

Ordinance 24-36

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 City of Varnell has requested to amend the *Unified Zoning Ordinance*, otherwise known as Appendix A to the City of Dalton Code of Ordinances, as set forth herein by reducing the permitted building height from 140 feet to 50 feet in the General Commercial (C-2) District of Varnell only; and for other purposes; and

WHEREAS, the Mayor and Council have also determined that the *Unified Zoning Ordinance* should be amended by deleting Section 4-6-28, which previously required an additional public hearing for a Special Use for drug treatment facilities; 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 therefore consent to the City of Varnell's request set forth herein; 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.

Section III of the Unified Zoning Ordinance in Chart 3-7 *Area, Floor, Setback, Yard and Height Requirements* of the *Unified Zoning Ordinance* is hereby amended as follows for Varnell Only:

- (a) In C-2 zone district under "Maximum Building Height" add the following:
"Varnell – See Footnote No. 6"
- (b) Under Footnotes, add the following:
"6. 50 feet. (Varnell only)"

Additionally, Section 4-6-28 of the *Unified Zoning Ordinance* is hereby deleted in its entirety.

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
