

**ORDINANCE
AMENDMENT
NO. OA - 2025 – ____**

**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT
CODE OF THE CITY OF DALLAS, GEORGIA, TO PROVIDE
FOR DISCRETION AUTHORITY OF THE COMMUNITY
DEVELOPMENT DIRECTOR FOR DEVELOPMENTS WITHIN
THE CBD ZONE; TO PROVIDE FOR FINDINGS; TO PROVIDE
FOR DEFINITIONS; TO PROVIDE FOR CONFLICTING
ORDINANCE SUBORDINATION; TO PROVIDE AN
EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

SECTION 1: STATEMENT OF PURPOSE AND FINDINGS

WHEREAS, the Mayor and Council of the City of Dallas, Georgia, recognize that the Central Business District (CBD) serves as the economic, cultural, and civic heart of the community, functioning as the primary commercial center, a focal point for community gatherings, and the symbolic representation of the City's vitality and character; and

WHEREAS, the CBD constitutes the historic and contemporary economic engine of the City, generating significant employment opportunities, tax revenue, and serving as an incubator for small businesses and entrepreneurial ventures that are essential to the City's long-term economic sustainability and growth; and

WHEREAS, downtown Dallas embodies the community's unique identity, heritage, and sense of place, containing historic buildings, cultural landmarks, and civic institutions that reflect the City's evolution from its founding to the present day and serve as irreplaceable assets that distinguish Dallas from other communities in the region; and

WHEREAS, the Mayor and Council find that a thriving downtown is essential to maintaining and enhancing the overall quality of life for residents, providing walkable spaces for social interaction, cultural activities, civic engagement, and community pride that cannot be replicated in other development patterns; and

WHEREAS, economic research consistently demonstrates that vibrant downtown areas serve as catalysts for broader community development, attracting complementary investment, supporting property values throughout the city, and creating the pedestrian-scale environments that are increasingly demanded by businesses, residents, and visitors in the 21st century economy; and

WHEREAS, the CBD faces unique development challenges including historic building constraints, irregular lot configurations, existing infrastructure limitations, shared parking needs, mixed-use compatibility requirements, and the necessity to accommodate innovative development approaches that may not conform to conventional suburban zoning standards but are essential for urban revitalization; and

WHEREAS, the rigid application of standard zoning requirements designed for greenfield suburban development often discourages beneficial downtown development and redevelopment projects that would enhance economic vitality, support local businesses, create housing opportunities, improve pedestrian connectivity, and strengthen the community's tax base; and

WHEREAS, Georgia law specifically recognizes the critical importance of downtown revitalization, as evidenced by the Downtown Development Authorities Act, the Georgia Main Street Program administered by the Georgia Department of Community Affairs, the Rural Zone Program providing tax incentives for downtown investment, and numerous state grant programs designed to support downtown redevelopment initiatives; and

WHEREAS, the Georgia Constitution, Article IX, Section II, Paragraph I grants counties home rule authority to adopt "clearly reasonable ordinances, resolutions, or regulations relating to [their] property, affairs, and local government for which no provision has been made by general law and which is not inconsistent with this Constitution," and municipal corporations are granted similar home rule powers under O.C.G.A. § 36-35-3, providing local governments with broad authority to address local conditions and promote community welfare; and

WHEREAS, the Georgia Constitution, Article IX, Section II, Paragraph IV specifically grants municipalities the power to "adopt plans and may exercise the power of zoning," subject only to general procedural laws,

thereby confirming local authority to tailor zoning regulations to serve local needs and circumstances; and

WHEREAS, Georgia courts have consistently recognized that local governments possess inherent authority under their home rule powers to enact ordinances that promote the health, safety, and general welfare of their communities, including the economic welfare that flows from vibrant commercial districts and efficient land use patterns; and

WHEREAS, the City's home rule authority extends to creating regulatory frameworks that address the unique characteristics of different areas within the municipal boundaries, including providing enhanced flexibility for areas that serve specialized functions critical to community welfare, such as downtown business districts; and

WHEREAS, the creation of administrative discretion provisions for the CBD represents a reasonable exercise of the City's police powers and home rule authority, designed to promote the general welfare by facilitating appropriate development that serves important public purposes including economic development, historic preservation, urban design excellence, and community character enhancement; and

WHEREAS, numerous other Georgia municipalities have successfully implemented similar administrative discretion and flexibility provisions for their downtown business districts, including Commerce, Carrollton, East Point, Jonesboro, and others, demonstrating that such approaches are consistent with Georgia law and effective in promoting downtown revitalization while maintaining appropriate regulatory oversight; and

WHEREAS, the City's Comprehensive Plan, Downtown Master Plan, and related planning documents have identified downtown revitalization as a key community priority and have called for regulatory approaches that support rather than hinder beneficial development within the CBD; and

WHEREAS, the City participates in the Georgia Main Street Program and has established a Downtown Development Authority, both of which recognize the need for coordinated public and private investment in downtown areas and the importance of regulatory frameworks that facilitate rather than obstruct beneficial development projects; and

WHEREAS, the Mayor and Council have observed that potential developers and business owners have been discouraged from pursuing downtown projects due to regulatory uncertainty, costly delays, and the inability

to adapt standard requirements to the unique conditions present in the CBD, resulting in lost opportunities for economic development, job creation, and community enhancement; and

WHEREAS, granting administrative discretion to the Community Development Director for CBD projects will streamline the development process, reduce unnecessary regulatory barriers, encourage private investment, support existing businesses, attract new enterprises, and promote the adaptive reuse of historic buildings while maintaining appropriate design standards and regulatory oversight; and

WHEREAS, administrative discretion provisions will enable the City to respond quickly and efficiently to development opportunities, support innovative projects that contribute to downtown vitality, and ensure that regulatory requirements serve their intended purposes without creating unnecessary obstacles to beneficial development; and

WHEREAS, the proposed administrative discretion authority includes appropriate limitations, decision criteria, appeal procedures, and documentation requirements to ensure that such discretion is exercised responsibly, transparently, and in accordance with established standards that protect the public interest; and

WHEREAS, the Mayor and Council find that the CBD's success directly impacts the entire community's economic health, quality of life, and civic pride, making downtown revitalization a matter of significant public interest that justifies the provision of regulatory flexibility designed to encourage appropriate development and redevelopment; and

WHEREAS, the authority granted herein is narrowly tailored to address the specific challenges facing downtown development while preserving essential protections for public health, safety, and welfare, and is consistent with the City's broader planning goals and economic development objectives; and

WHEREAS, this ordinance represents a proactive approach to downtown development that recognizes the changing needs of businesses and residents while honoring the historic character and community significance of the CBD, ensuring that Dallas remains competitive in attracting investment and maintaining its role as a regional destination; and

WHEREAS, the provisions herein serve multiple important governmental purposes including economic development, historic preservation, efficient land use, infrastructure utilization, tax base enhancement, job creation, and community character preservation, all of which contribute to the general welfare of the City and its residents.

NOW, THEREFORE, the Mayor and Council of the City of Dallas, Georgia, acting under its constitutional and statutory home rule authority and its inherent police powers to promote the health, safety, and general welfare of the community, hereby enacts the following amendment to the Unified Development Code to provide the administrative flexibility necessary to achieve the City's downtown revitalization goals while maintaining appropriate regulatory standards and oversight mechanisms.

SECTION II: THERE SHALL BE ADDED TO THE ZONING ORDINANCE OF THE CITY OF DALLAS, GEORGIA A NEW SECTION, Sec. 4.11.1 AS FOLLOWS:

Sec. 4.11.1 - Central Business District Administrative Discretion

1. Authority. The Community Development Director is hereby granted administrative discretion to approve modifications to development standards within the Central Business District (CBD) zoning district where such modifications:
 - a. Promote the purposes set forth in Section 1.02 of this Ordinance, particularly the goal to "increase the viability of businesses in downtown Dallas";
 - b. Are consistent with the character and scale of the surrounding downtown area;
 - c. Enhance pedestrian activity and street-level vibrancy;
 - d. Preserve or enhance the historic character of downtown Dallas;
 - e. Facilitate mixed-use development or adaptive reuse of existing structures; or
 - f. Address unique site constraints inherent to downtown development.
2. Applicable Standards. The Director may exercise discretion regarding the following development standards within the CBD district:
 - a. Density Requirements - May approve density increases or decreases based on project merit and infrastructure capacity;
 - b. Setback Requirements - May reduce or eliminate setbacks to promote continuous street frontage and pedestrian-oriented development;
 - c. Height Standards - May approve building heights exceeding the maximum or below the minimum when architecturally appropriate;

- d. Lot Coverage - May increase maximum lot coverage to promote efficient land use;
 - e. Parking Requirements - May reduce parking requirements for projects that enhance walkability or utilize shared parking arrangements;
 - f. Landscaping Standards - May modify landscaping requirements to accommodate urban design goals;
 - g. Use Restrictions - May approve uses similar in character to permitted uses that support downtown revitalization;
 - h. Design Standards - May approve alternative design solutions that achieve the intent of applicable design requirements; and
 - i. Site Development Standards - May modify other site development requirements as necessary to accommodate unique downtown development opportunities.
3. Limitation of Authority. The Director's discretion under this section shall not extend to:
- a. Uses that would create significant public health or safety hazards;
 - b. Modifications that would violate federal or state law;
 - c. Variances from flood protection standards;
 - d. Modifications to historic preservation requirements for designated historic properties; or
 - e. Any requirement specifically reserved to the Mayor and Council or other boards by state law.
4. Decision Criteria. In exercising discretion under this section, the Director shall consider:
- a. The unique characteristics of the CBD and downtown development context;
 - b. The project's contribution to downtown economic vitality and pedestrian activity;
 - c. Compatibility with existing development patterns and historic character;
 - d. Availability of public infrastructure and services;
 - e. Input from the Technical Advisory Committee when appropriate;
 - f. Public benefit derived from the proposed modification; and
 - g. Any conditions necessary to ensure the project serves the public interest.
5. Procedures.
- a. Application. Requests for administrative discretion shall be submitted in writing with supporting documentation demonstrating compliance with the decision criteria.

- b. Review Process. The Director may consult with the Technical Advisory Committee, other city departments, and external consultants as necessary to evaluate the request.
 - c. Decision. The Director shall issue a written decision within thirty (30) days of receiving a complete application, unless extended by mutual agreement.
 - d. Conditions. The Director may approve requests subject to reasonable conditions to ensure compatibility with surrounding uses and compliance with the purposes of this section.
 - e. Appeal. Decisions of the Director under this section may be appealed to the Zoning Board of Appeals pursuant to Section 11.11 of this Ordinance.
 - f. Documentation. All decisions under this section shall be:
 - i. Documented in writing with findings supporting the decision;
 - ii. Made part of the permanent development record;
 - iii. Referenced in any certificates of occupancy or other permits;
and
 - iv. Available for public inspection during normal business hours.
6. Sunset Review. The Mayor and Council shall review the effectiveness of this section every three (3) years and may modify or repeal these provisions based on their evaluation of the program's success in promoting downtown development goals.

SECTION III: CONFORMING AMENDMENTS

The following sections are hereby amended to reference the new administrative discretion provisions:

1. **Zoning Ordinance of the City of Dallas Georgia Section 2.03(2) - Community Development Director Basic Duties** - Add subsection (m):
"Exercise administrative discretion for Central Business District development as provided in Section 4.11.1."
2. **Zoning Ordinance of the City of Dallas Georgia Section 11.03(4)(e) - Development Plan Review and Approval** - Add subsection (ii) referencing CBD administrative discretion authority: "Notwithstanding any requirement in this Chapter, if the planned development is within the CBD zoning classification, the Community Development Director shall be authorized to exercise any and all powers of discretion as provided in Section 4.11.1."

SECTION IV: REPEALER

All Ordinances, or parts of Ordinance deemed in conflict to this Amendment shall be subordinate to this Amendment.

SECTION V: SEVERABILITY

If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision will not affect the validity of the remainder of this ordinance or any part thereof.

SECTION VI: EFFECTIVE DATE

This amendment shall take effect immediately upon adoption by the Mayor and Council.

SO SHALL IT BE ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DALLAS, GEORGIA, THIS THE ____ DAY OF _____, 2025.

L. James Kelly, Mayor

James R. Henson, Councilmember

Cooper Cochran, Councilmember

Nancy R. Arnold, Councilmember

Christopher B. Carter, Councilmember

Leah Alls, Councilmember

Candace Callaway, Councilmember

ATTEST:

Tina Clark, City Clerk
City of Dallas, Georgia

Date