

AN ORDINANCE

AN ORDINANCE TO AMEND THE ZONING RESOLUTION OF THE CITY OF DACULA; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; AND FOR OTHER PURPOSES.

WHEREAS, the City has adopted and maintained a comprehensive Zoning Resolution; and

WHEREAS, changes in development patterns, proposed land uses, infrastructure and other matters warrant reviewing and updating portions of the Zoning Resolution; and

WHEREAS, the Rowen development proposed for unincorporated Gwinnett County adjacent to the City proposes to create work space for hundreds of new jobs, workers and potential residents inside the City and in close proximity to the City; and

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens of the City to review and evaluate the current Zoning Resolution in view of current development trends and future land use plans in and near the City; and

WHEREAS, the City has undertaken and completed such review and evaluation; and

WHEREAS, as a part of that review process, the Planning Commission and City Council have conducted public hearings in accordance with Georgia law seeking comment on the amendments and updates to the Zoning Resolution; and

WHEREAS, the City staff and Marshals frequently encounter issues related to property maintenance; and

WHEREAS, the proposed amendment related to rental units is intended to promote and encourage property ownership as a civic virtue, a path to economic advancement, and a mechanism for ensuring property maintenance and promotion of increasing property values; and

WHEREAS, amendment provides a balancing of interests by allowing for reasonable accommodation for some rental units in a manner which is economically and racially neutral;

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens and businesses within the City of Dacula to amend the Zoning Resolution as outlined herein;

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DACULA HEREBY ORDAINS that the Zoning Resolution and City Code be amended as follows:

SECTION 1.

The following amendments are approved and adopted:

Subsection 901 (B)(1) is amended to add the new subsections listed herein so that the new Subsection (B)(1) provides as follows:

Section 901. R-1100, R-1200, R-1400 and R-1600 Single-Family Residential District.

B. Permitted Uses

1. Single Family Dwellings, except Manufactured Homes, meeting the following minimum requirements:

(a) The front façades of all dwelling units shall consist of a mixture of brick or stone architectural treatments. The rear façade of the dwelling units shall be constructed of brick, stone, stucco, concrete fiber, or similar material.

(b) All dwelling units shall have at least a two-car garage.

(c) Five (5)-foot wide sidewalks shall be constructed on both sides of the internal subdivision streets and the boundary of the property on the subdivision entrance street.

(d) Underground utilities shall be provided throughout any subdivision development.

(e) Any subdivision development containing ten acres or more shall include a recreation area in accordance with Section 5.9 of the City's Development Regulations.

(f) Any subdivision development containing more than five (5) lots shall have a recorded declaration of covenants providing for a mandatory Homeowners Association to own and maintain common property; to carry out the provisions of this Ordinance; and for other purposes allowed by law.

(g) Street light service fees and maintenance are the responsibility of the mandatory Homeowners Association.

(h) All grassed areas except the open space/common area shall be sodded. The open space/common area shall be hydro-seeded or sodded.

(i) Each building lot shall have a minimum of two (2) decorative trees (maple, oak, birch, elm, etc.) at least 3 inches in diameter (DBH).

(j) The declaration of restrictive covenants for the mandatory Homeowners Association must include a statement limiting the number of leased or rented homes to no more than twenty percent (20%) of the total number of units in the development. The declaration shall also require owners wishing to lease their property to obtain a written permit from the Homeowners Association prior to renting or leasing.

Subsection 905(B) is amended to add the following permitted use:

(41) Restaurants

Subsection 906(B) is amended to add the following permitted use:

(61) Restaurants

Subsection 907(B) is amended to add the following permitted use:

(33) Restaurants

Subsection 912 is amended to add the following Section 912 (C)(10):

10. The declaration of restrictive covenants of the mandatory Homeowners Association must include a statement limiting the number of leased or rented homes to no more than twenty percent (20%) of the total number of units in the development. The declaration shall also require owners wishing to lease their property to obtain a written permit from the Homeowners Association prior to renting or leasing.

Subsection 915 is amended as follows:

Section 915 R-TH Single-Family Residence Townhouse District.

All references to “villas” and provision for the development and construction of “villas” in this district are hereby deleted.

The existing Subsection 915(A)(17) is deleted, and the following is substituted in its place:

17. The declaration of restrictive covenants of the mandatory Homeowners Association must include a statement limiting the number of leased or rented homes to no more than twenty percent (20%) of the total number of units in the

development. The declaration shall also require owners wishing to lease their property to obtain a written permit from the Homeowners Association prior to renting or leasing.

Subsection 1213 (B)(3) is deleted and the following new Subsection 1213(B)(3) is substituted in its place as follows:

3. One flag or banner with a maximum size of thirty-two (32) square feet, (not including official flags of the United States, State of Georgia, Gwinnett County, or City of Dacula).

SECTION 2

The City Administrator, Assistant City Administrator, and Director of Planning and Economic Development are further authorized to correct typographical errors in the text of the existing Zoning Resolution and to produce and publish a final codified version of the Zoning Resolution with the amendments and revisions outlined herein.

SECTION 3

In the event any Court of competent jurisdiction determines that any portion of the foregoing amendment is invalid, unconstitutional or otherwise illegal, such rulings shall not impair the validity of the rest and remainder of this amendment.

SECTION 4

All laws and parts of laws in conflict with this Ordinance are hereby repealed.

SECTION 5

This Ordinance and the amendments outlined herein shall be effective immediately upon their adoption by the Mayor and City Council.

SO ORDAINED by the governing authority of the City of Dacula, this _____ day of March, 2022.

AYES: ____

NAYES: ____

ATTEST:

HUGH D. KING, III
MAYOR, CITY OF DACULA

HEATHER COGGINS,
ASSISTANT CITY ADMINISTRATOR