



CITY OF DAHLONEGA

City Council Public Hearing Agenda

May 19, 2025, 4:00 PM

Gary McCullough Chambers, Dahlonega City Hall

In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 706-864-6133.

Vision - Dahlonega will be the most welcoming, thriving, and inspiring community in North Georgia

Mission Statement - Dahlonega, a City of Excellence, will provide quality services through ethical leadership and fiscal stability, in full partnership with the people who choose to live, work, and visit. Through this commitment, we respect and uphold our rural Appalachian setting to honor our thriving community of historical significance, academic excellence, and military renown.

CALL TO ORDER

APPROVAL OF AGENDA

PUBLIC HEARING

1. Ordinance 2025-4
Doug Parks, City Attorney

ADJOURNMENT

Guideline Principles - The City of Dahlonega will be an open, honest, and responsive city that balances preservation and growth and delivers quality services fairly and equitably by being good stewards of its resources. To ensure the vibrancy of our community, Dahlonega commits to Transparency and Honesty, Dedication and Responsibility, Preservation and Sustainability, Safety and Welfare ...for ALL!



City Council Agenda Memo

DATE: 5/19/2025
TITLE: Ordinance 2025-4
PRESENTED BY: Doug Parks, City Attorney
PRIORITY Strategic Priority - Communication

AGENDA ITEM DESCRIPTION

The City is in the process of streamlining its zoning ordinances to become more time efficient so as to shorten the time necessary to move planning and zoning matters through the various processes. This ordinance will remove the planning commission from the overall process. The ordinances indicates the following advantages will be attained: (1) shorter and less costly processing times for amendments to regulations, applications for rezoning, conditional uses and others that are submitted for review, as well as shorter processing times for certain subdivision plats; and (2) saving of staff time and city resources pertaining to advertising and holding public meetings of the commission, as well as preparation of minutes of meetings and the general administration of the commission.

HISTORY/PAST ACTION

No prior action.

FINANCIAL IMPACT

None.

RECOMMENDATION

Approval.

SUGGESTED MOTIONS

Motion to approve at the appropriate meeting.

ATTACHMENTS

Ordinance 2025-4

CITY OF DAHLONEGA
STATE OF GEORGIA

ORDINANCE NO. 2025-4

AN ORDINANCE AMENDING ORDINANCE 91-9, AS IT APPEARS IN AN APPENDIX TO THE CODE OF ORDINANCES OF THE CITY OF DAHLONEGA, GEORGIA, “SUBPART B, LAND USE AND LAND DEVELOPMENT,” TO REPEAL REFERENCES TO THE DAHLONEGA PLANNING AND ZONING COMMISSION AND ASSIGN AUTHORITY OF THE COMMISSION TO THE CITY COUNCIL OR TO THE ZONING ADMINISTRATIVE OFFICER AS THE CONTEXT DICTATES; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, The City of Dahlonega desires to amend Ordinance 91-9 as it appears in an appendix to the Code of Ordinances pertaining to the Planning and Zoning commission of the city; and

WHEREAS, The Dahlonega City Council hereby finds that discontinuance of the Planning and Zoning Commission will achieve several public and private benefits including but not limited to: (1) shorter and less costly processing times for amendments to regulations, applications for rezoning, conditional uses and others that are submitted to said commission for review, as well as shorter processing times for certain subdivision plats; and (2) saving of staff time and city resources pertaining to advertising and holding public meetings of the commission, as well as preparation of minutes of meetings and the general administration of the commission; and

WHEREAS, A notice of public hearings before the Dahlonega Planning and Zoning Commission and the Dahlonega City Council on this matter was published in a newspaper of general circulation within the City of Dahlonega as required by the zoning procedures law and the Dahlonega zoning ordinance for text amendments; and

WHEREAS, The Planning and Zoning Commission and the City Council each conducted a public hearing on this matter; and

WHEREAS, The Dahlonega City Council finds that it is necessary, desirable and in the public interest to amend the Hoschton Zoning Ordinance;

Now therefore, IT IS ORDAINED by the Dahlonega City Council that Ordinance 91-9, as it appears in an appendix to the Code of Ordinances of the city is hereby amended in the following respects:

Section 1.

Subpart B, “Land Use and Land Development,” Chapter 1, “General and Administrative Provisions,” Sec. 101-4, “Policies and procedures which govern the calling and holding of a

public hearing on zoning matters,” paragraph (2) is amended to delete reference to planning commission as follows (the remainder of said paragraph is unaffected by this amendment):

(2) “Public hearing. All public hearings regarding applications considered by the board of zoning appeals, ~~planning commission~~, and city council shall be held in accordance with any procedures adopted by said body and, in addition, shall be governed by the following procedure:”

Section 2.

Subpart B, “Land Use and Land Development,” Chapter 1, “General and Administrative Provisions,” Sec. 101-4, “Policies and procedures which govern the calling and holding of a public hearing on zoning matters,” paragraph (2), subparagraph “g” is amended as follows (the remainder of said subparagraph is unaffected by this amendment):

“g. A member of the city staff will then briefly summarize the requested application and staff shall respond to any questions from the body regarding the staff recommendation related to the proposed application; **and** any applicable background material, ~~and the recommendations and reports of the planning commission if appropriate~~. All public comments having been heard, the members of the body considering the application may discuss the request among themselves. During this discussion period, the members of the body may call on the applicant or other interested parties to clarify points made previously or to answer questions. Said applicant or interested parties may respond upon recognition.”

Section 3.

Subpart B, “Land Use and Land Development,” Appendix A, “Development Regulations,” Article II, “Definitions,” Sec. 2.2, “Definition of words and phrases,” is amended to delete the following definition:

~~“Planning and Zoning Commission: The City of Dahlonega Planning and Zoning Commission as established in the City of Dahlonega Zoning Ordinance.”~~

Section 4.

Subpart B, “Land Use and Land Development,” Appendix A, “Development Regulations,” Article III, “Application and General Provisions,” Section 3.7, “Conformance to comprehensive plan,” is amended as follows:

“Section 3.7. Conformance to the comprehensive plan.

All proposed subdivisions shall conform to the City of Dahlonega Comprehensive Plan at the time of submission of the Preliminary Plat to the ~~Planning and Zoning Commission~~ **city**. Where features of the Comprehensive Plan, such as parks, streets, and utility systems, are located in whole or in part in a proposed subdivision, or when these features have not been anticipated by the Comprehensive Plan, but are considered essential by the ~~Planning and Zoning Commission~~

and/or Mayor and **City** Council, land for such features shall be ~~dedicated~~ **reserved for dedication** to the City.

The ~~Planning and Zoning Commission shall~~ **City Council may** disapprove subdivisions when such planned features, as specified by the Comprehensive Plan, are not incorporated therein.”

Section 5.

Subpart B, “Land Use and Land Development,” Appendix A, “Development Regulations,” Article IV, “Street Standards,” Section 4.2, “Street design,” the paragraph titled “Cul-de-sac Streets” is amended as follows (the remainder of said section is unaffected by this amendment):

“Cul-de-sac Streets.

Cul-de-sac streets shall be designed so that the maximum desirable length is 800 feet, but no longer than 1,200 feet, including circular turnaround, unless excepted by the ~~Planning and Zoning Commission~~ **City Council**.”

Section 6.

Subpart B, “Land Use and Land Development,” Appendix A, “Development Regulations,” Article V, “Lot and Block Standards,” Section 5.4, “Double frontage lots,” is amended as follows:

“Section 5.4. Double frontage lots.

Double frontage lots other than corner lots shall be required for residential subdivisions along arterial or primary collector streets where internal access can be provided. When approved by the ~~Planning and Zoning Commission~~ **City Council**, double frontage lots can be used to overcome specific disadvantages of topography, orientation and/or property size. Otherwise, double frontage lots other than corner lots shall be prohibited.

To properly separate residential subdivisions employing double frontage lots from traffic arteries, the ~~Planning and Zoning Commission~~ **City Council** will require a planted buffer of ten-foot minimum width along the lot line abutting the traffic artery. The easement for the buffer will be required to deny right of access to the lot on which it is located.”

Section 7.

Subpart B, “Land Use and Land Development,” Appendix A, “Development Regulations,” Article V, “Lot and Block Standards,” Section 5.6, “Blocks” is amended as follows:

“Sec. 5.6. Blocks.

The lengths, widths, and shapes of blocks shall be determined with regard to:

- (a). Provision of adequate building sites suitable to the special needs of the type of use contemplated.
- (b). Applicable zoning requirements as to lot size and dimensions.
- (c). Needs for convenient access, circulation, control and safety of vehicular and pedestrian traffic.
- (d). Limitations and opportunities of topography.

The ~~Planning and Zoning Commission~~ **City Council** may, when existing or proposed pedestrian/bicycle circulation patterns or public gathering places so justify, require pedestrian/bicycle ways or access easements through blocks.”

Section 8.

Subpart B, “Land Use and Land Development,” Appendix A, “Development Regulations,” Article VI, “Plat Specifications,” Section 6.3, “Preliminary plat supplemental information,” is amended as follows:

“Section 6.3. Preliminary plat supplemental information.

In addition to the Preliminary Plat, the following information shall be provided to the ~~Planning Commission~~ **City** with each Preliminary Plat submittal:

- (a) A written summary of the proposed subdivision giving information as to the overall development plan including, as appropriate, the types and square footages of structures, number of housing units, types of land uses, anticipated traffic generation, and other pertinent information so that the effects of the subdivision can be fully considered by the ~~Planning Commission~~ **City Council**.
- (b) Description of the anticipated utility systems required to serve the proposed subdivision including projected average and peak demands or flows for potable water, fire protection, sewerage, and electrical power.
- (c) Description of proposed storm water management practices for the subdivision including the ownership and proper maintenance provisions of all storm water detention facilities within the subdivision.
- (d) Such additional information as may be reasonably required to obtain an adequate understanding of the subdivision.”

Section 9.

Subpart B, “Land Use and Land Development,” Appendix A, “Development Regulations,” Article VI, “Plat Specifications,” Section 6.6, “Final plat specifications,” the third introductory paragraph, is amended as follows (the remainder of said section is unaffected by this amendment):

“The Final Plat shall substantially conform to the approved Preliminary Plat and it may constitute only a portion of the approved Preliminary Plat which the subdivider proposes to record at any one time, provided that such portion conforms to the requirements of these regulations, and said portion is not inconsistent with the health, safety, or welfare of the public. Any substantial deviation from the approved Preliminary Plat shall require that a revised Preliminary Plat be submitted to and approved by the ~~Planning Commission~~ **City Council**.”

Section 10.

Subpart B, “Land Use and Land Development,” Appendix A, “Development Regulations,” Article VI, “Plat Specifications,” Section 6.7, “Plat certifications,” as it pertains to preliminary plats only, paragraph (c) is amended as follows (the remainder of said section is unaffected by this amendment):

“(c) Preliminary Plat Approval Statement to read as follows:

This Preliminary Plat has been reviewed and approved for ~~general~~ compliance with the Zoning Ordinance, ~~Development Regulations and Subdivision Regulations~~ **and Comprehensive Development Ordinance** of the City of Dahlonega, Georgia.

~~Secretary, Planning and Zoning Commission~~
Zoning Administrative Officer

Date

Mayor

Date”

Section 11.

Subpart B, “Land Use and Land Development,” Appendix A, “Development Regulations,” Article VII, “Street Improvement Standards,” Section 7.1, “Street improvements,” is amended as follows:

“Sec. 7.1. Street improvements.

Streets, whether abutting or internal, existing or new, shall be constructed or improved under those circumstances and to the standards as established in these Regulations. Roadway improvements shall be in accordance with the street classification system defined in these Regulations. Specific street classification designations shall be as shown in adopted transportation plans of the City or as **otherwise** established by the ~~Planning and Zoning Commission~~ **City Council**.”

Section 12.

Subpart B, “Land Use and Land Development,” Appendix A, “Development Regulations,” Article XIII, “Amendments,” Section 13.1, “Authority” is amended as follows:

“Section 13.1. Authority.

This Ordinance **Appendix A** may be amended from time to time by the City Council as herein specified, but no amendment shall become effective unless it has been submitted to the Planning and Zoning Commission at a public hearing for review and recommendation. The Planning and Zoning Commission shall have 30 days from the date of the hearing to submit its recommendation to the City Council. If the Planning and Zoning Commission fails to submit a report within the 30-day period, it shall be deemed to have approved the proposed amendment **following procedures applicable to amendment of the Dahlonga code of ordinances.**”

Section 13.

Subpart B, “Land Use and Land Development,” Appendix A, “Development Regulations,” Article XIII, “Amendments,” Section 13.2, “Requirements for change” is amended as follows:

“Section 13.2. Requirements for change.

When the public necessity, general welfare, or good development practices justify such action, and after the required review and report by the Planning and Zoning Commission **and recommendation by the Zoning Administrative Officer**, the City Council may ~~undertake the necessary steps to amend these Regulations.~~”

Section 14.

Subpart B, “Land Use and Land Development,” Appendix A, “Development Regulations,” Article XIII, “Amendments,” Section 13.3, “Procedure for amendment,” which reads as follows is repealed:

“Section 13.3. Procedure for amendments.

Requests to amend these Regulations shall be processed in accordance with the following requirements:

- (a) ~~Initiation of amendments.~~ A proposed amendment to these Regulations may be initiated by the City Council, Board of Zoning Appeals, the Planning and Zoning Commission, the City Manager, or by application filed with the City Manager by a developer or citizen.
- (b) ~~Application Procedure.~~ Each request for amendment of these Regulations shall be submitted in a form as prescribed by the City Manager along with such fee as shall be established by the City Council. Applications for amendments must be submitted in proper form at least 25 days prior to a Planning and Zoning Commission hearing in order to be heard at that hearing.”

Section 15.

Subpart B, “Land Use and Land Development,” Appendix B, “Zoning,” Article III, “Definition of Terms Used in Ordinance,” Section 301, “Definitions” is amended to repeal the following definition:

~~“Planning Commission: The Dahlonega Planning Commission as established in this Ordinance.”~~

Section 16.

Subpart B, “Land Use and Land Development,” Appendix B, “Zoning,” Article VII, “General Provisions,” Section 717, “Subdivision plats must meet zoning requirements” is amended as follows:

“Section 717. Subdivision plats must meet zoning requirements.

No proposed plat of a subdivision, nor any plat of re-subdivision, shall hereafter be approved by the **Zoning Administrative Officer (in the case of a minor final plat) or the** Governing Body **(in the case of a major final plat)** ~~or by the Planning Commission~~ unless the lots within such plat equal or exceed the minimum size and width requirements set forth ~~in the various~~ **for the** zoning districts **in which the property is located as established** in these regulations and unless such plat fully conforms with the statutes of the State of Georgia and regulations of the Governing Body.”

Section 17.

Subpart B, “Land Use and Land Development,” Appendix B, “Zoning,” Article XII, “MHP, Mobile Home Park District,” Section 1204, “Mobile home and mobile home space requirements,” subsection 6, “age of mobile homes,” paragraph “a,” subparagraph “5” is repealed (the remainder of said section is unaffected by this amendment):

~~“(5) The Planning Commission, upon unanimous vote, may recommend to the City Council that a variance be granted for good cause, to include hardship, after the following conditions are met:~~

- ~~(a) Notice of request for variance, setting out the reasons for the request, the year of the mobile home and the location in which the home is to be located, shall be published in the official organ of the municipality for fifteen days prior to the regular meeting at which the request is to be considered.~~
- ~~(b) The Planning Commission shall hear the request in open meeting prior to the vote on the recommendation to the City Council.~~
- ~~(c) Upon recommendation, unless the public safety requires otherwise, as set out in a written finding of fact, the City shall grant the variance.”~~

Section 18.

Subpart B, “Land Use and Land Development,” Appendix B, “Zoning,” Article XIII, “PUD, Planned Unit Development District,” Section 1304 “Site plan approval required” is amended as follows:

“Sec. 1304. Site plan approval required.

Applications for rezoning to, or development within a Planned Unit Development District shall require a site plan including, as a minimum, those items enumerated in Section 2606, Site Plan Requirements, of these regulations. The Zoning Administrative Officer, ~~Planning Commission~~ and/or City Council may require, in addition, such other information, studies, plats, plans, or architectural elevations deemed necessary to perform an adequate review of the proposed application.

Site plans shall be prepared by a professional engineer, architect, land surveyor, land planner or landscape architect, and his/her seal of registration or professional initials shall be indicated on such plans.”

Section 19.

Subpart B, “Land Use and Land Development,” Appendix B, “Zoning,” Article XXIII,” Planning Commission” which reads as follows is repealed in its entirety:

~~“ARTICLE XXIII. PLANNING COMMISSION~~

~~Sec. 2301. Creation and appointment.~~

~~The Planning Commission for the City of Dahlonega is hereby created. The Planning Commission shall be composed of seven (7) members appointed by the Governing Body in such a manner as hereinafter provided. Four (4) members present shall be required to constitute a quorum. One (1) such member shall be annually elected chairman of the Planning Commission by the Planning Commission members, and the Chairman shall not vote except in cases of a tie vote between the other members. In cases of a tie vote and the Chairman excuses himself from voting, then such tie vote shall constitute denial of said motion, application or action. All members appointed to the Planning Commission shall be residents of the City. The members shall serve staggered terms, with three (3) members serving a term of three (3) years, two (2) members serving a term of two (2) years, and two (2) members serving a term of one (1) year. Thereafter, the members of the Planning Commission shall be appointed for a term of three (3) years and shall serve until their successors are appointed. The compensation of the members of the Planning Commission shall be as established by the Governing Body. Any vacancy in the membership of the Planning Commission shall be filled for the unexpired term of such vacancy in the same manner as the original appointment. The Governing Body may remove any member of the Planning Commission for due cause after written notice to such member and after a public hearing. Members of the Planning Commission shall appoint a secretary, or in lieu of such~~

~~appointment, the Zoning Administrative Officer shall serve as the secretary of the Planning Commission.~~

~~Sec. 2302. Meetings and records.~~

~~The Planning Commission shall meet at least one (1) time each month at the call of the chairman, or at such other times as the Planning Commission may determine, and all such meetings shall be open to the public. The Planning Commission shall adopt rules for the transaction of business, or in lieu of such rules, the Commission shall follow "Robert's Rules of Order," latest edition. The Planning Commission shall keep record of its resolutions, recommendations, transactions, findings, and determinations, and all such records shall be public record and available for purchase by interested parties at a reasonable cost.~~

~~Sec. 2303. Powers and duties.~~

~~The Planning Commission shall have the following functions, powers and duties:~~

- ~~1. Cooperate with, contract with, or accept funds from federal, state, regional, or local public or semi-public agencies or private individuals or corporations; expend such funds; and carry out such cooperative undertakings or contracts.~~
- ~~2. Make expenditures for the purchase of required equipment and supplies. Expenditures, exclusive of gifts to the Planning Commission or contract receipts, shall be within the amounts appropriated for the purpose by the Governing Body.~~
- ~~3. Conduct surveys and studies of existing conditions and probable future developments and to prepare and recommend to the Governing Body any plans for physical, social and economic growth as will best promote the public health, safety, order, convenience, aesthetics, prosperity or the general welfare of the City of Dahlonega.~~
- ~~4. Prepare and recommend for adoption by the Governing Body zoning regulations and official zoning map, subdivision regulations and other such land use regulations; prepare and recommend for adoption by the Governing Body amendments to any of the land use regulations; and to review and make recommendations concerning applications for zoning map amendment, conditional use approvals, variances, annexation or other such applications.~~
- ~~5. Perform other planning functions and duties as may be required by the Governing Body."~~

Section 20.

Subpart B, "Land Use and Land Development," Appendix B, "Zoning," Article XXVI, Amendment, Application and Procedural Requirements," Section 2602 "Initiation of zoning amendments" is amended as follows:

"Section 2602. Initiation of zoning amendments.

A petition to amend the text of these zoning regulations or the official zoning map may be initiated by the Governing Body, ~~the Planning Commission,~~ or any person, firm, corporation or

agency that owns property involved in a petition for amendment, subject to the provisions established herein.”

Section 21.

Subpart B, “Land Use and Land Development,” Appendix B, “Zoning,” Article XXVI, Amendment, Application and Procedural Requirements,” Section 2603 “Frequency of application; pre-application meeting” is amended as follows:

“Section 2603. Frequency of application; pre-application meeting.

The Governing Body ~~or the Planning Commission~~ may at any time file, in its own name, an application for amendment to the text of the zoning regulations or the official zoning map.

If the zoning decision of the Governing Body is for the rezoning of property and the amendment to the zoning ordinance to accomplish the rezoning is defeated by the Governing Body, then the same property may not again be considered for rezoning until the expiration of at least six months immediately following the defeat of the rezoning by the Governing Body.

A property owner or subsequent property owner shall not initiate action for a map amendment, conditional use permit, or variance affecting the same or any portion of property more often than once every six (6) months from the date of any previous decision rendered by the Governing Body defeating a request provided, however, that a property owner may petition for the alteration, modification or deletion of conditions of zoning in accordance with the provisions of this Article.

Prior to the filing of a rezoning or variance application, the owner or his/her representative is required to schedule a Pre-Application Conference with the Zoning Administrative Officer to review applicable regulations that apply to the proposal and to discuss potential issues. The date of the pre-application meeting shall be noted on the application for rezoning or special use.”

Section 22.

Subpart B, “Land Use and Land Development,” Appendix B, “Zoning,” Article XXVI, Amendment, Application and Procedural Requirements,” Section 2608 “Criteria to consider for conditional uses is amended as follows:

“Section 2608. Criteria to consider for conditional uses.

The applicant, staff, ~~Planning Commission~~ and Governing Body should review applications for conditional uses with regard to the following criteria:

1. Off-street parking and loading facilities are adequate in terms of location, amount and design to serve the use.

2. The number, size and type of signs proposed are compatible with the surrounding area.
3. The amount and location of open space and the provision of screening is such that buffering of incompatible uses is achieved.
4. Ingress and egress to the property is suitable and safe, and the effect of the proposed activity on traffic flow along adjoining streets is not adverse.
5. The location and intensity of outdoor lighting is such that it does not cast light on adjacent, adjoining or neighboring properties.
6. Hours and manner of operation of the proposed use are not inconsistent with adjacent and nearby uses.
7. Public facilities and utilities are capable of adequately serving the proposed use.
8. The proposed use will not have a significant adverse effect on the level of property values or the general character of adjacent land uses or the general area.
9. The physical conditions of the site, including size, shape, topography and drainage, are suitable for the proposed development.
10. The proposed use is consistent with the goals and objectives of the Comprehensive Plan of the City of Dahlonge.

The staff, ~~Planning Commission~~ and Governing Body may consider other factors deemed relevant before formulating recommendations and taking action on a particular conditional use application.”

Section 23.

Subpart B, “Land Use and Land Development,” Appendix B, “Zoning,” Article XXVI, Amendment, Application and Procedural Requirements,” Section 2609 “Public notice and public hearing required” is amended as follows:

“Section 2609. Public notice and public hearing required.

This section shall apply to all applications for amendments to the text of the zoning regulations, amendments to the official zoning map, petitions for variances and appeals to the Board of Zoning Appeals, requests for conditional use approval, requests for alteration or extension of conditional zoning, applications for site plan approval in the MHP District, and petitions for development approval for property within the PUD, Planned Unit Development District, and applications for condominium site plan approval.

Prior to making any zoning decision, the City Council shall conduct a Public hearing. The public hearing shall be called and a public notice provided in accordance with the provisions of Ordinance 91-9 as amended and in accordance with the provisions of O.C.G.A. § 36-66-4. Public Hearing Notice, as follows:

- a) A notice of time and place of the hearing shall be published at least 30 Days, but not more than 45 days, prior to said Public hearing in the official legal organ of the City of Dahlonge or another newspaper of general circulation within the territorial boundaries

of the city. The notice shall state the time, place and purpose of the hearing in accordance with O.C.G.A. § 36-66-4. If the proposed amendment is a rezoning of property, variance, conditional or special use initiated by a party other than the City Council, then:

- 1) The published notice, in addition to the foregoing, shall include the name of the applicant, the address and location of the property, the present zoning classification of the property, and the proposed zoning classification of the property or proposed variance sought; and
- 2) A sign or signs containing that same information shall be placed on the property by the City not less than 15 days, prior to the date of the hearing. The sign or signs shall be placed in a conspicuous location on the property frontage in such manner as to be legible from the public road. On lots with more than one road frontage, a sign will be placed facing each Public road. If the property has no road frontage, a sign shall be placed at a location on each road where access will be gained to the property.

All required public hearings shall be held by the Governing Body, and no action shall be taken on said applications until a public hearing has been held by the Governing Body.

Public hearings regarding variances and appeals shall be held by the Board of Zoning Appeals, and no action shall be taken on said applications until a public hearing has been held by the Board of Zoning Appeals. The public hearing shall be called, and a public notice provided in accordance with the provisions of O.C.G.A. § 36-66-4(g). Public Hearing Notice, as follows: Notice of such hearing shall be provided at least 30 days nor more than 45 days prior to the quasi-judicial hearing, with such notice being made as provided for in these regulations and with additional notice being mailed at least thirty days prior to the hearing to the owner of the property that is the subject of the proposed action.

Public hearings may be delayed, rescheduled or continued to another time and date, provided announcement is given at the time and place of the initially scheduled and advertised public hearing, and provided such date, time and location of the public hearing to be delayed, rescheduled or continued is given. If the applicant of a petition before the ~~Planning Commission~~ or Governing Body fails to attend the public hearing, then the ~~Planning commission or~~ Governing Body may require re-advertisement of the subject petition at the expense of the applicant. If there is no quorum of the ~~Planning Commission or~~ Governing Body at the scheduled public hearing, then the public hearing(s) shall be rescheduled and re-advertised at the City of Dahlonega's expense.

Where the proposed action includes any combination of zoning decisions under these regulations for the same property, only one hearing shall be required under this Code Section. At least 30 days nor more than 45 days prior to the date of the hearing, the local government shall cause to be published within a newspaper of general circulation within the territorial boundaries of the local government a notice of the hearing. The notice shall state the time, place, and purpose of the hearing.”

Section 24.

Subpart B, “Land Use and Land Development,” Appendix B, “Zoning,” Article XXVI, Amendment, Application and Procedural Requirements,” Section 2610 “Recommendation by zoning administrative officer; additional duties” is amended as follows:

“Section 2610. Recommendation by zoning administrative officer; additional duties.

The Zoning Administrative Officer will, as appropriate, customarily submit to the recommending and/or decision making body, prior to a scheduled public hearing, copies of the site plan and letter of intent along with a written recommendation for approval, disapproval, deferral, withdrawal or other recommendation. Said recommendation shall include reasons for said recommendations, considered within the context of the appropriate criteria as specified by these regulations. The recommendations of the Zoning Administrative Officer shall have an advisory effect only and shall not be binding on the Governing Body. Copies of the Zoning Administrative Officer's recommendations shall be made available to the applicant and other interested parties upon completion and distribution to the appropriate bodies and at the public hearing. ~~Following the Planning Commission's public hearing, as Secretary to the Planning Commission, the Zoning Administrative Officer shall prepare and submit the Planning Commission's recommendations to the City Council prior to the City Council's public hearing.~~

Section 25.

Subpart B, “Land Use and Land Development,” Appendix B, “Zoning,” Article XXVI, Amendment, Application and Procedural Requirements,” Section 2611 “Planning commission recommendation” which reads as follows is repealed in its entirety:

~~“Sec. 2611. Planning commission recommendation:~~

~~Prior to the hearing held by the Governing Body, the Planning Commission shall hold a public hearing on all applications for amendment to the text of the zoning regulations, amendments to the official zoning map, conditional use permit applications, petitions for alteration or extension of conditional zoning, requests for development plan approval within the PUD, Planned Unit Development District, request for site plan approval in the MHP, Mobile Home Park District, requests for condominium site plan approval and variances for properties located in all zoning districts.~~

~~After completing its studies of the particular petition, the Planning Commission shall submit a recommended action in writing to the Governing Body. The Planning Commission may submit any additional report it deems appropriate. The recommendations of the Planning Commission shall have an advisory effect only and shall not be binding on the Governing Body. Copies of the Planning Commission's recommendations and reports shall be made available to the applicant and other interested parties upon completion and distribution to the Governing Body and at the public hearing before the Governing Body.~~

~~The Planning Commission shall have thirty days within which to submit its recommendations. The Governing Body shall not take action on any of said applications, until it has received the recommendation of the Planning Commission within the specified time period. If the Planning Commission fails to submit a recommendation with the thirty (30) day period, it shall be deemed to have approved the proposed application.~~

~~The requirements set forth elsewhere herein for public notice and hearing before the Governing Body shall be required for the public hearing required before the Planning Commission."~~

Section 26.

Subpart B, "Land Use and Land Development," Appendix B, "Zoning," Article XXVI, Amendment, Application and Procedural Requirements," Section 2612 "Conduct of public hearings," introductory paragraph is amended as follows (the remainder of the section is unaffected by this amendment):

"Sec. 2612. Conduct of public hearings.

All public hearings regarding applications considered by the Board of Zoning Appeals, ~~Planning Commission~~, and Governing Body shall be held in accordance with any procedures adopted by said body and, in addition, shall be governed by the following procedure:"

Section 27.

Subpart B, "Land Use and Land Development," Appendix B, "Zoning," Article XXVI, Amendment, Application and Procedural Requirements," Section 2613 "Action required by appropriate body" is amended as follows:

"Sec. 2613. Action by the appropriate body.

After completion of the public hearing, if so required by these regulations, the Governing Body may take action to approve or deny the request, refer the application back to the Zoning Administrative Officer, ~~or Planning Commission~~ for further study, or the Governing Body may table or defer action until a later meeting. The Board of Zoning Appeals, after the public hearing has been completed, may take action to approve or deny the request, or defer action until a later meeting."

Section 28.

Subpart B, "Land Use and Land Development," Appendix B, "Zoning," Article XXVI, Amendment, Application and Procedural Requirements," Section 2614 "Conditional approval permitted" is amended as follows:

"Sec. 2614. Conditional approval permitted.

The Zoning Administrative Officer ~~and Planning Commission~~ may recommend, and the Governing Body may approve, applications for zoning map amendments, conditional use permits, applications for development approval within the PUD, Planned Unit Development District, and application for condominium site plan approval, subject to certain conditions, provided that said conditions are set forth in the ordinance regarding approval of such application. Said conditions of approval may reduce the number or type of permitted uses, limit the nature or scope of permitted uses, restrict certain activities on the property, restrict the number and kind of improvements which can be made on the property, stipulate specific acts which the property owner will perform, or any other conditions directly related to the physical use of land and which are designed to render the proposed zoning or use compatible with nearby properties. Applications for alteration or extension of conditional zoning shall be made in accordance with the requirements of this Article.”

Section 29.

All ordinances, or parts of ordinances in conflict herewith are hereby repealed.

Section 30.

If any portion of this ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

Section 31.

The effective date of this ordinance shall be the date of adoption.

Adopted this ____ day of _____, 2025.

JoAnne Taylor, Mayor

ATTEST:

Rhonda Hansard, City Clerk