

ZONING MAP AMENDMENT ORDINANCE

ORDINANCE NO. Z-2026-03

APPLICANT - GEORGIA CAPITAL, LLC

**TITLEHOLDER(S) - ESTATE OF MARY SUE TIBBITTS; 230 SUMMERHILL ROAD,
LLC; MIKE J. POPE**

APPLICATION NO. Z-2025-07

**AN ORDINANCE OF THE CITY OF DALLAS, GEORGIA, AMENDING THE
OFFICIAL ZONING MAP OF THE CITY OF DALLAS; REZONING CERTAIN REAL
PROPERTY; ESTABLISHING INITIAL MUNICIPAL ZONING FOR PROPERTY
ANNEXED BY COMPANION ANNEXATION ORDINANCE; PROVIDING ZONING
CONDITIONS AND STIPULATIONS; PROVIDING FOR REPEAL OF
CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING
AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

WHEREAS, the City of Dallas, Georgia is a municipal corporation of the State of Georgia and is authorized to adopt zoning ordinances and to exercise zoning powers pursuant to the laws of the State of Georgia;

WHEREAS, the City has adopted a Unified Development Code, Zoning Ordinance, and Official Zoning Map governing the use and development of property within the City;

WHEREAS, the subject property has been annexed into the City of Dallas pursuant to companion Annexation Ordinance No. A-2026-02, subject to the effective date provided therein;

WHEREAS, the City completed the zoning procedures required by the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., including O.C.G.A. § 36-66-4(d), before final action on the annexation ordinance;

WHEREAS, Georgia Capital, LLC submitted Application No. Z-2025-07 requesting initial municipal zoning of certain real property consisting of approximately 35.633 acres, more or less, located in Land Lots 458, 459, and 479 of the 2nd District, 3rd Section, Paulding County, Georgia, and owned of record by the Estate of Mary Sue Tibbitts, 230 Summerhill Road, LLC, and Mike J. Pope, or their duly authorized representatives;

WHEREAS, the Dallas Planning Commission reviewed the application, held a public hearing as required by law, and made its recommendation to the Mayor and Council;

WHEREAS, the Mayor and Council conducted a public hearing in accordance with applicable state law and local procedures and approved the zoning map amendment set forth herein;

WHEREAS, the City has provided all notices required to Paulding County concerning the proposed annexation and initial municipal zoning of the property, and no unresolved county objection or statutory bar prevents final action on this zoning map amendment;

WHEREAS, the Mayor and Council find that the requested zoning map amendment and conditions are in the best interest of the public health, safety, and welfare and are consistent with the City's Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Dallas, Georgia, as follows:

SECTION I. CONTINGENCY UPON ANNEXATION.

This zoning map amendment is contingent upon the legal effectiveness of Annexation Ordinance No. A-2026-02. If Annexation Ordinance No. A-2026-02 does not become effective, this zoning map amendment shall not become effective.

SECTION II. ZONING MAP AMENDMENT.

Upon the effective date of companion Annexation Ordinance No. A-2026-02, the Official Zoning Map of the City of Dallas is hereby amended to establish the initial municipal zoning classifications for the following property:

Applicant: Georgia Capital, LLC
Titleholders: Estate of Mary Sue Tibbitts; 230 Summerhill Road, LLC; and Mike J. Pope, or their duly authorized representatives
Property Address: 469 Summerhill Road, Dallas, Georgia 30132, and unaddressed property along the northwesterly and southeasterly sides of Summerhill Road and Jimmy Lee Smith Parkway, Dallas, Georgia 30132
Tax Parcel ID Nos.: 147.1.2.002.0000; 147.1.3.008.0000; and 147.1.3.010.0000
Acreage: +/- 35.633 acres
Current Zoning Classification: R-2 and B-2 (Paulding County)
Initial Municipal Zoning Classification: TH Townhome Residential District (+/- 26.298 acres) and C-2 Medium-Density Commercial District (+/- 9.335 acres)

The property shall be zoned by district as more particularly described in Exhibit A attached hereto and incorporated herein by reference, and as shown on the zoning exhibit and approved site plan attached as Exhibit B and incorporated herein by reference.

SECTION III. ZONING CONDITIONS AND STIPULATIONS.

The property rezoned by this ordinance is subject to the following conditions and stipulations, as approved by the Mayor and Council of the City of Dallas, Georgia:

1. Site Plan Conformance.

Development shall be constructed in substantial conformance with the site plan and supporting exhibits submitted as part of the approved rezoning application and attached as Exhibit B, unless otherwise modified by the City through an approved amendment. The approved site plan shall include the removal of Townhome Units 64 through 81 and the conversion of that area to +/- 65,000 square feet of additional C-2 Medium-Density Commercial development.

2. Perimeter Buffers and Landscape Areas.

The owner/developer shall provide and maintain a minimum twenty (20) foot planted buffer, or existing natural buffer where approved by the City, along the perimeter of the development. In addition, a minimum twenty (20) foot landscaped area shall be provided adjacent to all public streets and rights-of-way. All required buffers and landscaped areas shall be designated as common areas and permanently maintained by the Homeowners Association (HOA) and/or Property Owners Association (POA).

3. Landscaping Compliance.

The owner/developer shall design, install, and maintain all required landscaping in full compliance with Chapter 7 of the City's Unified Development Code, including but not limited to entrance features, common areas, perimeter buffers, streetscape landscaping, open space areas, and recreational amenities.

4. Transportation Improvements.

The owner/developer shall design, permit, construct, and dedicate, where applicable, all roadway, intersection, development entrance, traffic control, and transportation improvements required by the Georgia Department of Transportation, Paulding County Department of Transportation, and/or the City of Dallas as a condition of development

approval or access to the site. All improvements shall be completed in accordance with the applicable agency's standards and specifications.

5. Utility Improvements.

The owner/developer shall design, permit, construct, and complete all off-site and on-site sanitary sewer, water, and related utility improvements required by the Paulding County Water System or other applicable utility providers necessary to adequately serve the proposed development. All improvements shall be completed in accordance with the requirements of the applicable utility provider prior to approval and issuance of final plat, unless otherwise approved by the City.

6. Automated License Plate Recognition System.

The Developer shall install, operate, and maintain a complete Automated License Plate Reader (ALPR) system at each entrance at its sole cost and expense. The Developer must grant immediate and unfettered access to all ALPR data and live feeds to the Dallas Police Department. The system must comply with all applicable federal, state, and local laws, and the Dallas Police Department's established policies and procedures.

- a. Installation & Maintenance: Developer is responsible for all costs related to procurement, installation, maintenance, software access, data hosting, and support of the ALPR system.
- b. System Specifications: The system, including camera locations, power sources, and data storage mechanisms, must meet the technical specifications and approval of the Dallas Police Department.
- c. Law Enforcement Access & Use: Legal ownership and control of the data reside with the Dallas Police Department, and the Developer shall ensure seamless integration and access for law enforcement personnel for public safety and investigative purposes.

7. Homeowners Association.

The owner/developer shall establish a Homeowners Association (HOA), or other City-approved ownership and maintenance entity, as part of the final plat approval process. Membership in the HOA shall be mandatory for all residential property owners. The HOA shall be responsible for the ownership, operation, maintenance, repair, and replacement of all common areas, amenities, landscaping, buffers, stormwater facilities (where applicable), and other common improvements not accepted for public maintenance. Draft Declaration of Covenants, Conditions, and Restrictions (CC&Rs), Articles of Incorporation, Bylaws, and all association governing documents shall be submitted to the City for review prior to final plat approval. Such documents shall incorporate all applicable zoning stipulations and assign maintenance responsibility for all privately owned infrastructure and common facilities.

8. Commercial Property Owners Association.

The owner/developer shall establish a Property Owners Association (POA), Commercial Property Owners Association (CPOA), or other City-approved maintenance entity as part of the final plat approval process for all commercially zoned property. Membership shall be mandatory for all commercial property owners and shall include responsibility for the maintenance of common access drives, parking areas, landscaping, stormwater facilities, signage, lighting, and other shared improvements. Draft Declaration of Covenants, Conditions, and Restrictions (CC&Rs), Articles of Incorporation, Bylaws, and all association governing documents shall be submitted to the City for review prior to final plat approval. Such documents shall incorporate all applicable zoning stipulations and assign maintenance responsibility for all privately owned infrastructure and common facilities.

9. Residential Architectural Review.

Prior to approval of the final plat and issuance of any building permits, the owner/developer shall submit detailed architectural elevations for each residential building type to the City for review and approval. Elevations shall include the front, rear, left, and right sides of each building and shall demonstrate compliance with all applicable provisions of the City's

Unified Development Code, Residential Design Standards, and any additional design requirements established by these zoning conditions.

10. Commercial Architectural Review.

Prior to the issuance of any building permit for commercial development, the owner/developer shall submit detailed architectural elevations for each commercial building type to the City for review and approval. Elevations shall include all four building facades and shall demonstrate compliance with the City's Unified Development Code, commercial design standards, and all applicable architectural requirements.

11. Fiscal Impact Analysis Concurrence.

Prior to the issuance of any Land Disturbance Permit, the owner/developer shall provide the City with written documentation demonstrating that all identified impacts and required improvements, as identified in the Fiscal Impact Analysis, have been addressed to the satisfaction of the applicable reviewing agencies and utility providers. Such documentation shall consist of letters of concurrence, no-objection letters, capacity verification, or other written confirmation deemed acceptable by the City from each applicable entity, including but not limited to the Paulding County School District, Paulding County Department of Transportation, Paulding County Water System, Paulding County Sheriff's Office, Paulding County Fire Department, Georgia Department of Transportation, City of Dallas Police Department, City of Dallas Solid Waste Department, GreyStone Power Corporation, Georgia Power, Comcast, AT&T, Southern Company Gas, and any other public or private utility or service provider having jurisdiction over or providing service to the development.

12. Rental Restriction.

No more than ten percent (10%) of the approved residential dwelling units, not to exceed fifteen (15) dwelling units based upon the approved maximum of one hundred fifty-seven (157) residential units, shall be used as rental property at any time. The Homeowners Association shall incorporate this limitation into its recorded Declaration of Covenants, Conditions, and Restrictions (CC&Rs) and shall be responsible for monitoring and enforcing compliance.

13. Amenities Completion.

All required recreational amenities, open space improvements, trails, sidewalks, and associated landscaping serving each development phase shall be substantially completed prior to the issuance of Certificates of Occupancy for more than thirty percent (30%) of the dwelling units within that phase, unless otherwise approved by the City.

14. Commercial Development Pad Preparation.

All land designated for commercial development within the subject property shall be cleared, graded, and brought to pad-ready condition as part of the overall site development. Completion of these improvements shall be required prior to, or concurrent with, final plat approval, and in no event later than the approval of the final plat for the residential portion of the development.

15. Additional Access Point to U.S. Highway 278 (State Route 6 / Jimmy Lee Smith Parkway).

Upon approval and issuance of all necessary permits by the Georgia Department of Transportation (GDOT) authorizing a new public roadway connection, the owner/developer shall, at its sole expense, construct all improvements necessary to establish an additional vehicular access point to U.S. Highway 278 (State Route 6 / Jimmy Lee Smith Parkway), including, but not limited to, all roadway, intersection, utility, drainage, traffic control, and associated infrastructure improvements required by GDOT and the City. The access point shall be fully connected to the internal street network of the development and completed prior to approval of the final plat, unless an alternative completion schedule is approved in writing by the City.

Except as expressly modified by these zoning stipulations, all development shall comply with the applicable provisions of the City's Unified Development Code, Code of Ordinances,

engineering standards, development regulations, and all applicable local, state, and federal laws and regulations.

SECTION IV. AMENDMENT TO OFFICIAL ZONING MAP.

The Community Development Director is hereby directed to amend the Official Zoning Map of the City of Dallas to reflect this zoning map amendment upon the effective date of this ordinance.

SECTION V. REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict only.

SECTION VI. SEVERABILITY.

If any section, sentence, clause, phrase, or provision of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION VII. EFFECTIVE DATE.

- This ordinance shall become effective on the later of:
- (a) the date this zoning map amendment was approved by the Mayor and Council;
 - (b) the effective date of Annexation Ordinance No. A-2026-02 pursuant to O.C.G.A. § 36-36-2; or
 - (c) if applicable, the date provided by law following resolution of any county objection under O.C.G.A. § 36-36-11.

If Annexation Ordinance No. A-2026-02 was adopted on August 3, 2026, and all applicable statutory requirements were completed in August 2026, this zoning map amendment shall become effective on September 1, 2026.

SO SHALL IT BE ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DALLAS, GEORGIA, THIS THE ____ DAY OF _____, 2026.

_____ James Henson, Councilmember	_____ L. James Kelly, Mayor	_____ Christopher B. Carter, Councilmember
_____ Nancy R. Arnold, Councilmember		_____ Leah Alls, Councilmember
_____ Cooper Cochran, Councilmember		_____ Candace Callaway, Councilmember

Attest: _____
Tina Clark, City Clerk

EXHIBIT A
ZONING DISTRICT LEGAL DESCRIPTIONS

TH - Townhome Residential District: Tract 1

All that tract or parcel of land lying and being in Land Lot 458 of the 2nd District, 3rd Section, Paulding County, Georgia and being more particularly described as follows:

BEGINNING at a 1/2" rebar found at the Land Lot corner common to Land Lots 407, 408, 457 & 458; from point thus established and running along the line common to Land Lots 407 & 458 South 89° 39' 19" East a distance of 640.39 feet to a 1" rebar found; thence leaving said Land Lot line South 00° 21' 10" West a distance of 9.73 feet to an axle found; thence South 43° 53' 17" East a distance of 121.92 feet to an iron pin set on the northwesterly Right of Way of Summerhill Road (60' R/W); thence running along said Right of Way the following courses: running along a curve to the left an arc length of 84.29 feet, (said curve having a radius of 775.00 feet, with a chord bearing of South 33° 04' 55" West, and a chord length of 84.25 feet) to a point; thence running along a curve to the right an arc length of 203.00 feet, (said curve having a radius of 5440.00 feet, with a chord bearing of South 32° 42' 30" West, and a chord length of 202.99 feet) to a point; thence running along a curve to the right an arc length of 167.80 feet, (said curve having a radius of 4240.00 feet, with a chord bearing of South 34° 03' 40" West, and a chord length of 167.79 feet) to a point; thence running along a curve to the left an arc length of 266.06 feet, (said curve having a radius of 1540.00 feet, with a chord bearing of South 31° 32' 26" West, and a chord length of 265.72 feet) to a point; thence South 27° 10' 21" West a distance of 81.44 feet to a point; thence running along a curve to the right an arc length of 218.85 feet, (said curve having a radius of 765.00 feet, with a chord bearing of South 36° 25' 01" West, and a chord length of 218.10 feet) to a 1/2" rebar found; thence North 64° 38' 11" West a distance of 207.36 feet to a 1/2" rebar found on the Land Lot line common to Land Lots 457 & 458; thence running along said Land Lot line North 01° 10' 42" East a distance of 867.64 feet to the TRUE POINT OF BEGINNING. Said tract contains 10.409 Acres (453,438 Square Feet).

TH - Townhome Residential District: Tract 2

All that tract or parcel of land lying and being in Land Lot 458 of the 2nd District, 3rd Section, Paulding County, Georgia and being more particularly described as follows:

To Reach the TRUE POINT OF BEGINNING commence at a 1/2" rebar found at the Land Lot corner common to Land Lots 407, 408, 457 & 458; thence running along the line common to Land Lots 407 & 458 South 89° 39' 19" East a distance of 640.39 feet to a 1" rebar found; thence leaving said Land Lot line South 00° 21' 10" West a distance of 9.73 feet to an axle found; thence South 43° 53' 17" East a distance of 121.92 feet to an iron pin set on the northwesterly Right of Way of Summerhill Road (60' R/W); thence running along a tie line South 71° 59' 28" East a distance of 63.44 feet to a point on the southeasterly Right of Way of Summerhill Road, said point lying in the centerline of a creek and being the TRUE POINT OF BEGINNING, thence from point thus established and leaving said Right of Way and running along said creek the following courses: thence South 65° 38' 18" East a distance of 11.94 feet to a point; thence North 69° 17' 02" East a distance of 8.65 feet to a point; thence South 44° 29' 53" East a distance of 5.91 feet to a point; thence South 88° 00' 18" East a distance of 13.41 feet to a point; thence South 56° 32' 26" East a distance of 21.84 feet to a point; thence South 60° 28' 33" East a distance of 52.77 feet to a point; thence South 64° 41' 00" East a distance of 104.59 feet to a point; thence South 56° 15' 30" East a distance of 13.88 feet to a point; thence South 27° 47' 01" East a distance of 14.55 feet to a point; thence South 08° 05' 54" East a distance of 8.64 feet to a point; thence South 50° 09' 13" East a distance of 22.40 feet to a point; thence South 64° 01' 26" East a distance of 52.19 feet to a point; thence South 03° 44' 22" East a distance of 16.49 feet to a point; thence South 52° 54' 39" East a distance of 12.53 feet to a point; thence South 24° 40' 18" East a distance of 32.81 feet to a point; thence South 46° 58' 19" East a distance of 18.83 feet to a point; thence South 30° 16' 04" East a distance of 14.35 feet to a point; thence South 57° 31' 13" East a distance of 17.57 feet to a point; thence South 69° 23' 40" East a distance of 15.91 feet to a point; thence South 80° 06' 20" East a distance of 21.70 feet to a point; thence South 76° 26' 10" East a distance of 20.14 feet to a point; thence South 81° 41' 17" East a distance of 10.36 feet to a point; thence South 78° 16' 17" East a distance of 8.54 feet to a point; thence South 51° 36' 07" East a distance of 14.62 feet to a point; thence South 21° 55' 19" East a distance of 31.86 feet to a point; thence South 48° 05' 59" East a distance of 21.90 feet to a point; thence South 84° 07' 26" East a distance of 20.70 feet to a point; thence leaving said Land Lot line South 47° 41' 09" East a distance of 72.19 feet to a point on the Land Lot line common to Land Lots 458 & 459; thence running along said Land Lot line South 00° 32' 27" West a distance of 583.62 feet to a point; thence leaving said Land Lot line North 89° 24' 50" West a distance of 1000.36 feet to a point; thence running along a curve to the right an arc length of 25.09 feet, (said curve having a radius of 30.00 feet, with a chord bearing of North 65° 27' 09" West, and a chord length of 24.37 feet) to a point; thence

North 41° 29' 28" West a distance of 88.10 feet to a point on the aforementioned southeasterly Right of Way of Summerhill Road (60' R/W); thence running along said Right of Way the following courses: running along a curve to the left an arc length of 216.20 feet, (said curve having a radius of 825.00 feet, with a chord bearing of North 35° 41' 24" East, and a chord length of 215.58 feet) to a point; thence North 27° 10' 21" East a distance of 82.28 feet to a point; thence running along a curve to the right an arc length of 256.66 feet, (said curve having a radius of 1480.00 feet, with a chord bearing of North 31° 32' 52" East, and a chord length of 256.34 feet) to a point; thence running along a curve to the left an arc length of 170.41 feet, (said curve having a radius of 4300.00 feet, with a chord bearing of North 34° 04' 07" East, and a chord length of 170.40 feet) to a point; to the left an arc length of 205.69 feet, (said curve having a radius of 5500.00 feet, with a chord bearing of North 32° 42' 05" East, and a chord length of 205.68 feet) to a point; thence running along a curve to the right an arc length of 98.43 feet, (said curve having a radius of 715.00 feet, with a chord bearing of North 33° 50' 29" East, and a chord length of 98.35 feet) to the TRUE POINT OF BEGINNING. Said tract contains 15.889 Acres (692,112 Square Feet).

C-2 - Medium-Density Commercial District: Tract 1

All that tract or parcel of land lying and being in Land Lots 458, 459 & 479 of the 2nd District, 3rd Section, Paulding County, Georgia and being more particularly described as follows:

To Reach the TRUE POINT OF BEGINNING commence at a 1/2" rebar found at the Land Lot corner common to Land Lots 407, 408, 457 & 458; thence running along the line common to Land Lots 457 & 458 South 01° 10' 42" West a distance of 867.64 feet to a 1/2" rebar found; thence leaving said common Land Lot Line South 64° 38' 11" East a distance of 207.36 feet to a 1/2" rebar found at the northwesterly Right of Way of Summerhill Road (60' R/W); thence running along a tie line South 64° 12' 46" East a distance of 63.13 feet to a point on the southeasterly Right of Way of Summerhill Road and the TRUE POINT OF BEGINNING, thence from point thus established and leaving said Right of Way thence South 41° 29' 28" East a distance of 88.10 feet to a point; thence running along a curve to the left an arc length of 25.09 feet, (said curve having a radius of 30.00 feet, with a chord bearing of South 65° 27' 09" East, and a chord length of 24.37 feet) to a point; thence South 89° 24' 50" East a distance of 1000.36 feet to a point on the Land Lot line common to Land Lots 458 & 459; thence running along said Land Lot line South 00° 32' 27" West a distance of 34.99 feet to an iron pin set; thence leaving said Land Lot line North 87° 52' 52" East a distance of 208.82 feet to an iron pin set; thence South 00° 34' 06" West a distance of 178.69 feet to a point; thence South 88° 05' 17" West a distance of 229.58 feet to a point; thence South 01° 04' 53" East a distance of 30.28 feet to a point; thence South 01° 04' 53" East a distance of 51.08 feet to a point; thence North 89° 25' 24" West a distance of 641.23 feet to a point; thence North 89° 25' 24" West a distance of 571.37 feet to a point; thence North 00° 24' 27" East a distance of 33.62 feet to an iron pin set on the Land Lot Line common to Land Lots 458 and 479; thence running along said Land Lot Line South 89° 44' 42" West a distance of 28.75 feet to a 1/2" rebar found; thence leaving said Land Lot Line North 00° 34' 52" East a distance of 7.42 feet to a 1/2" rebar found; thence North 01° 50' 53" East a distance of 163.39 feet to a 3" open top pipe found at the aforementioned southeasterly Right of Way of Summerhill Road (60' R/W); thence running along said Right of Way the following courses: running along a curve to the left an arc length of 221.06 feet, (said curve having a radius of 2410.00 feet, with a chord bearing of North 47° 10' 43" East, and a chord length of 220.99 feet) to a point; thence running along a curve to the left an arc length of 20.37 feet, (said curve having a radius of 825.00 feet, with a chord bearing of North 43° 54' 18" East, and a chord length of 20.37 feet) to the TRUE POINT OF BEGINNING, Said tract contains 9.335 Acres (406,653 Square Feet).

EXHIBIT B

ZONING EXHIBIT / APPROVED DEVELOPMENT LAYOUT

[Attach zoning exhibit and approved site plan identifying the portions of the property zoned TH Townhome Residential District and C-2 Medium-Density Commercial District, the approved development layout, and any supporting exhibits incorporated as part of the approved rezoning application.]