

CITY OF DALTON  
ORDINANCE  
Ordinance No. 21-11

An Ordinance Of The City Of Dalton To Annex Property Into The City Of Dalton Pursuant To Chapter 36, Title 36 Of The Official Code Of Georgia Annotated; To Rezone Said Property To A C-2 Zoning Classification; To Provide An Effective Date; And For Other Purposes

WHEREAS, Robin Norwood, Angie Callahan, Vickie Ownbey, and Kay Crider, by J. Tracy Ward, their attorney in fact, have made written application to the City of Dalton for annexation of unincorporated lands contiguous to the existing corporate limits of the City of Dalton located at 2100 Cleveland Highway and identified as Parcel No. 12-126-06-001; and

WHEREAS, the written application for annexation appears to be in proper form and to be made by all of the owners of all of the lands sought to be annexed;

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

WHEREAS, the Owner is requesting the Property be rezoned Neighborhood Commercial (C-1);

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 June 28, 2021 and subsequently forwarded its favorable recommendation to the Mayor and Council;

BE IT ORDAINED by the Mayor and Board of Alderman of the City of Dalton and by authority of the same it is hereby ORDAINED as follows:

**Section 1.**

The recitals contained herein above are incorporated herein by reference and are adopted

as findings and determinations of the Mayor and Council.

**Section 2.**

Based upon all of the considerations applicable to annexation and zoning decisions of the City of Dalton and upon review of the recommendation of the Dalton-Whitfield County Planning Commission and its professional land-use staff's analysis, the Mayor and Board of Aldermen find the requested zoning classification to be proper and the land is hereby annexed and zoned as requested subject to all the provisions and requirements of that zoning classification.

**Section 3.**

The lands hereinafter described are hereby annexed into the corporate limits of the City of Dalton:

All that tract or parcel of land lying and being in Land Lot 126 of the 12<sup>th</sup> District and 3<sup>rd</sup> Section of Whitfield County, Georgia as shown on a plat prepared by Mitchell Lowery, Georgia Registered Land Surveyor No. 3109, dated March 9, 2021 and being shown on said survey as 2.00 acres and said survey is recorded in Plat Book F, Page 129, in the office of the Clerk of the Superior Court of Whitfield County, Georgia, and which is more particularly described as follows:

BEGIN at the intersection of the north right-of-way of Beulah Drive (50' right-of-way) and the east right-of-way of Cleveland Highway (variable right-of-way) thence in a northerly direction along the east right-of-way of Cleveland Highway along an arc to the left having an arc distance of 341.01 feet and being subtended by a chord having a bearing of north 44 degrees 42 minutes 58 seconds east and a chord distance of 340.86 feet to a chain link fence; thence running in an easterly direction along said chain link fence which is the north boundary line of the subject property as follows: south 53 degrees 28 minutes 9 seconds east 71.34 feet; thence continuing south 65 degrees 25 minutes 40 seconds east 34.29 feet to a point; thence running south 13 degrees 7 minutes 18 seconds west 246.65 feet to a point located on the north right-of-way of Beulah Drive (50' right-of-way); thence along the north right-of-way of Beulah Drive the following courses and

distances: north 80 degrees 50 minutes 44 seconds west 230.38 feet;  
and north 82 degrees 1 minute 33 seconds west 155.50 feet to the Point  
of Beginning.

**Section 4.**

The Property is rezoned to a C-1 zoning classification subject to all the provisions and requirements of that zoning classification.

**Section 5.**

The acreage of the Property is approximately 2.00 acres. No streets or roads are affected by this annexation.

**Section 6.**

The City Clerk of the City of Dalton, Georgia is instructed to send an annexation report that includes certified copies of this Ordinance, the name of the county in which the property being annexed is located and a letter from the City stating the intent to add the annexed area to Census maps during the next survey and stating that the survey map will be completed and returned to the United States Census Bureau, to the Georgia Department of Community Affairs, and to the governing authority of Whitfield County, Georgia, within thirty (30) days after the effective date of the annexation as set forth herein above.

**Section 7.**

The Property located at 2100 Cleveland Highway identified as Parcel 12-126-06-001 is hereby rezoned from Neighborhood Commercial (C-1) Conditional to Neighborhood Commercial, (C-1).

**Section 8.**

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.

**Section 9.**

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.

**Section 10.**

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

**Section 11.**

This Ordinance shall become effective for ad valorem tax purposes on December 31 of the year during which such annexation occurred and for all other purposes shall become effective on the first day of the month following the month during which the requirements of Article 2, 3, or 4 of Chapter 36, Title 36 of the Official Code of Georgia Annotated, whichever is applicable, have been met.

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 Alderman \_\_\_\_\_, second by Alderman \_\_\_\_\_ and upon the question the vote is \_\_\_\_\_ ayes, \_\_\_\_\_ nays and the Ordinance is adopted.

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MAYOR

Attest:

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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\_\_.

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CITY CLERK  
CITY OF DALTON