

CITY OF DALTON  
ORDINANCE  
Ordinance No. 23-31

An Ordinance Of The City Of Dalton To Rezone Certain Property Within The City Of Dalton From Neighborhood Commercial (C-1) To General Commercial (C-2) Being A Tract of Land Totaling 95.13 Acres Located at in the Memorial Drive/Broadrick Drive/Burleyson Road/N. Thornton Avenue area, Dalton, Georgia (Parcel Nos. 12-159-01-058, 12-160-02-001, 12-160-02-002, 12-160-02-003, 12-160-02-004, 12-160-03-000, 12-160-06-000, 12-160-16-000, 12-160-21-001, 12-160-21-006, 12-160-39-000, 12-160-51-000, 12-161-01-087, 12-182-02-001, 12-182-02-007, 12-182-02-041, 12-182-15-000, 12-183-03-000, 12-183-04-001, 12-183-04-002, 12-183-04-003, 12-183-04-004, 12-183-04-005, 12-183-04-009, 12-183-04-010, 12-183-04-111, 12-183-04-112, 12-183-04-113, 12-183-04-114, 12-183-04-115, 12-183-04-117, 12-183-04-119, 12-183-04-020, 12-183-04-021, 12-183-04-024, 12-183-05-000, 12-183-10-000, 12-183-11-000, 12-184-01-001, 12-184-01-010, and 12-184-01-039); To Provide An Effective Date; And For Other Purposes

WHEREAS, Hamilton Medical Center, Inc. (Owner) has filed an application with the City to rezone property located at Memorial Drive/Broadrick Drive/ Burleyson Road/N. Thornton Avenue area, Dalton, Georgia (Parcel Nos. 12-159-01-058, 12-160-02-001, 12-160-02-002, 12-160-02-003, 12-160-02-004, 12-160-03-000, 12-160-06-000, 12-160-16-000, 12-160-21-001, 12-160-21-006, 12-160-39-000, 12-160-51-000, 12-161-01-087, 12-182-02-001, 12-182-02-007, 12-182-02-041, 12-182-15-000, 12-183-03-000, 12-183-04-001, 12-183-04-002, 12-183-04-003, 12-183-04-004, 12-183-04-005, 12-183-04-009, 12-183-04-110, 12-183-04-111, 12-183-04-112, 12-183-04-113, 12-183-04-114, 12-183-04-115, 12-183-04-117, 12-183-04-119, 12-183-04-020, 12-183-04-021, 12-183-04-024, 12-183-05-000, 12-183-10-000, 12-183-11-000, 12-184-01-001, 12-184-01-010, and 12-184-01-039);

WHEREAS, the Property is currently zoned Neighborhood Commercial (C-1);

WHEREAS, the Owner is requesting the Property be rezoned to General Commercial (C-2);

WHEREAS, the application for rezoning appears to be in proper form and made by all owners of the Property sought to be rezoned;

WHEREAS, the Planning Commission staff reports that the rezoning proposed is not incompatible with land uses in the neighborhood and thereby recommends approval of the requested C-2 rezoning; and

WHEREAS, the Dalton-Varnell-Whitfield County Planning Commission considered the proposed rezoning of the Property at a duly noticed public hearing held on November 27, 2023 and

subsequently forwarded its favorable recommendation to the Mayor and Council for rezoning the property to C-2;

BE IT ORDAINED by the Mayor and Council of the City of Dalton in regular meeting assembled and by authority of the same it is hereby ordained as follows:

-1-

The recitals contained herein above are incorporated herein by reference and are adopted as findings and determinations of the Mayor and Council.

-2-

The Property located at Memorial Drive/Broadrick Drive/Burleyson Road/ N. Thornton Avenue area, Dalton, Georgia identified as Parcel Nos. 12-159-01-058, 12-160-02-001, 12-160-02-002, 12-160-02-003, 12-160-02-004, 12-160-03-000, 12-160-06-000, 12-160-16-000, 12-160-21-001, 12-160-21-006, 12-160-39-000, 12-160-51-000, 12-161-01-087, 12-182-02-001, 12-182-02-007, 12-182-02-041, 12-182-15-000, 12-183-03-000, 12-183-04-001, 12-183-04-002, 12-183-04-003, 12-183-04-004, 12-183-04-005, 12-183-04-009, 12-183-04-110, 12-183-04-111, 12-183-04-112, 12-183-04-113, 12-183-04-114, 12-183-04-115, 12-183-04-117, 12-183-04-119, 12-183-04-020, 12-183-04-021, 12-183-04-024, 12-183-05-000, 12-183-10-000, 12-183-11-000, 12-184-01-001, 12-184-01-010, and 12-184-01-039; is hereby rezoned from Neighborhood Commercial (C-1) to General Commercial (C-2) in accordance with the recommendation of the Dalton-Varnell-Whitfield County Planning Commission.

-3-

The Unified Zoning Map of the City of Dalton shall be amended to conform to and reflect the rezoning of the Property as approved herein. City Staff is authorized and directed to take all actions necessary to effectuate the rezoning of the Property as approved herein.

-4-

Should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be unconstitutional, invalid or unlawful, such declaration shall not affect the validity of the remaining portions of the Ordinance not so declared to be unconstitutional, invalid, or unlawful.

All resolutions and ordinances of the City of Dalton or parts thereof in conflict herewith are hereby repealed.

This Ordinance shall take effect and be in force from and after its adoption and publication in two public places within the City of Dalton for five (5) consecutive days, the public welfare of the City of Dalton requiring it.

ADOPTED AND APPROVED on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, at the regular meeting of the Mayor and Council of the City of Dalton.

The foregoing Ordinance received its first reading before the Dalton-Varnell-Whitfield County Planning Commission on November 27, 2023 and a second reading on \_\_\_\_\_. Upon second reading a motion for passage of the Ordinance was made by Councilmember \_\_\_\_\_, second by Councilmember \_\_\_\_\_ and upon the question the vote is \_\_\_\_\_ ayes, \_\_\_\_\_ nays and the Ordinance is adopted.

CITY OF DALTON, GEORGIA

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
CITY CLERK

A true copy of the foregoing Ordinance has been published in two public places within the City of Dalton for five (5) consecutive days following passage of the above-referenced Ordinance as of the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
CITY CLERK  
CITY OF DALTON