

CITY OF DALTON
ORDINANCE
Ordinance No. 20-02

An Ordinance Of The City Of Dalton To Rezone Certain Property Within The City Of Dalton From Estate Residential (R-1) To General Commercial (C-2) Being A Tract Of Land Totaling 1.7 Acres Located At 108 Kinnier Court Street Identified As Parcel No.: 12-235-02-003; To Provide An Effective Date; And For Other Purposes.

WHEREAS, Anish Govan (Owner) has filed an application with the City to rezone property described as 108 Kinnier Court identified as Parcel No.: 12-235-02-003 (the Property);

WHEREAS, the Property is currently zoned Estate Residential (R-1);

WHEREAS, the Owner is requesting the Property be rezoned to General Commercial (C-2);

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 November 25, 2019 and subsequently forwarded its recommendation to deny the rezoning request to the Mayor and Council;

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 108 Kinnier Court identified as Parcel No.: 12-235-02-003 (the Property) is hereby rezoned from Estate Residential (R-1) to General Commercial (C-2) with the following conditions: the rezoning shall be contingent upon the construction of the proposed site plan, that no motor vehicle access shall be granted to the Property from Kinnier Court, that the proposed parking lot shall be properly curbed and guttered, and that a visual buffer of fencing and/or vegetation be installed along all adjacent properties zoned R-1.

-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.

[Adopting language 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 Council member _____, second by Council member _____ and upon the question the vote is _____ ayes, _____ nays and the Ordinance is adopted.

CITY OF DALTON, GEORGIA

Attest:

MAYOR

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