

CITY OF DALTON
ORDINANCE
Ordinance No. 20-11

An Ordinance Of The City Of Dalton To Amend The “Unified Zoning Ordinance of Whitfield County, Georgia” As Adopted By The City On January 6, 2020, By Deleting, Within Article II, Definitions, The Definition Of “Boutique Hotel,” “Group day care home,” “Child care learning center,” “Adult day care/day health,” “Group Home,” “Health Department,” And “Personal Care Home, And By Inserting Alphabetically Therein New Definitions Of Each Such Term; By Inserting Alphabetically New Definitions Of “Community Living Arrangement” And “Child Caring Institution, also known as Group Home;” By Amending The Permitted Use Table With Respect To Several Uses; To Provide An Effective Date; To Repeal All Ordinances Conflicting Therewith; To Provide For Severability; And For Other Purposes.

WHEREAS, the Whitfield County Board of Commissioners adopted the *Unified Zoning Ordinance* on or about August 15, 2015; and

WHEREAS, the Whitfield County Board of Commissioners has, from time to time, amended said ordinance in order to protect the health, welfare, and safety of the public; and

WHEREAS, the Mayor and Council finds such amendments to be useful, necessary, and proper, and protective of the health, welfare, and safety of the public; and

WHEREAS, it is the desire of the Mayor and Council to promote the goals, objectives, and policies of the *Joint Comprehensive Plan for Whitfield County and the Cities of Cohutta, Dalton, Tunnel Hill and Varnell*; and

WHEREAS, it is the belief of the Mayor and Council that in so doing, it protects the health, welfare, and safety of the public;

WHEREAS, the City desires to maintain the Unified Zoning Ordinance of Whitfield County, Georgia as amended;

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 Unified Zoning Ordinance of Whitfield County, Georgia as adopted by the City of Dalton on January 6, 2020, as amended, is hereby amended as follows:

1. Amend Article II, Definitions, by deleting existing definitions of “Boutique Hotel,” “Group Day Care Home,” “Child Care Learning Center,” “Adult Day Care/Day Health,” “Group Home,” “Health Department,” and “Personal Care Home.”
2. Amend Article II, Definitions, by adding, in alphabetical order therein, the definitions of “Boutique Hotel,” “Group Day Care Home,” “Child Care Learning Center,” “Adult Day Center,” “Community Living Arrangement,” “Group Home,” “Child Caring Institution,” “Health Department,” and “Personal Care Home” such that the new definitions shall read as follows:
 - a. ***Boutique Hotel.*** A small lodging facility with fifty (50) or fewer guest rooms that are rented to occupants on a daily basis for not more than fourteen (14) consecutive days. Access to each guest room shall be through an inside lobby supervised at all times.
 - b. ***Group Day Care Home.*** An establishment regulated by the Georgia Department of Family and Children’s Services (DFCS) and operated by any person, firm, partnership, association, proprietorship, company, or corporation which, for a fee, supervises and/or cares for not less than seven (7) and not more than eighteen (18) children under eighteen (18) years of age who remain at such establishment for not more than sixteen (16) hours per day.
 - c. ***Child Care Learning Center.*** An establishment regulated by the Georgia Department of Family and Children’s Services (DFCS) and operated by any person, firm, partnership, association, proprietorship, company, or corporation which, for a fee, supervises and/or cares for not less than nineteen (19) children under eighteen (18) years of age who remain at such establishment for not more than sixteen (16) hours per day.
 - d. ***Adult Day Center.*** An establishment regulated by the Georgia Department of Community Health and operated by any person, firm, partnership, association, proprietorship, company, or corporation which, for a fee, supervises, cares for, provides recreational and social services and/or health and rehabilitative services for three (3) or more persons eighteen (18) years of age or older who, because of some mental or physical impairment, which either limits the person’s major life activities or has a record of impairing such activities, remain at such establishment for not more than sixteen (16) hours per day.
 - e. ***Community Living Arrangement.*** An establishment regulated by the Georgia Department of Community Health and operated by any person, firm, partnership, association, proprietorship, company or corporation, which, for a fee, provides or arranges for the provision of daily personal services, supports, care, or treatment exclusively for two (2) or more adults who are not related to the owner or administrator by blood or marriage and whose residential services are financially supported, in whole or in part, by funds designated through the Department of

Behavioral Health and Developmental Disabilities (DBHDD.)

- f. **Group Home, (also known as Child Caring Institution.)** A child-welfare facility licensed by the Georgia State Department of Human Services, which either primarily or incidentally provides full-time room, board, and watchful oversight to six (6) or more children through eighteen (18) years of age outside their own homes.
 - g. **Child Caring Institution, (also known as Group Home.)** A child-welfare facility licensed by the Georgia State Department of Human Services, which either primarily or incidentally provides full-time room, board and watchful oversight to six (6) or more children through eighteen (18) years of age outside their own homes.
 - h. **Health Department.** Depending upon the proper context, either the Georgia Department of Community Health, and/or the Whitfield County Health Department, and/or the Whitfield County Board of Health.
 - i. **Personal Care Home.** Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one (1) or more personal services for two (2) or more adults who are not related to the owner or administrator by blood or marriage.
3. Amend the Permitted Use Table with respect to “Assisted Living Facility/Community” to denote by the letter “X” thereon that such use shall be permitted outright in the C-2 and M-1 zoning districts.
 4. Amend the Permitted Use Table by adding “Community Living Arrangement” and denoting by the letter “X” thereon that such use shall be permitted outright in the R-1, R-2, R-5, R-6, and R-7 zoning districts.
 5. Amend the Permitted Use Table with respect to “Day Care Home, Group” to denote by the letter “X” thereon that such use shall be permitted outright in the C-1, C-2, and C-4 zoning districts, and denoted by the letter “S” thereon that such use shall be permitted only after Special Use review and approval within the MU and PUD zoning districts.
 6. Amend the Permitted Use Table with respect to “Child Care Learning Center” to denote by the letter “X” thereon that such use shall be permitted outright in the C-2 zoning district, and denoted by the letter “S” thereon that such use shall be permitted only after Special Use review and approval within the MU and PUD zoning districts.
 7. Amend the Permitted Use Table with respect to “Adult Day Center” to denote by the letter “X” thereon that such use shall be permitted outright in the C-2 zoning district, and denoted by the letter “S” thereon that such use shall be permitted only after Special Use review and approval within the R-7, C-1, and PUD zoning districts.

8. Amend the Permitted Use Table with respect to “Group Home” to denote by the letter “X” thereon that such use shall be permitted outright in the R-6, R-7, and C-2 zoning districts, and denoted by the letter “S” thereon that such use shall be permitted only after Special Use review and approval within the SA, R-1, R-2, R-5, MU, and PUD zoning districts.
9. Amend the Permitted Use Table with respect to “Child Caring Institution” to denote by the letter “X” thereon that such use shall be permitted outright in the R-6, R-7, and C-2 zoning districts, and denoted by the letter “S” thereon that such use shall be permitted only after Special Use review and approval within the SA, R-1, R-2, R-5, MU, and PUD zoning districts.
10. Amend the Permitted Use Table with respect to “Personal Care Home, Family” to denote by the letter “X” thereon that such use shall be permitted outright in the GA, SA, R-1, R-2, R-5, R-6, and R-7 zoning districts, and denoted by the letter “S” thereon that such use shall be permitted only after Special Use review and approval within the MU and PUD zoning districts.
11. Amend the Permitted Use Table with respect to “Personal Care Home, Group” to denote by the letter “X” thereon that such use shall be permitted outright in the R-6 and R-7 zoning districts, and denoted by the letter “S” thereon that such use shall be permitted only after Special Use review and approval within the SA, R-1, R-2, R-5, MU, and PUD zoning districts.
12. Amend the Permitted Use Table with respect to “Personal Care Home, Congregate” to denote by the letter “X” thereon that such use shall be permitted outright in the R-7 zoning district, and denoted by the letter “S” thereon that such use shall be permitted only after Special Use review and approval within the R-6, MU, and PUD zoning districts.

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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.

-4-

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

-5-

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 on _____ and a second reading on _____. Upon second reading a motion for passage of the ordinance was made by Council person _____, second by Council person _____ 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