

## Ordinance 24-13

**To Amend Unified Zoning Ordinance Of Whitfield County, Georgia; To Provide An Effective Date; To Repeal All Conflicting Ordinances; To Provide For Severability; And For Other Purposes.**

**WHEREAS**, the Mayor and Council of the City of Dalton previously adopted the *Unified Zoning Ordinance*; and

**WHEREAS**, said ordinance has been amended from time to time in order to protect the health, welfare, and safety of the public; and;

**WHEREAS**, the Mayor and Council desire to amend the *Unified Zoning Ordinance* as set forth herein; and

**WHEREAS**, the Mayor and Council have determined that said amendments are useful, necessary, and proper, and they protect the health, welfare, and safety of the public; and

**WHEREAS**, the Mayor and Council have determined that said amendments promote the goals, objectives, and policies of the *Joint Comprehensive Plan for Whitfield County and Cities of Dalton, Cohutta, Tunnel Hill, and Varnell*; and

**WHEREAS**, all other procedures as required by Georgia law have been followed.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the City of Dalton, and by the authority of the same, as follows:

### **Section 1.**

The *Unified Zoning Ordinance* is hereby amended as follows:

1. Delete the first sentence of Section 4-5-1 in its entirety and replace with the following:

**4-5-1 Preliminary Site Plan.** For all parcels which seek rezoning or annexation to R-6, R-7, C-1A, MU, PUD, or U-PUD for a proposed use or which require a Special Use for a proposed use, a Preliminary Site Plan, as described herein, shall be submitted with such application unless specifically waived, in whole or in part, in the sole discretion of the Zoning Administrator.

2. Delete Section 4-6-5 in its entirety and replace with the following:

**4-6-5 Cemeteries**, not including governmentally-owned cemeteries, fraternal cemeteries, church or synagogue cemeteries, or family burial plots, are allowed in the GA, SA, R-1, R-2, R-5, and C-2 districts, shall have minimum site areas of twenty-five (25) acres, and shall otherwise fully comply with the Georgia Cemetery and Funeral Services Act of 2000, as amended. Churches and synagogues, and fraternal organizations may operate cemeteries

as an accessory use, wherever the principal use is allowed, but only if a minimum site area of five (5) additional acres is available for the cemetery. A minimum site area is not required for a columbarium as an accessory use where the principal use is allowed. In all zoning districts, family burial plots shall be allowed as an accessory use to a residential dwelling upon lots or parcels containing five (5) acres or more.

3. Delete Article VI in its entirety and replace with the following: (as fully shown on Exhibit A)

4. Delete Section 12-1-3 in its entirety and replace with the following:

**12-1-3** A member of the Board may be appointed to any number of consecutive or non- consecutive terms by the applicable Governing Authority.

5. Amend Appendix A entitled “Permit, Application, and Other Land Development Fees for Whitfield County” by deleting the Fee description shown for Storm Water Management Plan Review and replacing with the following:

*Based upon Project Type/Size, as referenced in Storm Water Plan Review Fee Schedule*

6. Amend the Permitted Use Table to show “Bank or Financial Institution, Full Service” and “Church” and “Event Center” to be allowed outright in the M-1 and M-2 zoning districts.

## **Section 2.**

This Ordinance shall be effective upon the posting of this Ordinance in two (2) public places in the City of Dalton for five (5) consecutive days following its enactment by the Mayor and Council, the public health, safety, and welfare requiring it.

## **Section 3.**

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

## **Section 4.**

It is hereby declared to be the intention of the Mayor and Council of the City of Dalton that the section, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.

---

**SO ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2024.

The foregoing Ordinance received its first reading on \_\_\_\_\_ 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.

ATTEST:

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

\_\_\_\_\_  
MAYOR/MAYOR PRO TEM

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 \_\_\_\_\_.

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

\_\_\_\_\_

# **Exhibit A**

---

## **Article VI – Parking and Loading Standards**

- 6-1 Intent. The intent of this Article is to provide regulations to foster safe and efficient circulation of vehicles and pedestrians, both upon private and public streets and roads.
- 6-2 Off-Street Automobile Parking. Off-street automobile parking shall be provided upon every lot on which any of the uses referenced in this Article are established, except within the C-3, Central Business District. Such automobile parking shall be provided with vehicular access to a public or private road, street, or alley and shall be equal in area to at least the minimum requirements for the specific uses, as set forth in Chart 6-7 below.
- All off-street automobile parking, except for single-family residential uses, shall be arranged so that vehicles will not be required to back onto a public street, road, or highway when leaving the premises. Each required off-street parking space and/or loading berth shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient access to a public or private street or road.
- 6-2-1 On Same Lot. Except as otherwise provided herein, all off-street parking shall be provided upon the same lot or parcel as the use or uses served.
- 6-2-2 Common Off-Street Parking Areas. Two (2) or more principal uses may utilize a common parking area to comply with off-street requirements, provided that the total number of individual spaces available within such common area is not less than the sum of the spaces required for the individual uses. The owner of said lot or parcel shall forfeit all development rights therein until such time as adequate parking space is provided elsewhere.
- 6-2-3 Required Off-Street Parking Spaces on Other Property. If the required off-street parking spaces cannot reasonably be provided upon the same lot or parcel upon which the principal use is located, such spaces may be provided upon other off-street property lying not more than three hundred (300) feet from the principal use. In this circumstance, the applicant shall record a valid easement or similar legal instrument, duly executed and acknowledged, citing the permanent availability of such off-street parking spaces to serve the principal use.
- 6-2-4 Whenever there is a change in the principal use or occupancy, the resultant off-street parking required for the use or occupancy change shall comply with the minimum standards for such new use, as set forth in this Article.
- 6-3 Commercial Parking. All off-street parking areas intending to serve any use other than residential single family attached or detached dwellings, including ingress and egress, shall be graded to ensure proper drainage, surfaced with concrete, asphaltic material, or porous pavers, and maintained in a clean, orderly condition.
-

All off-street commercial parking facilities, whether public or private, shall meet the following requirements:

6-3-1 Size. Off-street parking spaces shall be striped and shall provide a rectangular parking area at least eight and one-half (8 ½) feet in width and at least eighteen (18) feet in length (regardless of the angle of the space to the access aisle). Such spaces shall have a vertical clearance of not less than seven (7) feet. See Section 6-5-3 for the size of a compact car parking space.

6-3-2 Parking Layout.

- (a) The layout of parking spaces may be arranged parallel, perpendicular, or diagonal to the aisles. Minimum standards for aisle widths shall be one-way, twelve (12) feet; two-way, twenty-four (24) feet.
- (a) If a development shall include a drive-in window or pick-up station, the stacking lane(s) shall be clearly delineated and such addition shall be at least ten (10) feet wide. The number of automobiles allowed in the stacking lane(s) may be counted toward the overall minimum required number of parking spaces as set forth in Chart 6-7.
- (b) If a development shall include one (1) or more fuel pumps, each pump location may be counted toward the overall minimum required number of parking spaces, as set forth in Chart 6-7.
- (c) Fire Lanes. Where required by the local Fire Chief and/or Fire Code Official, fire apparatus access roads shall be marked and/or posted in accordance with the regulations as set forth in the International Fire Code, currently adopted edition, with Georgia amendments.

6-3-3 Landscaping Standards. The owners of commercial parking lots shall be required to landscape with trees and shrubs to reduce the visual impact of glare, headlights, and parking lot lights from the public right-of-way and from adjoining properties. See City of Dalton Landscaping Ordinance for additional requirements for parking lots within the city of Dalton.

6-4 Residential Parking. All parking areas serving single-family detached or attached dwellings shall conform to the following additional requirements:

- (a) If garages or carports become converted to living area, then the off-street parking requirements shall be met elsewhere upon the lot or parcel.
- (b) At no time shall parked or stored camping or recreational vehicles be occupied or used for living, sleeping, or housekeeping purposes, with the following exception:
  - (i) Under certain specific circumstances, as defined in Whitfield County Code Section 5-128, the Chief Building Official may issue a temporary RV permit for parcels within unincorporated Whitfield County.

- (c) No commercial vehicle, as licensed by the State with gross vehicle weight (GVW) exceeding eleven thousand (11,000) pounds or which shall have three (3) or more axles, shall be allowed to park in the R-1, R-2, R-3, R-4, R-5, R-6, or R-7 residential zone district.
  - (d) Commercial vehicles, licensed by the State, buses, and/or recreational vehicles shall not be allowed to park overnight upon the street within a residential district, but shall be permitted to park temporarily to make delivery or pickup of goods or to perform work at the residence.
- 6-5 Off-Street Parking Requirements for Uses. The minimum number of required off-street parking spaces for each use is set forth in Chart 6-7. For uses not specifically listed, the off-street parking requirements shall be those of the most similar use. The Zoning Administrator and Chief Building Official, in their sole discretion, shall determine the proper required maximum number of spaces by classifying the use among the uses specified.
- 6-5-1 Handicapped Parking. Parking for the handicapped within a multi-family or non-residential district shall be provided at a size, number, and location in accordance with the requirements of the Georgia Handicapped Accessibility Code and/or the Americans With Disabilities Act.
  - 6-5-2 Parking reduction. In lieu of the specific standards set forth in Chart 6-7, up to a twenty-five percent (25%) reduction in the total required minimum number of parking spaces may be allowed, in the sole discretion of the Chief Building Official, if presented with a detailed parking study prepared by a Design Professional that evaluates site-specific circumstances and demand or documented evidence relative to the uses or combination of uses that are proposed on-site. The Board of Zoning Appeals shall determine all other variance requests related to any reduction.
  - 6-5-3 Compact Cars. In the sole discretion of the Chief Building Official, up to ten percent (10%) of the total required minimum number of parking spaces may be sized for compact cars. The compact car parking space shall be striped and provide a rectangular parking area at least eight (8) feet in width and at least sixteen (16) feet in length (regardless of the angle of the space to the access aisle.)
- 6-6 General Regulations for Off-Street Loading/Unloading.
- Areas proposed for loading and unloading motor vehicles in off-street locations shall be provided at the time of the initial construction of any building or structure used, or proposed to be used, for commercial, industrial, manufacturing, hospital, institutional, hotel/motel or multifamily residential purposes in any zoning district. Such off-street loading areas shall have adjacent access to a public road or street and shall be provided and maintained in accordance with the following requirements, the computation of which shall not be included in the off-street parking requirements.
-

- 6-6-1 Loading spaces provided. Any such business or use shall provide adequate off-street facilities for the loading and unloading of merchandise, supplies, goods, freight, provisions or furnishings within or adjacent to the structure. Such loading facilities, if provided, shall not obstruct freedom of vehicular traffic or pedestrian movement upon the public streets and/or sidewalks.
  - 6-6-2 Location of off-street loading areas. Off-street loading and unloading areas shall be located upon the same lot or parcel as the structure they are intended to serve. In no case shall the off-street loading space be considered as part of the area provided to satisfy off-street parking requirements set forth herein.
  - 6-6-3 Adequacy of loading area. All such uses shall provide off-street loading areas sufficient for their requirements. Such space shall be considered adequate if no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into a public street, walk, alley or way.
  - 6-6-4 Truck loading on public streets restricted. The loading or unloading of business merchandise, supplies, goods or freight within a street right-of-way shall be prohibited in all zoning districts.
-



**CHART 6-7 Minimum Parking Spaces Required by Use**

Use	Minimum Number of Parking Spaces:	Required for Each:
<b>a. RESIDENTIAL</b>		
1. Single-Family & Two-Family Residence	2	Dwelling Unit
2. Multi-Family Residence	1.5	Dwelling Unit
3. Multi-Family Residence	1.5	Dwelling Unit
4. Retirement Community	1	Dwelling Unit
5. Nursing Homes, Personal Care Homes, Fraternity or Sorority Houses	1	2 residents or beds
6. Bed & Breakfast, Rooming House, Boarding House	1 2	Room to be rented, plus Dwelling Unit
7. Hotel or Motel: (a) Convention hotel, or a motel with a restaurant or lounge. (b) Non-convention hotel or a motel with no restaurant	1½  1	Room  Room
<b>b. COMMERCIAL</b>		
1. Professional Office or Bank	3½	1,000 sq ft of ground floor area
2. Funeral Home	20	Viewing Room
3. Service Station, Gas Station, Auto Repair Shop or Garage	3 5	Service bay, plus 1,000 sf of retail space
4. Restaurant or similar eating establishment	1 1	2 seats provided for patron use, plus 2 employees
5. Amusement/Recreational Facility, Health/Fitness Center	5	1,000 sq ft of ground floor area
6. Retail Business	5	1,000 sq ft of ground floor area
<b>c. INDUSTRIAL AND MANUFACTURING</b>		
1. Wholesale, Warehouse, Manufacturing	1	Employee at maximum employment on a single shift
<b>d. INSTITUTIONAL AND OTHER</b>		
1. Hospital, Nursing Home, similar institutions	1 1	2 patient beds, plus Employee at maximum employment on a single shift
2. Auditoriums, churches, theatres, stadiums, private clubs, fraternal lodges and other places of assembly	1 1 1	4 seats in the largest assembly room, or 12 ft of pew in the largest assembly room, or 100 sq ft in the largest assembly room
3. Schools	1 1	6 seats in main assembly room, plus Employee
4. Technical College, Trade School	10	Classroom
5. Library or museum	2	1,000 sq ft of ground floor area