

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 City's requirements and procedures for group homes, rooming houses, shelters, congregant homes, personal care homes and related matters have been reviewed by City staff; and

WHEREAS, the City's Zoning Ordinance should be amended to clarify the zoning districts in which such uses are permitted; and

WHEREAS, the City staff recommends updating the City's Ordinances as proposed herein; and

WHEREAS, the Planning Commission and City Council have conducted public hearings in accordance with Georgia law seeking comment on these amendments and updates to the Zoning Resolution; and

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 900 is amended to delete the following subsections to eliminate the following as Special Uses and Special Exceptions:

C. Special Uses:

~~4. Group Day Care Homes~~

~~6. Residential or community shelters as an accessory use to a church meeting the minimum requirements for a permitted church.~~

Subsection 901(C) is amended to delete the following subsections to eliminate the following as Permitted Special Exceptions:

B. Special Exceptions:

~~7. Day care facilities located in a church.~~

Subsection 901(D) is amended to add the following as a Special Use permitted only if approved by the Mayor and City Council:

D. Special Uses:

2. Day care facilities located in a church, temple, or synagogue.

Subsection 902(B) is amended to delete the following subsections to eliminate the following as Permitted Uses:

B. Permitted Uses:

~~2. Residential or community shelters as an accessory use to a church meeting the minimum requirements for a permitted church, temple or synagogue within the R-1100, R-1200, or R-1400 Districts.~~

~~5. Group day care homes.~~

Subsection 902(C) is created to add the following as a Special Use permitted only if approved by the Mayor and City Council:

C. Special Uses:

1. Residential or community shelters as an accessory use to a church meeting the minimum requirements for a permitted church, temple or synagogue.

2. Group day care homes.

Subsection 903(C) is amended to delete the following subsections to eliminate the following as Permitted Uses:

B. Special Exceptions:

~~2. Day care facilities located in a church.~~

Subsection 903(D) is created to add the following as a Special Use permitted only if approved by the Mayor and City Council:

D. Special Uses:

1. Day care facilities located in a church, temple, or synagogue.

Subsection 904(B) is amended to delete the following subsections to eliminate the following as Permitted Uses:

B. Permitted Uses:

~~4. Boarding and rooming houses.~~

~~7. Day care facilities provided they comply with all State day care and Health Department requirements.~~

~~9. Group or congregate personal care homes. Personal care homes shall be licensed by the State of Georgia.~~

~~16. Nursing and convalescent homes.~~

Subsection 904(D) is amended to delete the following subsections to eliminate the following as Permitted Special Exceptions:

D. Special Exceptions:

~~2. Foster homes, orphanages, half-way houses, and institutional houses for the handicapped.~~

~~3. Residential or community shelters.~~

Subsection 904(E) is amended to add the following as a Special Use permitted only if approved by the Mayor and City Council:

E. Special Uses:

2. Day care facilities provided they comply with all State day care and Health Department requirements.

3. Group or congregate personal care homes. Personal care homes shall be licensed by the State of Georgia.

4. Nursing and convalescent homes.

5. Foster homes, orphanages, half-way houses, and institutional houses for the handicapped.
6. Residential or community shelters.
7. Boarding or rooming houses.

Subsection 905(B) is amended to delete the following subsections to eliminate the following as Permitted Uses:

B. Permitted Uses:

- ~~12. Day care facilities provided they comply with all State day care and Health Department requirements.~~

Subsection 905(F) is amended to add the following as a Special Use permitted only if approved by the Mayor and City Council:

F. Special Uses:

2. Day care facilities provided they comply with all State day care and Health Department requirements.

Subsection 906(B) is amended to delete the following subsections to eliminate the following as Permitted Uses:

B. Permitted Uses:

- ~~17. Day care facilities provided they comply with all State day care and Health Department requirements.~~

Subsection 906(D) is amended to delete the following subsections to eliminate the following as Permitted Special Exceptions:

D. Special Exceptions:

- ~~5. Residential or community shelter~~

Subsection 906(E) is amended to add the following as a Special Use permitted only if approved by the Mayor and City Council:

F. Special Uses:

12. Day care facilities provided they comply with all State day care and Health Department requirements.

13. Residential or community shelter.

Subsection 908(B) is amended to delete the following subsections to eliminate the following as Permitted Uses:

B. Permitted Uses:

~~17. Day care facilities.~~

~~52. Residential or community shelter.~~

Subsection 908(D) is amended to add the following as a Special Use permitted only if approved by the Mayor and City Council:

D. Special Uses:

6. Day care facilities provided they comply with all State day care and Health Department requirements.

7. Residential or community shelter.

Subsection 919 is created as follows:

Section 919. Special Use Permit Required.

Notwithstanding any other provision of the City Code or Zoning Ordinance, unless otherwise permitted by State law, no Community Shelter, Congregate Personal Care Home, Convalescent Home, Day Care Facility, Foster Home, Group Day Care Home, Group Personal Care Home, or Residential Shelter may be permitted in the City except by the grant of a Special Use Permit or Special Exception approved by the Mayor and City Council.

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 _____, 2022.

AYES: ____

NAYES: ____

ATTEST:

HUGH D. KING, III
MAYOR, CITY OF DACULA

HEATHER COGGINS,
ACTING CITY ADMINISTRATOR