

CITY OF DALTON
ORDINANCE
Ordinance No. 20-08

An Ordinance Of The City Of Dalton To Rezone Certain Property Within The City Of Dalton From Medium-Density Single Family Residential (R-3) To Neighborhood Commercial (C-1) Being A Tract Of Land Totaling 9.20 Acres Located At Dawnville Road and Brooker Road Extension (Parcel No.: 12-102-05-000); To Provide An Effective Date; And For Other Purposes.

WHEREAS, Jose M. Gonzalez (Owner) has filed an application with the City to rezone property described as Dawnville Road and Brooker Road Extension (Parcel No.: 12-102-55-000) (the Property);

WHEREAS, the Property is currently zoned Medium-Density Single Family Residential (R-3);

WHEREAS, the Owner originally requested that 4.75 acres of the Property be rezoned to High Density Residential (R-7) and 4.45 acres of the Property be rezoned to General Commercial (C-2);

WHEREAS, the Owner has amended the rezoning application following the decision of the Dalton-Whitfield Planning Commission and is requesting the entire Property to be rezoned to Neighborhood Commercial (C-1);

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 rezoning is in conformity with the City of Dalton Joint Comprehensive Plan;

WHEREAS, the Dalton-Whitfield Planning Commission considered the proposed rezoning of the Property at a duly noticed public hearing held on April 13, 2020 and subsequently forwarded its favorable recommendation to the Mayor and Council with the condition that the 4.45 acre portion of the Property be rezoned Neighborhood Commercial (C-1) and that the 4.75 acre portion of the Property be rezoned to High Density Residential (R-7);

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 being the entire tract of land totaling 9.20 acres located at Dawnville Road and Brooker Road Extension (Parcel No.: 12-102-05-000) is rezoned to Neighborhood Commercial (C-1) without conditions.

-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.

-5-

All resolutions and ordinances of the City of Dalton or parts thereof in conflict herewith are hereby repealed.

-6-

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.

[Signatures on next page.]

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 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