

**MINUTES  
CITY COUNCIL SPECIAL CALLED MEETING  
MAY 17, 2012  
5:00 P.M.**

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**CALL TO ORDER:** Mayor W. James Grogan called the special called meeting to order at 5:00 p.m.

**ROLL CALL:** Present were Mayor Grogan, Appointed Councilmember Caleb Phillips, Councilmember Jason Power, Councilmember Chris Gaines, City Attorney Dana Miles, City Clerk Bonnie Warne and Permit Technician Nalita Copeland.

**INVOCATION AND PLEDGE:** Invocation was led by Caleb Phillips, followed by the pledge.

**AGENDA:** Motion to approve the agenda of the special called meeting by Jason Power; seconded by Chris Gaines. Motion was carried unanimously.

**NEW BUSINESS:**

Council Vacancy Appointment: Chris Gaines motioned to appoint Angie Smith in the vacancy; seconded by Caleb Phillips. Vote carried unanimously in favor.

Councilmember Sworn in: Angie Smith was sworn in to office as Appointed Councilmember by City Attorney Dana Miles; she subsequently executed the oath of office. Exhibit "A".

City Attorney Dana Miles informed Council that with having two appointed council members and pursuant to the terms of our Charter, which requires us to have a special election at the next available opportunity, a formal call for election will need to be voted on at the June 4<sup>th</sup> regular meeting to fill the two appointed slots. The next available election date is September 18<sup>th</sup> with qualifying Aug. 15-17.

Mayor Grogan invited all to the dedication of the Joe Lane Cox Community Room on May 31<sup>st</sup> at 5:30 p.m.

**PUBLIC HEARINGS:**

Proposed City of Dawsonville FY 2012-13 Budget: Mayor Grogan asked for a motion to open the public hearing. Motion to open public hearing by Gaines/Power was unanimously in favor; there were approximately 10 people in attendance. City Clerk Bonnie Warne presented the first reading on the proposed FY 2012-13 budget. No one spoke in favor or against. Meeting turned over to the Mayor. Motion to close the public hearing by Phillips/Power was unanimously in favor.

VAR- 3-12-35540: Mike Brandt, TBG Residential, has requested a Site Plan Variance for parking spaces at TMP 093-041 and TMP 093-042, located off Perimeter Road.

Mayor Grogan requested a motion to open the public hearing for VAR-3-12-35540. Motion to open the public hearing by Power/Phillips was unanimously in favor; there were approximately 10 people in attendance. Dana Miles presented the request, which no one spoke in favor or opposition of the application. Meeting turned over to the Mayor. Motion to close the public hearing by Power/Gaines was unanimously in favor.

Chris Gaines motioned to approve VAR-3-12-35540 request to reduce the parking spaces from two and a half to two; seconded by Caleb Phillips. Motion carried unanimously.

VAR-3-12-35541: Mike Brandt, TBG Residential, has requested a variance on the Water and Sewer tap/line fees at TMP 093-041 and TMP 093-042, located off Perimeter Road.

Mayor Grogan requested a motion to open the public hearing for VAR-3-12-35541. Motion to open the public hearing by Smith/Power was unanimously in favor; there were approximately 10 people in attendance. Dana Miles presented the application, which no one spoke in favor or opposition of the request. Meeting turned over to the Mayor. Motion to close the public hearing by Power/Phillips was unanimously in favor. Mayor Grogan stated that there is an addendum to the request to include getting the water and sewer lines

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to the property. TGB Residential will pay the \$432K in tap fees up front for credit on running the lines to the property.

Chris Gaines motioned to approve VAR-3-12-35541 to grant \$150,000 credit for the water and sewer lines built by TGB Residential, that upon completion and dedication to the City that we issue the credit; seconded by Caleb Phillips. Motion carried unanimously.

Amendment to the Zoning Ordinance of the City of Dawsonville pertaining to the regulation of animals in the Restricted Agricultural (RA) zoning district.

Mayor Grogan requested a motion to open the public hearing. Motion to open the public hearing by Power/Phillips was unanimously in favor; there were approximately 8 people in attendance. Dana Miles presented the zoning ordinance amendment, which no one spoke in favor or opposition of. Meeting turned over to the Mayor. Motion to close the public hearing by Smith/Phillips was unanimously in favor.

Jason Power motioned to approve the final reading of the Zoning Ordinance Amendment to RA; seconded by Angie Smith. Motion carried unanimously. Attached as Exhibit "B"

VAR-3-12-35770: Jack Forester has requested a special use variance for the 30.02 acres at TMP 091-002, located at 2807 HWY 9 North.

Mayor Grogan requested a motion to open the public hearing. Motion to open the public hearing by Phillips/Power was unanimously in favor; there were approximately 8 people in attendance. Dana Miles presented the request, which no one spoke in favor or against the application. Meeting turned over to the Mayor. Motion to close the public hearing by Power/Phillips was unanimously in favor. Attorney Miles advised Council of the requirement for the number of animals allowed.

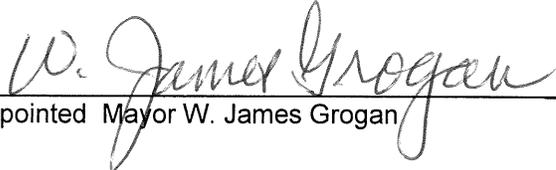
Chris Gaines motioned to approve VAR-3-12-35770 with the limit of fowl: 10 per acre, swine: 1 per 3 acres, honey bees, road side stand, tours, u-pick-it and mazes; seconded by Angie Smith. Motion carried unanimously.

VAR-4-2012-36389: Raymond Steffins has requested a special use variance for a home occupation in an accessory building located on the 0.4 acres at 408 Stegall Place, TMP 083 027

Mayor Grogan requested a motion to open the public hearing. Motion to open the public hearing by Gaines/Power was unanimously in favor; there were approximately 7 people in attendance. Dana Miles presented the request VAR-4-2012-36389 for a home occupation and side setback variance. Raymond Steffins spoke in favor of his application stating that there is a 7 ft. side setback and that he does have a letter from neighbor with permission to be closer to his property. No one spoke in opposition. Meeting turned over to the Mayor. Motion to close the public hearing by Power/Phillips was unanimously in favor. Attorney Miles advised Council that they cannot grant a permanent but can grant a temporary home occupation up to 12 months until such time as the main building and accessory building are connected. A side setback variance can be issued permanently.

Jason Power motioned to permanently approve VAR-4-2012-36389 with the side setback and approve a 12-month temporary home occupation in the accessory building; seconded by Angie Smith. Motion carried unanimously.

**ADJOURNMENT:** There being no further business to attend to the meeting adjourned at 5:33 p.m. The motion carried unanimously; Jason Power/Caleb Phillips.

  
Appointed Mayor W. James Grogan

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\_\_\_\_\_  
Councilmember Chris Gaines

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Councilmember Jason Power

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Appointed Councilmember Caleb Phillips

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Appointed Councilmember Angie Smith

Attested:

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Bonnie Warne, City Clerk

Section 3.16. Oath of officers.

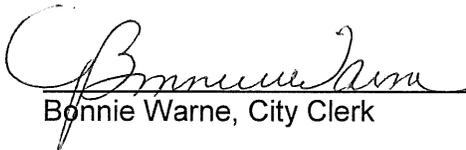
Before a person takes any office in the city government, he or she shall take before an officer of the state authorized to administer oaths the following such oath or affirmation:

"I solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Georgia; that I will in all respects observe the provisions of the Charter and ordinances of the City of Dawsonville; and I will faithfully discharge the duties of councilmember. So help me God."

So affirmed in the presence of the Mayor and Council of the City of Dawsonville, this 17<sup>th</sup> day of May 2012, at the regular meeting of the City Council held at 5:00 p.m., in the G.L. "Pete" Gilleland Council Chambers, 415 Hwy. 53 East, Suite 100, Dawsonville, GA 30534.

  
\_\_\_\_\_  
Appointed Council Member

Witness:

  
\_\_\_\_\_  
Bonnie Warne, City Clerk

FIRST READING May 7, 2012  
SECOND READING May 17, 2012  
PUBLICATION DATES: May 2, 2012  
May 9, 2012

## **ZONING ORDINANCE AMENDMENT**

### **AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF DAWSONVILLE, GEORGIA, TO PROVIDE FOR REGULATIONS RELATED TO ANIMALS IN CERTAIN ZONING CATEGORIES, TO PROVIDE FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES**

WHEREAS the Constitution of the State of Georgia provides in Article IX, Section II, Paragraph IV thereof, that the governing body may adopt plans and exercise the power of zoning; and

WHEREAS, the Georgia General Assembly has enacted the Georgia Planning Act of 1989, (Georgia Laws, 1989 pp. 1317-1391, Act 634) which among other things provides for local governments to adopt plans and regulations to implement plans for the protection and preservation of natural resources, the environment, vital areas, and land use; and

WHEREAS, the City is granted the power to by and through its Charter at § 1.12(29) to regulate acts, practices, and conduct which may be detrimental to the health, sanitation, cleanliness, welfare and safety of the inhabitants of the City; and

WHEREAS, the City is granted the power to by and through its Charter at § 1.12(30) to define a nuisance, and provide for the abatement of the same whether it be on public or private property; and

WHEREAS, the City is granted the power to by and through its Charter at § 1.12(35) to regulate, license, or prohibit the keeping of animals; and

WHEREAS, The City finds that the regulations contained in this Ordinance are necessary for the purposes of implementing its comprehensive plan adopted pursuant to the requirements of the Georgia Planning Act of 1989; and

WHEREAS, this Ordinance has been prepared and considered in accordance with the Zoning Procedures Act, O.C.G.A. § 36-66-1 et. seq., and

WHEREAS, this Ordinance is necessary for the purposes of promoting the health, safety, morals, convenience, order, prosperity and the general welfare of the City of Dawsonville;

NOW THEREFORE, the Council of the City of Dawsonville, Georgia, hereby ordains, enacts and thereby incorporates into the City Code of Dawsonville, Georgia, this ordinance and all of its sections as set forth below:

**SECTION ONE: Definition of Urban District**

Article III Section 301 of the City of Dawsonville Land Use and Zoning Ordinance is amended to include the following defined term:

**Urban District:** "Urban district" means that area or tract(s) of land which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile or more along any public or private street.

**SECTION TWO: Definition of Variance**

Article III Section 301 of the City of Dawsonville Land Use and Zoning Ordinance is amended so as to repeal the current definition of the term "Variance" and to replace it with the following newly defined term for "Variance."

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

**SECTION THREE: Repeal of Article XXII.2, § 2200.2.3**

Section 2200.2.3 of Article XXII.2 of the City of Dawsonville Land use and Zoning Ordinance is hereby deleted in its entirety.

**SECTION FOUR: Enactment of new Article XXII.2 § 2200.2.3**

Contemporaneous with the passage of this Ordinance there shall be and hereby is a new § 2200.2.3 of Article XXII.2, which shall read as follows:

**Sec. 2200.2.3. Limitation on livestock and domestic pets; prohibition of hogs/pigs and fowl in the restricted agricultural (RA) district.**

Horses, cows, goats, sheep, ponies, donkeys and other permitted domestic livestock may be kept, raised or bred in the RA district, provided that only two such animals shall be permitted for each one acre of open pastureland. All such livestock shall be contained adequately by suitable fencing within the specific property, and any buildings or structures for livestock shall be setback at least 100 feet from all property lines. Dogs, cats and other domestic pets may be kept, raised or bred in the RA district, provided that only three such animals shall be permitted for each one acre of lot size and all such domestic pets are subject to the kennel restriction contained in subsection 2200.2.2(4). Except as provided for in this subsection, the keeping or raising of fowl (chickens, etc.) or hogs/pigs, or the operation of a feed lot, is prohibited because of their potential negative impact on adjacent urban districts. All types of fowl, hogs and pigs are deemed prohibited domestic livestock and may not kept or raised in any zoning district within the city unless a variance is granted to allow such use, which variance may only be granted when the proposed use is not in or adjacent to a tract of land which meets the definition of an urban district. Any such variance shall specify the maximum amount of fowl, hogs and/or pigs allowed on a per acre basis and such other matters as may be reasonably necessary to properly regulate the same in a manner consistent with the goals of the Zoning Ordinance. Noise and smell from all livestock must be kept to a minimum.

**RESTRICTED AGRICULTURAL DISTRICT: RA  
TABLE INSET:**

Minimum Lot Size	Front Setback	Side Setback	Rear Setback	Minimum Sq. footage	Maximum Height of Structure
2 Acres	50'	20'	40'	1,500'	35'

**SECTION FIVE: Repeal of Conflicting Ordinances**

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION SIX: Severability**

If any section, provision or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this Ordinance 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 Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby

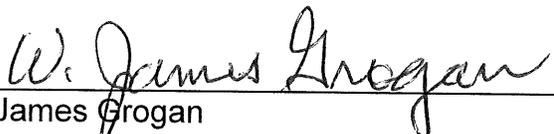
declared as the intent that this Ordinance would have been adopted had such invalid portion not been included herein.

**SECTION SEVEN: Effective Date**

The effective date of this Ordinance shall be the day this Ordinance is adopted by the Mayor and City Council of the City of Dawsonville, Georgia.

Adopted and Ordained this 17<sup>th</sup> day of May, 2012.

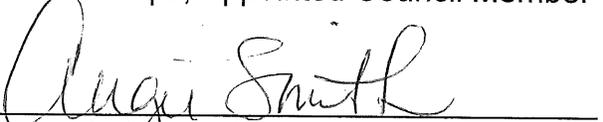
**CITY OF DAWSONVILLE, GEORGIA**

  
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W. James Grogan  
Appointed Mayor, City of Dawsonville

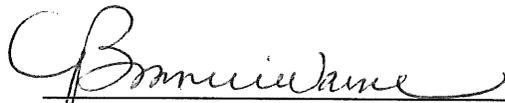
  
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Chris Gaines, Council Member

  
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Jason Power, Council Member

  
\_\_\_\_\_  
Caleb Phillips, Appointed Council Member

  
\_\_\_\_\_  
Appointed Council Member

Attest:

  
\_\_\_\_\_  
Bonnie Warne  
City Clerk