

CITY OF DALTON
ORDINANCE
Ordinance No. 22-30

An Ordinance Of The City Of Dalton To Rezone Certain Property Within The City Of Dalton From Low Density Single Family Residential (R-2) To Transitional Residential (R-6) Being A Tract of Land Totaling 0.28 Acres Located At 800 Luckie Street, Dalton, Georgia (Parcel No. 12-200-07-078); To Provide An Effective Date; And For Other Purposes.

WHEREAS, Christopher Maria Aguilar (Owner) has filed an application with the City to rezone property located at 800 Luckie Street (Parcel No. 12-200-07-078);

WHEREAS, the Property is currently zoned Low-Density Single Family Residential (R-2);

WHEREAS, the Owner is requesting the Property be rezoned to Transitional Residential (R-6);

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 not in conformity with the City of Dalton Joint Comprehensive Plan in the opinion of the Planning Staff;

WHEREAS, the Dalton-Varnell-Whitfield County Planning Commission considered the proposed rezoning of the Property at a duly noticed public hearing held on November 28, 2022 and subsequently forwarded its recommendation to the Mayor and Council for rezoning the property to Rural Residential (R-5) and not the applied for Transitional Residential (R-6);

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 located at 800 Luckie Street identified as Parcel No. 12-200-07-078 is hereby rezoned from Low Density Single Family Residential (R-2) to Rural Residential (R-5) in accordance with the recommendation of the Dalton-Varnell-Whitfield County Planning

Commission. The owner's application for re-zoning to Transitional Residential (R-6) is denied.

-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.

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