

ORDINANCE AMENDMENT
NO. OA-2023-01
CHAPTER 44 - ZONING
ARTICLE III. DISTRICT REGULATIONS
DIVISION 1. GENERALLY – SECTION 44-117, DIVISION 2.
RESIDENTIAL DISTRICTS – SECTION 44-138 & 44-139,
DIVISION 4. NEW TOWN OVERLAY DISTRICT – SECTION 44-
207, DIVISION 5. CORRIDOR OVERLAY DISTRICT – SECTION
44-222, ARTICLE IV. SUPPLEMENTAL REGULATIONS –
SECTION 44-241(A)(2) & 44-241 (A)(3)

- WHEREAS,** The Charter of the City of Dallas, Georgia does allow the Mayor and Council to adopt and amend Ordinances to provide for Zoning Regulations and for the health, safety and welfare of the citizens of the City of Dallas, Georgia, **AND**
- WHEREAS,** The Mayor and Council of the City of Dallas, Georgia have determined that it is in the best interest of the City’s residents for their health safety, welfare and the construction of buildings within the City of Dallas, Georgia that the City provide for the designation of districts for generally within the City of Dallas, Georgia, **AND**
- WHEREAS,** The Mayor and Council of the City of Dallas, Georgia have determined that it is in the best interest of the City’s residents for their health safety, welfare and the construction of buildings within the City of Dallas, Georgia that the City provide for regulation of use for residential districts within the City of Dallas, Georgia, **AND**
- WHEREAS,** The Mayor and Council of the City of Dallas, Georgia have determined that it is in the best interest of the City’s residents for their health, safety, welfare, and regulation of other standards for tractor and trailer parking for new town overlay & corridor overlay districts within the City of Dallas, Georgia, **AND**
- WHEREAS,** The Mayor and Council of the City of Dallas, Georgia have determined that it is in the best interest of the City’s residents for their health, safety, welfare and the construction of buildings within the City of Dallas, Georgia that the City provide for regulation of lot size and minimum yard requirements for supplemental regulations within the City of Dallas, Georgia, **AND**
- WHEREAS,** The Mayor and Council of the City of Dallas, Georgia have determined that it is in the best interest of the City’s residents for their health, safety, welfare, and regulation that the Ordinances of the City of Dallas, Georgia concerning Chapter 44 – Zoning, Article III. District Regulations Division 1. Generally – Section 44-117, Chapter 44 – Zoning, Article III. District Regulations Division

2. Residential Districts – Section 44-138 & 44-139, Chapter 44 – Zoning, Article III. District Regulations Division 4. New Town Overlay District – Section 44-207, Chapter 44 – Zoning, Article III. District Regulations Division 5. Corridor Overlay District – Section 44-222 and Chapter 44 – Zoning, Article IV. Supplemental Regulations – Section 44-241(a)(2) & (3) be amended, **AND**

THEREFORE, be it ordained by the Mayor and Council of the City of Dallas, Georgia that the Code of Ordinances of the City of Dallas, Georgia be amended as follows:

Chapter 44 – Zoning, Article III., District Regulations Division 1. Generally, as to Section 44-117 shall be deleted in its entirety and a new Section 44-117 shall be created to read as follows:

Sec. 44-117. Division into districts.

For the purpose of this chapter, the city is divided into 12 districts designated as follows:

R-1	Single-family residential district
R-2C	Single- family residential district - conservation
R-2	Single -family residential district
R-3	High-density residential district
R-3	Single-family attached residential district (fee simple title)
HR-1	Historic residential district
O-I	Office-institutional district
C-1	Central business district
C-2	General business district
C-N	Neighborhood business district
G	General industrial district
H-1	Heavy industrial district

Chapter 44 – Zoning, Article III., District Regulations Division 2. Residential Districts, as to Section 44-138 shall be deleted in its entirety and a new Section 44-138 shall be created to read as follows:

Sec. 44-138. R-2C Single-family residential district - conservation

- (1) Single-family dwellings except for manufactured homes. Total density limitation of three single family dwellings per acre.
- (2) Churches and similar places of worship and their customary related uses.
- (3) Public and private schools offering general education courses.
- (4) Municipal, county, state, federal and other public uses, including parks and playgrounds.
- (5) Accessory buildings provided such shall be permitted only in a rear yard and shall not be less than ten feet from any property line. No accessory buildings shall contain independent kitchen facilities.

- (6) Nursery schools (day care centers) and kindergartens, provided that they shall have at least 35 square feet of indoor space provided for each child and at least 100 square feet of play area per child in the outdoor play area; and that the outdoor area shall be enclosed by a fence having a minimum height of six feet; and provided that the principal building of such use shall meet all the yard requirements of the R-1 residential district.
- (7) A business, occupation or profession carried on within a single-family residential dwelling by the resident thereof that is designated as a home occupation shall conform to the following criteria:
1. The occupation carried on within the dwelling unit shall be restricted to the heated floor area of the dwelling.
 2. No product shall be sold on the premises and all home occupation activities shall be conducted entirely within the dwelling. This shall not prohibit sales by telephone when the delivery of merchandise is to take place elsewhere.
 3. The home occupation use carried on within the dwelling unit shall not occupy more than 25 percent of the heated floor area of the dwelling unit, and said home occupation use shall be clearly incidental and subordinate to the use of the dwelling for residential purposes.
 4. There shall be no external display of products or storage of equipment or other externally visible evidence whatsoever of the occupation, business or profession.
 5. No sign advertising a home occupation exceeding two square feet is permitted, including those mounted inside windows and doors that are visible from a public right-of-way or a neighboring property line. No sign shall be internally or externally illuminated.
 6. Any person who conducts a home occupation shall be a member of the family residing on the premises, shall take substantially all of their overnight lodging at the dwelling, shall store substantially all of their personal belongings which are used in normal daily life in the dwelling, and shall use the address of the subject dwelling as their address for legal purposes such as voting and the payment of personal property taxes.
 7. No equipment or process shall be used in that creates smoke, dust, odor, fumes, glare, noise, vibration, electrical or electronic disturbance detectable to the normal senses at the lot line or beyond.
 8. There shall be no stock of goods or materials on the premises with the exception of literature and brochures appurtenant to the occupation, business or profession. Said literature and brochures shall remain in that part of the residence designated for home occupation purposes.

9. There shall be no chemical, mechanical or electrical equipment on the premises other than that normally found in a purely domestic residence.
10. Contact with customers and clients shall be made by telephone or mail. No business vehicle larger than a van, or pickup truck shall be permitted to remain on the premises other than a vehicle owned by the resident.
11. There shall be no assembly or group instructions in connection with the home occupation with the exception of child care which can be conducted with a maximum of five children at a time. Other individual instruction on a one-on-one basis is permitted.
12. The above listed requirements of a home occupation shall not be construed to restrict the sale of garden produce grown on the premises, provided that this exception shall not extend to allow the operation of a commercial greenhouse or nursery or the existence of stands or booths for display of said produce.
13. Any business, occupation or profession, the operation of which does not meet the aforementioned requirements of a home occupation shall not be interpreted to be a home occupation despite the fact that it might attempt to operate in a single-family residence.

Chapter 44 – Zoning, Article III., District Regulations Division 2. Residential Districts, as to Section 44-139 shall be deleted in its entirety and a new Section 44-139 shall be created to read as follows:

Sec. 44-139. R-2 Single-family residential district.

Within the R-2 residential district, the following uses shall be allowed:

- (1) All uses permitted in R-1 residential district with a total density limitation of three single family dwellings per acre.
- (2) Manufactured home.
 - a. Manufactured homes, provided each manufactured home is located within an approved manufactured home park and conforms to the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective on June 15, 1976. All manufactured housing (mobile homes) produced before this date shall not be moved into the city.
 - b. Any existing manufactured housing located within the city upon adoption of the ordinance from which this chapter is derived shall be exempt until either relocated, vacant for a period of six months or destroyed greater than 50 percent of its value, at which time the provisions of the ordinance from which this chapter is derived shall prevail.

- (3) Manufactured home parks are permitted within R-2 residential districts provided they meet the requirements of article V of this chapter, pertaining to manufactured home parks.
- (4) A business, occupation or profession carried on within a single-family residential dwelling by the resident thereof that is designated as a home occupation shall conform to the following criteria:
1. The occupation carried on within the dwelling unit shall be restricted to the heated floor area of the dwelling.
 2. No product shall be sold on the premises and all home occupation activities shall be conducted entirely within the dwelling. This shall not prohibit sales by telephone when the delivery of merchandise is to take place elsewhere.
 3. The home occupation use carried on within the dwelling unit shall not occupy more than 25 percent of the heated floor area of the dwelling unit, and said home occupation use shall be clearly incidental and subordinate to the use of the dwelling for residential purposes.
 4. There shall be no external display of products or storage of equipment or other externally visible evidence whatsoever of the occupation, business or profession.
 5. No sign advertising a home occupation exceeding two square feet is permitted, including those mounted inside windows and doors that are visible from a public right-of-way or a neighboring property line. No sign shall be internally or externally illuminated.
 6. Any person who conducts a home occupation shall be a member of the family residing on the premises, shall take substantially all of their overnight lodging at the dwelling, shall store substantially all of their personal belongings which are used in normal daily life in the dwelling, and shall use the address of the subject dwelling as their address for legal purposes such as voting and the payment of personal property taxes.
 7. No equipment or process shall be used in that creates smoke, dust, odor, fumes, glare, noise, vibration, electrical or electronic disturbance detectable to the normal senses at the lot line or beyond.
 8. There shall be no stock of goods or materials on the premises with the exception of literature and brochures appurtenant to the occupation, business or profession. Said literature and brochures shall remain in that part of the residence designated for home occupation purposes.
 9. There shall be no chemical, mechanical or electrical equipment on the premises other than that normally found in a purely domestic residence.

10. Contact with customers and clients shall be made by telephone or mail. No business vehicle larger than a van, or pickup truck shall be permitted to remain on the premises other than a vehicle owned by the resident.
11. There shall be no assembly or group instructions in connection with the home occupation with the exception of child care which can be conducted with a maximum of five children at a time. Other individual instruction on a one-on-one basis is permitted.
12. The above listed requirements of a home occupation shall not be construed to restrict the sale of garden produce grown on the premises, provided that this exception shall not extend to allow the operation of a commercial greenhouse or nursery or the existence of stands or booths for display of said produce.
13. Any business, occupation or profession, the operation of which does not meet the aforementioned requirements of a home occupation shall not be interpreted to be a home occupation despite the fact that it might attempt to operate in a single-family residence.

Chapter 44 – Zoning, Article III., District Regulations Division 4. New Town Overlay District, as to Section 44-207 shall be deleted in its entirety and a new Section 44-207 shall be created to read as follows:

Sec. 44-207. Other standards.

- (a) *Outside storage prohibited.* No outside, unenclosed storage of refuse (whether or not in containers) shall be permitted on any lot.
- (b) *Temporary or seasonal sales.* Temporary or seasonal sales are allowed within the district for a maximum of four times per year upon administrative review and with written approval from the director of community development for a maximum of no more than 30 consecutive days or more than a total of 90 days in any calendar year. Requests for temporary or seasonal sales shall be made in writing accompanied by a recorded plat of the site and written permission by the property owner to the director of community development. A business license is required of all approved temporary or seasonal sales. Outdoor sales (if allowed by the underlying zoning district) must be covered. Examples of coverings include, but are not limited to, tents and awnings.
- (c) *Loading berth requirements.* Loading berth requirements shall be as specified in the underlying districts, except that any loading or unloading berth or bay shall be screened from view as detailed in this chapter.
- (d) *Accessory buildings and uses.* All accessory buildings and uses which are permitted in the underlying districts shall be permitted within the overlay district, except that any detached accessory building on any lot shall be designed and constructed with the same material as the principle building as to be compatible

with the principle building with which it is associated. All accessory buildings shall have a roof. No accessory buildings shall contain independent kitchen facilities.

- (e) *Paving requirements.* All parking areas shall be finished with a hard surface such as asphalt, concrete or other materials approved by the community development department.
- (f) *Underground utilities.* All utilities including, but not limited to, electric, cable, and phone services shall be underground unless otherwise approved by the community development department after written submittal providing justification for overhead utility services.
- (g) *Truck and trailer parking.* Overnight parking of tractor trailers, semi-trucks, commercial trucks, semi-trailers, boats, campers, or recreational vehicles is strictly prohibited within the New Town Overlay District.

Chapter 44 – Zoning, Article III., District Regulations Division 5. Corridor Overlay District, as to Section 44-222 shall be deleted in its entirety and a new Section 44-222 shall be created to read as follows:

Sec. 44-222. Other standards.

- (a) *Outside storage.* Outside display of merchandise is prohibited with the exception of retail uses where the primary product being sold is outdoor merchandise as a primary use such as power mowers, ATV's, landscape material and products, trees, plants, shrubs, decorative rock, pavers, etc. Thrift stores, second hand stores and any other businesses whose merchandise is primarily for indoor use is prohibited from outdoor displays of merchandise.
- (b) *Loading berth requirements.* Loading berth requirements shall be a[s] specified in the underlying zone district(s) except that any loading or unloading berth or bay shall be screened from view beyond the site by landscaping or other screening.
- (c) *Accessory buildings and uses.* All accessory buildings and uses which are permitted in the underlying zoning district(s) shall be permitted within the corridor overlay districts, except that any detached accessory building on any lot shall be designed to be architecturally designed and constructed with the same material as the principle building and to be compatible with the principle building which it is associated. All accessory buildings shall have a roof. No accessory buildings shall contain independent kitchen facilities.
- (d) *Paving requirements.* All parking areas shall be finished with a hard surface such as asphalt, concrete or other materials approved by the city.
- (e) *Utility requirements.* All utilities including but not limited to electric, cable and phone services shall be underground unless otherwise approved by the city after written submittal providing justification for overhead utility services.

- (f) *Truck and trailer parking.* Overnight parking of tractor trailers, semi-trucks, commercial trucks, semi-trailers, boats, campers, or recreational vehicles is strictly prohibited within the Corridor Overlay District.

Chapter 44 – Zoning, Article IV. Supplemental Regulations, as to Section 44-241 (a) (2) shall be deleted in its entirety and a new Section 44-241(a) (2) shall be created to read as follows:

Sec. 44-241. Area, yard, and height requirement.

- (a) *Minimum lot size and minimum yard requirements.*
- (2) *R-2C Residential district.*
- a. Minimum lot size: 7,500 square feet.
 - b. Minimum lot size per dwelling: 7,500 square feet.
 - c. Minimum lot width: 50 feet.
 - d. Minimum front setback from a primary street: 25 feet.
 - e. Minimum front setback from other streets: 20 feet.
 - f. Minimum distance from side lot lines: 5 feet.
 - g. Minimum distance from rear lot line: 20 feet.
 - h. Maximum height of structures: 35 feet.

Chapter 44 – Zoning, Article IV. Supplemental Regulations, as to Section 44-241 (a) (3) shall be deleted in its entirety and a new Section 44-241(a) (3) shall be created to read as follows:

Sec. 44-241. Area, yard, and height requirement.

- (a) *Minimum lot size and minimum yard requirements.*
- (3) *R-2 Residential district.*
- a. Minimum lot size: 7,500 square feet.
 - b. Minimum lot size per dwelling: 7,500 square feet.
 - c. Minimum lot width: 65 feet.
 - d. Minimum front setback from a primary street: 35 feet.
 - e. Minimum front setback from other streets: 30 feet.
 - f. Minimum distance from side lot lines: 10 feet.
 - g. Minimum distance from rear lot line: 20 feet.
 - h. Maximum height of structures: 35 feet.

SO SHALL IT BE ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DALLAS, GEORGIA, THIS THE ____ DAY OF _____, 2023.

L. James Kelly, Mayor

James R. Henson, Councilmember

Michael G. Cason, Councilmember

Cooper Cochran, Councilmember

Nancy R. Arnold, Councilmember

Christopher B. Carter, Councilmember

Leah Alls, Councilmember

ATTEST:

Tina Clark, City Clerk of the City of Dallas, GA

Date