeable beyond property boundaries.
  2. Manufacturing, processing or other uses specifically listed as Permitted Uses in the Commercial Industrial Restricted District.
- C. Building Requirements:

The minimum area, yard, height and building requirements of the Rural Business District shall be as follows:

1. Minimum lot size: 43,560 square feet (one acre) except that where contiguous to a commercial district the minimum lot size will be that necessary to meet health department requirements concerning water supply and sewage disposal if required.
2. Minimum setbacks: See Section 400 – A, Side - 25 feet; Rear - 25 feet, except none when the adjacent property is commercial and there is no fire hazard created by lack of setback. Where the Rural Business District abuts a residential district, an additional 10 feet setback in order to provide a 10-foot wide screen or buffer may be required at the discretion of the Planning Commission.
3. Maximum Building Height: No structure shall be higher than 35 feet.
4. Screens or Buffers: Where noise, visual effects, or distracting activity is determined by the Planning Commission to affect adjacent property or roadway, a vegetative screen, cement or masonry wall, or earth berm may be required by the Planning Commission to reduce the undesirable effects.

C. Full Disclosure.

Commercial or industrial uses shall, as part of application, provide full disclosure of all hazardous or dangerous products used in their commercial or industrial processes together with an explanation of safety measures, disposal measures and emergency medical and evacuation procedures. Changes in processing or manufacturing after initial approval relative to this requirement must be reported to the Planning Director within fifteen (15) days. Information provided herein shall be provided to the Emergency Medical Service, the Fire Department and the Sheriff's Department.

**Section 402. C-CB Community Business Commercial District.**

Community Business Commercial Districts are areas where small businesses are established to serve needs within the local community and primarily of small retail stores and services, and usually located on collector roads rather than major arterial roads.

- A. Permitted Uses: The following uses are allowed within this district. Uses not listed in this Subsection are prohibited in this district.
1. All uses allowable in the C-RB District allowable in the C-RB District.
  2. Retail bakeries, art galleries, florist shops, fresh produce grocers, retail stores and service businesses, (specifically including automobile service stations) that are not otherwise prohibited under this district, provided that no single use permitted shall occupy more than 5,000 gross square feet of floor area in either a single building or within a multi-tenant center.
  3. Personal service uses including day care facilities, self service laundries, barber shops, beauty parlor, photo studios, catering services, dress making, tailoring, alterations, shoe repair, appliance repair, bicycle repair, personal care homes and other uses similar in character provided that no single use permitted shall occupy more than 5,000 gross square feet of floor area.
  4. Kennels and animal grooming businesses; provided however, that approval is granted for a permissive use by the Board of Commissioners, after review and recommendation by the Planning Commission. The Board shall consider the evidence presented on the proposed use. They shall also consider all relevant data relating to the public interest including:
    - a) Noise factors which may impact adjacent residential areas,
    - b) Isolating factors, such as topography or buffers,
    - c) Possibility of noxious odors affecting adjacent properties
  5. Fabricating shops of small size such as woodworking shops, cabinet shops and upholstery shops (maximum size is 5,000 square feet).
  6. Churches and cemeteries.
  7. Public recreational, emergency service, utility, and semi-public uses.
- B. Prohibited Uses: The following uses are specifically not allowed within this district. Other uses not listed as permitted uses above are also prohibited in this district.
1. Retail Building Supply, lumber yards, ect.
  2. Those uses which generate sounds, odors, or visual effects, which are objectionable to the majority of adjacent property owners
  3. Manufacturing, Processing or other uses listed as permitted uses under the Commercial Highway Business or Commercial Industrial Restricted District that are not expressly permitted in the Commercial Community Business District.
- C. Building Requirements
- The minimum area, yard, setback, and building requirements in the C-CB District are as follows:
1. Minimum lot size: 43,560 square feet (one acre) except that where contiguous to a commercial district the minimum lot size will be that necessary to meet health department requirements concerning water supply and sewage disposal if required.

2. Minimum setbacks: Front yard – See Section 400 – A, Side yard - 25 feet; Rear yard - 25 feet, except none when the adjacent property is commercial and there is no fire hazard created by lack of setback. Where the commercial district abuts a residential district, an additional 10 feet setback in order to provide a 10-foot wide screen or buffer may be required at the discretion of the Planning Commission. Back yard setback requirements are the same as side yard requirements herein.
3. Maximum Building Height. Buildings designed for human occupancy shall not be higher than 35 feet unless adequate fireproofing construction materials are used, an adequate sprinkler system is provided, and a fire escape system approved by the County Fire Marshall is installed. Non-occupied buildings, and water towers, smokestacks, radio antennas, etc. may be permitted if no hazard or other adverse effect is created for adjacent properties as determined by the Planning Commission after public notice and hearing.
4. Screens or Buffers - Where noise, visual effects, or distracting activity is determined by the Planning Commission to affect adjacent property or roadway, a vegetative screen, cement or masonry wall, or earth berm may be required by the Planning Commission to reduce the undesirable effects.
5. Maximum building size: No building or other use permitted in this district may occupy more than 5,000 gross square feet of floor area. Buildings containing more than one business or other permitted use shall be no larger than a total of 15,000 gross square feet of floor area.

D. Full Disclosure.

Commercial or industrial uses shall, as part of application, provide full disclosure of all hazardous or dangerous products used in their commercial or industrial processes together with an explanation of safety measures, disposal measures and emergency medical and evacuation procedures. Changes in processing or manufacturing after initial approval relative to this requirement must be reported to the Planning Director within fifteen (15) days. Information provided herein shall be provided to the Emergency Medical Service, the Fire Department and the Sheriff's Department.



**Section 403. C-HB Highway Businesses Commercial District.**

- A. Highway Business Commercial Districts are areas along major thoroughfares or major arterial roadways that provide services to transient customers, or serve a wide area, or depend upon the highway to transport materials or customers.
- B. Permitted Uses: The following uses are allowed within this district. Uses not listed in this Subsection are prohibited in this district.
1. Any use permitted in a C-CB district. (except the 5,000 square feet floor area limitation is excluded).
  2. Any use permitted in C-OI district.
  3. Hotel or motel, restaurants, cafes, or like establishments.
  4. Automobile, boat or farm implement sales or rental businesses.
  5. Automobile or boat repair and service garages.
  6. Retail building supply stores and warehouses.
  7. Painting shops, printing shops, and sales outlets.
  8. Farmers market, flea markets.
  9. Greenhouses and nurseries.
  10. Furniture and appliance sales.
  11. Theaters, bowling alleys, pool halls.
  12. Radio or television broadcasting studios.
  13. Funeral homes and mortuary.
  14. Bus terminals, taxi stands, parking garages.
  15. Mini-warehouses.
  16. Dry-Cleaning establishments.
  17. Intensive recreation facilities (Music Parks, Recreation Vehicle Parks, Multiple Ownership Camping Areas, Racetracks, Sports Arenas, etc.) after Planning Commission review and approval of the County Commissioner.
  18. Public recreational, emergency service, utility, and semi-public uses.
- C. Prohibited Uses: The following uses are specifically not allowed within this district. Other uses not listed as permitted uses above are also prohibited in this district.
1. Those uses and activities generating sound, odor, or visual effects, which are objectionable and noticeable beyond property boundaries.
  2. Manufacturing, Processing or other uses specifically listed as Permitted Uses in the Restricted Industrial District.

D. Building Requirements

The minimum area, yard, setback, and building requirements in the C-HB District are as follows:

1. Minimum lot size: 43,560 square feet (one acre) except that where contiguous to a commercial district the minimum lot size will be that necessary to meet health department requirements concerning water supply and sewage disposal if required.
2. Minimum setbacks: See Section 400 – A, Side yard - 25 feet; Rear yard - 25 feet,
  - a) Exceptions: No side or rear setback may be required when the adjacent property is commercial and there is no fire hazard created by lack of setback. Rear setback when abutting a residential district is 50 feet. Where the commercial district abuts a residential district, an additional 10 feet setback may be required in order to provide a 10-foot wide screen or buffer at the discretion of the Planning Commission or Board of Commissioners to reduce or eliminate noise factors, visual effects or the possibility of noxious odors that may negatively impact the adjacent residential area.
3. Maximum Building Height. Buildings designed for human occupancy shall not be higher than 35 feet unless adequate fireproofing construction materials are used, an adequate sprinkler system is provided, and a fire escape system approved by the County Fire Marshall is installed. Non-occupied buildings, and water towers, smokestacks, radio antennas, etc. may be permitted if no hazard or other adverse effect is created for adjacent properties as determined by the Planning Commission after public notice and hearing.
4. Screens or Buffers - Where noise, visual effects, or distracting activity is determined by the Planning Commission to affect adjacent property or roadway, a vegetative screen, cement or masonry wall, or earth berm may be required by the Planning Commission or Board of Commissioners to reduce the undesirable effects.

E. Full Disclosure.

Commercial or industrial uses shall, as part of application, provide full disclosure of all hazardous or dangerous products used in their commercial or industrial processes together with an explanation of safety measures, disposal measures and emergency medical and evacuation procedures. Changes in processing or manufacturing after initial approval relative to this requirement must be reported to the Planning Director within fifteen (15) days. Information provided herein shall be provided to the Emergency Medical Service, the Fire Department and the Sheriff's Department.

**Section 404. C-PCD Commercial Planned Comprehensive Development District.**

Commercial Planned Developments are areas which would otherwise be suited for classification as C-RB, C-CB, C-HB, or C-OI, but which, due to their size and scope, or the need to provide for a planned or phased development, or the need to combine disparate commercial and/or residential uses within the same planned development, such developments would not otherwise be permitted by the provisions hereof.

**Purpose.** This district is intended to provide for appropriate planned development of quality mixed use projects by allowing greater flexibility and creativity in the land development process, by undertaking techniques which foster community and pedestrians, by creating roadway and pedestrian connections to residential areas, by minimizing the need for surface parking through compact and efficient land use, providing transitions between high traffic streets and neighborhoods, and thereby achieving the objectives of the Dawson County Comprehensive Plan

- A. Permitted Uses. The following uses are allowed within this district. Uses not listed in this Subsection are prohibited in this district.
1. Corporate headquarters' and corporate campus developments
  2. Churches and their customary related uses, including cemeteries upon specific approval by the Board of Commissioners
  3. Parks, playgrounds, community centers, and schools (public or private)
  4. Public cultural buildings such as libraries, museums, playhouses and theaters, and art galleries
  5. Condominiums and Townhouses
  6. Banks and other Financial Institutions
  7. Business and Professional Offices, including, but not limited to, medical, dental, legal, financial, architectural, engineering, real estate, insurance and manufacturing representatives.
  8. Personal service establishments, including, but not limited to, barber and beauty shops, drycleaners, and shoe repair.
  9. Retail establishments except the following:
    - a. Automobile dealerships
    - b. Motels, Hotels
    - c. Liquor stores
    - d. Drive-in Theaters
  10. Restaurants, grills, and similar eating and/or drinking establishments, including drive thru's.
  11. Nursery schools, and Day Care Centers
  12. Continuing Care Retirement Community upon specific approval by the Board of Commissioners
  13. Wholesalers with a retail outlet.
  14. Upon determination by the Planning Commission and the County Commission that same will not be a hazard, or detrimental to the community, mixed density residential uses. Town homes and single-family residential units shall be limited to rear entry garages or drives via alleyways.
  15. Public recreational, emergency service, utility, and semi-public uses.

B. Prohibited Uses. The following uses are specifically not allowed within this district. Other uses not listed as permitted uses above are also prohibited in this district.

1. Those uses and activities generating deleterious and hazardous sound, odor, or visual effects beyond the boundary of the area proposed for the C-PCD zone.

C. Requirements and Standards for Approval.

1. An application for development as a Commercial Planned Comprehensive Development must contain a minimum area of ten (10) contiguous acres for strictly commercial proposals. The minimum area required for Commercial Planned Comprehensive Developments with a Residential component other than second story residential is twenty (20) acres.
2. The Planning Commission and the County Commission in their review of the proposed development shall consider:
  - a. The proper relation between the proposed development and surrounding uses, and the effect of the plan upon comprehensive planning for Dawson County;
  - b. The adequacy of existing and proposed street, utilities, and other public services to serve the development; and
  - c. The character, design and appropriateness of the proposed land uses and the adequacy of the character, design and land use to encourage desirable development, including providing separation and screening between uses if desirable.
3. Maximum building height shall be thirty-five feet (35') to allow for two to three story buildings. Cornices on buildings shall align where possible within the development and the height shall transition in a step-down approach when adjacent to residential development
4. Final approval of a C-PCD shall not be granted until the owner or owners of the property give written notice of their consent to the proposed development.
5. All CPCD projects shall have a minimum of two distinct types of land use. A minimum of fifty percent (50%) of the project shall consist of either, commercial, office, public, personal service, restaurant or similar uses. Land use calculation shall be determined by gross floor area for those projects that contain a vertical mixture of uses, and shall be calculated by the total project land area for those projects containing a horizontal mixture of uses. Separate land uses shall be integrated both horizontally and vertically.
6. Parking shall be oriented behind or to the side of a building if possible and shared parking is highly encouraged.
7. If a horizontal residential component is included in the proposed development the following requirements apply:
  - a. If more than 80 residential units are included then a minimum of one amenity area including at least one pool, clubhouse, and two tennis courts, or a substantially similar equivalent amenity area;
  - b. Commercial and residential components of development shall be integrally designed to provide vehicular and pedestrian interconnectivity throughout the development;

- c. Residential units may be developed up to a maximum density of 6 units per acre up to a maximum of 100 units.
8. Roads:
- a. All Roads within C-PCD zoning may be a mixture of public and private roadways with public roadways primarily in commercial areas and private roadways within the residential area of the development.
  - b. Private roads are to be maintained by a mandatory property owners association formed by the developer.
  - c. Private roads are to be designated as private roads on all plats, maps, and deeds of the development. A disclosure statement shall be placed in each transfer deed regarding future maintenance responsibility of the private roads.
  - d. All private roads within the development shall be built to county standards for public roads.
  - e. All roads shall have sidewalks and permanent pedestrian access designed throughout the development and connecting adjoining developments.
  - f. Public or private streets shall connect the development to adjacent neighborhoods in zoning districts if possible
  - g. A traffic study shall be required on any project of more than 100,000 sq. ft. of commercial use and/or more than 100 dwelling units
9. Utilities:
- a. Access and connection to public water and sewer shall be required for development within the CPCD zone.
10. Lighting:
- a. Building entrances and parking areas and pathways shall be lit to two-foot candles with pedestrian scale lighting.
  - b. Parking area lighting shall have an average of no more than 6-foot candles for the projects.
  - c. In general light should be designed so that light is not directed off the site and the fixtures shall be fully shielded or be designed with cut-offs to eliminate up lighting, spill, and glare.
  - d. Illuminance levels at property lines abutting adjoining residential districts shall be a maximum of 0.5-foot candles.
11. Open Space:
- a. The amount of permanent open space or natural space required shall be no less than thirty percent (30%) of the development.
  - b. Natural areas that are unsafe for pedestrians or not easily accessible to pedestrians - including swamps, floodplains, wetland areas, steep slopes (thirty-five percent (35%) or more for a distance of 100 feet or more), woodlands, lakes, ponds and streams - may be included as open space; but these areas shall not count for more than fifty percent (50%) of the total open space required.
  - c. Developments are encouraged to utilize creative methods for storm water management and quality when such methods provide additional open space opportunities.

12. Bonuses:

- a. Residential Density bonus:
  - i. Residential density may be increased by including second story units above retail or office which will not count against the overall 6 dua density
- b. Open space reduction bonus: A ten (10) percent reduction in open space may be granted if the development includes a majority of the following items;
  - i. The site layout clusters building on the site to promote linked trips. A cluster is a group of buildings that are attached, oriented on adjacent street corners, or are close together such that a pedestrian need not walk across more than 64 lineal feet between building entrances.
  - ii. The site layout includes pedestrian facilities that connect through the development to the public right-of-way
  - iii. The site includes within its open space an active park
  - iv. The development provides at least ten (10) sq. ft. of public space (i.e. public art, fountains, benches with a focal area, or similar public spaces) in addition to sidewalks for every ten (10) off street surface parking spaces.
  - v. Reducing impervious cover of parking areas using alternative paving techniques by ten percent (10%).

D. Review and Application Procedures.

1. Pre-application Conference. Prior to filing a formal application as a C-PCD, the applicant shall confer with the Planning Staff in order to review the general character of the plan (on the basis of a tentative land use sketch if available) and to obtain information on projected programs and other matters.
2. Development Plan
  - a. An applicant shall file an application with the Planning Staff for approval of a Commercial Planned Comprehensive Development. This application shall be supported by a development plan and written summary of intent, and shall show the relation between the proposed development and the surrounding area, both existing and proposed.
  - b. The following items shall be presented
    - i. A general location map;
    - ii. Existing topographic conditions, including contour interval of no more than two feet based on field surveys or photogrammetric methods;
    - iii. The existing and proposed land uses and the approximate location of all buildings and structures;
    - iv. The approximate location of all existing and proposed streets and major thoroughfares;
    - v. The approximate location of all existing and proposed utilities; including a preliminary utility and drainage plan;

- vi. A legal description of the subject property and a current boundary survey;
  - vii. The location and use of existing and proposed, public, semi-public or community facilities such as school, parking and open areas. The plans should include areas proposed to be dedicated or reserved for community or public use;
  - viii. If a proposed development creates special concerns or problems or involves unusual circumstances, then additional information may be required to properly evaluate the proposal; the additional information may include the following information:
    - \* An off-street parking and loading plan;
    - \* An economic feasibility study report or market analysis;
    - \* A comprehensive traffic study of the area;
    - \* A traffic circulation plan within the development;
    - \* An environmental impact study; and
    - \* Other information as may be required.
3. The written statement submitted with the development plan shall include the following items:
- a. A statement of the present ownership of all land within the proposed development;
  - b. An explanation of the character of the proposed development, including a summary of acres, development units, and gross density by type of land use. The explanation shall include minimum standards for floor area, lot size, yard and spacing requirements;
  - c. A development schedule and progression of unit division or staging; if applicable, both residential and commercial portions of the project shall be included in the first phase.
  - d. Proposed agreements, provisions, and covenants, which govern the use, maintenance, and protection of the development and any common or open areas.
4. A master drainage plan to identify major forms of detention/retention and to encourage creative water quality and quantity treatment processes.

E. Approval.

An application for approval of a C-PCD will be considered administratively as an application for amendment of the District Map and will be subject to the procedures established in this Resolution.

If the development plan is approved as submitted, the Planning Staff will cause the District Map to be changed to indicate the C-PCD. If the development plan is approved with modifications, the applicant shall file a properly revised site plan with the Planning Staff prior to changing the District Map. The site plan and supporting information of any approved plan shall be properly identified and permanently filed with the Planning Office.

F. Building and Occupancy Permits.

At such time as application is made therefore, the Department of Planning and Zoning, shall issue building permits for buildings and structures in the area covered by the approved development plan if they are in substantial conformity with the approved development plan, the development schedule, and with all other applicable regulation. The Building Inspector shall issue a certificate of occupancy for any completed building or structure located in the area covered by the approved development plan if it conforms to the requirements of the approved plan and all other applicable regulations.

G. Revision of the Development Plan.

Any major or substantial change in the approved development plan which affects the intent and character of the development, the density or land use pattern, the location or dimensions of streets, or similar substantial changes must be reviewed and approved by the County Commission subsequent to receipt of the recommendation of the Planning Commission. A request for a revision of the development plan shall be supported by a written statement justifying the necessity or desirability for such revisions. Notwithstanding the foregoing, the Planning Director shall have authority to approve minor changes in lot sizes or configurations without prior approval of the Planning Commission or County Commission.

#### H. Reversion of Zoning Approval.

1. If any portion of an approved development is rezoned to any other land use classification prior to the substantial completion of construction of internal streets or buildings (whichever is commenced first), the approval of the development plan shall lapse under this provision, in which event the Planning Director by operation of law shall, within 30 days of the rezoning approved by the County Commission: (a) cause the development to be removed from the official zoning map; (b) file a notice of revocation with the recorded development plan; (c) notify each owner of record, in writing, of the action; and (d) reinstate the land use classification and regulation which were in effect prior to the approval of the development plan.
2. If implementation of any approved C-PCD is delayed by more than two years from the approved schedule of development, no further development shall be allowed until the undeveloped portion of the tract is reclassified to another land use classification or the development plan as provided for in Subsection D above is revised in accordance with the procedures set forth in Subsection G above. This provision shall be in lieu of the requirements of this Resolution.

#### I. Fees.

At time of application for reclassification to Commercial Planned Comprehensive Development (C-PCD), the applicant shall pay a non-refundable fee of \$400.00 which fee shall be in addition to any other fees required by this resolution.



**Section 405. C-OI Commercial Office Institutional District.**

Within the Office Institutional District a variety of offices, professional offices, institutions and public offices not involving the sale, wholesale, storage or processing of merchandise are permitted. No retail sales or wholesale shall be permitted. Areas zoned to this classification are not intended to be retail centers, commercial or industrial activities. Rather, it is the intent of the district to provide locations for a wide range of open, uncrowded sites for offices, professional offices and clinics and institutions. This district is primarily located along highways and/or major arteries, but can also be located in an area dominated by institutions, such as a college or hospital, where a wide range of land uses are required.

- A. Permitted Uses. The following uses are allowed within this district. Uses not listed in this Subsection are prohibited in this district.
1. Professional offices, including but not limited to business, medical, insurance, real estate and general, but not involving retail sales of any kind.
  2. Banks and related financial institutions.
  3. Schools, public or private, elementary, secondary, and those of higher learning, parochial, vocational, technical as well as instructional studios.
  4. Medical facilities including hospitals and clinics.
  5. Conference training centers and facilities.
  6. Clubs, lodges and fraternal institutions, not to exceed 10,000 square feet of gross floor area.
  7. Churches, temples, synagogues and places of worship and their customary accessory uses, including cemeteries.
  8. Public parks, playgrounds, recreational center and senior social centers, public museums and art galleries.
  9. Day care centers.
  10. Public libraries.
  11. Post offices and branch postal services.
  12. Governmental office functions, including police stations, fire stations and administrative facilities.
  13. Parking or public garage.
  14. Public recreational, emergency service, utility, and semi-public uses.

B. Prohibited Uses. The following uses are specifically not allowed within this district. Other uses not listed as permitted uses above are also prohibited in this district.

1. Those uses and activities generating sound, odor, or visual effects, which are objectionable and noticeable beyond property boundaries.
2. Manufacturing, processing or other uses specifically listed as Permitted Uses in the Commercial Industrial Restricted District.

C. Building Requirements

The minimum area, yard, setback, and building requirements in the C-OI District are as follows:

1. Minimum lot size: 43,560 square feet (one acre) except that where contiguous to a commercial district the minimum lot size will be that necessary to meet health department requirements concerning water supply and sewage disposal if required.
2. Minimum setbacks: See Section 400 – A, Side yard - 25 feet; Rear yard - 25 feet.
  - a). Exceptions: No side or rear setback may be required when the adjacent property is commercial and there is no fire hazard created by lack of setback. Rear setback when abutting a residential district is 50 feet. Where the commercial district abuts a residential district, an additional 10 feet setback in order to provide a 10-foot wide screen or buffer may be required at the discretion of the Planning Commission. Additional exaction's and requirements for access, curb cuts, deceleration and acceleration lanes, traffic signals, water, sewer, etc., may be determined and required by the Planning Commission or Board of Commissioners. to reduce or eliminate noise factors, visual effects or the possibility of noxious odors that may negatively impact the adjacent residential area.
3. Maximum Building Height. Buildings designed for human occupancy shall not be higher than 35 feet unless adequate fireproofing construction materials are used, an adequate sprinkler system is provided, and a fire escape system approved by the County Fire Marshall is installed. Non-occupied buildings, and water towers, smokestacks, radio antennas, etc. may be permitted if no hazard or other adverse effect is created for adjacent properties as determined by the Planning Commission after public notice and hearing.
4. Screens or Buffers - Where noise, visual effects, or distracting activity is determined by the Planning Commission to affect adjacent property or roadway, a vegetative screen, cement or masonry wall, or earth berm may be required by the Planning Commission to reduce the undesirable effects.

D. Full Disclosure.

Commercial or industrial uses shall, as part of application, provide full disclosure of all hazardous or dangerous products used in their commercial or industrial processes together with an explanation of safety measures, disposal measures and emergency medical and evacuation procedures. Changes in processing or manufacturing after initial approval relative to this requirement must be reported to the Planning Director within fifteen (15) days. Information provided herein shall be provided to the Emergency Medical Service, the Fire Department and the Sheriff's Department.

**Section 406. C-IR Commercial Industrial Restricted District.**

Restricted Industrial Commercial Districts are areas where there are manufacturing, processing, fabricating, or other uses, which may generate noise, odors, traffic activity and may require special energy, waste disposal, or other special utility support services.

- A. Permitted Uses. The following uses are allowed within this district. Uses not listed in the Section are prohibited in this district.
1. All uses allowable in the CHB District.
  2. Sawmills, lumber and wood products processing or storage, pulpwood yards.
  3. Textile manufacturing, processing, fabrication, assembly.
  4. Metals, cement, plastics, or wood products manufacture, fabrication, or production, including furniture manufacture.
  5. Truck or cargo transfer terminals, bus garages.
  6. Wholesale building supply and material storage or sales, and warehousing, including mini-storage warehousing.
  7. Airports or airfields, after Planning Commission review and approval of the Board of Commissioners.
  8. Mining, dredging, and sand or gravel removal operations, after Planning Commission determines not to be dangerous, offensive, unhealthy, nor detrimental to the community that is not listed as prohibited activities or uses in Dawson County in Section 601.
  9. Bottling works and ice manufacturing plants.
  10. Storage of petroleum products, but only after the location of the premises has been approved by the Fire Chief and, further provided that residential homes shall not be located within 100 yards of the location.
  11. Public and semi-public recreation facilities.
  12. Public recreational, emergency service, utility, and semi-public uses.
  13. Public and semi-public services uses subject to the review and approval of the Planning Commission and Governing Body. These uses include but are not limited to substations, transformers, telephone exchanges, transmission towers, pump houses, satellite receiving stations, etc.
  14. Inert waste landfills and compost production facilities.
  15. Adult Oriented Businesses as per the Dawson County Adult Oriented Business Ordinance.
  16. Any other industrial use that the Planning Commission or Board of Commissioners determines not to be dangerous, offensive, unhealthy, or detrimental to the community that is not listed as prohibited activities or uses in Dawson County in Section 601.

- B. Prohibited Uses. The following uses are specifically not allowed within this district. Other uses not listed a permitted uses above are also prohibited in this district.
1. Any industrial or commercial use that the Planning Commission or the Board of Commissioners determines to be a hazard, detrimental, or objectionable to the community.
  2. The following uses and activities unless specifically approved by the Planning Commission and Board of Commissioners: cement or asphalt manufacture, steel fabrication industries, petroleum refinishing or bulk storage of highly inflammable products, stockyards or feedlots, commercial slaughtering of animals, paper or wood pulp manufacture, open pit mining, quarrying, or sand/gravel removal operations.

C. Building Requirements

The minimum area, yard, setback, and building requirements in the C-IR District are as follows:

1. Minimum lot size: 43,560 square feet (one acre) except that where contiguous to a C-IR the minimum lot size will be that necessary to meet health department requirements concerning water supply and sewage disposal if required.
2. Minimum setbacks: See Section 400 – A, Side yard - 35 feet; Rear yard - 35 feet, except none when the adjacent property is commercial and there is no fire hazard created by lack of setback. Rear setback when abutting a residential district is 50 feet. Where the commercial district abuts a residential district, an additional 10 feet setback in order to provide a 10-foot wide screen or buffer may be required at the discretion of the Planning Commission. Additional exaction and requirements for access, curb cuts, deceleration and acceleration lanes, traffic signals, water, sewer, etc., may be determined and required by the planning commission.
3. Maximum Building Height. Buildings designed for human occupancy shall not be higher than 35 feet unless adequate fireproofing construction materials are used, an adequate sprinkler system is provided, and a fire escape system approved by the County Fire Marshall is installed. Non-occupied buildings, and water towers, smokestacks, radio antennas, etc. may be permitted if no hazard or other adverse effect is created for adjacent properties as determined by the Planning Commission after public notice and hearing.
4. Screens or Buffers - Where noise, visual effects, or distracting activity is determined by the Planning Commission to affect adjacent property or roadway, a vegetative screen, cement or masonry wall, or earth berm may be required by the Planning Commission to reduce the undesirable effects.
5. Additional Requirements - The Planning Commission and Governing Body reserve the right to set special requirements for certain industries which may require greater screening and buffer requirements, thereby creating greater lot or area requirements.

D. Full Disclosure.

Commercial or industrial uses shall, as part of application, provide full disclosure of all hazardous or dangerous products used in their commercial or industrial processes together with an explanation of safety measures, disposal measures and emergency medical and evacuation procedures. Changes in processing or manufacturing after initial approval relative to this requirement must be reported to the Planning Director within fifteen (15) days. Information provided herein shall be provided to the Emergency Medical Service, the Fire Department and the Sheriff's Department.

## **Section 407. Conditional Uses**

**Purpose.** The purpose of identifying conditional uses is to establish clear guidelines for those uses allowable within specific districts provided additional visual and site requirements, etc. are followed. These additional requirements are necessary to mitigate any potential impacts on adjoining properties that may occur due to the inclusion of a particular use. In many cases these conditional uses may be allowed with approval of the Planning Commission and Board of Commissioners without formal rezoning. The following uses are considered Conditional by Dawson County and allowed with conditions as detailed in each subsection:

### **1.) Telecommunication Towers and Antennas**

**Purpose and Intent.** The purpose of this section is to establish guidelines for the siting of all wireless, microwave towers, common carrier towers, cellular, television and radio telecommunications towers and antennas. The regulations and requirements set forth herein are adopted for the following purposes:

- (a) To provide for the location of communication towers and communication antennas in Dawson County;
- (b) To effect the visual impacts of communication towers and antennas through careful design, siting, landscape screening and innovative camouflaging techniques;
- (c) To accommodate the growing need for communication towers and antennas while minimizing the total number of towers within the community necessary to provide adequate personal wireless services to residents of Dawson County;
- (d) To promote and encourage shared use/co-location of existing and new communication towers as a primary option rather than construction of additional single-use towers;
- (e) To consider public health, safety and welfare;

### **Applicability.**

- (a) All new communication towers and communication antennas in Dawson County shall be subject to these regulations and all other applicable regulations. For purposes of measurement, communication tower setbacks and separation distances as set forth in this Article shall be calculated and applied irrespective of County and municipal jurisdictional boundaries.
- (b) All communication towers and communication antennas legally existing on [date of adoption] shall be considered legal non-conforming uses, allowed to continue their usage as they presently exist: provided however, anything other than routine maintenance, including without limitation, structural modifications including provisions for additional antennas or additional providers and/or new construction on an existing communication tower, shall comply with the requirements of this Article with the exception of separation distances. Routine maintenance shall be permitted on such existing towers.
- (c) The performance and construction standards provided for in this Article shall apply to all new communication tower construction including such construction that shall occur in areas zoned under the Commercial Tower zoning designation established by the Land Use Resolution of Dawson County, now repealed.
- (d) All government towers with public safety systems or equipment shall be exempt from the requirements of this subsection. However, private facilities and structures proposed for placement on governmentally owned property shall not be exempt.
- (e) This ordinance shall not govern any tower, or the installation of any antenna, that is thirty-five (35) feet or less in height and is owned and operated by a federally licensed amateur radio station operator from the operator's residence.

## **General Requirements.**

- (a) **Principal or Accessory Use.** A tower and/or antenna is considered a principal use if located on any lot or parcel of land as the sole or primary structure, and is considered an accessory use if located on a lot or parcel shared with a different existing primary use or existing structure. An existing use or structure on the same lot or parcel shall not preclude the installation of an antenna or tower. For purposes of determining whether the installation of a tower or antenna complies with zoning district requirements, including but not limited to set-back, buffer and other requirements, the dimensions of an entire lot or parcel shall control, even though the antenna or tower may be located on a leased area within such lot or parcel. Towers that are constructed and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a non-conforming use or structure. Accessory structures to the tower are for that of the facility only, no offices, vehicles or material storage is allowed in structure.
- (b) **Inventory of Existing Sites.** To facilitate the co-location of antennas, each applicant seeking to locate a new tower, alternative tower structure or antenna, or to modify any such existing structure, shall provide to the Department of Planning and Development an inventory of applicant's existing towers or alternative tower structures. Applicants seeking to erect an amateur radio tower or antenna as defined by Federal Communications Commission (FCC) regulations shall be exempt from this provision. The inventory shall include all such structures that are within the jurisdiction of the governing authority; within a municipality located, in whole or in part, within Dawson County; and within a one mile border of Dawson County, and shall include specific information about the location (latitude and longitude coordinates), height, design, tower type and general suitability for antenna co-location of each tower, and other pertinent information as may be required by the Department of Planning and Development. The Department of Planning and Development may share such information with other applicants for a Communication Tower permit under this Ordinance or other organizations seeking to locate towers or antennas within the jurisdiction of the governing authority, provided, however that the Department of Planning and Development is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

## **Application Requirements.**

- (a) Each conditional use application shall include a scaled site plan with topographical information, an elevation view, and other supporting drawings, calculations and documentation.
- (b) The site plan must include setbacks, drives, parking, fencing, landscaping, adjacent uses, also the distances to all structures within 1000 feet, and any other information necessary to review the request.
- (c) Documentation of radio frequency range, coverage area, and tower height requirements.
- (d) Documentation of all hazardous and / or flammable materials that may be located on site, their quantity and method of storage.
- (e) Location and height of all existing towers owned by the applicant inside of and within one mile of the boundary of Dawson County.
- (f) New freestanding communication towers and communication antennas shall not be allowed unless the applicant makes an affirmative showing based on competent substantial evidence that:
  - (1) Existing towers and buildings do not technologically afford the applicant the ability to provide service to the service area of the applicant or service provider, and
  - (2) The geographical boundaries of the proposed service area cannot technologically be bifurcated to avoid the necessity for a freestanding tower/antenna, and
  - (3) There exists a present demand and formal commitment by a minimum of one wireless provider (may be that of the applicant) to locate at the proposed site.

- (j) All wireless telecommunications applications that are located on rooftops, water tanks must be able to adhere to the following aesthetic criteria:
  - 1.) Camouflage radome material
  - 2.) Paintable
  - 3.) Dual Polarized Antenna if camouflage and painting is unavailable.
  - 4.) No roof top MW dish may exceed 4 feet in diameter.
  - 5.) Antennae placed on rooftops should be setback from the roof edge at a 1:1 ratio to the height of the antenna.
- (k) A balloon test is also required to be performed. Provide the date and time of the testing on the application and the applicant is further required to notify adjoining property owners of same.
- (l) If the telecommunications tower is federally funded, licensed or permitted a Section 106 Review is required pursuant to the National Historic Preservation Act to establish the effect, if any, on historic resources.

#### **Zoning Requirements.**

Communication towers and communication antennas are considered conditional uses and upon proper application and approval may be permitted in the following zoning categories:

- (a) C-CB
- (b) C-HB
- (c) C-PCD
- (d) C-IR
- (e) R-A, if proposed to be located on a single lot or parcel of not less than 5 acres
- (f) C-RB
- (g) CT, if zoned prior to May 1, 2010.

Conditional use status shall be revoked if not used within one year of approval.

#### **Performance and Construction Standards.**

(a) **Structural Design.** New Communication towers/antennas and modifications to existing structures including, without limitation, the addition of height, antennas or providers shall be constructed in accordance with all applicable County Building Codes and shall meet or exceed current standards and regulations of all applicable Federal, State and Local authorities. Lattice tower structures, self-supporting or guyed structures are prohibited.

(b) **Setbacks.** Communication tower/antenna setbacks shall be measured from the base of the tower/antenna or protruding building structure at the base of the tower, whichever is closest to the property line, to the property line of the parcel on which it is located. Communication towers/antennas and their accessory structures shall comply with the minimum lot and setback requirements of the district in which they are located. In cases where there is a conflict between the minimum lot setback and street setback requirements, the greater setback shall apply. Guy wires and support anchors are required to meet setbacks; they shall not extend outside of the property line and must be contained within the fenced area of the tower site.

(c) **Separation from Residential Uses.** Separation requirements for communication towers from residentially zoned lands, as outlined in Article III of this resolution except those lands zoned R-A, or residential uses shall be a minimum of 195 linear feet. Communication tower separation shall be measured from the base of the tower to the closest point of off-site uses.

(d) **Separation Distances Between Communication Towers.** Separation distances between communication towers shall be applicable for and measured between the proposed tower and those towers that are existing and/or have received land use or building permit approval from the County. The separation distances shall be measured by drawing or following a straight line from the base of the existing tower to the base of proposed tower, pursuant to a site plan, of the proposed tower. Minimum separation distances (listed in linear feet) shall be as follows:

**SEPARATION REQUIREMENTS BY TOWER TYPES**

<b>PROPOSED TOWER TYPES</b>	<b>Lattice, Self-Supporting or Guyed</b>	<b>Monopole 75' in Height or Greater</b>	<b>Monopole Less Than 75' in Height</b>
Camouflaged or Monopole 75' in Height or Greater	15,840 feet	15,840 feet	10,560 feet
Camouflaged or Monopole Less than 75' in Height	10,560 feet	10,560 feet	10,560 feet

- (e) **Fencing.** A chain link fence or wall not less than six (6) feet in height, from finished grade equipped with an appropriate anti-climbing device shall be provided around each communication tower. Access to the tower shall be through a locked gate.
- (f) **Landscaping.** Landscaping shall mitigate the visual impacts of a communication tower. Where adequate vegetation is not present, tower facilities shall be landscaped with a landscape buffer that effectively screens the view of the tower compound. The use of existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or in supplement towards meeting landscaping requirements.
- (1) Landscape buffers shall be a minimum of ten (10) feet in width and located outside the fenced perimeter of the tower compound; and
  - (2) A row of trees a minimum of eight (8) feet tall (planted height) and a maximum of twenty (20) feet apart shall be planted around the perimeter of the fence; and
  - (3) A continuous hedge at least thirty (30) inches high at planting and capable of growing to at least thirty-six (36) inches in height within eighteen (18) months shall be planted in front of the tree line referenced above; and
  - (4) All landscaping shall be of the evergreen variety and conform with landscape standards to be approved by Planning & Development Office at the time of permitting.
  - (5) If existing foliage is to be used as buffer, it must be labeled and incorporated into site plan and approved through Planning & Development Office.
  - (6) Upon final installation of new trees, shrubs or other landscape material planted to meet the requirements of this section and prior to receipt of a Certificate of Occupancy, the owner shall either provide proof of warranty or post a Maintenance Bond or other acceptable surety, warranting the new material for a period of no less than one (1) year. The bond shall be posted in an amount equal to 20% of the actual cost of the material and installation.



- (a) The department shall perform an inspection of the plantings and landscape materials required by these regulations prior to the expiration of the one (1) year warranty or maintenance period. The tower owner shall be notified of any replacements or restoration that must be made to maintain compliance with these regulations.

Required landscape materials found to be dead or near death shall be replaced prior to release by the Department of the warranty or maintenance surety. In no case shall replacement be delayed more than thirty (30) days from notification, unless a performance bond is posted with the Department. Such performance shall be completed within six (6) months of posting.

**Height.**

- (1) No freestanding communication tower/antenna shall exceed 195 feet in height from ground level.
- (2) Where installed on top of a building, no communication tower/antenna shall extend greater than 20% over the building height.
- (3) *An existing communication tower may be modified to a taller height not to exceed 20 feet over the tower's existing height, NEVER to exceed the maximum height of 195 ft., to accommodate the co-location of an additional communication antenna(s).*
  - (A) The height change referred to in this subsection may only occur one time per communication tower.
  - (B) The additional height referred to in this subsection shall not require an additional distance separation. The communication tower pre-modification height shall be used to calculate such distance separations.

**Illumination.** Communication towers/antennas shall not be artificially lighted.

**Co-location.** Proposed communication antennas may and are encouraged to co-locate onto existing communication towers, provided such co-location is accomplished in a manner consistent with zoning and performance standards, new or additional conditional use approval is not required. If it is determined by the County that the proposed tower is situated in a location which will benefit the County's telecommunication systems, then the tower shall be engineered and constructed to accommodate the additional telecommunication equipment beneficial to the public system at a cost to the County no greater than the actual expense of the provider in so engineering and constructing the tower to meet the County's needs.

- (1) Monopole communication towers shall be engineered and constructed to accommodate a minimum of three additional communication service providers.
- (2) Camouflaged communication towers may be engineered and constructed without accommodating additional communication service providers.
- (3) *Communication towers located within electrical substations may be engineered and constructed without accommodating additional communication service providers. Such towers shall be monopole construction and shall be subject to all of the requirements of Article II, Communication Tower and Communication Antenna Permits and Regulations.*

**Noninterference.** No communication tower or antenna shall interfere with public safety communication. Frequency coordination is required to ensure noninterference with public safety system and/or public safety entities.

**Variances.** Any request to deviate from any of the requirements of this section shall require approval of the Planning Commission.

**Documentation.** Documentation to demonstrate conformance with the requirements of Performance Standards shall be submitted by the applicant with all requests to construct, locate or modify a communication tower/antenna. A statement by the applicant as to how construction of the communication tower will accommodate co-location of additional antennas for future users shall be included with the documentation. Documentation evidencing a present commitment from the proposed service providers to locate at the proposed site shall also be included by applicant, at time of permitting

**Signs and Advertising.** A small sign placed on the entrance gate of sufficient size, not to exceed four (4) feet in total area shall display the name of the person or corporation owning the tower, the name of the person or corporation owning the property (if different from tower owner), FCC registration number and a current mailing address with a name and phone number of a person to contact in case of an emergency. All other signage is prohibited and the use of any portion of a tower for sign or advertising purposes including, without limitation, company name, banners, or streamers, is prohibited.

**Abandonment.** Without waiving the County's right to determine whether or not a communication tower has been abandoned, it shall be the duty of the tower owner to notify the County in writing of any intent to abandon use of the tower. Said notice shall include steps that tower owner shall take to accomplish removal of the tower structures. In the event the use of any communication tower has been discontinued for a period of 180 consecutive days, the tower shall be deemed to have been abandoned. Upon such abandonment, the owner/operator of the tower shall have an additional 45 days within which to: (1) reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower; or (2) dismantle and remove the tower. The Owner of the tower shall be ultimately responsible for all costs of dismantling and removal and in the event the tower is not removed within 45 days of abandonment, the County may proceed to do so and assess the costs against the tower owner. The lien of such assessment shall bear interest, have priority and be collectable at the same rate and in the like manner as provided for by Georgia law. At the earlier of 46 days from the date of abandonment without reactivation or upon completion of dismantling and removal, any conditional use permit, waiver and/or variance approval for the tower shall automatically expire.

**Finished Color.** Communication towers not requiring FAA painting/markings shall have either galvanized finish or be painted with a non-reflective paint in a non-contrasting blue, gray or black finish. The color should be selected so as to minimize the equipment's visibility.

**Maintenance.** To ensure the structural integrity of towers, the owner of a tower shall be maintained in compliance with standards contained in applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the governing authority concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance within such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the governing authority may remove such tower at the owners' expense. Any such removal by the governing authority shall be in that manner provided in Sections 41-2-8 through 41-2-17 of the Official Code of Georgia.

**Liability Insurance.** Liability insurance in an amount not less than \$1,000,000 shall be maintained by the owner and operator of the facility until such facility is dismantled and removed from the parent site. Failure to maintain insurance coverage shall constitute a violation of this Code and grounds for revocation of conditional use approval. Proof of same shall be supplied to the Department of Planning and Development upon application for permit.

#### **Fees.**

- (1) The fees for conditional use approval for a communication tower/antenna shall be \$ 2,500 inclusive of the third party review cost.
- (2) The development plan review fees shall be the same as for any commercial development.

(3) The building permit fees shall be set at \$500.00 and shall cover the tower and associated equipment building. Any other permits required shall be charged at the prescribed rate at the time of development or construction.

(4) As with any conditional use or special exception application, the applicant shall be required to submit fee amounts as deemed sufficient and appropriate by the County in order to obtain any needed technological expertise so as to assist County staff in evaluation the request. In order to receive an objective, qualified verification of the application submitted requesting the approval of a conditional use permit for a communication tower / antenna, an independent RF consulting company, chosen by Dawson County, will evaluate such application. The independent consulting company will evaluate all RF applications on the merits of the applicant's ability to meet or exceed the standards of this article. The fee to secure a third party review shall be inclusive in the conditional use request fee paid by the applicant at the time of filing for a conditional use permit with the County. Information to be provided to the independent consultant for review and evaluation is as follows:

a.) No new telecommunications structure may be constructed without providing the following information:

1. Propagation map of Existing Coverage (scale) on Paper and Proposed Coverage (scale) on Clear Film with RSSI (Received Signal Strength Indicator) or Eb/Io values distinguished by different color criteria.
2. Latitude/Longitude (NAD 27), Ground Elevation AMSL, Antenna Radiation Center, ERP (watts) out of the antenna, Antenna Manufacturer, Antenna model, Antenna Beam width, Antenna Tilt, Antenna Gain and Antenna Pattern.
3. Name of Propagation Tool, Propagation Parameters specifications.
4. Frequency TX Band / RX Band, License Block.
5. Inventory of applicant's existing sites within a 5-mile radius.
6. Name, Number and title of submitting engineer.

[Note: If propagation parameters are not submitted then a test transmitter drive shall be conducted after test procedures and hardware are pre-approved and verified on site by the Independent Consulting Company.]

b.) No new telecommunications structure may be constructed if proof of the following can be made:

1. 80% of the proposed coverage area can be accomplished by an existing structure or alternate means of transmission (i.e. repeater, carrier system modification).
2. Proposed Telecommunications site exceeds FCC RF emissions Power Density standard of  $1 \text{ mw/cm}^2$  for uncontrolled environments.
3. Telecommunication site does not meet FAA/FCC rules and Regulations.
4. A previously approved site application will meet the current applicant's coverage or capacity objectives.

c.) Any approved wireless telecommunication tower must adhere to the following conditions:

1. Proof of FAA 'No hazard determination assessment' or 'No notice of

construction needed'. If a notice of construction is required, the FAA can only grant the 'No Hazard of Determination Assessment'. Only an Aviation consultant once coordinated with the Independent Consultant can determine if a No notice of Construction is warranted if and only if the tower is greater than 5 miles from an airport or 2 miles from a Heliport.

2. Update of ERP (watts) per site, per sector upon filing for new cell tower.
3. Update of antenna type, antenna beam width, antenna gain, antenna tilt, and Radiation Center upon filing for new cell tower.

**Variance.** Any request for variance from the provisions of this article shall be presented directly to the Dawson County Planning Commission per Article IX of this resolution.

**Violation.** Any person violating the provisions of these regulations shall be guilty of violating a duly adopted Ordinance of Dawson County, and upon conviction by a court of competent jurisdiction may be penalized pursuant to Section 1206 of the Land Use Resolution.

**ARTICLE V.**

**(MUV) MIXED USE VILLAGE USE DISTRICT**

**Section 500. Purpose.**

The Mixed Use Village (MUV) district is established primarily to encourage the development of mixed use developments consisting of both residential and commercial property. The MUV district is intended to:

- A. Encourage the development of large tracts of land as planned, mixed use communities;
- B. Encourage flexible and creative concepts in site planning;
- C. Preserve the natural amenities of the land by encouraging scenic and functional open space areas; and
- D. Provide for an efficient use of land.

**Section 501. Use Regulations.**

Within the MUV district, land and structures shall be used in accordance with the standards set forth herein. Any use not specifically designated as a permitted use shall be prohibited.

A. **Permitted Uses.** Structure and land may be used for only the following purposes:

- 1. Single-family attached dwellings;
  - 2. Single-family detached dwellings;
  - 3. Multi-family dwellings;
  - 4. Patio homes;
  - 5. Townhomes;
  - 6. Condominiums;
  - 7. Apartments;
  - 8. Live work units; residential, above or behind commercial and office uses in the same building;
  - 9. Small accessory apartments (guest house);
  - 10. Accessory buildings and uses;
  - 11. Clubs and lodges (non-commercial);
  - 12. Colleges and universities;
  - 13. Commercial and office uses;
  - 14. Retail and service uses;
  - 15. Day care facilities;
  - 16. Family day care;
  - 17. Golf courses;
  - 18. Group homes;
  - 19. Guest houses;
  - 20. Home occupations;
  - 21. Neighborhood recreation centers;
  - 22. Nursing home facilities;
  - 23. Continuum of care retirement facilities
  - 24. Parks, public and private;
  - 25. Personal care homes;
  - 26. Public utility facilities;
  - 27. Recycling centers (collecting);
  - 28. Religious institutions;
  - 29. Retirement centers;
  - 30. Schools, public and private;
  - 31. Public uses;
  - 32. Parking structures
- B. **Conditional Uses:** Low intensity manufacturing not to exceed 50,000 square feet for the total MUV. Such facilities must be located in an enclosed building or structure, must be designed to fit the architectural theme of the community, must not emit any noxious odors or noise and shall not be used for the storage of hazardous materials.

- C. **Prohibited Uses:** Structure and land shall not be used for the following purposes: Adult entertainment establishments; adult video stores; adult book stores; adult novelty stores; mobile homes; or any use not designated as a permitted use.

**Section 502. Land Area.**

Land area for the MUV shall be 500 to 1,000 acres in size.

**Section 503. Density and Lot Sizes.**

The gross overall density shall not exceed 2.8 units per acre; however, to promote innovative design, the intent of the MUV is to be density neutral. There is no specific lot size required or specified. Lot sizes shall be based on the development master plan presented and approved by the Dawson County Board of Commissioners. Density and intensity of land uses are specified in Table 2-1 “Mixed Use Village” of the latest adopted version of the Dawson County Comprehensive Plan.

**Section 504. Village Core Area.**

The Village Core Area is defined as the geographic area within the community where the majority of commercial, business and public facilities shall be located that are intended to serve the entire community. The Village Core Area should also contain dense housing as compared to the rest of the community. The Village Core Area shall be designated on the conceptual plan.

**Section 505. Setbacks and Buffers.**

Front, side and rear setbacks and buffer requirements shall be established as part of the Master Development Plan.

**Section 506. Building Height.**

No building shall be more than 3 stories in height or more than 35 feet in height, whichever is less, unless approved by the County Board of Commissioners as part of the Master Development Plan. The height limitation does not apply to unoccupied and inaccessible architectural features (e.g., church spires, belfries, cupolas and domes, parapet walls, monuments, government-owned observation towers, water towers, chimneys, flag poles, and similar structures).

**Section 507. Utility Construction.**

All water and sewer service construction shall meet the standards of the service provider. Utilities shall be placed underground. Storm water facilities shall be constructed to the specifications of the applicable local or state authority.

**Section 508. Transportation System.**

The street network shall be designed in a generally connected pattern limiting cul-de-sacs when possible. Street patterns shall be designed to respect and follow existing topography as much as possible, to minimize earthmoving and disruption of existing natural features. The applicant may request alternative design standards for infrastructure such as narrower streets or alternative stormwater methods to provide for more creative land development and to decrease potential environmental impacts of proposed development. Any proposed alleyways shall be designed in accordance with the approved development plan. Streets shall be designated public or private on the Master Development Plan.

A. **Streets shall be designed to:**

- i. Preserve existing hardwood tree lines and watercourses;
- ii. Minimize alteration of natural, cultural and historic features;
- iii. Minimize acreage devoted to streets;
- iv. Calm vehicle traffic;

- v. Promote pedestrian circulation;
  - vi. Maximize the view of natural vistas.
- B. **Street Construction.** Street design and construction shall be shown on in the Master Development Plan. In the Core Village the street shall be designed to meet the 300 to 600 feet grid. See § 2-38 of the Community Agenda.
- C. **Parking.** Parking spaces shall be provided in accordance with current Dawson County regulations as to number of spaces for a particular use and dimension of spaces. Parking may be shared between uses if no conflicts shall arise from such arrangement. If shared parking is proposed, then the applicant shall submit a plan for such arrangement with the Master Development Plan
- D. On-street parking shall be permitted throughout the district and shall be depicted on the Master Development Plan. On-street parking spaces shall count toward the minimum spaces required based on the land uses proposed. Off-street parking design shall be approved by the Dawson County Department of Public Works.
- E. **Alleys.** Alleys shall be permitted as appropriate. Alleys shall be designed with a minimum of 12-foot lane width and a minimum R-O-W of 20 feet. Alley design shall be approved by the Dawson County Department of Public Works.
- F. **Pedestrian Circulation.** As part of the Master Development Plan, the applicant shall submit a pedestrian circulation plan depicting size and location of all pathways, trails and sidewalks. All proposed land uses shall be connected to the pedestrian circulation system. Multi-use trails shall be noted in the Master Development Plan. Golf carts are permitted on the multi-use trails if so designated on the Master Development Plan.
- G. **Street Trees.** As part of the Master Development Plan, the applicant shall provide a street tree plan showing the location, spacing and type of street trees proposed throughout the development. Such plan may be depicted on a section of roadway providing an example of the intended tree planting program for the entire community. Street trees shall not be required in areas where the applicant intends to preserve existing trees. Developments in the MUV district shall meet the provisions of the most current landscaping requirements adopted by Dawson County related to parking areas.

**Section 509. Sign Program.**

The intent of the MUV district is to promote architectural style in signage by encouraging monument type signs using architectural materials. As part of the Master Development Plan, the applicant shall submit a sign plan that illustrates the size and style of signs to be constructed, as well as a description of materials to be used for all freestanding, wall, entrance and directional signage. The intent of these regulations is to promote signs architecturally compatible with surrounding development.

**Section 510. Open Space.**

A minimum of 30 percent of the total land area of the MUV district shall be open space or green space. Open space may include areas for both passive and active recreation. Examples include parks, playgrounds, play fields, plazas, greenways, trails, streams, creeks, ponds and natural areas. The concept plan shall show all proposed areas of open space. For the purpose of this section, the developer or owner may designate a portion of the open space as a wetland, stream and/or wildlife mitigation bank, and such area shall be counted as part of the open space. In addition, such mitigation bank may be placed in the ownership of a third party but shall be considered as part of the overall required development open space as long as such area remains a mitigation bank or is undeveloped.

**Section 511. Architectural Standards.**

As part of the concept plan approval process, the applicant shall provide preliminary information regarding the architectural theme of the community. Such preliminary information shall include drawings showing at least two

typical residential elevations and drawings showing at least two elevations of typical proposed commercial buildings.

As part of the Master Development Plan approval process, the applicant shall submit information regarding intended architectural design for the community. Such information shall include at minimum a description of materials and colors of exterior of all buildings, roofing materials and pitches, and requirements (if appropriate) regarding porches and parking garages. Architectural standards may change due to future changes in the real estate market pertaining to household sizes and buyers wants and desires. The Planning Commission and Board of Commissioners shall have the authority to approve any modifications to architectural standards within the Master Development Plan.

**Section 512. Landscaping.**

Prior to constructing any structure or facility, the applicant shall submit a landscaping plan showing the location of all proposed landscaping for the area to be disturbed. Such plan shall show all proposed planting material (type and size), ground cover, proposed irrigation, and existing vegetation to be preserved.

**Section 513. Approval Process.**

In order to develop in the MUV district, the applicant shall first obtain approval of the concept plan. Thereafter or concurrent with presentation of the concept plan, the applicant shall submit a detailed Master Development Plan that shall be approved before the issuance of a land disturbance permit.

- A. **Concept Plan.** In order to rezone to MUV, the developer/applicant must submit a Concept Plan that shall include, but not be limited to:
- a. Proposed uses;
  - b. Number of units per use;
  - c. Designated areas of use;
  - d. Open space, amenities, road systems, access points;
  - e. Proposed name of development;
  - f. Location of all wetlands and streams as those terms are defined under State and Federal law; and
  - g. Public and private streets.

A Concept Plan of the development shall be submitted to Dawson County at the time of filing for rezoning to the MUV district. The Concept Plan shall be prepared by an architect, landscape architect, engineer and/or land surveyor whose state registration is current and valid.

After the Concept Plan is approved, minor variations from the plan shall be permitted if the requirements of the Concept Plan and Site Plan Amendments Section of the Land Use Resolution of Dawson County are met.

As each phase of the development is developed, the owner shall provide Dawson County with an updated summary of density “used” and remaining density “available” for future phases.

- B. **Master Development Plan Approval.** After zoning for the MUV district is approved, which includes approval of the concept plan, or concurrent with applying for re-zoning to MUV district, the developer and/or property owner shall submit the proposed Master Development Plan for any phase to be constructed before a land disturbance permit is approved by Dawson County. The Master Development Plan shall include:
- a. Location of streets, roadways, alleyways, sidewalks, trails and other transportation facilities;
  - b. Location and size of water and sewer facilities;
  - c. Location and size of all stormwater and sediment control facilities;



- d. Location and size of lots and building areas along with proposed setbacks;
- e. Location and designation of all buffered areas; streams, creeks and waterways, wetlands, adjacent property owners;
- f. Location of proposed open space/greenway areas;
- g. Proposed sign program with specifications and locations of signs;
- h. Proposed landscaping for the particular phase to be developed;
- i. Architectural standards as stated in this Article.
- j. Additional items that may be requested by the Dawson County planning staff or the Board of Commissioners necessary to insure compliance with the terms of this Article.

After the Master Development Plan is approved, variations from the Master Development Plan shall be submitted to the Planning Commission for review and recommendation and then submitted to the Board of Commissioners for approval or denial.

As each phase of the development is permitted, the owner shall provide Dawson County with an updated summary of density “used” and remaining density “available” for future phases.

**ARTICLE VI  
GENERAL PROVISIONS**

**Section 600. Purpose.**

The purpose of this Article is to provide for general requirements of this Resolution to include: Uses prohibited in Dawson County; setback, screening, and buffer and clear vision requirements; access requirements; conditional and non-conforming uses; and maintenance of minimum resolution requirements.

**Section 601. Prohibited Uses.**

In order to protect the health, welfare, and safety of the residents of Dawson County, the following uses shall not be permitted in any District in Dawson County:

- A. Manufacture of hydrochloric, nitric, sulfuric, or picric acids, or other products, which, in case of accidental release, are hazardous to life.
- B. Production of chlorine or other noxious gases.
- C. Distillation of bones, rendering or refining of fats, oils, or animal parts.
- D. Dumping or reduction of garbage, dead animals, or offal, other than at county-operated sanitary landfills according to Georgia Department of Public Health regulations and Department of Agriculture regulations. Dead farm animals, including poultry, will be disposed of according to appropriate regulations on the owner's property, if known.
- E. Manufacture of explosives or storage of more than 100 pounds of explosives.
- F. Manufacture of fertilizer.
- G. Storage or dumping of hazardous, toxic, or radioactive wastes.
- H. Hair, glue or leather manufacture.
- I. Smelting of tin, copper, zinc, or iron ores.

**Section 602. Setback, Screening, Buffer, and Vision Requirements.**

- A. Building setback requirements are established to provide for minimum distance from adjacent structures and property lines, minimum distance from streets and highways, clear vision at road intersections, and safe distances from hazards.
- B. No structure shall be less than 10 feet from an adjacent structure unless constructed with common or contiguous walls such as may occur in townhouses, condominiums, apartments, or intensive commercial development, and unless structures comply with the provisions of the Georgia Building Code concerning fire safety, e.g., fire-resistant construction, warning systems, barriers, sprinkler systems, and fire escapes, as necessary, or as required by the Planning Commission.
- C. Building setbacks are established according to the following table unless otherwise noted in each respected district (except R-PCD)

LOCATION	DISTANCE
Front	100 feet from Parkways, 80 feet from state or federal highway, and 60 feet from all other streets or roads
Side	25 feet

Rear	35 feet
R-A	50 feet from property line or road or 200 feet from residence on adjacent lot, whichever is greater, for all buildings occupied by animals or animal products
Lake	No setback required from Lake Lanier Government Line
Sewage	Public Health Department requires 10 feet from property line and 100 feet from a well for septic field lines. (This is subject to change, please check with the Health Department to verify setbacks)

D. A clear vision area shall be maintained on the corners of all property at intersection of two streets or a street and a highway. A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding 36 inches in height, except for trees with branches and foliage removed to a height of eight feet above the ground at grade level or open wire fencing that does not obscure sight. There must be a sight distance of 200 feet from a point 10 feet behind the point of intersection of roadway surfaces.

E. Screens or buffers may be required by the Planning Commission to reduce the impact of adjacent incompatible uses, in addition to specific requirements in Land Use Districts. The Planning Commission shall consider proposed uses, the purpose and effectiveness of a screen or a buffer and its maintenance. Screens and buffers may constitute part of required open space or setbacks of a proposed use. The required screens or buffer shall be only in locations and dimensions necessary to perform a stated function. The width of screens and buffers may be adjusted to take into account the topography and conditions at the specific site and use. Natural screens and buffers are preferred; however, fences, walls, earth berms, or similar techniques may be used. Planted screens should be sufficient to obscure the proposed land use within five years.

F. Uses which are unconventional or incompatible with adjacent or surrounding uses or which involve nudity or other activity which is offensive or otherwise jeopardizes the health, safety, or welfare of Dawson County's citizens, may require special measures to separate the use from surrounding uses, to minimize the offensive nature of the activity or prevent a violation of State or local law. In such cases, the Planning Commission may require buffers, screens, barriers, or other measures to appropriately address that use.

**Section 603. Access Requirements.**

Every lot shall abut a street or other public or privately maintained roadway for at least 30 feet. Where lots are five acres or more, or are exempted from subdivision requirements, a minimum easement of 30 feet for ingress and egress and utilities must be provided to a public road. No property owner shall be deprived of access to his property. Access easements acquired before the enactment of this Resolution may be 20 feet wide and property before the effective date of this Resolution with at least 20 feet of frontage shall, as an exception, not be required to acquire additional frontage where the necessary property to acquire 30 feet is owned by another person.

**Section 604. Maintenance of Minimum Resolution Requirements.**

No person shall, by deed, gift, or other conveyance, reduce the lot size under minimum requirements unless given for Public use or a variance is approved therefore.

**Section 605. Conditional Uses.**

Conditional uses are those uses by variance, which set out specific conditions as requirements for that variance. If those specific conditions are violated or omitted, the use previously authorized is automatically revoked and the property reverted to the use before the variance or conditional use was granted without further action by the Planning Commission or County Commissioner.

**Section 606. Non-Conforming Uses.**

Any structure or use of land existing before the enactment of this Resolution, unless in violation of Subdivision Regulations, Mobile Home Park and Mobile Home Regulations, or Soil Erosion and Sediment Control Resolution previously in effect, not in conformity with District Use Provisions, may be continued; provided, however, the non-conforming use shall not be:

- A. Changed to another non-conforming use;
- B. Re-established after discontinuance for a period of one year;
- C. Expanded except in conformity with this Resolution;
- D. Rebuilt, altered, or repaired after damage exceeding 75% of the fair market value of the structure immediately before the damage occurred:
- E. Replaced, except the replacement of an old or destroyed manufactured housing with new manufactured housing when the manufactured housing is the primary residence and occupied by the owner.
- F. For commercial and business purposes, a legal non-conforming status is proven by possession of a valid, legally obtained, Dawson County Business License within the past 12 months

**Section 607. Off-Street Parking and Loading Spaces Required.**

Except and unless otherwise specifically provided, this Section shall apply only to properties located within the RB, CB, HB, OI, CPCD, CIR, and IA Zoning Districts.

- A. Off-street automobile parking and loading spaces shall be provided, as specified in this Section, for uses and structures hereafter established in the IA and all commercial districts at the time of initial construction of any principal building, unless otherwise exempted from this Resolution. 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.
- B. 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 Section, for the enlarged or new use.
- C. 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 this Resolution.
- D. Required parking and loading spaces shall be provided with vehicular access to a public street or alley, unless such access is prohibited by this Resolution.
- E. 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 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 607.1.A. 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 Administrative Officer. The Administrative Officer may also reference the latest American Planning Associations Parking Standards Report. When referencing APA Reports weight should be given to the jurisdiction listed with a population density closest to that of Dawson County. 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.

***TYPE OF USE***

***PARKING REQUIRED***

Apartment, multiple-family residential use	Two spaces per dwelling unit
a) Clubhouse or recreation center	Ten spaces, minimum
b) Leasing office	Four spaces

Arcade, game room	One per 200 sq. ft. gross floor area
Art Gallery, Museum, etc.	One per 300 sq. ft. gross floor area
Assembly hall, community centers	One space per four fixed seats
Auditorium, stadium, gymnasium	One space per four fixed seats
Automobile	
a) Sales and Service	One per 150 sq. ft. gross floor area
Bank or financial institution	One per 200 sq. ft. gross floor area
Barber or beauty shop	Three spaces for each operator or chair
Billiard hall, Poolroom	One per 200 sq. ft. gross floor area
Boarding or rooming houses	One per guest room plus one per employee
Bowling alley	Three spaces per lane
Church or places of worship	One space per four fixed seats in auditorium
Convenience store/ Gas Station	One per 200 sq. ft. gross floor area
Correctional Facility	One per each employee on maximum shift, plus One per every 25 inmates
Dance studio	One per emp. + one per 150 sq. ft. gross
Day care center	One per ten children, + one per employee
Dormitory	One per 2 beds
Duplex	Two per dwelling unit
Food store, grocery	One per 200 sq. ft. gross floor area
Funeral home or mortuary	One per four seats in largest assembly room
Furniture or appliance stores	One per 600 sq. ft. gross floor area
Golf Course	Three per hole plus one per two emp.
Health Club, spa	One per 150 sq. ft. gross floor area
Hospital, clinic	One per two beds + one per 3 emp.
Nursing home or other long term care facility	One per two beds + one per staff
Hotel, motel	One per guest room + one per two emp.

Industrial or manufacturing	Two per three employees on largest shift
Laundry, self-service	One per 200 square feet of gross floor area
Library, museum	One per 200 square feet of gross floor area
Lodge, club	One per three seats in largest assembly room
Mini-warehouse or Self-Storage Facility	One per 20 stalls + two per office
Miniature golf course	Three spaces per hole
Mobile home park	Two per dwelling + one per resident mgr.
Multi-family residential (condominiums, townhouses, etc.)	Two per dwelling unit plus one additional guest space per 4 units in an off-street parking area
Office	One per 250 square feet of gross floor area
a) Medical or Dental	Six spaces per practitioner
Parks and Subdivision Activity/Amenity Areas	One per 5,000 square feet of land area Ten spaces minimum
Personal services	One per 200 square feet of gross floor area
Restaurant or lounge	One per 100 square feet of gross floor area
Retail, general	One per 200 square feet of gross floor area
School, private	One per 10 classroom seats + one per staff person
School, elementary	One per 15 classroom seats + one per staff person
School, high	One per 10 classroom seats + one per staff person
School, college, trade, vocational commuter only	One per 5 classroom seats + one per staff person
School, college, trade, vocational with dormitories	One per 10 classroom seats + one per staff person Dormitory facilities not included
Shopping center	One per 200 square feet of gross floor area
Single-family residence	Two spaces per dwelling unit
Theater, cinema	One space for each five seats Ref variance 04-06
Warehouse	One per 500 square feet of gross floor
Wholesale	One per 500 square feet of gross floor

This is redundant of verbiage located in the initial paragraph of this section.

**Section 607.1.B. Maximum Number of Off-Street Parking Spaces Allowed.**

- A. Purpose. Limiting the number of spaces allowed promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for better pedestrian movement, and protects air and water quality.
- B. The maximum number of off-street parking spaces for any building or use shall not exceed the amount determined as follows:
  - 1. Parking lots of more than 20 and less than 50 spaces. Parking lots may not have more than one hundred twenty percent (120%) of the minimum number of spaces required as identified in Section 607.1.A.
  - 2. Parking lots of 51 spaces or more. Parking lots may not have more than one hundred ten percent (110%) of the minimum number of spaces required as identified in Section 607.1.A.
  - 3. Parking lots described in the above categories may be allowed up to one hundred fifty percent (150%) of the minimum number of spaces required as identified in Section 607.1.A. if the parking installed which exceeds the minimum requirement is installed using porous paving techniques or other ecologically friendly techniques. The planning director must approve any parking design, which exceeds the regularly allowed maximum number of spaces.

**Section 607.2. Handicapped Parking Requirements.**

In all land use intensity districts each parking area for six (6) or more spaces devoted to uses other than residential shall provide handicapped parking spaces (a minimum of twelve feet in width with 4 feet of the parking space to be designated as loading area), counted as a part of the total parking required, in accordance with the following scale:

TOTAL PARKING REQUIREMENTS

HANDICAPPED SPACES REQUIRED

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

**Section 607.3 Minimum Number of Off-Street Loading Spaces Required.**

- A. On the same lot with every building, structure or part thereof, erected or occupied for manufacturing, storage, warehouse, truck freight terminal or single unit retail or wholesale store over 25,000 square feet 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.

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:

SQUARE FEET  
NUMBER OF SPACES

25,001- 50,000	2
50,001- 100,000	3
100,001- 200,000	4
200,001- 300,000	5
For each additional 100,000 or fraction thereof	1 additional

B. On the same lot with every building, structure or part thereof under 25,000 square feet, erected or occupied for retail, wholesale, restaurants, or onsite service providers or other similar uses, 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.

For the above-described uses, one (1) loading space minimum shall be provided. For multi-unit structures one (1) loading space per every 5 units shall be provided.

**Loading space size requirements:**

Each loading space shall be a minimum of twelve (12) feet by sixty (60) feet, with a fourteen (14) foot height clearance. Loading spaces must be marked and placed separate from access drives. All plans for off-street loading areas shall be subject to the approval of the Administrative Officer.

**Section 607.4. Parking and Loading Area Design Requirements.**

Improvement of Parking Lots:

- A. All parking areas containing more than five (5) spaces shall meet the following requirements:
  - 1. They shall be graded to insure proper drainage with curb and gutter installed as required to facilitate stormwater management, surfaced with concrete or asphalt, and maintained in good condition free of obstructions.
  - 2. Parking areas shall not be used for the sale, repair, dismantling or servicing of any vehicle, equipment, materials or supplies.
  - 3. **Each parking area 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.**
  - 4. 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.
  - 5. Any lighting facilities installed shall be so arranged to prevent the direct illumination of adjacent residential properties or public streets.
  - 6. A site plan indicating property lines, parking areas, location of parking spaces, pavement set backs, drainage facilities, paving materials, access and other features required to ensure compliance with this Article shall be submitted to the 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.

**Section 607.5. Landscaping and Design in Parking Areas.**

Refer to the Dawson County Buffer, Landscape and Tree Ordinance for design specifications.



**Section 607.6. Curb Cut and Access Specifications.**

- A. Access from public streets to all parking areas for any permanent or temporary uses, buildings and/or structures, regardless of the number of parking spaces provided, shall meet the following requirement:
  - 1. 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.

All other Curb Cut and Access Specification requirements shall be referenced from the Dawson County Driveway Construction and Permitting Ordinance adopted April 15, 2004 as amended and are regulated by the Public Works Director of Dawson County.

**Section 607.7 Parking Space Design Requirements**

- A. All parking spaces installed within parking areas regulated by Section 607.4 shall meet the following size requirements:
  - 1. All standard spaces shall have a minimum width of 9 feet.
  - 2. All standard spaces that are installed 90 degrees off of the curb shall have a minimum stall depth of 18 feet.
  - 3. All standard spaces that are installed 60 degrees off of the curb shall have a minimum stall depth of 20 feet.
  - 4. All standard spaces that are installed 45 degrees off of the curb shall have a minimum stall depth of 20 feet.
  - 5. All standard spaces that are installed 30 degrees off of the curb shall have a minimum stall depth of 18 feet.
  - 6. All parallel parking spaces shall have minimum width of 9 feet off the curb and a minimum length of 22 feet.

(Stall Depth is defined as a measurement at 90 degrees from the curb to the end of the parking space striping)

- B. Aisle widths in parking areas regulated by Section 607.4 shall meet the following requirements:
  - 1. The minimum aisle width for spaces installed 90 degrees off of curb shall be 24 feet.
  - 2. The minimum aisle width for spaces installed 60 degrees off of curb shall be 18 feet for one-way traffic and 20 feet for two-way traffic.
  - 3. The minimum aisle width for all other spaces shall be 14 feet for one-way traffic and 20 feet for two-way traffic.

Spaces installed 90 degrees off of curb shall not be allowed on thru streets or aisles.

**Section 608. Additional Requirements for Commercial and Agricultural Activities.**

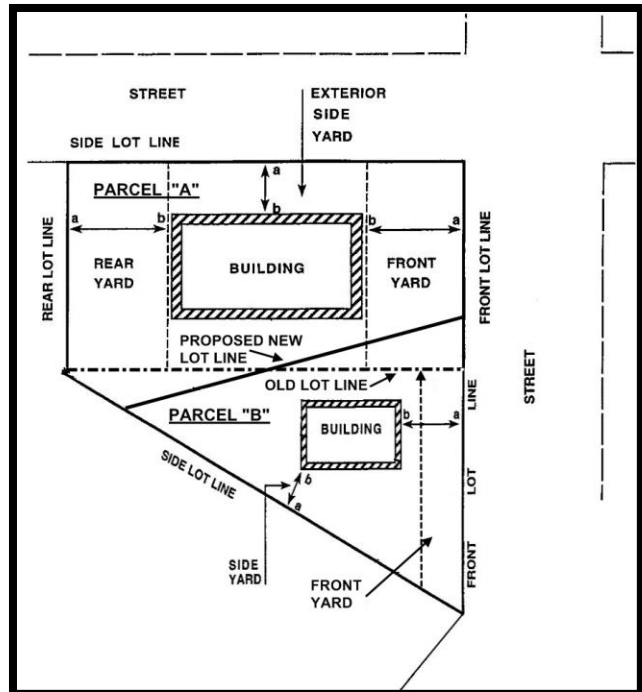
- A. Any application involving a request for a zoning or rezoning to any commercial district classification shall be accompanied by a scaled drawing in such form specified by the Planning Commission showing all pertinent distances and dimensions and depicting all proposed improvements.
- B. Any application involving a request to construct a major farm building as described in Sections 301 and 307 of this Resolution, or a building to be occupied by animals or animal products as described in Section 602 of this Resolution, shall be accompanied by a scaled drawing in such form specified by the Planning Commission showing all pertinent distances and dimensions and depicting all proposed improvements.

**Section 609. Lots of Record.**

The following allowances and modifications to lots of record can be made, or are deemed to be made by certain actions.

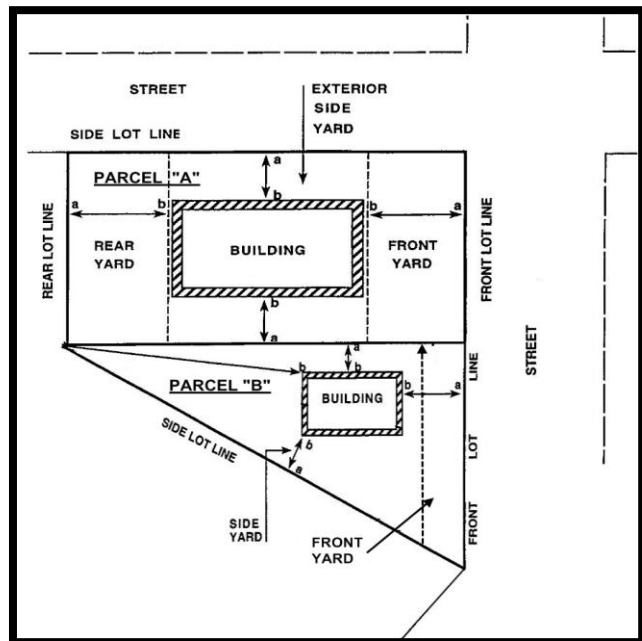
- A. Although a lot may not contain sufficient land area, width or lot frontage to meet the minimum lot size requirements of this resolution, such lot may be used as a building site if all other requirements of the district are met and that building plans are consistent with all state and local health codes.

Example A: Parcel A conforms, Parcel B has non-conforming lot size



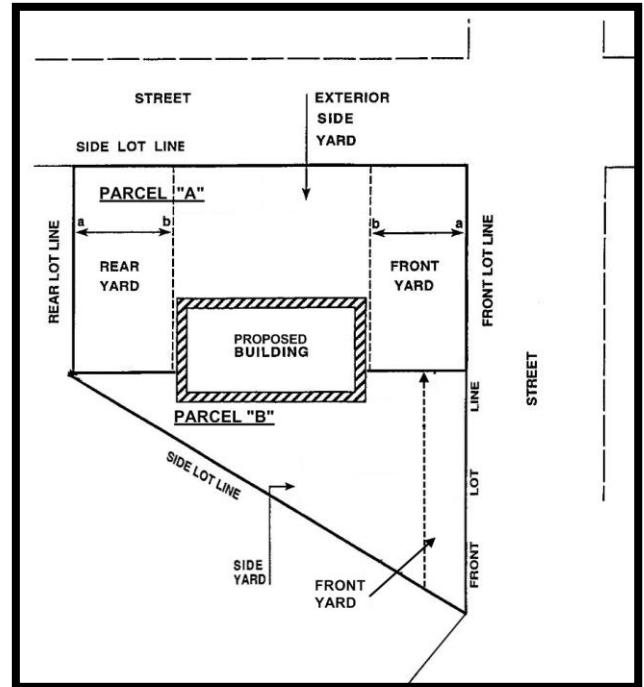
- B. The line between two adjoining lots of record that are non-conforming as to lot size may be modified only such that neither lot becomes smaller. If a non-conforming lot of record adjoins a lot that meets or exceeds lot size standards, then the line may be modified only such that the non-conforming lot does not become smaller, and the conforming lot is not made non-conforming.

Example B: Re-plat of both lots such that Parcel A is the same size & Parcel B is not smaller

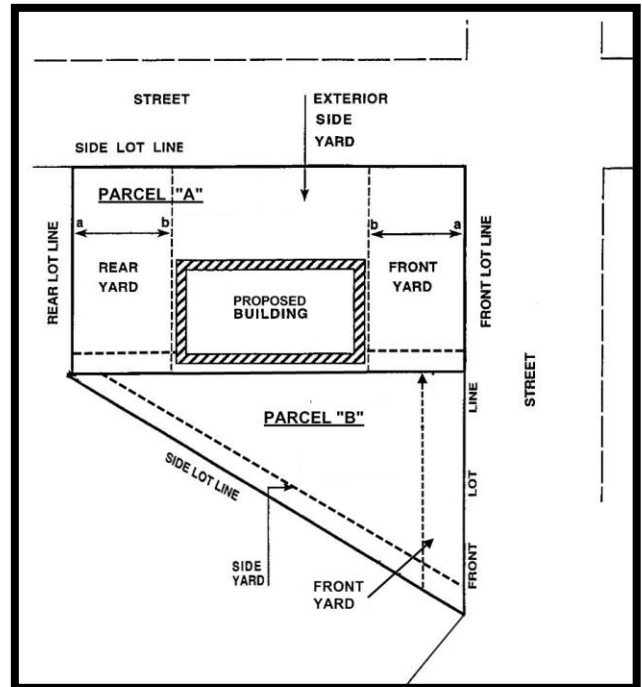


- C. If a building is proposed for construction across the line between two lots of record under the same ownership that are non-conforming as to the lot size or frontage, then the lots shall be resurveyed and recorded to be combined. If a building is proposed for construction within a setback between two lots of record under the same ownership that are non-conforming as to lot size or frontage, then the lots may be resurveyed and recorded to be combined, or a request for a setback variance may be considered.

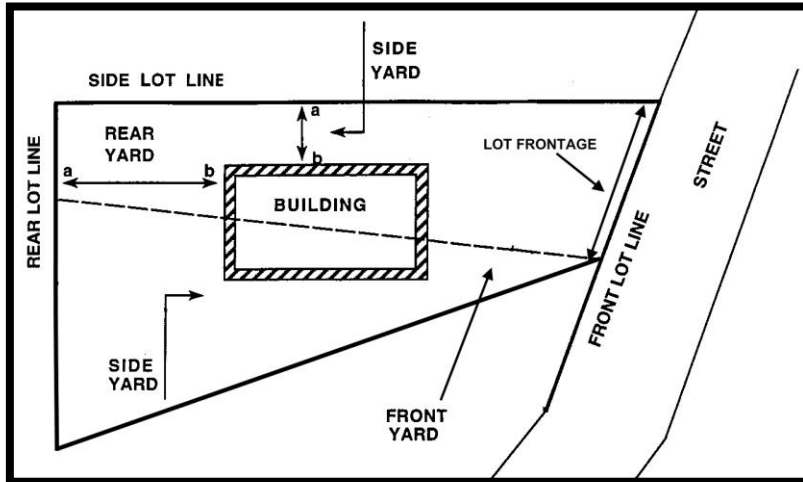
Example C1: Same owner for both parcels  
Requires re-plot of property to remove separation



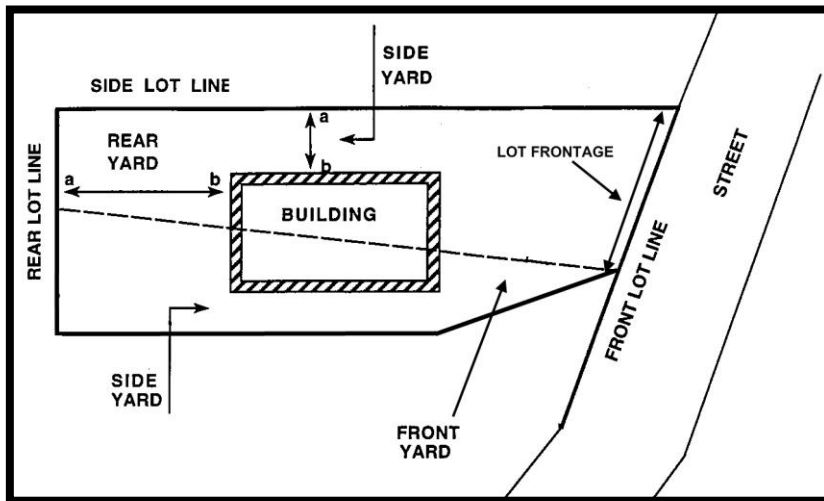
Example C2: Same owner for both parcels  
Proposal to build in setback of one parcel  
Requires re-plot or variance approval



- D. A lot that is non-conforming in one dimensional criteria, but conforming to other criteria, may be modified such that the conforming criteria is rendered non-conforming, and the non-conforming **criteria** is not made non-conforming to a greater extent. For example, if a non-conforming lot of record has less than the required lot frontage, but has excess lot area, then the lot area can be reduced as long as the lot maintains the minimum lot area. However, the lot frontage cannot be reduced.



Example D1: Existing lot with less than required lot frontage, but more than the minimum acreage required



Example D2: Existing lot with new side lot line and minimum required acreage NOTE: no change in Lot Frontage

- E. If a legal lot of record is resurveyed for combination, line change or other alteration in accordance with this section and recorded with the Clerk of Court's office, then; the most recent recorded plat takes precedence and shall be considered the new lot of record.

**Section 610. Concept Plan and Site Plan Amendments:**

Concept Plan and Site Plan Amendments are broken down into two categories, Major Amendments and Minor Amendments.

- i. Major Amendments in the case of a rezoning will require a resubmission and review by the Planning Commission members and the Board of Commissioners. All others require the approval of the Planning Director. Major Amendments include but are not limited to:
  1. Major conceptual change as defined by the Planning Director
  2. Increases the density proposed
  3. Increases the square footage of the commercial development by 10% or greater.
  4. Changes the location of collector, arterial or commercial streets
  5. Relocates Active amenity area or Active open space
  6. Has an effect on adjoining properties
  7. A request for exemption or relief from a previously approved stipulation
- ii. Minor Amendments are approved by the Planning Director. Minor Amendments include anything less than Major Amendments and but are not limited to:
  1. Changes to the location of minor or residential streets
  2. Relocates Passive open space
  3. Adjusts lot lines not resulting in new lots
  4. Decreases Passive open space up to a maximum of 10% (while still meeting the minimum open space requirement of zoning)
  5. Increases Passive open space
  6. Reduces the approved density
  7. Increases the square footage of the commercial development by less than 10%
  8. Decrease the commercial square footage of an approved development
  9. Has no effect on adjacent or adjoining properties

## **Section 611. Home-Based Businesses**

- A.** Administration and Enforcement. Dawson County enforces the County’s Business License Ordinance. Any person failing to comply with any provision of the Dawson County Business License Ordinance may be subject to Article XII of the Land Use Resolution and may be punished by a maximum fine of \$1,000, as well as penalties imposed within the Business License Ordinance.

Any licensee failing to comply with this Section shall have the Business License revoked. If a business license application involves a home occupation and is denied by the Planning Director, then the Applicant may file a variance request in accord with Article IX of the Land Use Resolution of Dawson County. The approval for a Home Office or Home Occupation shall not “run with the land” and shall terminate with a change in location or ownership of the Home Office or Home Occupation or ownership of the premises.

**B.** Exceptions

1. Uses currently allowed in the RA Zoning District (Agricultural Residential) shall be subject to the requirements for permitted and prohibited uses set forth within the Land Use Resolution of Dawson County and shall be exempt from any conflicting ordinance, except for parcels zoned R-A that are one acre or less. If a parcel is zoned R-A and is equal to or less than one acre, then the terms of this section shall control. A business that qualifies only as a Home Office, but not a Home Occupation, shall be exempt from the terms hereof if the property is in the R-A zoning District.
2. Exception to Business License Requirement Only. Secondary Offices. A Home Office in a residential district that is an ancillary office and that is not the primary location for the business of the Home Office; such ancillary location shall not be required to have a business license issued by Dawson County if: (1) the business activity is subject to a business license issued by Dawson County for another location, or (2) if a business license has been issued for another location by some other jurisdiction in the United States.

**C.** Permitted Home Occupations

1. Offices of professionals including, but not limited to, architects, brokers, counselors, clergy, draftspersons and cartographers, engineers, insurance agents, lawyers, real estate agents, accountants, editors, publishers, journalists, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, salespersons and manufacturer’s representatives, and travel agents;
2. Personal services, including barber shops, beauty parlors, manicure and pedicure shops, pet grooming, catering, taxidermy services, and chauffeur services;
3. Instructional services, including music, dance, art and craft classes, tutoring, and outdoor instruction to include tennis lessons, and swimming lessons;
4. Babysitting services, day care homes;
5. Studios for artists, sculptors, musicians, photographers, and authors;
6. Workrooms for tailors, dressmakers, milliners, and craft persons, including weaving, lapidary, jewelry making, cabinetry and wood working;
7. Repair services, including watch and clock, small appliances, computers, and electronic devices; and
8. Upholstery and detailing services if and only if an accessory building may be used for the Home Occupation.

This list may not be all-inclusive. The Planning Director shall determine whether an unlisted business is substantially similar to a permitted use based upon the proposed business activity. A maximum of two Home Occupations may be granted to the same residence.

#### D. Prohibited Home Occupations

1. Kennels, stables, veterinarian clinics/hospitals
2. Outside obedience training of animals
3. Medical and dental clinics/hospitals
4. Restaurants, clubs, drinking establishments
5. Motor vehicles sales, medium and large engine repair
6. Repair and service of small internal combustion motors for powered lawn equipment, motor cycles, scooters, all terrain vehicles, boat motors or construction tools and equipment powered by internal combustion motors.
7. Undertaking and funeral parlors and crematoriums
  - i. Human or animal cremation facilities
8. Retail sales of goods not made on the premises and sold to the general public from the premises
9. Rooming and Boarding houses with the exception of Bed and Breakfast facilities that have been approved in accordance with the Land Use Resolution.
10. Adult business uses (See Dawson County Adult Business Establishment Ordinance)
11. Private Clubs
12. Warehousing and/or storing of material not directly used in a licensee's home occupation.
13. Other similar uses as determined by the Planning Director based upon the proposed use being substantially similar to a prohibited Home Occupation.

#### E. Operational Standards

1. Operating Hours —Customer/client visits to the home occupation are limited to the hours from 8 A.M. to 8 P.M. The home occupation shall not generate more than 10 customer/client visits in any one day nor more than five customers/clients at any one time nor more than two (2) customer vehicles at any one time.
2. Employees —The home occupation shall have no more than one non-resident employee on the premises at any one time. The number of nonresident employees working at locations other than the premises of the home occupation is not limited.
3. Vehicles —Delivery vehicles used to deliver goods to the home occupation business are limited to passenger vehicles, mail carriers, and express carriers such as UPS and FedEx. Deliveries shall be permitted only between 8:00 A.M. and 8:00 P.M. The home occupation shall be limited to the parking/storage of one commercial vehicle on the premises, not exceeding a one-ton capacity. Any commercial vehicle shall be stored such that the vehicle is not visible from a public street. Parking for all customers/clients/employees shall be restricted to the premises and shall not be permitted on public rights-of-way. The home occupation shall allow for on-site customer/client/employee parking.
4. Nuisances —The equipment used by the home occupation and the operation of the home occupation shall not create any vibration, heat, glare, dust, odors, or smoke discernible at the property lines at any time and shall not generate any discernible noise at the property lines from 8:00 P.M. to 8:00 A.M. and shall not create any electrical, magnetic or other interference off the premises, consume utility quantities that negatively impact the delivery of those utilities to surrounding properties, or use and/or store hazardous materials in excess of quantities permitted within residential structures.
5. Appearance —There shall be no exterior indication of the home occupation or variation from the residential character of the principal use. Special accessibility such as access ramps may be constructed in order to conform to building codes. No outside displays of sales items, products, or services may be used. All material stored on premises for the use of the home occupation shall be out-of-sight of the public and inside a building. All accessory structures shall meet the requirements set forth for the Residential District. No vehicles or other receptacles used for the

collection, carrying, storage or transport of commercial garbage, waste, trash or recycled material shall be parked or stored on the property.

6. Ownership—The business owner of the dwelling associated with the Home Occupation request shall occupy the dwelling as a principal residence and shall own the premises, unless the residence is in the RMF District.
  - i. An applicant residing in Residential Multi-Family District (RMF) Article III section 306 of the Land Use Resolution shall have owners' written permission to obtain a home-based business license.

#### F. Accessory Buildings for Home Occupation Use

1. The use of an accessory building for a home occupation shall only be permitted in R-A, Article III section 309 of the Land Use Resolution
2. Limit—Only one accessory building per parcel shall be allowed for home occupation use.
3. Lot Size—The use of an accessory building for a Home-based business shall be prohibited on parcels less than five (5) acres in all residential districts.
4. Home Occupations may operate in an accessory building used for other purposes but the maximum square footage used may not exceed those limits set forth in sub-section F6.
5. The setbacks for all accessory buildings for use in connection with a Home Occupation shall meet the set back requirements for a house/residence.
6. Accessory Building size. The use of an accessory building, where permitted, for a Home-based Business shall be limited to .6% of the parcel or 2,500 square feet, whichever is less, and shall not exceed 30 feet in height from grade.

#### G. Size of Residence used as Home Occupation

1. No more than 25% of the interior heated space of a residence/home shall be used for a Home Occupation.

#### H. Signs

1. The maximum size of a permanent sign is three (3) square feet in total, which is 432 square inches.
2. Only one permanent sign is allowed.
3. The permanent sign shall be affixed no higher than six (6) feet from the first floor foot level to the home or to the Accessory building used for home occupation.
4. The permanent sign shall not be lighted.

#### I. Notification

1. Before commencement of a Home Occupation, the licensee shall notify, in writing, all adjacent property owners.
2. Notification shall include, at minimum, what type of Home Occupation the licensee is starting and when the Home Occupation shall begin.



J. Non-conforming Use. Home-based businesses that maintain a valid business on the effective date of this ordinance shall be permitted to continue the operation as a non-conforming use if such business does not comply with the terms hereof until the form of the business changes or the ownership of the business or any portion of the property changes.

**ARTICLE VII  
LAND USE RESOLUTION DISTRICT MAP**

**Section 700. Purpose.**

The purpose of this Article is to establish the Land Use Resolution District Map; provide for identification, alteration, and replacement of the District Map; criteria to be considered in amending the District Map; district boundaries; relationship between District Map and Future Land Use Map.

**Section 701. Land Use Resolution District Map.**

The Land Use Resolution District Map is hereby designated to be Section 706 of this Resolution. Any reference to the "District Map" in this Resolution refers to the Official Land Use Resolution District Map.

**Section 702. Identification, Alternation, and Replacement of the District Map.**

- A. The District Map is signed by the Commissioner with witnessing signature of the County Clerk and bears the Commissioner's seal under the following words: "This certifies that this is the Land Use Resolution of Dawson County, Georgia," together with the date of the adoption of this Resolution.
- B. The District Map may be altered only if the proposed alterations area in conformance with the Future Land Use Map (Article VIII), and sound planning principles. Any alteration to the District Map is an amendment to this Resolution. The procedure by which amendments are proposed and approved is contained in Article XII. Any amendment involving changes in land use district boundaries must be entered on the District Map as soon as the amendment has been approved by the Commissioner. The entry should be as follows: "On (date) by official action of the Commissioner, the following changes (or changes) were made on the Official Land Use Resolution District Map: (Brief description of change.)" It shall be signed by the Commissioner with witnessing signature of the County Clerk. No amendment to portions of this Resolution that are illustrated on the District Map becomes effective until after the change has been entered as described above on the District Map. Any authorized alteration of the District Map by any person is a violation of this Resolution. The Official Land Use Resolution District Map is located in the Planning Department and is the final authority as to the current status of land use district boundaries.
- C. If the District Map becomes damaged destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Commissioner may adopt a new District Map, which will replace the previous District Map. The new District Map is identified as such in the same manner as described above. When the new District Map is adopted, a notation should be made on the previous District Map that it is no longer valid, indicating the date that the new District Map was adopted, as a reference aid. The previous District Map should be preserved, if it has not been lost or destroyed, for possible future reference.

**Section 703. Criteria to be Considered in Amending the District Map.**

The following points should be addressed when considering proposed amendments to the District Map. In determining whether or not a proposed amendment satisfactorily addresses the points stated below, sound planning principles should be followed.

- A. Proposed amendment should be in conformance with the Dawson County Future District Map.
- B. Findings of fact must be presented and accepted in support of such an amendment.
- C. Proposed amendment should meet demonstrated changes in community needs.
- D. The factors indicating suitability of land to be placed within a certain land use district should be considered. These criteria are contained in Section 1004.

**Section 704. District Boundaries.**

Where uncertainty exists with respect to the exact location of the boundary of a land use district shown on the District Map, the following guidelines should be followed in establishing the exact location of the boundary:

- A. Where a land use district boundary is indicated as approximately following the center line of a street or road, or as approximately following the right-of-way line, that line should be considered to be the boundary.
- B. Where a land use district boundary is indicated as approximately following the corporate limit line of the city, the corporate limit line should be considered to be the boundary.
- C. Where a land use district boundary is indicated as approximately following a property line or such line extended, the line or lines extended should be considered to be the boundary.
- D. Where a land use district boundary is indicated approximately following the center of a stream bed, such should be considered to be the boundary.
- E. Where a land use district boundary is indicated as approximately parallel to the center line of a street, road, railroad, or the right-of-way of such a facility, such boundary shall be interpreted to be parallel to such line and at a distance from it as indicated by scale on the District Map.
- F. Where a land use district boundary line is indicated as dividing a lot in single ownership at the time of the enactment of the Resolution, the development standards for the land use district in which the greater portion of the lot lies must be extended to the balance of the lot up to a distance of thirty-five (35) feet beyond the actual boundary line of the land use district.

**Section 705. Relationship Between District Map and Future District Map.**

- A. The Future District Map as adopted by the Board of Commissioners and adopted by the Commissioner. It should provide the best possible indication of desirable future district patterns that will meet projected future demand for land uses of various types.
- B. The land use districts contained on the District Map carry standards which must be met by all new developments and construction in the County. The arrangement of land use districts is based on existing land use patterns. Establishment and amendments of land use district boundaries must be based on defensible findings of fact as well as sound comprehensive planning principles.

**Section 706. Land Use Resolution District Map.**

The Dawson County Land Use Resolution District Map shall be cited as Section 706, and shall be a part of this Resolution. The map shall be located in the Planning Department and in the office of the Planning Department.

**Section 707 Zoning Compliance**

- A. Intent – The primary determination whether a proposed use is proper in a given use district is made by the Department of Planning and Zoning. Interpretations of the department concerning the meaning of the resolution may be important in a particular case. Persons should not expend money on project development until the department has determined in writing that the proposed use is proper.
- B. Certificate – A certificate of Zoning Compliance shall be issued on a form to be determined by the Department as evidence that a proposed use complies with the Resolution.
- C. Reliance – Until a Certificate of Zoning Compliance is obtained with regard to a particular project, a person expending money in any way on project planning or development does so at his own risk. No person shall be deemed to have expended funds in reliance on zoning provisions unless and until the Certificate of Zoning Compliance is obtained.

**ARTICLE VIII  
FUTURE DISTRICT MAP**

**Section 800. Purpose.**

The purpose of this Article is to provide for a future district map; background concepts of the future district map; identification, alteration, and replacement of the future district map; and criteria to be considered in amending the future district map.

**Section 801. Background Concepts of the Future District Map.**

The Future District Map represents a synthesis of data concerning population, land use patterns, and economic activity, etc. The Planning Commission has studied these data and conceived a set of goals to provide suitable space for anticipated future development while the public health, safety, and welfare is protected. The map contains an arrangement of land uses, which permits minimum adverse impact on neighboring land uses and on safety conditions, while maximum efficiency in providing community and utility services is achieved. The Future District Map represents the Planning Commission's projection of how land use patterns in Dawson County should look in the medium-to-long-range future. The development standards and other requirements contained in this Resolution are intended to encourage the development of the land use patterns depicted on the Future District Map. Existing and future land uses are NOT regulated or controlled by the Future District Map as they are by the District Map.

**Section 802. Identification, Alteration, and Replacement of the Future District Map.**

- A. The Future District Map is signed by the Commissioner with witnessing signature of the County Clerk and bears the seal of the County or that of a Notary Public under the following words: "This certifies that his is the Dawson County Future District Map referred to in Article 804 of the Land Use Resolution, Dawson County, Georgia," together with the date of the adoption of the Resolution.
- B. The Future District Map may be altered only if the proposed alterations are in conformance with sound comprehensive planning principles. Any alteration to the Future District Map is an amendment to this Resolution.
- C. The procedure by which amendments are proposed and approved is contained in Article XII. Any amendment to the Future District Map must be entered on that Map as soon as the amendment has been approved by the Commissioner. The entry should be as follows:

"On (date), by official action of the County Commissioner, the following change (or changes) were made in the Dawson County Future District Map: (Brief description of change.)" It should be signed by the Commissioner with the witnessing signature of the County Clerk. No amendments to the Future District Map become effective until after the change and only by the procedures contained in this Article. Any unauthorized alteration of the Future District Map is a violation of this Resolution.

- D. The Future District Map is located in the Commissioner's office. If it becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes or additions, the Commissioner may adopt a new Future District Map, which will replace the previous identified as such in the same manner as described above in this section. When the new Future District Map is adopted, a notation should be made on the previous Future District Map that it is no longer valid, indicating the date that the new Future District Map was adopted as a reference aid. The previous Future District Map should be preserved, if it has not been lost or destroyed, for possible future reference.

**Section 803. Criteria to be Considered in Amending the Future District Map.**

The following points should be addressed when considering proposed amendments to the Future District Map. In determining whether or not a proposed amendment satisfactorily addresses the points stated below, sound planning principles should be used.

- A. Findings of fact must be presented and accepted in support of the proposed amendment.
- B. The proposed amendment should meet demonstrated changes in community needs.
- C. The proposed amendment should be consistent with indications of current available population, economic, and land use data upon which information depicted on the Future District Map is based.

**Section 804. Future District Map.**

The Future District Map shall be cited as Section 804, and shall be a part of this Resolution. The Map shall be located in the County Commissioner's office.

## **ARTICLE IX VARIANCES**

### **Section 900. Purpose.**

The purpose of a variance is to provide relief when a strict application of the district requirements would impose unusual practical difficulties or unnecessary physical hardships on the applicant. Practical difficulties and unnecessary hardships may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or other conditions on the site or in the immediate vicinity. No variance shall be granted to allow the use of property for a purpose not authorized within the district in which the proposed use would be located. A variance should be granted only after evidence is presented and accepted that enforcement of all of the required standards on the property in question would render the property useless. This Article establishes conditions; criteria for granting variances; public hearings on proposed variances; variances to road requirements; variance procedures; compliance with conditions of approval; vested interest in approved variances; investigations and reports; revocation; limitations on re-applications; and use variance.

### **Section 901. Conditions.**

- A. Reasonable conditions may be imposed in connection with a variance as deemed necessary to protect the best interests of the surrounding property or neighborhood, and otherwise secure the purpose and requirements of this Article. Guarantees and evidence may be required that such conditions will be and are being complied with.
- B. The Planning Commission is responsible for considering and making recommendations on applications for variances. Variances apply only to the land use standards and requirements specified for each district. They do not apply to other provisions of this Resolution.
- C. The variance must specify which development standards and requirements are to be varied from. It must specify alternative standards and requirements to be met, replacing those varied from.

### **Section 902. Criteria for Granting Variances.**

Variances to standards and requirements of this Resolution, with respect to open area, setbacks, yard area, lot coverage, height of structures, vision clearance, and other quantitative requirements may be granted only if, on the basis of the application, investigation, and evidence submitted by the applicant, investigation, and evidence submitted by the applicant, all four expressly written findings below are made:

- A. That a strict or literal interpretation and enforcement of the specified standard or requirement would result in practical difficulty or unnecessary hardship; and
- B. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties in the same district; and
- C. That the granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the near vicinity; and
- D. That the granting of the variance would support general objectives contained within this Resolution.

Variances in accordance with this Article should not ordinarily be granted if the special circumstances on which the applicant relies are a result of the actions of the applicant or owner or previous owners.

### **Section 903. Public Hearing on Proposed Variances.**

Public hearings on proposed variances shall be in accordance with procedures set forth in Article XII, Section 1202, of this Resolution.

**Section 904. Variances to Road and Street Requirements.**

- A. Variances to requirements of this Resolution with respect to road and street requirements may be authorized as applied for or as modified by the County Commission if, on the basis of the application, investigation, and the evidence submitted by the applicant, all three of the following expressly written findings are made:
  - 1. That neither present nor anticipated future traffic volumes generated by the use of the site or use of sites in the vicinity require strict or literal interpretation and enforcement of the requirements of this Resolution; and
  - 2. That the granting of the variance will not result in the development or design of public streets in such a manner as to interfere with the free flow of traffic on the streets; and
  - 3. That the granting of the variance will not create a safety hazard or any other condition inconsistent with the general purpose of this Resolution.
- B. The County Commission may establish performance bonds to assure compliance with any requirements it has set for granting a variance. Where a variance is granted for a construction activity requiring a building permit, the building permit must be obtained and construction have begun within six months of the issuance of the variance. Otherwise, the variance expires after six months.

**Section 905. Variance Procedures.**

- A. Before, the Planning Commission may act on a variance; it shall give notice of a public hearing in the manner prescribed in Article XII, Section 1202.
- B. The Planning Commission shall review the application and investigation report at the public hearing. The Planning Commission shall determine whether the evidence supports a finding that the required criteria have been met and recommend approval with condition, or denial of the application accordingly. Their recommendations shall be in writing and shall include written findings on each of the applicable criteria. If the Planning Commission fails to take action within thirty (30) days after the public hearing, the request shall be deemed to have been approved.
- C. Decision on variance requests shall be the responsibility of the Planning Commission and shall become final after an elapsed period of thirty (30) days from the date of decision.
- D. The Planning Commission's decision, with findings, shall be sent by mail to the applicant within five (5) working days of the date of action.
- E. From time to time the Planning Commission may find it necessary to require a variance request to also meet approval of the Dawson County Board of Commissioners. In doing so the variance request must follow the public hearing procedures prescribed in Article XII, Section 1202.
- F. An application of a variance which is not acted upon by the Commissioner within ninety (90) days from the receipt of application may be deemed denied.
- G. Application for a variance shall be filed with the Planning Director on the form prescribed by the County, by any person with a legal interest in the property.

**Section 906. Compliance with Conditions of Approval.**

Compliance with conditions imposed in the variance, and adherence to the submitted plans, as approved, is required. Any departure from these conditions of approval and approved plans constitutes a violation of this Resolution.

**Section 907. Vested Interest in Approved Variances.**

A valid variance supersedes conflicting provisions of subsequent rezonings or amendments to this Resolution unless specifically provided otherwise by the provisions of this Article or the conditions of approval to the variance.

**Section 808. Investigations and Reports.**

The Planning Director shall make or cause to be made an investigation to provide necessary information to insure that the action on each application is consistent with the variance criteria and shall make a recommendation to the Planning Commission. Any report of such investigation shall be included in the application file.

**Section 909. Revocation.**

Variances shall be automatically revoked if not exercised within one year of the date of approval.

**Section 910. Limitations on Re-applications.**

Applications for which a substantially similar application has been denied shall be heard by the Planning Commission only after a period of twelve (12) months has elapsed.

**Section 911. Use Variance**

No variance may be granted for a use of land or building or structure that is prohibited by this Resolution.

**Section 912. Withdrawal of Application.**

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

**Section 913. Administrative Variances.**

The Director of Planning and Development shall have the power to grant variances (except for density and use) from the development standards of the Land Use Resolution of Dawson County, Georgia if the intent of the ordinance can be achieved and equal performance obtained by granting a variance.

- (A) **Authority.** The authority to grant variances in accord with this Section shall be limited to variances from the following requirements:
- 1) Front Yard or a Yard Adjacent to a Public Street - variances shall not exceed ten feet (10');
  - 2) Side Yard - variances shall not exceed five feet (5');
  - 3) Rear Yard - variances shall not exceed ten feet (10');
  - 4) Building Height - a variance may be granted up to, but not exceeding, ten feet (10') if such variance does not allow space habitable by humans and is also approved by the fire marshal and would not result in an increase in the number of stories that would otherwise be allowed by the zoning district;
  - 5) Buffers - the dimensions of a landscaping buffer required by the Land Use Resolution of Dawson County or the Dawson County Tree, Landscape, and Buffer Ordinance may be varied by no more than twenty-five percent (25%) if the adopted comprehensive plan recommends a similar or more compatible use of the neighboring property or in other



situations if the intent of the required buffer can be equally achieved; however, no buffer required as a condition of zoning shall be modified;

- 6) Parking - if the required parking standards cannot reasonably be met and if a variance will not adversely affect the spirit or intent of the ordinance or the Land Use Resolution of Dawson County, then a variance of not more than ten percent (10%) may be granted;
- 7) Home Occupations - if the intended use is clearly allowed pursuant to the definition of "Home Occupation", then an administrative variance may be granted to conduct such business.

(B) **Notification.** The applicant may choose to either submit an affidavit attesting to notice that includes signatures of all adjoining property owners listed within the application package or the applicant may choose to permit written notice from the County Planning Department to adjoining property owners of the variance application and then wait at least ten (10) business days from notice to all adjoining property owners before the variance may be considered for approval. Also, notice of the variance application shall be posted upon the property ten (10) days before the variance is considered and shall state the variance requested and the date the variance shall be considered.

(C) **Basis for Approval.** The following criteria shall be considered by the Director before allowing an administrative variance. No variance may be granted administratively for an application for a variance that has been heard by the Planning Commission within one (1) year or if the application is for the expansion of a non-conforming use or structure.

- 1) The variance neither interferes with the rights of others as provided in this chapter nor is injurious to the public health, safety, general welfare;
- 2) A strict interpretation and enforcement of the standards or requirement would result in practical difficulty or unnecessary hardship;
- 3) No exceptional or extraordinary circumstances applicable to the subject property exist that do not generally apply to other properties in the same district;
- 4) The variance provides for reasonable use under the specified circumstances of each application;
- 5) The variance achieves the general intent of the Land Use Resolution of Dawson County;
- 6) The variance is the minimum possible variance under the specific circumstances; and
- 7) The variance does not exceed the scope of the authority set forth in sub-section (A) hereof.

(D) **Conditions of Approval.** The Director of Planning and Development may impose reasonable conditions upon any administrative variance to ensure that the public health, safety, and general welfare are protected. A violation of any imposed condition shall be a violation of this section.

(E) **Administration.** After all requirements for a variance application in accord with the terms hereof are received, the Planning and Development department shall review and certify that all required information is complete and that the request is within the limits of consideration set forth in sub-section (A) hereof. The applicant shall then be advised to proceed with public notice in accord with sub-section (B) hereof. After required notice has been provided and the time period for response has passed, the Planning Director shall have ten (10) business days to render a decision. Notice of the decision shall be provided to the applicant by mailing such decision within five (5) business days of the decision. Notice of the action taken by the Planning Director shall be

provided to the Planning Commission of Dawson County and shall be placed as an item of old business for no further action upon the agenda of the Planning Commission within thirty-one (31) days.

- (F) **Compliance With Other County Codes.** The effect of an administrative variance approval shall be that a specific request is determined to be appropriate for a specific location. The administrative variance application shall not approve a site plan nor waive or modify any other requirements of any other county code other than as specifically granted pursuant to the variance.
- (G) **Appeal.** The applicant or an adjoining property owner may appeal to the County Commission the decision of the Planning Director regarding an administrative variance within ten (10) days of the decision via written objection and appeal. Any such appeal shall be heard by the Dawson County Board of Commissioners in accord with the standard appeal procedure.

**ARTICLE X  
AMENDMENTS**

**Section 1000. Purpose.**

The purpose of this Article is to set forth required procedures for amendments to this Resolution, including authorization to initiate amendments; public hearings on proposed amendments; application for amendments; guidelines to be considered in granting amendments; records of amendments; and limitations on re-applications.

**Section 1001. Authorization to Initiate Amendments.**

- A. An amendment to the text of this Resolution or to the District Map may be initiated by the County Commissioner, the Planning Commission, or by application of a property owner. The request by a properly owner for an amendment shall be accomplished by filing an application with the County using forms prescribed by the County. If a developer or landowner finds that a proposed new use of his land does not meet the requirements of this Resolution, he may request that this Resolution be amended to permit his proposed use. However, the power to approve and enact an amendment rests with the County Commissioner.
- B. All applications for amendments shall first be reviewed by the Planning Commission. The Planning Commission shall conduct a public hearing in accord with the terms hereof. After the public hearing, the Planning Commission shall submit a recommendation in writing to the Board of Commissioners of Dawson County within forty-five (45) days stating the reason for such recommendation.

**Section 1002. Public Hearing on Proposed Amendments.**

Public hearings on proposed amendments shall be conducted in accordance with procedures set forth in Article XI, Section 1102, of this Resolution.

**Section 1003. Application for Amendments.**

- A. All applications for amendments must be in accordance with the procedures set forth in this Article, and it shall be the responsibility of the applicant to see that these procedures and required information are completed.
- B. Speculative Land Use.
  - 1. Reclassification of property for speculative purposes is discouraged.
  - 2. Letters of Intent, specific Plans and Site Organization Plans, construction and development schedules shall be required as part of the application for District Classification Amendments.
  - 3. Implementation of the requirements of the plans required in paragraph B above must started within one year after approval and completed within one year after the starting date unless reasonable progress is maintained according to approved schedules. In the event this requirement is not fulfilled, the applicant or successor shall be given 60 days notice and 30 days public notice advertised.
  - 4. Uses different from those stated in the application or letter of intent may be considered a violation of this resolution resulting in revocation of the land use classification or other remedies under this Resolution.

**Section 1004. Guidelines to be Considered in Granting Amendment.**

Whenever consideration is being given to an amendment to this Resolution, the Planning Commission shall make its recommendations based on the following criteria:

- A. The existing uses and classification of nearby property;
- B. The extent to which property values are diminished by the particular land use classification;
- C. The extent to which the destruction of property values of the applicant promotes the health, safety, morals, or general welfare of the public;
- D. The relative gain to the public, as compared to the hardship imposed upon the individual property owner;
- E. The suitability of the subject property for the proposed land use classification;
- F. The length of time the property has been vacant under the present classification, considered in the context of land development in the area in the vicinity of the property; and
- G. The specific, unusual, or unique facts of each case, which give rise to special hardships, incurred by the applicant and/or surrounding property owners.

**Section 1005. Records of Amendments.**

The Planning Director shall maintain records of amendments to the text and District Map of this Resolution.

**Section 1006. Limitations of Re-applications.**

No application of a property owner for an amendment to the text of this Resolution or to the District Map shall be considered by the Board of Commissioners within a twelve (12) month period immediately following a previous denial of such request, except the Board of Commissioners may permit a new application, if in the opinion of the Board of Commissioners new evidence of a change of circumstances warrants

**Section 1007. Withdrawal of Application.**

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

**Section 1008. Application Fees.**

**A. APPLICATION FEES**

1. Amendment to the Land Use Resolution by County Official or by the Planning Commission.	- 0 -
By Private Individual or Concern	\$ 150.00
2. Amendments to Land Use Districts	
Residential Exurban/Agricultural (RA)	150.00
Residential Rural Estate	250.00
Residential Lakefront (RL)	250.00
Residential Town (RT)	250.00
Residential Suburban	250.00
Residential Sub-Rural	250.00
Residential Sub-Rural Manufactured/Moved	250.00
Residential Multi-family (RMF)	350.00
Residential Planned Community (RPC)	500.00
Residential Manufactured/Mobile Home Park (RMHP)	300.00
Rural Business (C-RB)	500.00
Community Business (C-CB)	500.00
Highway Business (C-HB)	2500.00
Commercial Planned Comprehensive Development (C-PCD)	2900.00
Office/Institutional (C-OI)	2500.00
Industrial Restricted (C-IR)	2500.00
Commercial Tower (Conditional Use)	2500.00
Mixed Use Village (MUV)	2900.00
3. Variance Request	\$ 300.00
4. Plan Review Fee	
0 - 5,000 square feet (Building) **	\$ 200.00
Civil Plan Review	\$200.00

\*\* The plan review fee for over 5,001 square feet will be \$200.00, plus \$10.00 per 1,000 square feet over 5,000 square feet.

1. Permissive Use or Special Use Permit Fees are the same as use district zoning request.
2. Home Occupation \$ 75.00
3. Appeals \$225.00
4. Short Term Rental Permit \$150.00
5. Bed and Breakfast \$150.00

**ARTICLE XI  
POWERS OF COUNTY OFFICIALS**

**Section 1100. Purpose.**

This Article formalizes the duties of the Planning Director, the Planning Commission and the County Commissioner, in relation to the provisions of this Resolution.

**Section 1101. Powers of the Planning Director.**

The Planning Director has the authority and responsibility to provide the following services:

- A. Provide information concerning the requirements of this Resolution and require compliance with these requirements.
- B. Issue permits under the conditions and procedures required by this Resolution.
- C. Dispense and receive applications as required by this Resolution.
- D. Determine the applicable District, uses, and standards for a particular parcel of land.
- E. Provide assistance and guidance to applicants concerning compliance with this Resolution.
- F. Collect, receive, disburse, and account for fees and monies as required under the provisions of this Resolution.
- G. Serve as the Secretary of the Planning Commission when appointed.
- H. Act as liaison for the Planning Commission with other Officials.
- I. Maintain official records and perform administrative duties required in the execution of the provisions of this Resolution.
- J. The Planning Director is charged with interpretation of the zoning resolution and subdivision ordinance.

**Section 1102. Powers of the Planning Commission.**

The Planning Commission has the authority and the responsibility to provide the following services:

- A. Review, investigate, and recommend action to the County Commission concerning applicants under the provisions of this Resolution.
- B. Review, investigate, and render decisions concerning variances; and, as well as, from time to time, recommend action to the County Commission concerning variances and amendments to this Resolution.
- C. Advise and inform the County Commission on development within Dawson County.
- D. Conduct Public Hearings as required under the provisions of this Resolution.
- E. Propose amendments to this Resolution.
- F. Prepare and maintain a Land Use District Map and a Future Land Use District Map, under the provisions of this Resolution.
- G. Provide general information concerning the application and administration of this Resolution.
- H. Provide review and recommendations concerning appeals of actions of its decisions to the County Commission.

**Section 1103. Powers of the County Commission.**

The County Commission has the authority and responsibility to provide the following services:

- A. Render official decisions concerning the recommendations of the Planning Commission, in relation to actions within the scope of this Resolution.
- B. Hear and decide appeals of actions of the Planning Director or the Planning Commission.
- C. Establish fees upon recommendation of the Planning Commission for actions, permits, or services under this Resolution.
- D. Conduct Public Hearings related to the administration of this Resolution.
- E. Provide for enforcement of the provisions of this Resolution.

**ARTICLE XII  
ADMINISTRATIVE AND ENFORCEMENT PROCEDURES**

**Section 1200. Purpose.**

The purpose of this Article is to provide for administration and enforcement procedures of this Resolution, including administration; public hearings, forms of petitions, applications and appeals; interpretation; severability; effective date; and remedies and penalties for violation.

**Section 1201. Administration.**

The Planning Commission or its delegate, the Planning Director, shall have the power and duty enforce the provisions of this Resolution. All departments, officials, and public employees of Dawson County, vested with the duty and authority to issue permits, shall conform to the provisions of this resolution and shall issue no permit, certification, or license for any use, building, or purpose which violates or fails to comply with conditions or standards imposed by this Resolution. Any permit, certificate, or license issued in conflict with the provisions of this Resolution, intentionally or otherwise, shall be void. No application which is incomplete shall be processed or received by the Planning Commission or its delegate, the Planning Director.

**Section 1202. Notices and Hearings.**

- A. Amendments to this Resolution may be proposed by the County Commission, the Planning Commission or any individual, firm or organization or any agent or attorney acting on behalf of any individual or legal entity. All proposed amendments, whether an amendment to text or a modification of districts or permissive uses, as well as applications for variances, shall be submitted to the Planning Director in accordance with the submittal deadline established by the Planning Department. All applications to change or amend the district map or to establish a new district shall be accompanied by a plat or map drawn to scale designating the area to be changed and shall contain a statement concerning the proposed use of the property. The Planning Commission shall conduct a public hearing regarding the request. After hearing testimony from all interested parties, the Planning Commission shall have forty-five (45) days within which to submit a recommendation and a statement of findings unless such period of time is extended upon the request of the applicant and the approval of the Planning Commission. If the Planning Commission fails to submit a recommendation and a statement of findings within the specified time period, then the Planning Commission shall be deemed to have approved the proposed amendment or request.”
- B. Any decision of the Planning Commission that is not automatically placed upon the agenda of the County Commission pursuant to the terms of this resolution may be appealed directly to the County Commission within ten 10 days of such decision by filing a written notice of appeal with the Planning Director; otherwise, such decisions shall be final.”
- C. The applicant shall notify the Planning Commission of its desire to appeal the decision of the Planning Commission. The Planning Commission shall notify the County Commission of the applicant's desire to appeal and shall arrange with the County Commission a suitable hearing date.
- D. The Board of Commissioners shall consider recommendations and findings of the Planning Commission at a Public Hearing on the date advertised at which time all interested parties shall have an opportunity to be heard regarding the request. The proponent shall have a minimum time period of ten (10) minutes to present data, evidence, and opinions, and an equal minimum time period of ten (10) minutes shall be permitted for presentation by opponents of each request. No amendment, supplement, change, or appeal by the County Commission shall be effective unless such decision is approved after a public hearing.
- E. At least 15 but not more than 45 days before the date of the hearing by the Planning Commission and the County Commission, the County shall publish a notice of the hearing within a newspaper of general circulation within Dawson County. The notice shall state the time, place, and purpose of the hearing.



- F. If the action for which the hearing is conducted is for amending the Land Use District Map by reclassification of property and is initiated by a party other than local government, the notice in addition to the requirements of Paragraph D, above, shall include the location of the property and the proposed change of classification, and a sign containing information specified herein and any other information specified by the Planning Commission shall be placed on the property not less than 15 days before the date of the hearing.
- G. Before each hearing, a notification shall be sent to each adjoining property owner within Dawson County by regular mail sent to the address provided by the applicant or the address as shown on the current tax records. The notice shall be mailed within a reasonable time before the meeting.

**Section 1203. Form of Petitions, Applications, and Appeals.**

All petitions, applications, and appeals provided for in this Resolution shall be made on forms prescribed by the Planning Commission and issued by the Planning Director. The standard application form shall be used for all district and Resolution changes, variances, conditional uses, appeals, and other Planning actions.

**Section 1204. Interpretations.**

If the provisions of this Resolution conflict with or are less restrictive than comparable conditions imposed by any other provision of Georgia statutes or any other Dawson County Resolution or Ordinance, then the most restrictive provision shall apply.

**Section 1205. Severability.**

If any section, subsection, sentence, phrase, or any portion of this Resolution be declared invalid or unconstitutional by any court of competent jurisdiction, or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid, or the application of this Resolution to other circumstances not so held to be invalid. It is hereby declared to be the intent of the County Commissioner to provide for separable and divisible parts, and he does hereby adopt any and all parts hereof as may not be held invalid for any reason.

**Section 1206. Remedies and Penalties for Violation.**

- A. In the event that any person, form, or corporation violates any provision of this Resolution, the County may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful act or to correct or abate such violation.
- B. In addition to any other enforcement provision provided herein, any person who shall violate the terms of the zoning resolution of Dawson County, Georgia may be punished by a maximum fine of \$1000 or a maximum of sixty (60) days imprisonment or both. The Magistrate Court of Dawson County shall have jurisdiction and power over the trial of charges of violations of these ordinances.
  - 1. The Magistrate Court shall not conduct jury trials. However, any defendant who is charged with violating these ordinances may, any time before trial, demand that the case be removed for a jury trial to the Superior Court of Dawson County. Such demand shall be written. Upon such demand, the Magistrate Court shall grant the demand. The failure by an accused to so demand removal of the case shall constitute a waiver of any right to trial by jury that the accused may otherwise have.
  - 2. The prosecution for violations of county ordinances shall be upon citation as provided in sub-section (c) hereof or upon accusation by the County Attorney or such other attorney as the Dawson County Board of Commissioners may designate. Such attorney shall be the prosecuting attorney in cases tried upon accusation.
  - 3. Accusations of violations of these ordinances and citations shall be personally served upon the person accused. Each accusation shall state the time and place at which the accused is to appear for trial. The accused shall not be arrested prior to the time of trial; however, any defendant or accused who fails to

appear for trial shall thereafter be arrested on the warrant of the Magistrate and shall be required to post a bond for his/her future appearance.

4. The Dawson County Board of Commissioners may provide that ordinance violations may be tried upon citations with or without a prosecuting attorney, as well as upon accusations.
  5. Each citation shall state the time and place at which the accused is to appear for trial, shall identify the offense with which the accused is charged, shall have an identifying number by which the citation shall be filed with the court, shall indicate the identity of the accused and the date of service, and shall be signed by the county agent who completes and serves the citation.
  6. Prosecutions for violations of these ordinances and regulations upon citations shall be commenced by the completion, signing and service of a citation by any agent of the county who is authorized by the Dawson County Board of Commissioners to issue citations or by an agent of the State who is authorized to issue citations. The original of the citation shall be personally served upon the accused, and a copy shall be promptly filed with the court.
  7. The Chief Magistrate of Dawson County may by written order establish a schedule of cash bonds for the personal appearance in court of any person charged with a violation of these ordinances. The Chief Magistrate shall designate the officer or officers authorized to accept cash bonds pursuant to the schedule of cash bonds by the court. However, an officer or agent who is authorized to issue citations shall not be authorized to accept a cash bond at the time of or in conjunction with, the issuance of the citation. The officer accepting a cash bond shall issue a receipt for the bond to the person charged with the violation. Any person who is accused by citation, but has not been arrested may, but shall not be required to, give a cash bond for his/her personal appearance in court for trial. If a person who has given a cash bond fails to appear for trial, then the failure to appear shall be deemed to constitute a guilty plea, and such cash bond shall be forfeited upon the call of the case for trial. Dawson County need not take any further action to forfeit the cash bond. The forfeiture of a cash bond shall be deemed to constitute imposition and payment of a fine and shall be a bar to subsequent prosecution of the accused for the violation. However, the court may in any case enter an order pursuant to which bond forfeitures shall not be deemed to constitute imposition of sentence and subsequent prosecution shall not be a bar. In any such case, the amount of the bond forfeited shall be credited against any fines imposed. The clerk of Magistrate Court shall furnish the officer or officers authorized under the order with a book of blank receipts consecutively numbered in triplicate and readily distinguishable and identifiable. The receipts shall be completed by the officer when accepting a cash bond to show the name of the person cited or arrested, the date of arrest or citation, the nature of the offense, the amount of the cash bond, and the name of the receiving officer. The receiving officer shall deliver a receipt to the person arrested or cited at the time the cash bond is given and shall file the original together with the cash bond with the clerk of the Magistrate Court not later than the next succeeding business day following the date of issuance of the receipt.
  8. Execution may issue immediately upon any fine imposed by the court and not immediately paid. The sheriff of Dawson County shall receive and house all persons sentenced to confinement for contempt or sentenced to confinement for violation of these ordinances.
  9. The review of convictions shall be by certiorari to the Superior Court of Dawson County.
  10. The county attorney or another attorney designated by the Dawson County Board of Commissioners may act as prosecution attorney for violations of county ordinances.
- C. Should any work be performed for which a building, grading or development permit is required prior to the issuance of a permit by the Dawson County the fees for such permit shall be doubled or the charge for such permit shall be a minimum of one hundred dollars (\$100) whichever is greater.

**Section 1207. Effective Date.**

This Resolution shall take effect on January 20, 2010.

**ARTICLE XIII**  
**DEFINITIONS OF TERMS USED**

**Section 1300. Purpose.**

The purpose of this Article is to establish definitions of some terms used in the Resolution.

**Section 1301. Definitions.**

When used in this Resolution, the following words and phrases have the meaning as defined in this Article. Terms not defined here have the same meaning as is found in most dictionaries, where consistent with the content. The terms "must" and "shall" are mandatory in nature, indicating that action shall be done. The term "may" is permissive and allows discretion regarding an action. When consistent 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 singular. Words used in the present tense include the future. The word "developer" includes a firm, corporation, co-partnership, association, institution, or person. The word "lot" includes the word "plot" or "parcel." The word "building" includes the word "structure." The words "used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied."

Access - The place means, or way by which pedestrians or vehicles shall have safe, adequate, or usable ingress and egress to a property, use, or parking space.

Accessory Structure or Accessory Use - A structure or use incidental and subordinate to the main use of property and located on the same lot as the main use.

Administrator/Director Planning - The Planning Administrator or Director shall be recommended by the Planning Commission and appointed by the Commissioner and shall be responsible for the enforcement of the provisions of this Resolution.

Agriculture - The tilling of the soil, the raising of crops, dairying, animal husbandry, forestry, and horticulture.

Agriculturally related uses- means those activities that predominantly use agricultural products, buildings or equipment, such as pony rides, corn mazes, pumpkin rolling, barn dances, sleigh/hay rides, and educational events, such as farming and food preserving classes, etc.

Agricultural products- includes but is not limited to, crops; fruit, cider and vegetables, floriculture, herbs, forestry, husbandry, livestock and livestock products; aquaculture products, horticultural specialties, etc.

Agriculturally related products- means items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to, all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, jams, honey, gift items, food stuffs, clothing and other items promoting the farm and agriculture in Georgia, and value-added agricultural products and on-site production .

Agricultural Tourism and/or agri-tourism – Shall mean the practice of visiting and agribusiness, horticultural or agricultural operation, including, but not limited to, a farm, orchard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreations, education, or active involvement in the operation, other than as a contractor or employee of the operation.

Alley - A minor public right-of-way, which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Alter - A change, addition, or modification in construction or occupancy of a building or structure.

Amendment - A change in the wording, context, or substance of the Land Use Resolution, or a change in the district boundaries of district map.

Apartment – Shall mean a one, two or three story multifamily structure, including individual units that are located back to back, adjacent and/or one over the other. Access is usually from a common hall, although individual entrances can be provided.

Automobile Service Station - A retail place of business engaged primarily in the sale of motor fuels, but also supplying goods and services required in the operation and maintenance of automotive vehicles.

Basement - That portion of a building between floor and ceiling which is partly below and partly above grade but is so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

Bed & Breakfast – Shall mean a dwelling occupied by a family and used incidentally to provide overnight accommodation and meals to transient travelers, operated by an owner or designated operator-in-residence, with a maximum number of rented units being six.

Buffer - A horizontal distance designed to provide attractive space or distance, obstruct undesirable views, serve as an acoustic barrier, or generally reduce the impact of adjacent development.

Building - A structure built and maintained for the support, shelter, or enclosure of persons, motor vehicles, animals, or personal or real property of any kind. The word "building" shall include the word "structure."

Building Height - The vertical distance from the average grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or the average point of a pitch or hip roof.

Building Line - A line that coincides with the front side of the main building.

Cellar - That portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

County - Dawson County, Georgia

Churches- See definition -“Places of worship”.

Cluster Development - A subdivision, planned development, or grouping of lots or dwellings arranged in such a way that open space is maintained throughout the area, that sensitive lands such as wetlands and steep slopes remain undeveloped, and that lot layout requires a reduced amount of street and utility placement.

Common Open Space - Publicly or privately owned undeveloped open space intended for aesthetic, recreation, public safety, or other conservation purposes, to be used by the owners or residents of a particular development or the public in general.

Commission - The Dawson County Municipal Planning Commission.

County Commission - The County Commission of Dawson County, Georgia.

Conventional Construction - A building constructed on the building site from basic materials delivered to the site and from lumber cut on the job. A conventional building is subject to local codes and ordinances.

Court - An open unoccupied space other than a yard, on the same lot with a building and bounded on two or more sides by such building.

Day Care Center - An institution, establishment, or place in which are commonly received at one time four or more children not of common parentage, for a period not to exceed 12 hours, for the purpose of being given board, care, or training apart from their parents or guardians for compensation or reward.

Density Net - The amount of dwellings per net acre, based on the total area of the parcel, including vacated rights-of-way, and excluding separate or non-contiguous lands, previously designated common open space, and excluding rights-of-way or easements.

Development Standard - A specific requirement of this Resolution regulating land use, generally quantitative in nature.

Duplex – Shall mean a building containing two dwelling units, each of which has direct access to the outside and with each unit totally separated from the other by an unpierced common wall.

Dwelling, Apartment or Multiple-Family - A building designed and used for occupancy by three or more families, all living independently of each other, and having separate full kitchen facilities for each family.

Dwelling, Single Family” – A detached building, not attached by any means to any other dwelling designed or used exclusively for the occupancy of one family and having housekeeping facilities for only one family and surrounded by open space or yards

Dwelling Unit - One or more rooms designed for occupancy by one family and not having more than one cooking facility except facilities designed for camping purposes such as tents and recreation vehicles.

Factory-Built Housing - Georgia law has now changed "Factory-Built Housing" to "Industrial Building." See Industrialized Building.

Family - One person or two or more persons related by blood, marriage, legal adoption, or guardianship; or a group of not more than five persons (excluding servants) all or part of whom are not related by blood, marriage, legal adoption, or guardianship living together as a single housekeeping unit in a dwelling unit.

Farm Market/On-farm market/Roadside stand- means the sale of agricultural products or value-added agricultural products, directly to the consumer from a site on a working farm or any agricultural, horticultural or agribusiness operation or agricultural land.

Fence, Sight Obscuring - A fence consisting of wood, metal, masonry, or similar materials, or an evergreen hedge or other evergreen planting arranged in such a way as to obscure vision at least 80 percent.

Fill - The placement by means of sand, sediment, or other material, usually in submerged lands, or wetlands, to create new uplands or raise the elevation of land.

Floor Area - The sum of the gross horizontal area of several floors of a building, measured from the exterior faces of the exterior walls, or from the centerline of walls separating two buildings, but not including:

1. Attic space providing headroom of less than seven (7) feet;
2. Basement or cellar, unless finished and heated for occupancy;
3. Uncovered steps or fire escapes;
4. Private garages, carports, or porches;
5. Accessory water towers or cooling towers; and
6. Accessory off-street parking or loading spaces.

Frontage - Property abutting on a street.

Goal - A general statement establishing a direction for policies, resolutions, or actions.

Grade; Ground Level - The average of the finished ground level at the center of all walls of a building. Where the walls are parallel to and within five feet of a public sidewalk, alley, or public way, the ground level shall be measured at the average elevation of the sidewalk, alley, or public way.

Hazards - Threats of life, property, or the environment such as landsliding, flooding, subsidence, erosion, or fire.

Home Occupation- Any business, occupation, or activity undertaken for gain or profit within a residential district, except agriculturally related uses, within a residential structure that is incidental and secondary to the use of that structure as a dwelling unit or within an accessory structure that is incidental and secondary to the use of that structure as attendant to a dwelling unit.

Home Office- Home office means an office use carried on by the occupant thereof that is incidental and secondary to the use of the structure as a dwelling unit that includes, but is not limited to, receiving or initiating correspondence, such as phone calls, mail, faxes or e-mail; preparing or maintaining business records; word and data processing; and telephone, mail, order, direct sales (by invitation only), and off premise sales.

Horticulture - The cultivation of plants, garden crops, trees, or nursery stock.

Hospitals - Institutions devoted primarily to the rendering of healing, curing, and/or nursing care, which maintain and operate facilities for the diagnosis, treatment, and care of two (2) or more non-related individuals suffering from illness, injury, or deformity or where obstetrical or other healing, curing, and/or nursing care is rendered over a period exceeding twenty-four (24) hours.

Hotel (Motel, Motor Hotel, Tourist Court) - A building or group of buildings used for transient residential purposes containing guest rooms which are designed to be used, or which are used, rented, or hired out for sleeping purposes.

Industrialized Building - Any structure or component thereof or any modular home that is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly on a building site and that has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage, or destruction and that does not have a permanent chassis.

Institution, Higher Educational - A college or university accredited by the State of Georgia.

Intensity - A measure of the magnitude and negative impact of a land use on the environment and neighboring land uses.

Junk or Wrecking Yard - Any property where a person is engaged in breaking up, dismantling, sorting, storing, distributing, buying, or selling any scrap or waste material.

Kennels - A lot or premises on which four (4) or more adult dogs are kept, whether by owners of the dogs or by persons providing facilities and care for compensation. An adult dog is one that has reached the age of six months.

Land Use - Any use of the land including, but not limited to, commercial, industrial, residential, agriculture, recreation, public utilities placement, forest management, or natural uses.

Land Use District - Land Use Districts are areas of land within the county which have different development standards and criteria. These differences are intended to promote the separation of incompatible uses and to retain the character of the community. See Articles III, IV.

Loading Space - An off-street space or berth on the same lot, or parcel, with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle while loading or unloading persons, merchandise, or materials, and which space or berth abuts upon a street, alley, or other appropriate means of ingress and egress.

Lot - For purposes of the Resolution, a lot is a parcel of land of at least sufficient size to meet minimum districts requirements for use, coverage, and area and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street or easement, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, of complete lots of record and portions of lots of records, or of portions of lots of record;
4. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Resolution.

Lot Area - The total area of a lot measured in a horizontal plane within the lot boundary lines exclusive of public streets.

Lot Coverage - The portion of a lot or parcel of land, which is covered with buildings, parking and maneuvering area, patios, decks, covered or paved storage area, or other impervious surface.

Lot Depth - The greater horizontal distance between front and rear lot lines.

Lot, Flag - See Dawson County Subdivision Regulations for example of a flag lot.

Lot Line, Front - For an interior lot, a line separating the lot from the street; and for a corner lot, a line separating either (but not both) frontage of the lot from the street.

Lot Panhandle - See Dawson County Subdivision Regulations for example of a panhandle lot.

Lot Line, Rear - For an interior lot, a line separating one lot from another on the opposite side of the lot from the front lot line; for corner lot either (but not both) interior lot line separating one lot from another; and for an irregular or triangular shaped lot, a straight line ten (10) feet in length that is parallel to and at the maximum distance from the front lot line.

Lot Line, Side - For an interior lot, a line separating one lot from the abutting lot or lots fronting on the same street; for corner lots, a line other than the front lot line separating the lot from the street or a line separating the lot from the abutting lot along the same frontage.

Lots of Record – Shall mean whenever a lot or plat has been legally and duly recorded with the County Clerk of Superior Court prior to the effective date of the Land Use Resolution and actually exists as so shown or described, it shall be deemed a lot of record. In addition, lots legally recorded that met zoning standards in place at the time of recordation, but do not meet standards currently in place are also considered lots of record. Although said lot may not contain sufficient land area or lot frontage to meet the minimum lot size requirements of the current zoning such lot may be used as a building site provided that all other requirement of the district are met and that building plans are consistent with all state and local health codes.

Lot Width - The greatest horizontal distance between side lot lines.

Manufactured Home - Manufactured home means a structure transportable in one or more sections and which is 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, and electrical systems contained therein, and is constructed in accordance with national codes.

1. Multi-Section Manufactured Home (MSMH) - a manufactured home (AKA a double-wide mobile home) that is factory finished in two or more sections built on a permanent chassis and towed to a building site where the sections are joined together.

2. Single-Section Manufactured Home (SSMH) - A manufactured home (AKA a mobile home) in one section with dimensions limited to highway clearance (fourteen (14) feet wide) and providing between six hundred (600) and one thousand (1,000) square feet of living space.

Manufactured Home Lot - A parcel of land for the placement of a single manufactured home and the exclusive use of its occupants.

Manufactured Home Park - A privately owned place where two (2) or more manufactured homes used for human occupancy are parked on a lot, tract, or parcel of land under the same ownership. A manufactured home park may contain either or both single-section and multi-section manufactured homes.

Manufactured Home Site - See Manufactured Home Lot.

Manufactured Home Stand - That part of an individual lot, which has been reserved for the placement of the manufactured home, appurtenant structures, or addition.

Mobile Home. See the definition of Manufactured Home - The 1980 Housing and Community Development Act, effective October 1980, changed the term "Mobile Home" to "Manufactured Home."

Non-agriculturally related products- means those items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts and knick-knacks imported from other states or countries, etc.

Non-agriculturally related uses- means activities that are part of an agricultural tourism operation's total offerings but not tied to farming or the farm's buildings, equipment, fields, etc. Such non-agriculturally related uses include amusement rides, concerts, etc. and may be subject to special use permit.

Non-Conforming Structure or Use - A lawful existing structure or use, at the time this Resolution or any amendment thereto become effective, which does not conform to the requirements of this Resolution.

Open Area - The area devoted to lawns, setbacks, buffers, landscaped areas, natural areas, outdoor recreation areas, and similar types of uncovered open area and maintained in plant cover, and excluding storage areas for materials, boats, or vehicles.

Owner - Any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land, including the attorney and agent thereof.

Parcel - A unit of land that is created by a partitioning of land.

Parking Area, Private - Privately or publicly owned property, other than streets or alleys, on which parking spaces are defined, designated, or otherwise identified for use by the tenants, employees, or owners of the property for which the parking area is required by this Resolution and not open for use by the general public.

Parking Area, Public - Privately or publicly owned property, other than streets or alleys, on which parking spaces are defined, designated, or otherwise identified for use by the general public, either free or for remuneration. Public parking areas may include parking lots, which may be required by this Ordinance for retail customers, patrons, and clients.

Parking Space - An area permanently available for the parking of a full size automobile, having dimensions of not less than 9 feet by 18 feet.

Permanent Chassis - The entire transportation system comprised of the following sub-systems: draw-bar and coupling mechanism, frame, running gear assembly, and lights.



Person - Any natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

Places of Worship- means any church, temple, synagogue, or other place of organized religious assembly which qualify for tax exemption under O.C.G.A. § 48-5-41(a)(2.1)(A).

Planning Commission or Commission - The Dawson County Municipal Planning Commission.

Plat - Includes a final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specification, dedications, provisions, and information concerning a subdivision.

Policy - A definitive statement of requirement of the comprehensive plan or development Resolution, generally qualitative in nature.

Prefabricated Building - A broad term applied to any building completed in a factory setting.

Principal Residence – Shall mean any residence which occupies the major portion of a lot or constitutes, by reason of its use, the primary purpose for which the lot is used.

Public Road - Roads in the state, county, or city road system.

1. Arterial - Arterials are usually state and federal highways such as SR 53 designed to move traffic over greater distances and provide access to counties and states.
2. Collector Roads - The main function of collector roads is to provide access to arterials.
3. Local Road and Street - Local roads or streets are designed to provide access to abutting property such as a local street in a municipal area. Local roads and are not intended for through traffic.

Quadplex - Shall mean a building containing four dwelling units, each of which has two open space exposures, direct separate access to the outside, and with each unit sharing one or two common walls with adjoining units.

School, Commercial - A place where instruction is given to pupils in arts, crafts, trades, or other occupational skills and operated as a commercial enterprise as distinguished from schools endowed or supported by taxation.

School, Primary, Elementary, Junior High, or High - Includes public, private, or parochial but not nursery school, kindergarten, or day nursery except when operated in conjunction with a school.

Screen - A fence, wall berm, hedge, tree row, or other dense structure intended to perform a buffering effect in a limited space, and may be required in addition to a buffer.

Seasonal- means a recurrent period characterized by certain occurrences, festivities, or crops; harvest, when crops are ready; not all year round.

Semi-Detached Residence – Shall mean a one-family dwelling attached to another one-family dwelling by a common vertical wall and footing, with each dwelling located on a separate lot, but does not include dwellings one over another. Semi-detached housing has a front, rear and one side open space.

Setback - The minimum allowable horizontal distance measured from the furthest projection of the structure to the adjacent property line.

Short-Term Home Rental – Shall mean a single family residential dwelling offered for rent for a period of less than thirty (30) days per renter. Typically an owner's vacation home or second home offered for vacation rentals to guests for a fee.

Shooting preserve- and game farming,- means the intensive, small pasture production of wild animals for the purpose of hunting, on agricultural land, for a fee, over an extended period of time, in conformance with state and federal game laws.

Site-Built - Constructed on site ("stick-built") but includes preconstructed wall units, etc., including packaged homes, as opposed to "Industrialized Building."

Sign - An identification, description, illustration, or device which is affixed to or represented, directly or indirectly, upon a building, structure, or land and which directs attention to a product, place, activity, person, institution, or business. Each display surface of a sign shall be considered to be a sign.

Sign, Advertising - A sign which directs attention to a business, product, activity, or service which is not necessarily conducted, sold, or offered upon the premises where such signs is located.

Story - That portion of a building included between a floor and the ceiling next above which is six (6) feet or more above the grade.

Street - An officially approved public thoroughfare or right-of-way dedicated, deeded, or condemned, which has been officially approved by the Commission and accepted by the Commissioner for use as such, other than an alley, which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare, except as excluded in this Resolution. The word "street" shall include all arterial highways, freeways, traffic collector streets, local streets, and lanes.

Structure - Something constructed or built or having a fixed base on, or fixed connection to, the ground or another structure.

Subdivider - Any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity commencing proceedings under this Resolution to effect a subdivision of land hereunder for himself or for another.

Subdivide Land - To divide an area or tract of land into five (5) or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

Subdivision Amenity Area- Shall mean the area situated within the boundaries of a residential development site intended for recreational purposes, and may include landscaped areas, patios, private lounges, pools, play areas and similar uses, but does not include any area occupied by a building's service areas, or access driveways.

Subdivision - Subdivision means all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, or sale, or building development. See also The Dawson County Subdivision Regulations.

Townhouse- Shall mean a one-family dwelling in fee simple ownership constructed in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

Travel Trailer - A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes.

Triplex - Shall mean a building containing three dwelling units, each of which has direct access to the outside and with each unit totally separated from the other by an unpierced common wall.

Use - The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

U-Pick- means a fruit or vegetable-growing farm that provides the opportunity for customers to pick their own fruits or vegetables directly from the plant.

Value-added agricultural product,- means the enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to, marketing, agricultural processing, transforming, packaging, and educational presentation, activities and tours that relate to agriculture or agricultural products.

Vehicle - A device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Water-Related - Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of the quality of goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highway, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.

Winery- means the retail and/or manufacturing premises of a small winemaker or winemaker licensee as defined by the Dawson County Alcohol ordinance.

Yard - A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

Yard, Front - A yard extending between lot lines which intersect a street line, the depth of which is the minimum horizontal distance between the street line and a line parallel thereto on the lot.

**ARTICLE XIII  
AUTHENTICATION**

**APPROVED and ADOPTED in open and advertised meeting of the Board of Commissioners  
of Dawson County,  
this 20<sup>th</sup> day of January, 2011.**

**ATTEST:**

**Mike Berg – Chairman of the Dawson County Board of Commissioners  
Gary Pichon – Dawson County Commissioner, District 1  
James Swafford – Dawson County Commissioner, District 2  
Mike Connor – Dawson County Commissioner, District 3  
Julie Hughes Nix – Dawson County Commissioner, District 4  
Davida Simpson – Clerk to the Dawson County Board of Commissioners**