

Ordinance 24-28

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*, otherwise known as Appendix A to the City of Dalton Code of Ordinances, as set forth herein by replacing, within Article II, Definitions, the definition of “Junk Vehicles” to allow the storage of junk vehicles in the R-5, SA, and GA zoning districts only when enclosed by a fence in addition to enclosure within a structure; and for other purposes; 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.

Article II, Section 2-2 of the *Unified Zoning Ordinance* is hereby amended as follows:

1. Delete the definition of “Junk Vehicles” in its entirety and replace with the following:

Junk Vehicles. Any automobile, vehicle, or part thereof which is in an inoperative condition, by reason of it having been wrecked, dismantled, partially dismantled, abandoned, or discarded, and which does not have a valid license plate and current year tag attached thereto. For purposes of this Ordinance, a vehicle is “inoperative” if it is incapable of movement by its own power. This definition shall not apply to any vehicle within a carport, shed, or other accessory structure. This definition shall also not apply to any vehicle located upon a parcel within the R-5, SA, or GA zoning district if such vehicle is fully enclosed within a fence providing not less than 90% visual blockage and which is not less than eight (8) feet in height. Such fence shall require a building permit and meet International Building Code requirements, and comply with the defined building setbacks for the zoning district in which the fence is located.

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
