



**MAYOR AND COUNCIL MEETING  
MONDAY, JANUARY 06, 2020  
6:00 PM  
DALTON CITY HALL**

**A G E N D A**

**Call to Order**

**Pledge of Allegiance**

**Oath of Office**

1. David Pennington, Mayor  
Derek Waugh, Councilmember Ward 1

**Approval of Agenda**

**Public Commentary:** *(Please State Name and Address for the Record)*

**Minutes:**

2. Mayor and Council Regular and Work Session Minutes of December 16, 2019

**New Business:**

3. Ordinance 20-01  
Adoption of Updated Unified Zoning Ordinance
4. Ordinance 20-02  
The request of Anish Govan to rezone from Estate Residential (R-1) to General Commercial (C-2) a tract of land totaling 1.7 acres located at 108 Kinnier Court, Dalton.
5. Intergovernmental Agreement with Whitfield County for 2020 SPLOST
6. Intergovernmental Services Contract with Downtown Dalton Development Authority
7. Banking Resolutions:  
Resolution 20-01 Bank of Ozarks  
Resolution 20-02 First Bank of Dalton  
Resolution 20-03 Office of Treasury & Fiscal Services  
Resolution 20-04 FirstBank  
Resolution 20-05 BB&T
8. Resolution 20-06 Regarding Support of Amendment to Georgia Revenue Bond Law
9. Board Appointments:  
Expired Appointments  
Mayoral Appointments  
Miscellaneous Appointments
10. Tourism Presentation – Margaret Thigpen

**Supplemental Business:**

**Announcements:**

11. City Government Offices will be closed Monday, January 20, 2020 in observance of the Martin Luther King, Jr. holiday. The next Mayor and Council Meeting will be held on Tuesday, January 21, 2020.

**Adjournment**

THE CITY OF DALTON  
MAYOR AND COUNCIL MINUTES  
WORK SESSION  
DECEMBER 16, 2019

The Mayor and Council held a Work Session this evening beginning at 5:15 p.m. in the Council Chambers of City Hall. Present were Mayor Dennis Mock, Council members Denise Wood, Annalee Harlan, Tyree Goodlett and Gary Crews, City Administrator Jason Parker, City Attorney Gandhi Vaughn and several department heads.

AGENDA REVIEW

The Mayor and Council reviewed the items on the agenda with the corresponding heads of the departments.

Ordinance 19-18

The Mayor and Council discussed the request of Heidi McInnish seeking annexation of 1903 Mountain Brook Drive into the City of Dalton Low Density Single Family Residential (R-2) zone district. In reviewing the application for annexation, Council members questioned *why does the application ask for ethnic backgrounds* of the applicant and asked Assistant Planning Director-Northwest Georgia Regional Commission Ethan Calhoun to ascertain the answer.

Ordinance 19-19

The Mayor and Council discussed the request of Chris James to rezone from Transitional Commercial (C-4) to General Commercial (C-2) a tract of land totaling .36 acres located at 927 Hamilton Street, Dalton. After some discussion, the Mayor and Council agreed that upon consideration of this request that a restriction to install a fence as a buffer will be added.

ADJOURNMENT

There being no further business to come before the Mayor and Council, the meeting was Adjourned at 5:56 p.m.

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Bernadette Chattam  
City Clerk

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Dennis Mock, Mayor

THE CITY OF DALTON  
MAYOR AND COUNCIL MINUTES  
DECEMBER 16, 2019

The Mayor and Council held a meeting this evening at 6:00 p.m. in the Council Chambers of City Hall. Present were Mayor Dennis Mock, Council members Denise Wood, Annalee Harlan, Tyree Goodlett and Gary Crews, City Administrator Jason Parker, City Attorney Gandhi Vaughn and several department heads.

PLEDGE OF ALLEGIANCE

Mayor Dennis Mock led the audience in the Pledge of Allegiance.

APPROVAL OF AGENDA

The Mayor and Council reviewed the agenda, on the motion of Council member Wood, second Council member Harlan, the agenda was approved. The vote was unanimous in favor.

PUBLIC COMMENTARY

Several citizens spoke on behalf of the reduced funding for the Creative Arts Guild and the Dalton Library in the FY2020 General Fund Budget.

- (1) Creative Arts Guild Board of Director member John Wilson spoke about the value the Creative Arts Guild brings to the city, stating art is for all.
- (2) Chairman of the Board of Directors for Dalton Library Katherine Sellers stated the Library is in dire need of additional funding and asked the Mayor and Council to please reconsider.
- (3) Creative Arts Guild Board of Director member Katy O’Gwin spoke in support of the restoration of funding.
- (4) Patricia Edwards spoke on behalf of both the Library and the Arts Guild to increase funding.
- (5) Creative Arts Guild Board Executive Director Amanda Brown spoke on behalf of increased funding for the Arts Guild stating although the Guild is a non-profit, it is not looking for a handout but a continued partnership and arts and culture is used to unify all cultures.
- (6) Heath Patterson spoke on behalf of the Arts Guild stating that Dalton is competing with other cities and towns and losing the battle. Patterson stated “we can’t defund the arts”.

Council member Annalee Harlan

Council member Harlan asked both Katherine Sellers (Library) and Amanda Brown (Arts Guild) if they would consider having a liaison from the Mayor and Council? Both replied yes.

Council member Harlan shared with the audience that the M&C look into various considerations and learned that the City exclusively supports certain non-profit bodies (Library, Creative Arts Guild) and so on. Harlan stated that several of these organizations are funded solely by the City and that the County and Cities within the County should contribute.



PUBLIC COMMENTARY

Council member Gary Crews

Council member Crews stated that he is in support of restoring the original funding to the Creative Arts Guild but stated the Library is part of the current negotiation between the City and County's Service Delivery.

SECOND READING ORDINANCE 19-17 PERSONAL TRANSPORTATION VEHICLES

On the motion of Council member Wood, second Council member Crews, the Mayor and Council adopted Ordinance 19-17 to Amend Chapter 114 of The 2001 Revised Code Of The City Of Dalton, Georgia; Captioned: "Traffic and Vehicles"; By Amending Article VI Captioned: "Fire Lanes" To Reserve Sections 114-408 Through 114-414; By The Amendment Of Article VII Captioned: "Personal Transportation Vehicles"; To Provide For An Effective Date; To Provide For The Repeal of Conflicting Ordinances; To Provide For Severability; And For Other Purposes. The Ordinance will add additional streets; provision for shuttle service in the downtown central business district; updating the process for application of additional authorized streets. Council member Wood, Crews and Harlan voted aye, Council member Goodlett recused himself.

INTERGOVERNMENTAL TRANSFER AGREEMENT – CITY OF CHATSWORTH –  
SURPLUS STREET SWEEPER

The Mayor and Council reviewed the Intergovernmental Transfer Agreement and purchase between the City of Dalton and the City of Chatsworth for a Surplus Street Sweeper in the amount of \$25,000. On the motion of Council member Goodlett, second Council member Wood, the Mayor and Council approved the agreement and purchase. The vote was unanimous in favor.

RESOLUTION 19-19 INDIGENT BURIAL AND CREMATION POLICY

The Mayor and Council reviewed Resolution 19-19 regarding the Indigent Burial and Cremation Policy which will require that any person qualifying for indigent interment be cremated. On the motion of Wood, second Council member Goodlett, the Mayor and Council approved the Resolution. The vote was unanimous in favor.

AMENDMENT TO DALTON LAND, LLC AGREEMENT

The Mayor and Council reviewed the revised Dalton Land, LLC Agreement that will allow Dalton Land LLC. to make wire transfers into the City's bank account for scheduled payments regarding Tampico Way; additionally if payments are not made on time, penalty and interest will be applied. On the motion of Council member Wood, second Council member Goodlett, the Agreement was approved. The vote was unanimous in favor.

ORDINANCE 19-18 – HEIDI MCINNISH ANNEXATION

The Mayor and Council reviewed the request of Heidi McInnish seeking annexation of 1903 Mountain Brook Drive into the City of Dalton Low Density Single Family Residential (R-2) zone district. On the motion of Council member Wood, second Council member Goodlett, the Annexation was approved. The vote was unanimous in favor.

ORDINANCE 19-19 – CHRIS JAMES REZONING REQUEST

The Mayor and Council reviewed the request of Chris James to rezone from Transitional Commercial (C-4) to General Commercial (C-2) a tract of land totaling .36 acres located at 927 S. Hamilton Street, Dalton with a restriction that a fence is installed as a buffer. On the motion of Council member Harlan, second Council member Goodlett, the Mayor and Council approved the rezoning request. The vote was unanimous in favor.

ORDINANCE 19-20 – MEN'S HOMELESS SHELTER

On the motion of Council member Goodlett, second Council member Harlan, the Mayor and Council approved a special use permit for Dalton's Greater Works to operate a Men's Homeless Shelter inside an existing structure within the C-4 Transitional Commercial zone district. The vote was unanimous in favor.

EXTENSION OF DALTON PUBLIC SCHOOLS LEASE FOR CITY HALL

The Mayor and Council reviewed the Extension of Dalton Public Schools Lease for City Hall that will extend DPD's current lease to March 31, 2025 and relinquishes its use of the 2nd floor of City Hall beginning July 1, 2020. On the motion of Council member Wood, second Council member Harlan, the Mayor and Council approved the extension. The lease is a part of these minutes. The vote was unanimous in favor.

#### ADOPTION OF CITY OF DALTON 2020 BUDGET

The Mayor and Council reviewed the City of Dalton FY2020 Budget. Council Member Denise Wood asked CFO Cindy Jackson for a clarification of funding of non-profits that is listed in the budget. CFO Cindy Jackson outlined the list and funding in the FY2020 budget. Woods stated that the City has funded the “lion’s share of the funding” to many of these organizations. Woods stated funds should be fairly and equitably split among the other governmental agencies such as the County and Cities inside of Whitfield County. Council member Crews stated with regards to the Library Board it would be more appropriate to wait on the service delivery agreement before increasing funding. On the motion of Council member Goodlett, second Council member Harlan, the Mayor and Council approved the budget and restored the original funding to the Creative Arts Guild in the amount of \$56,000.

#### SPECIAL RECOGNITIONS

Mayor Dennis Mock for Service to the City of Dalton 2014-2019 and Council Member Denise Wood for Service to the City of Dalton 2008-2019

Council member Crews thanked both Mayor Mock and Mayor Pro-tem/Council Member Denise Wood For their service. Crews stated that Mayor Mock will go down as the Volunteer Mayor for all the time he has volunteered his service while in office.

Mayor Mock stated that it’s been an honor to serve as Mayor and represent the City of Dalton.

City Administrator Jason Parker presented both Mayor Mock and Council member Wood with Special recognition plaques for their service.

#### ANNOUNCEMENTS

Please join us for a Reception Honoring the Service of Mayor Dennis Mock and Councilmember Denise Wood immediately following Council Meeting in the Atrium.

#### ADJOURNMENT

There being no further business to come before the Mayor and Council, the meeting was Adjourned at 6:39 p.m.

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Bernadette Chattam  
City Clerk

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Dennis Mock, Mayor

Recorded  
Approved: \_\_\_\_\_  
Posted: \_\_\_\_\_



## CITY COUNCIL AGENDA REQUEST

**Meeting Type:** Mayor & Council Meeting

**Meeting Date:** 1-6-20

**Agenda Item:** Ordinance 20-01 Adoption of Updated Unified Zoning Ordinance

**Department:** Administration

**Requested By:** Jason Parker

**Reviewed/Approved by City Attorney?** Yes

**Cost:** N/A

**Funding Source if Not in Budget** N/A

**Please Provide A Summary of Your Request, Including Background Information to Explain the Request:**

The purpose of the Ordinance is to match the updated version adopted by the County in April 2019

CITY OF DALTON  
ORDINANCE  
Ordinance No. 20-01

An Ordinance Of The City Of Dalton To Repeal The “Unified Zoning Ordinance of Whitfield County, Georgia” As Adopted By The City On July 20, 2015, As Amended, In Its Entirety And To Substitute In lieu Thereof The “Unified Zoning Ordinance Of Whitfield County, Georgia” As Adopted By the County On April 23, 2019; To Provide An Effective Date; To Repeal All Ordinances Conflicting Therewith; To Provide For Severability; And For Other Purposes.

WHEREAS, the Unified Zoning Ordinance of Whitfield County, Georgia has been amended from time to time;

WHEREAS, the City desires to maintain the Unified Zoning Ordinance of Whitfield County, Georgia as amended;

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 Unified Zoning Ordinance of Whitfield County, Georgia as adopted by the City of Dalton on July 20, 2015, as amended, is hereby repealed in its entirety and the Unified Zoning Ordinance of Whitfield County, Georgia as adopted on April 23, 2019 is hereby adopted and shall read as follows:

***UNIFIED ZONING ORDINANCE***  
***OF***  
***THE CITY OF DALTON,***  
***THE CITY OF VARNELL,***  
***and***  
***UNINCORPORATED WHITFIELD***  
***COUNTY***

**Adopted**  
**August 10, 2015**

**Latest Revision: 4/23/2019**

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# WHITFIELD COUNTY, GEORGIA UNIFIED ZONING ORDINANCE

## Article I - Introduction

**Preamble.** An Ordinance of Whitfield County, Georgia, the City of Dalton, Georgia, and the City of Varnell, Georgia, regulating the location, height, bulk, and size of buildings and other structures; the density of population; the uses of land, buildings and structures for business, industry, agriculture, conservation, recreation, residence, public activities and other purposes; defining certain terms used herein; creating districts for said purposes and establishing the boundaries thereof; providing for a method of administration, amendment, and enforcement and for the imposition of penalties for violation; repealing conflicting ordinances; and other matters.

**Short Title.** This Ordinance shall be known as, referred to as, and cited as the *Unified Zoning Ordinance of Whitfield County, Georgia*.

**Purpose.** The purpose of this Ordinance is to establish minimum standards for the use of land and improvements thereon within Whitfield County, Georgia and the participating municipalities. This Ordinance shall serve as a tool to promote health, safety, morals, convenience, order, prosperity, and/or the general welfare of the present and future residents of Whitfield County; to lessen congestion in the roads; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to provide adequate transportation, water, sewerage, parks and open spaces and other public requirements; to protect properties against blight and depreciation; to encourage the most appropriate use of land, building and other structures throughout the County; to protect and conserve irreplaceable natural resources; to secure economy in government expenditures; to minimize visual blight and enhance scenic characteristics and for other purposes, all in accordance with the Joint Comprehensive Plan of Whitfield County. The Governing Authority does hereby ordain and enact into law the following Articles, Sections and Maps of the *Unified Zoning Ordinance of Whitfield County, Georgia*.

**Rules of Construction of this Ordinance.** In the construction of this Ordinance, the rules contained in this Article shall be observed and applied, except when the context clearly indicates otherwise:

- 1-4-1 Words used in the present tense include the future tense.
- 1-4-2 Words used in the singular number include the plural number and words used in the plural include the singular.
- 1-4-3 The word "shall" or "must" are mandatory and not discretionary.
- 1-4-4 The word "may" is permissive.
- 1-4-5 The word "structure" includes the word "building."

- 1-4-6 The word "erected" includes the word "constructed," "moved," "located," or "relocated."
- 1-4-7 The word "lot" includes the word "plot" or "parcel."
- 1-4-8 The word "map" or "zoning map" means the Zoning Map of Whitfield County, Georgia.
- 1-4-9 The word "person" includes the words "individual," "firms," "partnerships," "corporations," "associations," "governmental bodies," and all other similar legal entities.
- 1-4-10 The words "used" or "occupied" include the words "arranged or designed here to be used or occupied" here.
- 1-4-11 The word "and" indicates that all of the conditions, requirements, or factors so connected must be met or fulfilled, while the word "or" indicates that at least one condition, requirement, or factor so connected must be met.
- 1-4-12 The term "such as" is intended to introduce one or more examples in illustration of a requirement or point, and is intended to mean "including, but not limited to, the following."
- 1-4-13 The masculine gender includes the feminine and vice-versa.
- 1-4-14 All measured quantities shall be to the nearest integral unit of measure, and if a fraction is one-half ( $1/2$ ) or greater, the next highest integral unit shall be used, except when computing density, in which case next lowest whole unit shall be used.
- 1-4-15 Where requirements are set based upon numbers of days, days are computed based upon the calendar, except that when the final date falls on a weekend or holiday, in which case the day due shall continue until the next regular working day.

## Article II - Definitions

2-1 **Use of Definitions.** For purposes of this Ordinance, certain words, terms, or phrases are defined hereinbelow. These definitions and all other provisions of this Ordinance are subject to the rules of interpretation as provided hereinabove. Any word or term not herein defined shall be as defined elsewhere in this Ordinance or, if not defined elsewhere in this Ordinance, as defined in *Webster's Collegiate Dictionary*, latest edition, the said definition to be read in context with the purposes and provisions of part of the ordinance it is being used to define. The following is not intended to be an exhaustive listing of all words or phrases used within this Ordinance. Several sections hereinafter contain definitions of words or phrases which relate particularly to the subject matter of such section.

### 2-2 **Definitions:**

**Accessory Structure.** A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use. Accessory structures include, but are not limited to: satellite dishes, open sheds and shelters that contain two hundred (200) square feet or less, or water or storage tanks for either liquid, semi-liquid, or gaseous substances, of one thousand (1,000) gallons or more. A building permit shall not be required for accessory structures.

**Accessory Use.** A use of land or of a structure, or portion thereof, customarily incidental to and subordinate to the principal use of the land or structure and located or utilized upon the same lot or parcel as the principal use.

**Adult Business.** 1) any business where employees or patrons expose specified anatomical areas, or engage in specified sexual activities, or 2) any other business or establishment which offers its patrons services, products, or entertainment characterized by an emphasis on matter depicting, describing, discussing, or relating to specified sexual activities or specified anatomical areas.

**Agritourism.** A portion of the travel industry which, for a fee, offers education, entertainment, relaxation, hospitality, shopping, or dining experiences in the context of outdoor adventures, while visiting working farms, orchards, ranches, wineries, and other agricultural operations.

**Alley.** A public or private thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

**Alteration of Building.** Any change in the supporting members of a building (such as bearing walls, beams, columns, or girders) except such change as may be required for its safety; any addition to a building; or of a building from one location to another.

**Amusements, Commercial.** Businesses that operate for a profit by amusing or entertaining patrons through the use of electronic/ video pinball games; pool/ping pong tables; miniature racetracks, gaming devices, etc.; services may include light

food/refreshment services, but not including establishments serving alcoholic beverages or indoor/outdoor shooting ranges.

**Animal Hospital.** A building used for the treatment, housing, or boarding of small domestic animals such as dogs, cats, rabbits, birds, or fowl by a veterinarian.

**Animal Shelter.** See “Kennel.”

**Apartment.** See "Dwelling, Multi-family."

**Assisted Living Home.** Synonymous with Personal Care Home.

**Bed and Breakfast Home.** A dwelling, not a hotel, which while retaining its residential appearance and character, offers nightly lodging and a morning meal for a combined fee to persons who are unrelated to the resident owner or resident tenant of the dwelling. Such accommodations shall be provided in not more than five (5) bedrooms on any given night and shall be provided to no person for more than five (5) consecutive nights.

**Bed and Breakfast Inn.** A dwelling, not a hotel, which while retaining its residential appearance and character, offers nightly lodging and a morning meal for a combined fee to persons who are unrelated to the resident owner or resident tenant of the dwelling. Such accommodations shall be provided to no greater than eighteen (18) persons on any given night and shall be provided to no person for more than five (5) consecutive nights.

**Berm.** A mound of earth, or the act of pushing earth into a mound.

**Board of Zoning Appeals, Unified.** The Board authorized to hear and decide appeals and variance requests relating to the enforcement of this Ordinance.

**Boarding House – See Rooming House.**

**Boutique Hotel.** A small lodging facility with 35 or fewer guest rooms that are rented to occupants on a daily basis for not more than 14 consecutive days. Access to each guest room shall be through an inside lobby supervised at all times.

**Brewery/Distillery/Winery.** Facilities using traditional brewing/distilling/vintnering practices and producing more than 10,000 barrels per year. Also subject to other locally adopted ordinances.

**Brewpubs.** Any eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O. C. G. A. 3-5-36 (10,000 barrels per year for on-site consumption and 5,000 barrels per year for sale to a licensed wholesale dealer) for retail consumption on the premises and solely in draft form. As used in this definition, the term “eating establishment” is one which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food. Also, per O.C.G.A. 3-5-36 (2) (C), barrels of beer sold per year to licensed

wholesale dealers shall not be used when determining the total annual gross food and beverage sales. Also subject to other locally adopted ordinances.

**Buffer, Stream.** The area of land immediately adjacent to the banks of State waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat. In contrast, see “Buffer, Zoning.”

**Buffer, Zoning.** An area of natural vegetation or man-made construction that is intended to provide a visual and dimensional separation between dissimilar land uses. In contrast, see “Buffer, Stream.”

- a. **Natural buffer:** A visual screen created by vegetation of such density so as to present an opaque visual separation when viewed from one side to the other throughout the year.
- b. **Structural buffer:** A visual screen created through construction of a solid wooden fence, decorative masonry wall, earthen berm, or combination of fence or wall with an earthen berm, which may be supplemented with vegetation, so as to present an opaque visual separation when viewed from one side to the other throughout the year.

**Building.** Any structure attached to the ground which has a roof and which is designed for the shelter, housing, or enclosure of persons, animals or property of any kind.

**Building Height.** The vertical distance measured from the finished grade of a building measured from the middle of the front of the building to the highest point of roof surface of a flat roof or parapet wall; the deck line of a mansard floor; and to the mean height level between eaves and ridges of a gable, hipped, or gambrel roof. Height shall not include vertical projections from a building, including chimneys, flagpoles, flues, spires, steeples, belfries, and cupolas.

**Building Line.** A line parallel to the street right-of-way line at a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located. When the lot frontage is an arc and less than the minimum required lot width, the building line is parallel to the chord of the arc and located where the minimum lot width requirement is obtained.

**Building, Principal.** A building in which is conducted the main use of the lot on which said building is located.

**Camp, Private.** A lot or parcel which may include multiple structures owned and/or operated for fraternal, social, educational, recreational, cultural, or religious enrichment and which may or may not be a for-profit operation. Such facilities may provide overnight camping, cabin, or lodging facilities when such accommodations are directly related to and utilized in connection with the overall purpose of the camp. A private camp shall not include for-profit campgrounds or motor lodges.

**Cemetery.** A place for the exclusive burial of dead persons, including a mausoleum and/or columbarium.

**Cemetery, Pet.** A parcel of land used for the interring of animal remains.

**Chief Building Official.** The officer or other designated authority charged with the administration and enforcement of the State of Georgia construction codes, as adopted.

**Church.** A building in which persons regularly assemble for religious worship of the same faith and which is publicly designated as a church, but shall not include a parsonage, thrift, or clothing store, food service, or accessory uses of a church.

**Church, Accessory Use of.** A use customarily incidental and subordinate to the principal use of a building as a church, including uses, such as day care facilities, kindergartens, family exercise or sport facilities, cemeteries, mausoleums, and columbariums.

**Clinic.** A building or a portion of a building where patients are not lodged overnight, but are admitted for medical examination and treatment by one or more physicians, licensed professional counselors, or dentists practicing together.

**Club, Lodge, Civic or Fraternal Organization.** An incorporated or unincorporated association for civic, social, cultural, literary, political, recreational, or like activities, operated for the benefit of its members and not open to the general public. Excludes clubs which are operated for profit, shooting clubs, and places of religious worship or assembly.

**Columbarium.** A vault with niches for urns containing the ashes of cremated human remains.

**Communication Transmission Tower.** A structure that is intended to support antennae that or receive radio, television, or telephone communications, or for dispatching communications.

**Community Center.** A building or facility used to provide recreational, social, educational and cultural activities for an area of a community, which is owned and operated by the management agency of that community, or the Homeowner's Association of that community. A community can be an incorporated area, a developed subdivision, or a planned development.

**Condominium.** A building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

**Conference/Convention Center.** A facility typically designed to accommodate three hundred (300) or more people and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory

functions, including outdoor displays, food and beverage preparation, and service for on-premise consumption of alcoholic beverages. The accommodations can include sleeping, eating, and recreation. The site shall be of sufficient size to accommodate all off-street parking associated with an individual event.

**Convenience Center.** A site where one or more containers are located for temporary storage of solid waste brought to the site by persons transporting only their own household solid waste. A convenience center may also include a recycling collection station.

**Convenience Store.** Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same.

**Crosswalk.** A right-of-way within a block dedicated to public use, intended primarily for pedestrian use designed to provide access to adjacent roads and lots.

**Cul-de-sac.** A road having one end open to traffic and the other end terminated in a minimum right-of-way and paved turnaround with a minimum outside diameter of eighty (80) feet.

**Cultural Facility.** A structure or portion of a structure used as an art gallery, museum, historical display, performing arts theatre, library, and other uses similar in character to those listed.

**Day Care Facility.** A facility at which day time care, supervision, and recreation for children of pre-school age, for children before and/or after school, for adults with disabilities, or for the elderly is provided. There are four (4) separate sub-categories of day care facilities recognized by this Ordinance:

**Family Day Care Home.** A private residence operated by a resident thereof who, for a fee, supervises and/or cares for not less than three (3) and not more than six (6) children under eighteen (18) years of age who are (a) not related to such person; (b) whose parents or guardians are not residents thereof; and (c) and who remain at such establishment for not more than sixteen (16) hours per day.

**Group Day Care Home.** An establishment regulated by the State of Georgia Department of Human Resources and operated by any person, firm, partnership, association, proprietorship, company, or corporation which, for a fee, supervises and/or cares for not less than seven (7) and not more than eighteen (18) children under eighteen (18) years of age who remain at such establishment for not more than sixteen (16) hours per day.

**Child Care Learning Center.** An establishment regulated by the State of Georgia Department of Human Resources and operated by any person, society, agency, firm, partnership, proprietorship, company, or corporation, which, for a fee, supervises and/or cares for not less than nineteen (19) children under eighteen



(18) years of age, who remain at such establishment for not more than sixteen (16) hours per day.

**Adult Day Care/Day Health.** An establishment regulated by the State of Georgia Department of Human Resources and operated by any person, society, agency, firm, partnership, proprietorship, company, or corporation which, for a fee, supervises, cares for, provides recreational and social services, and/or health and rehabilitative services for persons eighteen (18) years of age or older who, because of some mental or physical impairment which limits either the person's major life activities or has a record of impairing such activities, remain at such establishment for not more than sixteen (16) hours per day.

**Debris.** All sand, gravel, slag, brickbats, rubbish, waste material, metal cans, refuse, garbage, trash, litter, dead animals, or discarded materials of every kind and description, including loose or scattered handbills, newspapers, posters and other such items which may be carried by the wind or water.

**Density.** The number of dwelling units per acre of land. Gross density refers to the number of units per acre of the total land to be developed. Net density refers to the number of units per acre of land devoted to residential use.

**District.** A section or sections of Whitfield County for which the zoning regulations governing the use of buildings and premises are uniform.

**Dwelling.** A building which is designed or used exclusively for residential purposes, including single-family, and multi-family residential buildings, boarding houses, fraternities, sororities, dormitories, manufactured homes, and industrialized homes, but not including hotels and motels.

**Dwelling, Loft.** A dwelling unit with the following characteristics:

- (1) A dwelling unit(s) located above the ground floor level of a building;
- (2) Each loft dwelling(s) shall have a private entry door;
- (3) Shall have either a private access stairway to the ground floor or a common stairway in conjunction with a common upstairs foyer;
- (4) Shall be located in the rear of the building if a commercial use is carried on in any portion of a floor above the ground level of the building.
- (5) Where applicable, reference is made to Section 54-34 in the City of Dalton Code of Ordinances.

Loft dwelling(s) located on the first floor above ground level shall be permitted by right, but units proposed two or more floors above ground level shall require approval as a Special Use as set forth in this Ordinance.

**Dwelling, Multi-family.** A building in single ownership containing three (3) or more dwelling units, including what is commonly known as apartment buildings, triplexes and fourplexes, rooming and boarding houses, fraternities, sororities, dormitories, townhouses and condominiums.

**Dwelling, Single-Family.** A detached building containing one (1) dwelling unit only.

**Dwelling, Single Family Attached.** A structure subdivided by a coincidental property line and common wall which separates the structure into a maximum of two (2) dwelling units, each occupying its own lot. Such structure must meet all front, rear, and side yard setback requirements in the zoning district in which it is located, except for the coincidental property line and wall. Such wall shall be at a minimum two (2) hour fire rated masonry construction with no openings or penetrations and shall extend from the foundation through the roof line for a minimum of thirty (30) inches. The same fire wall shall extend front and rear for a minimum distance of eighteen (18) inches unless the units are staggered by three (3) feet or more. The fire wall separating single story units and units of two or more stories must extend only to the roof decking of the higher roof.

**Dwelling, Two-Family (duplex).** A single structure situated upon a single lot or parcel which contains two (2) separate and distinct dwelling units, each of which is completely separated from the other by an un-pierced wall, extending from ground to roof, or an un-pierced ceiling/floor, extending from exterior wall to exterior wall, except possibly for a common stairwell exterior to each unit.

**Dwelling Unit.** One or more rooms within a dwelling constituting a separate, independent housekeeping establishment, with provisions for cooking, eating, personal hygiene (sanitary and bathing facilities) and sleeping, and physically set apart from any other rooms or dwelling units in the same structure.

**Dwelling, Urban.** A dwelling unit with the following characteristics:

- (1) A dwelling unit(s) located within a structure that maintains a commercial storefront;
- (2) No more than 90 percent of the gross leasable floor area of the building in which such dwelling unit(s) is located is dedicated to residential purposes;
- (3) Each dwelling unit(s) shall have a private entry door which exits to the outside or to a common interior hallway;
- (4) Shall have no doorway or window inter-connection between other urban dwellings;
- (5) Where applicable, reference is made to Section 54-34 in the City of Dalton Code of Ordinances.

To preserve the commercial purpose of the building in which the dwelling is located, any residential frontage shall be limited to the width of the exterior doorway providing ingress and egress to the dwelling unit.

**Dwelling, Zero Lot Line.** A type of single-family detached residence in which one interior side yard may be lawfully reduced to zero on any lot within an approved development for the purpose of creating larger, more useable, and more easily maintained yard spaces, particularly on smaller lots.

**Easement.** The right of a person, governmental agency, or public utility company to use public or private land owned by another for a specific purpose.

**Event Center.** A facility used for weddings, anniversaries, birthdays, showers, reunions, recitals, dances, and ethnic and religious celebrations, etc. The accommodations can include sleeping, eating, and recreation. The site shall be of sufficient size to accommodate all off-street parking associated with an individual event.

**Facade.** The architectural details of the face of a building which are intended to be viewed by the public. The front facade of the building is the wall which contains the primary entrance to the building.

**Farming.** The business of cultivating land, or employing it for the purposes of animal husbandry, including the cultivation and fertilization of the soil as well as caring and harvesting the crops. (Also see Organic Farming and Processing.)

**Fence.** An artificially constructed barrier of any materials or combination of material erected to enclose or to screen areas of lands. A privacy fence is one which is solid and is otherwise designed to limit visibility.

**Flea Market.** A commercial marketing use, temporary or permanent in nature, held in an open area or structure where groups of individual sellers, leasing or renting spaces from the owner, offer goods for sale to the public.

**Flood plain.** Any land area susceptible to being inundated by from any source.

**Floor Area, Heated.** The gross floor area of all spaces within a building that are heated by mechanical means, known also in dwelling units as “living area.” Heated floor area does not include garages, unheated basements or cellars, attic storage areas, partially unenclosed decks or lanais, and areas open to the sky.

**Frontage.** The side of a lot abutting upon a road.

**Garage, Parking.** A building or portion thereof designed or used primarily for the parking and storage of motor-driven vehicles.

**Garage, Private.** An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the buildings to which it is accessory.

**Garage, General Service.** A building or portion thereof, other than a private storage or parking garage, designed or used for equipping, servicing, repairing, hiring, selling or storing of motor-driven vehicles, but not including the storage of wrecked or junked vehicles.

**Garage, Yard or Carport Sales.** Any sale of used household goods, clothes, or other items of personal property conducted at or near a residential dwelling by the owner or occupant of said dwelling who is not a merchant with respect to the goods sold.

**Governing Authority.** With respect to unincorporated Whitfield County, Georgia, the Governing Authority is the duly elected Whitfield County Board of Commissioners. With respect to any city located within Whitfield County, the Governing Authority is the duly elected Mayor and Council of such city.

**Gross Floor Area.** The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deductions for corridors, stairways, closets, the thickness of the interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the useable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.

**Group Home.** A single-family dwelling, approved and licensed by the State of Georgia Department of Human Resources, housing persons who are mentally /physically handicapped, elderly, terminally ill, AIDS/HIV victims, Alzheimer's patients, or children and teens with emotional problems, operating as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing the organization and stability of a home environment.

**Habitable Floor Area.** The total floor area of all habitable rooms within a dwelling unit. No portion of any room which is less than seven (7) feet in width shall be included in determining habitable floor area.

**Habitable Room.** Any room within a dwelling unit other than kitchens, bathrooms, toilet rooms, laundry rooms, mud rooms, pantries, dressing rooms, storage spaces, closets, foyers, hallways, utility rooms, garages, car ports, boiler rooms, heater rooms, recreation rooms, interior rooms not provided with natural light and ventilation, and special purpose rooms shared by more than one (1) dwelling unit.

**Halfway House.** A building for temporary residence by non-related persons, who are recovering from alcohol abuse or other chemical-based substances, with one or more surrogate parents that provide services that include room, meals, supervision, rehabilitation, and counseling to enable residents to move back into society and live independently.

**Health Clubs.** A facility designed for the major purpose of physical fitness or weight loss which includes, but is not limited to, such equipment as weight resistance machines, whirlpools, saunas, showers, and lockers. This shall not include municipal or privately owned recreation buildings.

**Health Department.** The State Department of Human Resources and/or the Whitfield County Health Department and/or the Whitfield County Board of Health.

**Historic Preservation Commission.** The duly appointed group of persons who are authorized by a Governing Authority to administer any historic or similar ordinance within the territorial boundary of the respective Governing Authority.

**Holiday Tree and Produce Farm.** A lot or parcel whereby pumpkins, corn, gourds, and the like, evergreen trees, and/or greenery for use as holiday decorations are grown or produced. A corn maze may be included thereon.

**Holiday Tree Lot, temporary.** A lot or parcel whereby retail sales of Holiday trees, wreaths, garlands, and related accessories are conducted seasonally during the months of November and/or December only.

**Home Occupation.** An occupation, profession, business activity, or use which is clearly customary, incidental, and subordinate to the use of a residential dwelling unit and which is carried on wholly within such dwelling unit by a member of the family who resides upon the premises. General farming and gardening activities are not considered home occupations. See Article VII.

**Hospice.** A building or portion thereof in which terminally ill persons live in order to receive appropriate Medicare-certified hospice services.

**Hotel.** A building offering overnight sleeping accommodations for travelers; ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. Such use has eighty (80%) percent of the rooms occupied by a different registered guest at least every five (5) days, provides patrons with daily maid service and a telephone switchboard service to receive incoming/outgoing messages, and shall comply with the applicable requirements of the Health Department and *OCGA § 31-28-1 et seq.*, and may provide additional services such as restaurants, retail gift shops, meeting rooms, swimming pools, and exercise facilities.

**Hotel, Boutique.** A small lodging facility with 35 or fewer guest rooms that are rented to occupants on a daily basis for not more than 14 consecutive days. Access to each guest room shall be through an inside lobby supervised at all hours.

**Impervious Surface.** A man-made structure or surface which prevents the infiltration of stormwater into the ground below the structure or surface. Examples are buildings, roads, driveways, parking lots, decks, swimming pools, or patios.

**Industrialized Building.** Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof.

**Inert Waste Landfill.** A disposal site accepting only wastes which will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs, and leaves. This definition excludes industrial and demolition wastes as defined by Georgia Department of Natural Resources, Environmental Protection Division Rules and Regulations, Solid Waste Management.

**Junk Vehicles.** Any automobile, vehicle, or part thereof which is in an inoperative condition, by reason of its 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 in a carport, shed, or other accessory structure.

**Junk Yard.** A property used for indoor or outdoor storage, keeping or abandonment, whether or not for sale or resale, of junk, including scrap metal, rags, paper or other scrap materials, used lumber, household appliances or furniture, salvaged house wrecking and structural steel materials and equipment or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

**Kennel, Commercial.** Any premises at which three (3) or more dogs, cats, or other domestic or non-domestic animals, four (4) months old or older, are kept either permanently or temporarily for the purpose of sale, care, breeding, or training, and for which a fee is incurred by the owner of such animal.

**Livestock.** The term "livestock" as used herein shall mean and include cattle, horses, goats, sheep, swine, poultry, ducks, geese, and other fowl; and rabbits, minks, foxes and other fur or hide-bearing animals customarily bred or raised in captivity for the harvesting of their skins; whether owned or kept for pleasure, utility or sale.

**Lot.** A developed or undeveloped tract of land in single ownership, legally transferable as a single unit of land. Synonymous with "Parcel."

**Lot Area.** The gross area of any lot shall be the area bounded by the lot lines, the right-of-way line of any road adjoining the lot, and the centerline of the right-of-way of any private access easement adjoining the lot.

**Lot Area Requirement.** For the purpose of determining the lot area per dwelling unit, the total lot area shall be measured with the exclusion of land in the public or private road right-of-way/easement and land dedicated for park or school purposes or common purposes.

**Lot, Corner.** A lot or parcel of land abutting upon two (2) or more roads at their intersection and having two (2) front setbacks and two (2) side lines.

**Lot Depth.** The mean horizontal distance between the front and rear lot lines measured within the lot boundaries.

**Lot, Double Corner.** A corner lot which has frontage on three (3) or more roads.

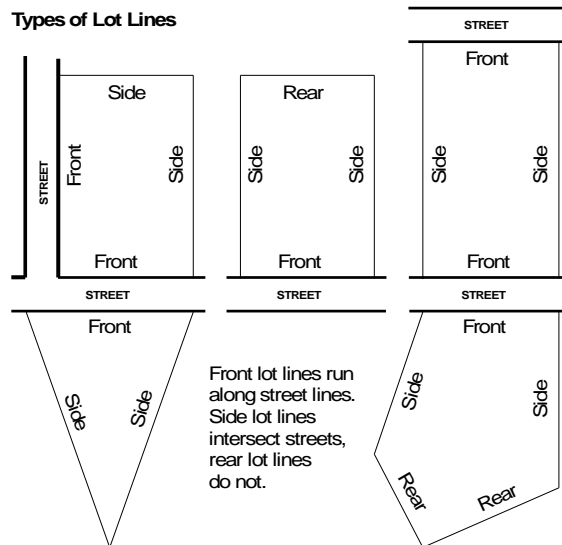
**Lot, Flag.** Lots or parcels where the panhandle is an access corridor to a lot located behind lots or parcels with normal street frontage.

**Lot Frontage.** The width of a lot in linear feet where it abuts the right-of-way of any public or private street.

**Lot Line.** The boundary dividing a given lot from the street or adjacent lots; the boundary defining the limit of ownership of a property.

1. **Front lot line:** Any boundary line of a lot that abuts a street. A lot adjacent to more than one street will have more than one front lot line.
2. **Rear lot line:** Any boundary line of a lot that does not intersect with a street right-of-way line and is not a front lot line.
3. **Side lot line:** Any boundary line of a lot that intersects with a street right-of-way line and is not a front lot line.

**Lot of Record.** A lot which lawfully existed prior to the adoption or subsequent amendment of this Ordinance, as shown or described on a plat or deed in the records of the Whitfield County Superior Court Clerk.



**Lot, Through (Also known as Double Frontage Lot).** A lot which fronts upon two (2) parallel roads, or which fronts upon two roads which do not intersect at the boundaries of the lot.

**Lot Width.** Measured along the established front building line, the lot width shall be the distance between the side lot lines, and measured at right angles to the lot depth.

**Lot Width, curvilinear road.** For a lot or parcel having frontage upon a curvilinear road, the lot width shall be the distance between the side lines of the lot or parcel where the minimum lot width is obtained, measured parallel to the chord formed by the two (2) outermost points of intersection of such lot or parcel with the road right-of-way line. The lot width line is synonymous with the building line in this circumstance.

**Manufactured Home.** A building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. Such Buildings shall be constructed in accordance with the Federal Manufactured Home Construction and Safety Standard, which came into effect June 15, 1976, and shall bear an insignia issued by the U. S. Department of Housing and Urban Development (HUD).

**Mausoleum.** A building where bodies are interred above ground in stacked vaults.

**Microbrewery.** A craft or designer facility, absent food service, for the brewing of beer that produces less than 10,000 barrels per year and can include a tasting room and retail space to sell the beer to patrons for consumption on the premises or sale of packaged products to wholesalers. Also subject to other locally adopted ordinances.

**Micro-distillery/winery.** A craft or designer facility, including a tasting room, in which wine or alcoholic spirits are produced from non-animal agricultural products (fruits, grains, or vegetables), subject to production limits of 60,000 gallons per year, and subject to applicable Georgia law, as amended. Also subject to other locally adopted ordinances.

**Mini-Warehouse.** A building in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for storing the excess personal property of an individual or family when such is not with their residence, such as a passenger motor vehicle, house trailer, motorcycle, boat, camper, furniture, limited commercial storage (items of local retail merchants, small contractors, and professionals), and other items of personal property generally stored in residential accessory structures. No business activities other than the rental of storage units shall be conducted on the premises.

**Mobile Home.** A structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein and manufactured prior to June 15, 1976. In contrast, see the definition of “Manufactured Home.”

**Modular Home.** See “Industrialized Building.”

**Motel.** A permanent building or group of permanent buildings in which overnight sleeping accommodations are provided for travelers and having a parking space near or adjacent to the entrance of the room. Such use has eighty (80%) percent of the rooms occupied by a different registered guest every five (5) days, provides patrons with daily maid service, twenty-four (24) hour desk/counter clerk service, and a telephone switchboard service to receive incoming/outgoing messages, and shall comply with the applicable requirements of the Health Department and **OCGA §31-28-1 et.seq.**, and may provide additional services such as restaurants, retail gift shops, meeting rooms, swimming pools, and exercise facilities.

**Motor Lodge.** Synonymous with “Motel.”

**Non-Conforming Use.** A use or activity that was lawfully established prior to the adoption or amendment of this Unified Zoning Ordinance, but which, by reason of such adoption or amendment, is no longer a use or activity permitted by right or no longer meets or conforms to the use regulations of this Ordinance.



**Non-Conforming Structure.** A structure or building whose size, dimensions, location on a property or other features were lawful prior to the adoption or amendment of this Unified Zoning Ordinance, but which, by reason of such adoption or amendment, no longer meets or conforms to one or more such requirements of this Ordinance.

**Non-Conforming Lot.** A lot of record whose area, frontage, width or other dimensions, or location were lawful prior to the adoption or amendment of this Ordinance, and which, by reason of such adoption or amendment, no longer meets or exceeds one or more such requirements of the applicable zoning district.

**Nuisance.** An interference with the enjoyment and use of real property.

**Nursing Home.** An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves. A twenty-four (24) hour facility providing skilled nursing care.

**Office, Professional.** Includes offices for professionals such as accountants, architects, attorneys, chiropractors, dentists, doctors, engineers, etc.

**Office, Business.** Includes offices for general business, insurance, real estate, etc.

**Off-Street Parking Space.** The area required to park one motor vehicle.

**Off-Street Loading Space.** The area designated for the loading or unloading of goods or other material.

**Open Space.** [Synonymous with “Greenspace,” as defined at **OCCA §36-22-3(3)**] shall mean permanently protected land and water, including agricultural and forestry land, that is in its undeveloped, natural state or that has been developed only to the extent consistent with, or is restored to be consistent with, one or more of the following goals:

- (a) Water quality protection for rivers, streams, and lakes;
- (b) Flood protection;
- (c) Wetlands protection;
- (d) Reduction of erosion through protection of steep slopes, areas with erodible soils, and stream banks;
- (e) Protection of riparian buffers and other areas that serve as natural habitat and corridors for native plant and animal species;
- (f) Scenic Protection;
- (g) Protection of archaeological and historic resources;
- (h) Provision of recreation in the form of boating, hiking, camping, fishing, hunting, running, jogging, biking, walking, and similar outdoor activities; and
- (i) Connection of existing or planned areas contributing to the goals set out in **OCCA §36-22- et seq.**

**Organic Farming and Processing.** A unique farm environment often holding State or National certifications regarding the natural purity of grown or raised farm products free from typical agricultural chemicals or vaccines. Such farms, an integral part of the agritourism business, can process some of those same agricultural products for retail purchase or public consumption on-site, or for off-site wholesale or retail marketing.

**Parking Lot.** An off-street, ground level area, usually surfaced and improved for the temporary storage of motor vehicles.

**Personal Care Home.** An intermediate care facility licensed or approved to provide full-time assistance as necessary, including, but not limited to rooms, meals, and attention to personal needs, to non-family ambulatory individuals who, by reason of advanced age or infirmity, are unable to care completely for themselves, but who remain largely self sufficient. Synonymous with “Assisted Living Home.” For purposes of this Ordinance, Personal Care Homes are sub-classified, as follows:

**Family Personal Care Home.** A home for adults in a family type residence, non-institutional in character, which offers care to two (2) to six (6) persons.

**Group Personal Care Home.** A home for adults in a residential setting, non-institutional in character, which offers care to seven (7) to fifteen (15) persons.

**Congregate Personal Care Home.** A home for adults which offers care to sixteen (16) or more persons.

**Planning Commission.** The Dalton-Whitfield County Planning Commission or any successor entity.

**Premises.** A lot, parcel, tract, or plot of land together with all buildings and structures existing thereon.

**Principal Use.** The primary and/or predominant reason for which a lot or parcel is occupied and/or used.

**Putrescible Wastes.** Wastes that are capable of being quickly decomposed by microorganisms. Examples of putrescible wastes includes, but are not necessarily limited to, kitchen wastes, animal manure, offal, hatcher and poultry processing plant wastes, and garbage.

**Recreational Facilities, Indoor.** Any commercial or non-commercial indoor facility such as bowling alley, shooting gallery, video game center etc.

**Recreational Facilities, Outdoor.** Any commercial or non-commercial outdoor facility such as a miniature golf course, a golf or baseball driving range, tennis courts, swimming pools, drive-in theater, etc.

**Recreational Vehicles.** A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

**Recycling Center.** A non-governmental facility in which recoverable resources, such as paper, glass, plastics, and metal cans are stored, flattened, crushed or bundled by hand or machines. Vehicles, internal combustion engines, vehicle parts, tires, and the like shall not be considered recoverable resources within the meaning of Recycling Center for the purposes of this Ordinance.

**Recycling Collection Station.** An incidental use which serves as a neighborhood drop off point for temporary storage of recoverable resources. No processing of such items shall be allowed. Such facility would generally be located in a commercial parking lot, or at other public/quasi-public areas, such as churches or schools.

**Right-of-way.** A strip of land occupied or intended to be occupied by a road, crosswalk, railroad, electric transmission line, gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

**Rooming House (or “Boarding House” or “Boarding Home.”)** A dwelling, not a hotel, where for a fee and by prearrangement for definite periods of time, either meals or meals and lodging are provided for three (3) or more persons, who are unrelated to the residents of the dwelling.

**Salvage Yard.** Synonymous with “Junk Yard.”

**Screening.** A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

**Service Buildings.** A building, housing facilities such as recreational, maintenance, laundry, and offices necessary to the successful management of a manufactured home park.

**Setback.** The required minimum distance from the road right-of-way line or any other lot line that establishes the area within which the principal structure(s) and accessory structure(s) must be erected or placed.

**Sewage Management System, Central On-Site.** A community-wide on-site sewage management system regulated by EPD (Environmental Protection Division of the Department of Natural Resources.)

**Sewage Management System, On-Site.** A sewage management system other than a public or community sewage treatment system, whether serving single or multiple buildings, mobile homes or manufactured homes, recreational vehicles, residences or other facilities designed or used for human occupancy or congregation. Included are

conventional septic tank systems, chamber septic tank systems privies, experimental and alternative on-site sewage management systems that may be approved by the Health Department.

**Sewage Treatment System, Public or Community.** Any sewage treatment system, including pipe lines or conduits, pumping stations, force mains and all other construction, devices, and appliances appurtenant thereto, designed for treating or conducting sewage for treatment and disposal into lakes, streams, or other bodies of surface water.

**Shopping Center.** A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, and including provision for goods delivery separated from customer access.

**Solid Waste.** Putrescible and non-putrescible wastes, except water-carried body waste, but shall include garbage, rubbish, ashes, road refuse, dead animals, sewage sludge, animal manures, industrial wastes, abandoned automobiles, dredging wastes, construction wastes, hazardous wastes and other waste material in a solid or semi-solid state not otherwise defined in these regulations.

**Solid Waste Handling Facility.** Any facility, the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste. This term encompasses the terms Solid Waste Landfill, Inert Waste Landfill and Transfer Station.

**Solid Waste Landfill.** A disposal site where putrescible wastes are disposed of using solid waste landfilling techniques.

**Solid Waste Landfilling.** An engineered method of disposing of putrescible wastes on land by spreading them in thin layers, compacting them to the smallest practical volume, placing an earthen cover thereon, and such other measures as are necessary to protect human health and the environment.

**Specialty Food Stores.** A retail store specializing in a specific type or class of foods such as an appetizer store, bakery, butcher, delicatessen, fish, gourmet and similar foods.

**Structure.** Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on the ground. Structures include, but are not limited to the following: site built buildings, industrialized buildings, manufactured homes, mobile homes, billboards, swimming pools, advertising signs, fall-out shelters, stadiums, reviewing stands, platforms, staging, observation towers, radio and television towers, trestles, and open sheds, garages, carports, and shelters, any of which have a floor area over one hundred forty-four (144) square feet.

**Swimming Pool.** A body of water in an artificial or semi-artificial receptacle or other container intended for swimming, which has a minimum depth of eighteen (18) inches of water.

**Temporary Structure.** A structure with neither foundation nor footings which is removed, when either the designated time period or activity or use for which the temporary structure was erected has ceased.

**Townhouse.** A type of dwelling unit that is one (1) or more stories in height which has outside, individual, front and rear entrances, is separated from other dwelling units by common party walls that are two (2) hour fire-rated masonry construction extending from the foundation through the roof line for a minimum of thirty (30) inches, occupies its own lot and is part of a contiguous group of at least three such townhouses. Each group of dwelling units shall be staggered at least three (3) feet or the firewall shall extend front and rear for a distance of eighteen (18) inches. The fire wall separating single story units and units of two (2) or more stories must extend only to the roof decking of the higher roof.

**Transfer Station.** A facility used to transfer solid waste from one (1) transportation vehicle to another for transportation to a solid waste handling facility.

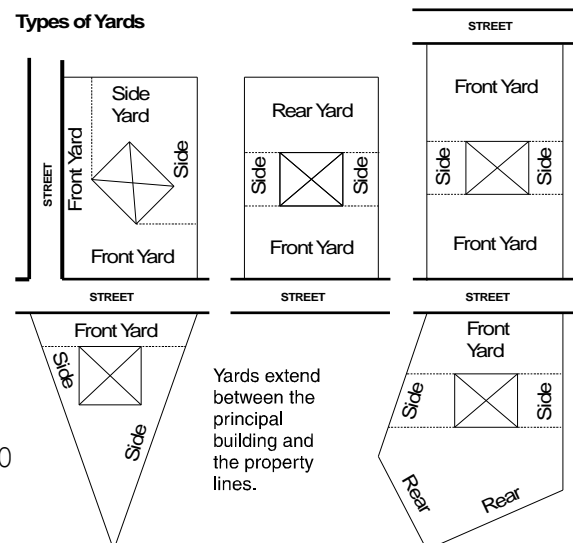
**Transitional Housing.** A single or multi-family dwelling housing persons experiencing an abrupt transition in lifestyle such as, but not limited to, recently incarcerated individuals, displaced families, or elderly individuals, operating as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing the organization and stability of home environment.

**Utility Facilities.** Structures that provide for the distribution of services of public or private utilities, such as electrical transformer stations, gas regulator stations, telephone exchanges, water pump stations, and sewer lift stations, etc.

**Vendor Stands.** Any cart, table, equipment, or apparatus which is not a structure, which is designed and intended so as to not be a permanent fixture on a lot, and which is used for the retail sale, display, and accessory advertising of merchandise or food.

**Yard.** An area that lies between the principal building on a lot and the nearest lot line.

1. **Front yard:** a yard extending the full width of the lot, located between the street line and the front line of a principal building, projected to the side lines of the lot.
2. **Rear yard:** a yard extending the full width of the lot and situated between the rear lot line of the lot and the rear of a principal building projected to the side lines of the lot.



3. **Side yard:** a yard located between the side of a principal building and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

**Work Day.** Monday through Friday of any week, exclusive of official holidays established by the federal, state or local government during which the local government is not open for business.

**Zoning.** The power of local governments and local governing authorities within Whitfield County to provide, within its respective territorial boundaries, for the zoning of property for various uses and the prohibition of other or different uses within such zones or districts and for the regulation or development and the improvement of real estate within such zones or districts in accordance with the uses of property for which said zones or districts were established.

**Zoning Administrator.** The official designated by a Governing Authority to manage, administer and coordinate enforcement of this Unified Zoning Ordinance on behalf of the Governing Authority.

## Article III - General Provisions

### 3-1 Interpretation of this Ordinance.

3-1-1 In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare, including those purposes, intents, objectives, or similar language as set forth throughout this Ordinance.

3-1-2 Where the conditions imposed by any provision of this Ordinance upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this Ordinance or of any other law, ordinance, resolution, rule, or regulation, the regulation which is more restrictive (or which imposes higher standards or requirements) shall govern.

3-2 **Scope of Regulations.** All existing structures, uses, and buildings, and all structures, uses of land or buildings that are erected or established after the adoption or subsequent amendment of this Ordinance, including all structural alteration or relocation of existing buildings or the enlargements of or additions to existing uses shall be subject to the provisions of this Ordinance, which are applicable to the zoning districts in which such structures, uses, or lots or parcels shall be located.

3-3 **Building Permits.** Building permits shall be required for all structures erected, converted, enlarged, restructured, moved, or structurally altered.

### 3-4 Access to Lots or Parcels.

#### 3-4-1 Lot Access to Roads.

Except as may be set for herein below, every principal structure or building erected hereafter shall be upon a lot or parcel having not less than fifty (50) feet of frontage upon either a public road or upon a private road, which meets the same standards and requirements of a public road but whose ownership remains with the developer or a property owners association, either of which shall meet the requirements of the applicable *Subdivision Regulations* and any other applicable road design and standards regulations.

3-4-2 **Acknowledgment of Responsibility for Maintenance of Private Road.** When a building permit is requested for a lot which fronts upon a private road described in Section 3-4-1 above, such permit shall contain a signed statement that the property owner acknowledges the private access to his property and that the Governing Authority is not responsible for its maintenance, upkeep, or repair.

**3-4-3 Driveway Access upon Corner Lot.** On any lots having frontage with more than one (1) road at any intersection, driveway access shall not be located within twenty-five (25) feet of the intersection of any right-of-way lines.

**3-5 Lots of Record.** Any lot of record lawfully established and recorded as of the date of the enactment of this Ordinance, the size of which does not meet current minimum lot size requirements, may be used as a non-conforming lot, as set forth hereinafter, for zoning purposes, provided that such lot meets current setback requirements. However, lots of record shall remain subject to current Health Department requirements concerning the placement of on-site sewage management systems thereon.

If two (2) or more adjoining lots with continuous frontage area shall come in to single ownership after the enactment of this Ordinance and such lots individually are too small to meet the requirements of the district(s) in which they are located, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and such lots shall be subject to the requirements of this Ordinance.

**3-6 Density.** No building or structure shall hereafter be erected, constructed, reconstructed, or altered in any way which accomplishes any of the following:

3-6-1 Houses a greater number of dwelling units per acre or occupies a smaller lot area per dwelling unit than are herein permitted.

3-6-2 Has a narrower or smaller front, rear, or side yard than are herein required.

**3-7 Lot Area, Floor Area, Setback, Yard, and Height Requirements** are set forth in chart 3-7 herein below.



CHART 3-7

## AREA, FLOOR, SETBACK, YARD AND HEIGHT REQUIREMENTS

DISTRICT	MINIMUM LOT AREA IN SQUARE FEET		MIN. SITE AREA	ADDIT'L REQ'MNT	MIN LOT WIDTH AT BLDG LINE	MIN. FLOOR AREA	FRONT YARD <sup>3</sup> SETBACK		SIDE <sup>1</sup> YARD	REAR YARD	MAX BLDG HEIGHT
							MAJ. & COLLECTR STREETS	LOCAL STREET			
GA	All Uses	---	5 acres		100	---	50	25	25	25	35
SA	All Uses	---	3 acres		100	---	50	25	25	25	35
R-1	Single-Family Detached	(on-site) (sewer)	1 acre		100 50	1500 s.f.	50	25	25	25	35
R-2	Single-Family Detached	27,500 (on-site) 15,000 (sewer)	---		100 80	1200 s.f.	40	25	10	15	35
R-3	Single-Family Detached	7,500	---		50	1000 s.f.	40	25	10	15	35
R-4	Single-Family Detached	4,356 gross sq. ft / unit	2 acres	Sec 4-6-25	40	900 sf (Dalton only)	20	20	10	10	35
R-5	Single-Family Detached	TBD (on-site) 7,500 (sewer)	---		100 50	900 sf (Dalton only)	40	25	10	15	35
	Duplex/Single-Fami ly Attached	TBD (on-site) 10,000 (sewer)	---		100 50	---	40	25	10	15	35
R-6	Single-Family Detached	TBD (on-site) 7,500 (sewer)	---		100 50	900 sf (Dalton only)	40	25	10	15	35
	Duplex/SF Attached	TBD (on-site) 10,000 (sewer)	---		100 50	---	40	25	10	15	35
	Triplex	TBD (on-site) 12,000 (sewer)	---		100 60	---	40	25	10	15	35
	Fourplex	TBD (on-site) 15,000 (sewer)	---		100 80	---	40	25	10	15	35
	Fee-Simple Townhouse (max 4 units)	5,445/gross per unit (sewer)		Sec 3-8	Sec3-8-7	---	40	25	10	15	35
R-7 <sup>3</sup>	Multi-Family/ Condominiums	7,500 s.f. for 1 <sup>st</sup> unit, 1,000 s.f. for 2 <sup>nd</sup> unit, plus 1,945 s.f. for units thereafter/acre	---	Sec 3-8	100	900 sf (Dalton only)	40	25	10	15	35
	Fee-Simple Townhouses	5,445/gross per unit (sewer)	---	Sec 3-8	Sec 3-8-7		40	25	10	15	35
PUD	Planned Unit Development (PUD)		15acre	Sec 4-7;4-5	To Be Determined						
MU	All Uses	TBD	---	Sec 4-7;4-5	To Be Determined						
C-1A	All Uses	No minimum required			---	---	25	15	10	20	40

DISTRICT	MINIMUM LOT AREA IN SQUARE FEET		MIN. SITE AREA	ADDIT'L REQ'MNT	MIN LOT WIDTH AT BLDG LINE	MIN. FLOOR AREA	FRONT YARD <sup>3</sup> SETBACK		SIDE <sup>1</sup> YARD	REAR YARD	MAX BLDG HEIGHT
							MAJ. & COLLECTR STREETS	LOCAL STREET			
C-1	All Uses	No minimum required			---	---	25	25	15	20	40
C-2	All Uses	No minimum required			---	---	25	25	15	20	140
C-3	All Uses	No minimum required			---	---	0	0	0	0	100
C-4	All Uses	No minimum required			---	---	25	15	10	20	100
M-1	All Uses	No minimum required			---	---	25	15	15	25	75
M-2	All Uses	No minimum required			---	---	25	20	15	25	75

#### FOOTNOTES

1. Side setbacks apply to buildings; for zero lot line dwellings the side yard is waived on one side of the lot.
2. Measured at the building line.
3. The maximum allowed density shall not exceed 20 dwelling units per gross acre; the formula within the table is used to compute density for areas less than one (1) acre. (For example: A site containing 2.3 acres allows 40 units + 4 = 44 units)

### 3-8 Townhouses and Condominiums. Townhouses and condominiums shall comply with the following requirements:

**3-8-1 Separation between buildings.** The front or rear face of a building shall be not less than fifty (50) feet from the front or rear face of another building. The unattached side of a building shall be not less than twenty feet from the side face of another such building. The unattached side of a building shall be not less than forty (40) feet from the front or rear face of another such building.

**3-8-2 Alignment.** No dwelling unit shall be situated so as to face the rear of another dwelling unit unless terrain differences or vegetation will provide effective visual separation, as determined by the Zoning Administrator.

**3-8-3 Public Sewerage.** Townhouse and condominium developments shall be served with public sewer or approved package system and a public water system.

**3-8-4 Common Open Space.** If a portion of the land is set aside for common open space to be developed for recreational use, such areas shall be developed in accordance with the approved site development plan. Common open space shall be preserved and maintained by a Homeowners Association created by the developer in accordance with the *Georgia Condominium Act*.

- 3-8-5 **Subdivision Rules.** The development of townhouses involves a subdivision of land and all applicable rules of the applicable *Subdivision Regulations* shall apply.
- 3-8-6 **Contiguous Dwelling Units.** Not more than eight (8) contiguous townhouses shall be built in a single building in the R-7 district.
- 3-8-7 **Minimum Width.** The minimum allowed width for the portion of the lot upon which a townhouse is to be constructed shall be sixteen (16) feet, but the average width of units in a contiguous group of three (3) or more units shall be twenty (20) feet.
- 3-9 **Maximum Occupancy of Dwellings.** In order to protect the health, safety, and welfare of the public, no person shall occupy any dwelling which does not meet the following minimum size requirements per occupant thereof: There shall be at least one hundred fifty (150) square feet of habitable floor area within a habitable room for the first occupant of each dwelling, with at least seventy-five (75) square feet of habitable floor area within a habitable room for each additional occupant thereof. For purposes of this requirement, an occupant shall be considered any person who spends, on average, more than two (2) nights per week or eight (8) nights per month, whichever is greater, at such dwelling.
- 3-10 **Health, Safety, and Aesthetics Standards.**
- 3-10-1 All structures shall be sound in construction and safe for human use.
- 3-10-2 No item not ordinarily designed for exterior use shall be permitted in open areas or yards. This shall include, but is not limited to, plumbing fixtures and household appliances.
- 3-10-3 No lot or parcel shall be allowed by the owner, tenant, resident, or occupant thereof to become unsafe or to endanger the health, safety and welfare of the neighborhood because of growth of vegetation or the accumulation of brush, trash, or debris.
- 3-10-4 No junk vehicles shall be allowed to remain upon any lot or parcel not operating as a conforming junk yard. It shall, however, be an affirmative defense hereto if the owner shall provide current paid receipts for parts which shall confirm that the vehicle in question is then being actively restored.

## **Article IV - District Uses and Regulations**

4-1 **Establishment of Districts.** For purposes of this Ordinance, Whitfield County is hereby divided into the following zoning districts:

4-1-1 **General Agriculture (GA.)** This district is established to protect and to preserve agricultural and forest resources and associated rural characteristics by allowing only low density residential uses, farming, animal husbandry, forestry, saw milling, and other similar uses upon lots or parcels not less than five (5) acres. Provided the applicable lot or parcel conforms to all requirements herein, no more than two (2) single-family detached dwelling units per lot or parcel shall be allowed in this district.

4-1-2 **Suburban Agriculture (SA.)** This district is established as a transitional district for low density residential uses in conjunction with typical agricultural pursuits primarily for the residents living there, including, but not limited to the growing of food, flowers, the raising of chickens, and the tending of horses and cattle for personal pleasure. Lots and parcels in this district shall be not less than three (3) acres. Only one (1) single family dwelling unit per lot shall be allowed in this district.

4-1-3 **Estate Residential (R-1.)** This district is established to preserve open space in both urban and rural environments and typically rural environments by encouraging larger than average lot formats of at least one (1) acre or more for low density single family detached dwellings in excess of one thousand five hundred (1,500) square feet heated floor area. There shall be no manufactured or mobile homes within this district, in order to maintain the traditional residential character of such districts. Only one (1) single family dwelling unit per lot shall be allowed in this district.

4-1-4 **Low Density Single Family Residential (R-2.)** This district is established to protect single family detached dwellings, including typical residential subdivisions, on lots of not less than twenty-seven thousand five hundred (27,500) square feet if served by on-site sewage management systems and not less than fifteen thousand (15,000) square feet if served by public sewer or an approved central on-site sewage management system. All dwellings in this district shall contain in excess of one thousand two hundred (1,200) square feet of heated floor area upon a permanent foundation and shall have the electrical meter base serving such dwelling attached directly to such dwelling. There shall be no manufactured or mobile homes within this district in order to maintain the traditional residential character of such districts. If served by on-site sewage management system, the lots in this district shall conform at least with the minimum standards for lot sizes as promulgated by the Health Department or other authority having proper jurisdiction over such minimum lot sizes,

as amended from time to time. Only one (1) dwelling unit per lot shall be allowed in this district.

- 4-1-5 **Medium Density Single Family Residential (R-3.)** This district is established to protect single-family detached dwellings, typically within a more urban atmosphere, including residential subdivisions, on smaller lots of not less than seven thousand five hundred (7,500) square feet and which are served by public sewer or an approved central on-site sewage management system. All dwellings in this district shall contain not less than one thousand (1,000) square feet of heated floor area. There shall be no manufactured or mobile homes within this district, in order to maintain the traditional residential character of such districts. Only one (1) dwelling unit per lot shall be allowed in this district.
- 4-1-6 **Zero Lot Line Residential (R-4.)** This district is established for single family detached dwellings, configured upon "zero lot lines," which may be located upon lots at a density of up to ten (10) dwellings per acre, exclusive of right-of-ways or other restrictive easements. Any such lots must be served by public sewer or an approved central on-site sewage management system. Such districts encourage the creation of compatible open spaces for enjoyment by several surrounding dwellings. There shall be no manufactured or mobile homes within this district, in order to maintain the traditional residential character of such districts. Only one (1) dwelling unit per lot shall be allowed in this district.
- 4-1-7 **Rural Residential (R-5.)** This district is established to protect single family detached dwellings, including typical residential subdivision development of all varieties of housing stock, and duplexes. Manufactured housing in this district shall remove all wheels and the tongue (or hitch,) so as to maintain the site-built residential character of the district. The lots in this zoning district that are served by on-site sewage management systems shall conform at least with the minimum standards for lot sizes as promulgated by the Health Department or other authority having proper jurisdiction over such minimum lot sizes, as amended from time to time. The lots in this zoning district that are served by public sewer or an approved central on-site sewage management system shall be not less than seven thousand five-hundred (7,500) square feet for a single family dwelling and not less than ten thousand (10,000) square feet for a duplex. Only one (1) principal structure, containing two (2) dwelling units or less, per lot shall be allowed in this district.
- 4-1-8 **Transitional Residential (R-6.)** This district is established as a transition residential district of either medium or high density, which may accommodate dwellings such as single family detached dwellings, individual manufactured homes, duplexes, triplexes, or four-plexes only. No more than one (1) principal structure per lot, containing not more than one (1) four unit building shall be allowed in this district.

- 4-1-9 **High Density Residential (R-7.)** This district is established as a high density residential district allowing as many as twenty (20) dwelling units per acre. Multiple structures per lot shall be permitted in this district. Because of the increased density allowed in this district, any such lots must be served by public sewer or an approved central on-site sewage management system.
- 4-1-10 **Planned Unit Development (PUD.)** This district is established to permit greater flexibility and more imaginative design for the development of compatible, multi-use residential and neighborhood commercial land uses on a scale larger than not less than fifteen (15) acres. The PUD district is intended to promote an orderly and harmonious variety of housing options, along with higher levels of amenities and preservation of open space. To be considered for the PUD district, a full and complete application for rezoning shall include a preliminary site plan. Establishing a PUD district requires the implementation and adherence to the approved site plan as required by: 1) these regulations; 2) any other applicable regulations; or 3) any conditions resulting from the review process. Once submitted, if there are any material alterations to the site plan, the altered site plan shall be resubmitted.
- 4-1-11 **Limited Commercial (C-1A.)** This transitional district is established to provide for specific limited commercial uses, including professional service establishments, often conducted within structures converted from residential uses.
- 4-1-12 **Neighborhood Commercial (C-1.)** This district is established to provide for limited retail activities and personal or professional services designed to serve the convenience needs of nearby neighborhoods. The size of the buildings and parking allowed in this district are limited to create minimal negative impact upon nearby neighborhoods. This district allows uses which will result in a minimum of traffic from outside the surrounding neighborhoods.
- 4-1-13 **Mixed Use (MU.)** This transition district is established to provide for appropriate mixed use opportunities on parcels smaller than those required for the PUD district. Typically, such uses would include apartment or condominium style multi-family housing situated above compatible retail/ service commercial or light manufacturing uses that are intended to serve such residents and the general public. However, the use(s) may also be entirely commercial or light manufacturing, creating more flexibility with respect to access, setbacks, etc., as shown on an approved site plan. To be considered for the MU district, a full and complete application for rezoning shall include a preliminary site plan. Establishing a MU district requires the implementation and adherence to the approved site plan as required by: 1) these regulations; 2) any other

applicable regulations; or 3) any conditions resulting from the review process. Once submitted, if there are any material alterations to the site plan, the altered site plan shall be resubmitted.

- 4-1-14 **General Commercial (C-2.)** This district is established to provide for and to encourage appropriate development along collector and arterial thoroughfares, which includes the broadest mix of commercial retail and service uses with associated storage capabilities, and other commercial activities which will both accommodate the needs of residents and those of the traveling public. Shopping centers and large retail stores would be common, along with a host of supporting commercial uses.
- 4-1-15 **Central Business District (C-3.)** The central business district is the historic center of town, city, or community for commercial retail and service uses, financial institutions, office, and government uses, with limited residential uses. This district would typically be characterized by shared parking and loading, and by buildings occupying most, if not all, of the lot or parcel on which it is located. The central business district defines the core activity center around which the community has historically developed.
- 4-1-16 **Transitional Commercial (C-4.)** This district is considered an expansion and transitional area out from the central business district, allowing uses similar to those allowed in the central business district, but with conventional lot designs, requiring off street parking and loading, and typical setbacks. This district is envisioned to accommodate lower traffic, lower visibility commercial operations that are nonetheless near the Central Business District.
- 4-1-17 **Light Manufacturing (M-1.)** This district is established to act as a transition between heavy industrial uses and other commercial or residential uses by providing for industrial activities which are more limited in scope, size, or negative impacts upon surrounding properties. Permitted uses in this district will create a minimum of environmental pollution in the form of traffic, noise, odors, smoke, fumes, glare, or heat.
- 4-1-18 **Heavy Manufacturing (M-2.)** This district is established to provide suitable areas for general industrial, carpet manufacturing, distribution, or warehousing activities and/or other intensive activities of industrial nature which may generate external traffic and may include moderate amounts of environmental pollution in the form of traffic, noise, odors, smoke, fumes, glare, or heat.
- 4-2 **Zoning District Map.** The boundaries of the various zoning districts are shown upon that map designated as the Official Zoning Map of Whitfield County, Georgia, which is sometimes referred to as the “Zoning Map.” The Zoning Map and all notations, references and other information shown thereon are a part of

this Ordinance and have the same force and effect as if the Zoning Map and all the notations, references, and other information shown thereon were fully set forth and described herein, which Zoning Map is properly attested and is on file with the Clerks of Whitfield County and of each city, and with the Zoning Administrator, and is available for public inspection during normal business hours.

- 4-3 **District Boundaries.** All roads, alleys, and railroad right-of-ways, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, roads and railroad right-of-way. Where the center line of a road, alley or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line. Where district boundary lines are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries. Wherever any uncertainty exists as to the boundary line of any use district as shown on the zoning map incorporated herein, the following rules shall apply:

4-3-1 Where a lot held in one ownership contains more than one actual principal use, such actual uses may be delineated and assigned zone designations consistent with such uses within the parcel. The existence of principal uses and the area assigned to such uses shall be based upon objective physical evidence of separate actual uses of the parcel present at the site at which it occurs. Any disputes regarding actual principal uses shall be resolved by the Zoning Administrator.

4-3-2 In all other cases, the district boundary lines shall be determined by use of the scale appearing on the Official Zoning Map.

4-3-3 Certain parcels located within any historic district designated by any historic preservation commission and noted on the Official Zoning Map shall also be subject to any regulation set forth by the applicable governing authority specifically related to historic properties or historic districts.

- 4-4 **Permitted Uses.** No principal structure, accessory structure, or land use shall be allowed except in the zoning districts indicated and for the purposes or uses as set forth upon the permitted use table set forth hereinafter.

- 4-5 **Approval Procedures.**

4-5-1 **Preliminary Site Plan.** For all parcels which seek rezoning/annexation to R-6, R-7, MU, or PUD for a proposed use or which require a Special Use for a proposed use, a Preliminary Site Plan, as described herein, shall be submitted with such application unless specifically waived, in whole or in part, by the Zoning Administrator. Such application shall remain incomplete without such required information. The Governing Authority



may hereafter conditionally approve such request based upon information set forth in such site plan. Each Preliminary Site Plan shall include, but not be limited to, the following information:

- (a) Preliminary Name of the proposed development; name(s), address(es), and telephone number of the owner(s) and the designer(s) of the site plan.
- (b) Scaled Boundaries. Scaled boundaries of the entire tract and their relationship to adjoining properties, public rights-of-way, and easements.
- (c) Sewage Management Systems, On-Site (Septic Systems); Sewage Treatment System, Public or Community (Central Sewage Treatment Plant). Written statement from the Environmental Health Department indicating the optimum number of units the property will accommodate based on a soils report by a soils scientist and an on-site inspection by a county environmental specialist. If public sewer is available, written approval shall be provided from Dalton Utilities for the number of desired sewer taps.
- (d) Septic System Absorption Field and Replacement Area and Building Locations. Approximate location of the septic fields, all proposed buildings, their shape, size, and setback in appropriate scale.
- (e) Rights-of-Way. Location and right-of-way of streets, roads, alleys, railroads, public crosswalks, with lengths and widths, road names, or designations.
- (f) Buffers and vegetation. Existing and proposed vegetation and the use of vegetation to provide buffers and landscaping for the proposed development.
- (g) Flood Plain areas. Location of the 100-year flood plain as determined by the past history of flooding or the best available data.
- (h) Proposed improvements. The names, where appropriate, and locations and dimensions of proposed roads, alleys, sidewalks, easements, buildings, parking and loading, dumpsters, recreation areas and facilities, yards and other open spaces.

**4-5-2 Final Site Plan.** All other parcels zoned R-6, R-7, C-1A, C-1, C-2, C-3, C-4, MU, PUD, M-1, or M-2 which are already zoned for the use intended or for which a Special Use has been applied for and approved hereunder, shall submit a Final Site Plan prior to the issuance of a building permit, unless specifically not required in whole or in part by the Whitfield County Engineer or his or her designee. Each Final Site Plan shall include the following information:

- (a) Preliminary Name of the proposed development; name(s), address(es), and telephone number of the owner(s) and the designer(s) of the site plan.
- (b) Date, north arrow, and graphic scale.
- (c) Survey Boundaries. Surveyed boundaries of the entire tract and their relationship to adjoining properties, public rights-of-way, and easements.
- (d) Location Map. A general location map at a scale of one inch equals two thousand feet indicating existing zoning on or adjacent to the site, adjoining roads and the adjacent areas are required.
- (e) Sewage Management Systems, On-Site (Septic Systems); Sewage Treatment System, Public or Community (Central Sewage Treatment Plant). Written statement from the Health Department indicating the optimum number of units the property will accommodate based on a soils report by a soils scientist and an on-site inspection by a county environmental specialist. If public sewer is available, written approval shall be provided from Dalton Utilities for the number of desired sewer taps.
- (f) Building locations. Final location of all proposed buildings, their shape, size, and setback in appropriate scale.
- (g) Rights-of-Way. Location and right-of-way of streets, roads, alleys, railroads, public crosswalks, with lengths and widths, road names, or designations.
- (h) Buffers and vegetation. Existing and proposed vegetation and the use of vegetation to provide buffers and landscaping for the proposed development.
- (i) Environmentally sensitive areas. Location of major river corridors, water supply watersheds, groundwater recharge areas, wetlands, the boundary and elevation of the 100-year floodplain as determined by the past history of flooding or the best available data.
- (j) Proposed improvements. The names, where appropriate, and locations and dimensions of proposed roads, alleys, sidewalks, easements, buildings, parking and loading, dumpsters, recreation areas and facilities, yards and other open spaces.

- (k) Proposed protective covenants. A preliminary outline of proposed protective covenants, including provisions for the organization and financing of a Homeowners' Association where appropriate.
- (l) Soil Erosion and Sedimentation Control. Where applicable, the site development plan shall provide information on soil erosion and sedimentation measures according to the technical standards provided by the applicable jurisdiction's *Soil Erosion and Sedimentation Control Ordinance*.
- (m) Development Report. If the proposed development has more than one (1) phase, a report setting forth the proposed development schedule, indicating the sequences of the development, and the approximate time period for completion of each phase shall be required. Statistical or technical data as necessary to accurately describe the proposed development including, but not limited to, the following shall be included in the Development Report:
  - (1) Total land area.
  - (2) Total number of dwelling units and gross density by type of land use.
  - (3) Amount of space to be occupied by roads and parking areas.
  - (4) Amount of any submerged land within the project boundary.
  - (5) The total ground coverage and floor area of all buildings.
  - (6) A breakdown of the number of kinds of proposed buildings, including square footage, and number and range of lot sizes and proposed setback and yard dimensions for typical lots and/or building types.
  - (7) Deed record names of adjoining property owners or subdivisions.
  - (8) The plat shall be drawn to a scale of not less than one (1) inch equals one hundred (100) feet.
  - (9) Topography by contours at vertical intervals of not more than five (5) feet for subdivisions of more than twenty (20) lots unless necessary for determining road or sanitary sewerage system design.

#### 4-6 Additional Requirements for Specific Uses.

- 4-6-1 Amusements Parks are permitted in the General Commercial (C-2) zone district, and motor vehicle race tracks are permitted in the General Agricultural (GA) and General Commercial (C-2) districts, provided that:
- (a) Any such development which is located closer than one thousand (1,000) feet from any property line for which the adjoining property is zoned GA, SA, R-1, R-2, R-3, R-4, R-5, R-6, R-7, PUD, or MU shall operate only vehicles with adequate muffler devices, unless the affected property owner(s) waive this provision, in writing. This requirement shall apply to all such operations whether currently in existence or to be built in the future.
  - (b) No structures or racetracks shall be located within one hundred (100) feet of any property line.
- 4-6-2 Animal husbandry, including dairies, livestock raising, poultry and egg operations, fish hatcheries, and/or riding stables and academies are permitted within the General Agriculture (GA) district, provided that no structures for housing said animals shall be located closer than twenty-five (25) feet from any property line and the minimum required lot area for the above uses shall be five (5) acres.
- 4-6-3 Neither a Bed and Breakfast Home nor a Bed and Breakfast Inn may serve any meals to the general public, except for breakfast to its overnight guests only, unless such establishment is located within a C-1, C-2, C-3, or C-4 commercial zone district and such use as a restaurant or café otherwise qualifies as a permissible use thereunder. Additionally, regardless of the zone district in which such establishment shall be located, except in the C-3 district there shall be off street parking available for at least one (1) vehicle per available room and at least one (1) vehicle per employee.
- 4-6-4 Business and Professional Offices are permitted outright in the General Commercial (C-2) and Manufacturing (M-1, M-2) districts. Development of such uses in the Limited Commercial (C-1A) and Neighborhood Commercial (C-1) district shall limited to one (1) building per lot or parcel.
- 4-6-5 Cemeteries, not including governmentally-owned cemeteries, fraternal cemeteries, church or synagogue cemeteries, or family burial plots, are allowed in the GA, SA, R-1, R-2, R-5, and C-2 districts and shall have minimum site areas of twenty-five (25) acres and shall also comply with the *Georgia Cemetery Act of 1983*, as amended. Churches and synagogues, and fraternal organizations may operate cemeteries as an accessory use, wherever the principal use is allowed, but only if a minimum site area of five (5) acres is available for the cemetery. A minimum site area is not required for a columbarium that is an accessory

use. In all zone districts, family burial plots shall only be allowed as an accessory use to a residential dwelling on parcels or tracts containing five (5) acres or more.

- 4-6-6 All commercial developments, including shopping centers, regional shopping malls, and retail outlet malls, shall meet the following requirements:
- (a) If adjoining parcels are interconnected to each other through access easements, such easements shall have a minimum width of twenty (20) feet.
  - (b) Shopping centers and shopping malls shall be permitted only in the General Commercial (C-2) district.
  - (c) Neighborhood shopping centers shall contain only the uses that are permitted in the Neighborhood Commercial (C-1) district, and the maximum size of the developed lot shall not exceed three (3) acres.
- 4-6-7 Convenience Stores in the Neighborhood Commercial (C-1) district shall have a gross floor area of less than five thousand (5,000) square feet and shall comply with the following if fuel service is available:
- (a) Convenience Stores, with fuel pump services located in the Neighborhood Commercial (C-1) district, are limited to four (4) pump islands with no more than two (2) pumps per island each as an accessory use to the convenience store.
- 4-6-8 All fuel pumps, canopies over fuel pumps (whether attached or detached,) and underground storage tanks shall be at least fifteen (15) feet from any road right-of-way.
- 4-6-9 All day care facilities, as defined hereinabove, are permitted as an accessory use in a church or place for religious worship, schools, commercial or manufacturing facilities, provided that such uses shall conform to all federal, state, and local day care requirements and shall comply with all health regulations.
- 4-6-10 Detached structures which are constructed concurrent with, or subsequent to, the principal structure, including but not limited to open sheds, garages, carports, and shelters are permitted upon a parcel less than two (2) acres in area and zoned for or used for single-family residential purposes only if the detached structure shall not exceed one thousand (1,000) square feet of gross floor area and shall not exceed twelve (12) feet in height at the eave level for a single story or eighteen (18) feet in height at the eave level for two (2) stories.

- 4-6-11 Flea markets, farmers' markets, produce stands, and similar facilities are permitted in the General Commercial (C-2) district, provided that:
- (a) Permanent sanitary facilities are required and shall be approved by the Health Department or applicable authority.
  - (b) No overnight camping on the property is permitted.
  - (c) Such use shall be located upon a major or minor collector road only.
- 4-6-12 Garage, yard or carport sales shall be allowed on the lot or parcel occupied by the residential dwelling in the GA, SA, R-1, R-2, R-3, R-4, R-5, R-6, and R-7 zoning districts provided that:
- (a) No sale shall be allowed to continue for more than one (1) continuous seventy-two (72) hour period.
  - (b) Not less than three (3) months shall lapse between sales held at the same location.
- 4-6-13 Hazardous waste processing and handling facilities are permitted as a Special Use in the M-1 and M-2 districts provided that such facilities shall conform to all local, state, and federal regulations for hazardous waste management.
- 4-6-14 Junk Yards or Salvage Yards.
- (a) Such use shall not be located closer than twenty-five (25) feet to any adjacent boundary line or right-of-way.
  - (b) Such use shall be enclosed with a sight impermeable fence or earthen berms not less than eight (8) feet high.
- 4-6-15 Except for within certain Commercial (C-1, C-2, C-4) and Manufacturing (M-1, M-2) districts, recreational facilities within a public park shall meet the following requirements:
- (a) Lighting shall be established in such a way that no direct light is cast upon adjacent properties or roadway.
  - (b) All lighted recreational facilities shall be a least fifty (50) feet from any property boundary line.
- 4-6-16 Laundry services, including dry cleaning pick-up and delivery stations, are allowed in the Neighborhood Commercial (C-1) district, provided that the total floor area shall not exceed four thousand (4,000) square feet.

- 4-6-17 Raising and keeping livestock for personal pleasure shall be permitted outside the City of Dalton upon a lot or parcel in the GA, SA, R-1, R-2, and R-5 Residential zoning district, or upon a lot in a commercial or manufacturing zoning district where there is located a non-conforming single family dwelling occupied as a residence, provided that there is a minimum of two (2) acres, with no more than four (4) total animals per two (2) acres prorated, and all structures used for housing and feeding the animals shall be located at least twenty-five (25) feet from any lot line.
- 4-6-18 Unless otherwise provided herein, all uses in the Neighborhood Commercial (C-1) district shall have a gross floor area of less than ten thousand (10,000) square feet, including outdoor storage and accessory structures.
- 4-6-19 RV parks and campgrounds are allowed outside the City of Dalton in the GA and C-2 districts provided that:
- (a) Public water is supplied;
  - (b) If public sewer is not available, such developments shall provide an approved dump station of private sewer disposal.
  - (c) Occupancy shall be for a period of not more than fourteen (14) days.
- 4-6-20 Recycling Centers with processing facilities and Recycling Collection Stations shall comply with the following regulations:
- (a) All operations and collections shall be set back at least twenty five (25) feet from each property line and shall comply with the screening standards as applicable and set forth in Article VIII of this Ordinance.
  - (b) The owner or operator of the station shall inspect the site at regular time periods to assure that no litter accumulates and that containers are emptied as often as necessary.
- 4-6-21 Restaurants and/or cafeterias in the Neighborhood Commercial (C-1) district, shall have a seating capacity of no more than eighty (80) patrons.
- 4-6-22 Only during the seasonal holiday months of October, November, and December, Holiday Tree Farms which are located within the General Agriculture (GA) or Suburban Agriculture (SA) zone district containing not less than five (5) acres shall be allowed to conduct retail sales of pumpkins, corn, gourds, hay bales, Christmas, or other holiday trees,

garlands, or wreaths which are grown, cut, or produced thereon. Such Holiday Tree Farms may also conduct retail sales of other similar seasonal decorative items, such as tree stands or tree ornaments, or may provide hay rides, hay mazes, or other similar activities for its customers during such months only.

4-6-23 Temporary Holiday Lots shall be allowed to conduct retail sales only during the seasonal holiday months of November and December.

4-6-24 It is the intent of this article to act concurrently with the Dalton-Whitfield Regional Solid Waste Management Authority, Solid Waste Management Plan to protect the health, safety, and welfare of the citizens and natural resources of Whitfield County. As such, in addition to the requirements contained herein, any new, not yet operational, or expansion of any Solid Waste Handling Facility shall be consistent with the Dalton Whitfield Regional Solid Waste Management Authority, Solid Waste Management Plan.

(a) Solid Waste Landfills are allowed as a Special Use in the General Agriculture (GA) district. Siting of a solid waste landfill shall meet all the criteria provided under the rules of the Georgia Department of Natural Resources, Environmental Protection Division, and Solid Waste Management Regulations.

(b) Inert Waste Landfills are permitted as a Special Use in the General Agriculture (GA) or Suburban Agriculture (SA) district.

(c) Solid Waste Transfer Stations are permitted as a Special Use in the GA, SA, M-1, and M-2 districts provided that:

(1) All transfer stations shall be located adjacent to a collector or arterial road so designated by the Georgia Department of Transportation on their Functional Classification Map for Whitfield County.

(2) Such facility shall have a minimum buffer of twenty-five (25) feet and comply with the screening standards set forth hereinafter.

(3) No portion of a new transfer station shall be located within a two (2) mile radius of the property lines of an existing transfer station or solid waste handling facility.

(4) The hours of operation shall be limited to not more than 6:00 a.m. to 6:00 p.m., Monday through Saturday.

(5) Transfer stations shall be sited and operated in accordance with State Regulations 391-3-4.06 Permit by Rule for Collection, Transportation, Processing, and Disposal; Official



Code of Georgia Annotated 12-8-20 Georgia Comprehensive Solid Waste Management Act; and the Dalton Whitfield Regional Solid Waste Management Authority, Solid Waste Management Plan.

- 4-6-25 The R-4 district permits single-family detached dwellings to develop at a maximum density of ten (10) dwelling units per acre. All such developments are required to be reviewed subject to the presentation of a site plan, subdivision regulations, when applicable, and a rezoning application, as set forth hereinabove. A minimum site area of two (2) acres is required. The minimum separation distance between all detached dwellings in the R-4 district, side to side, is ten (10) feet. The front setback shall be a minimum of twenty (20) feet and the rear setback shall be a minimum of ten (10) feet. Zero-lot line dwellings shall be constructed against the lot line on one (1) side of a lot or parcel, and no windows, doors, or other openings shall be constructed on that side. For the solid wall positioned upon the property line, a maintenance easement of not less than five (5) feet shall be designated on the adjacent lot; and the final subdivision plat for all zero-lot line developments shall show and provide for such maintenance easements.
- 4-6-26 Private Camps shall be located upon a lot or parcel with a minimum total area of eight (8) acres. All regulations of the Whitfield County Health Department regarding on-site sewage management systems shall be fully applicable. Such camp shall be served by public water rather than by individual water supply. Where such camps adjoin residentially used lots or parcels or residentially zoned lots or parcels, a minimum thirty (30) foot buffer, as set forth in Article VIII, shall be placed along any such borders and adjacent to any public or private road.
- 4-6-27 All facilities used in conjunction with an Event Center shall comply with all local, state, and federal building requirements with respect to group assembly, and shall comply with all local, state, and federal environmental requirements with respect to sewage disposal, flood plain management, erosion and sediment control, and storm water management.
- 4-6-28 In compliance with OCGA §36-66-4, any such halfway house, drug rehabilitation center, or other facility for the treatment of drug dependency, location or relocation, shall require a public hearing at least six (6) months and not more than nine (9) months prior to the date of final action by the Governing Authority on any zoning decision (e.g. rezoning, annexation, or special use review). A sign posted on the subject property and a published notice shall contain a prominent statement that the proposed zoning decision relates to or will relocate a halfway house, drug rehabilitation center, or other facility for the treatment of drug dependency. The above public hearing is in addition

to the public hearing that may be required nearest to making a zoning decision per the requirements of the governing authorities' applicable zoning procedures and standards ordinance. The latter posted and published notices shall appear at least fifteen (15) days and not more than forty-five (45) days prior to the date of this public hearing. For either public hearing, the published notice shall be at least six (6) column inches in size and shall not be located in the classified advertising section of the newspaper.

- 4-6-29 Agritourism and organic farming and processing shall be subject to the following minimum criteria: 1) in both the GA, SA, and R-5 zone districts the minimum tract size shall be five (5) acres; 2) facilities for processing products or those facilities on-site that are supportive of agritourism shall not be located within one hundred (100) feet of side or rear property lines, and shall be located in the interior of the property three hundred (300) feet or more from the public road R/W; and 3) on-site signage along any public road R/W shall be limited to an unlighted ground sign.
- 4-6-30 Kennels for boarding and breeding are permitted outright in the C-2 and C-4 zoning districts, and are permitted on parcels with a minimum lot size of five (5) acres in the GA and SA zoning districts.
- 4-6-31 For Brewpubs, Microbreweries, Micro-distillery/wineries, special conditions shall apply as follows:
  - (1) an off-street or alley loading dock is required;
  - (2) drive through service is not allowed.
- 4-6-32 Self Service Storage Warehouses or Climate Controlled are permitted as a Special Use in the C-3, Central Business District provided that:
  - (1) Such use is prohibited in the local historic district boundary designated within the C-3 zoning district.
  - (2) Flammable, explosive, or any hazardous materials are prohibited.
  - (3) An interior sign and an exterior sign, each measuring at least one foot by two feet in size, shall be installed at the facility. The signage shall clearly state that hazardous and flammable materials are prohibited within the storage facility.
  - (4) Trucks or trailers with cargo space in excess of sixteen feet are prohibited.
- 4-6-33 Homeless Facilities are permitted as a Special Use in the C-3, Central Business District and C-4, Transitional Commercial district provided that:
  - (1) Such use is prohibited in the local historic district boundary designated within the C-3 zone district.

(2) Any Homeless facility planned to redevelop and occupy an existing non-residential structure must submit a preliminary site plan.

4-6-34 Wholesale Trade, Warehouse and Distribution Facilities are only permitted for existing commercial or industrial structures within the C-4 zone district.

No Wholesale Trade, Warehouse or Distribution Facility in excess of 10,000 square feet will be permitted within the C-4 zone district.

4-7 **Additional Requirements for PUD and/or MU Districts.**

4-7-1 No PUD shall be permitted upon less than fifteen (15) total contiguous acres. For the purpose of this Section, lands bisected by streets, railroads, creeks, or gas/electricity/utility easements can be considered contiguous.

4-7-2 The maximum gross density per acre within the PUD district shall not exceed eight (8) dwelling units per acre.

4-7-3 No manufactured home nor mobile home shall be permitted within the PUD or MU district.

4-7-4 Not less than twenty percent (20%) of the total acreage or three (3) acres, whichever is greater, shall be set aside as open space within any PUD district.

4-7-5 No lot or parcel within the PUD district may be served by an on-site sewage management system, but shall be served by a Public or Community Sewage Treatment System.

4-7-6 If a PUD is proposed to be developed in phases, not less than 80 percent of all lots and/or parcels within the first phase must be sold prior to the issuance of any permit for phase II, and so on.

4-7-7 Any proposed PUD shall provide for the creation of a homeowners' association, which shall provide for mandatory membership by all owners of a lot or parcel within the PUD, ownership of all common areas, and a perpetual maintenance responsibility for all such common areas.

4-7-8 Any minimum lot area and yard requirements may be waived upon the approval of the site plan.

4-7-9 All single family detached dwellings shall be limited to one principal building per lot.

4-7-10 Approval of a PUD site plan does not exempt the PUD from any applicable subdivision regulations.

- 4-7-11 The only signs that shall be permitted in PUDs are ground signs, window signs, and wall signs.
- 4-7-12 All building permits shall lapse twelve (12) months after issuance. Building permits may be renewed prior to expiration, for another twelve (12) month period.

## **Article V – Parking, Loading, and Driveway Standards**

- 5-1 Intent. The intent of this Article is to provide regulations to:
- (a) Foster safe and efficient circulation of vehicles and pedestrians both on private and public streets.
  - (b) Minimize nuisances arising from on-street parking.
- 5-2 Off-Street Automobile Parking and Storage. Off-street automobile parking and storage space shall be provided on every lot on which any of the uses mentioned in this Article are established, except in the C-3 Commercial District. Such automobile parking or storage space shall be provided with vehicular access to a public road, street, or alley and shall be equal in area to at least the minimum requirements for the specific uses, as set forth below.
- All off-street automobile parking and storage space, except for single-family residential uses, shall be so arranged that vehicles will not be required to back onto a public street, road, or highway when leaving the premises. Each required off-street parking space and/or loading berth shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient access to a public or private street.
- 5-2-1 Submission of a Parking Plan. Except for single-family residential developments, a fully-dimensioned parking plan shall accompany a permit application for any use required to provide over four (4) off-street parking spaces. All off-street parking plans shall provide a clear parking layout according to the requirements of Section 5-3-2.
- 5-2-2 Use of Spaces. Except as otherwise indicated, off-street parking facilities provided for uses shall be solely for the parking of motor vehicles of patrons, occupants, visitors, or employees of such uses.
- 5-2-3 Location.
- (a) On Same Lot. Except as otherwise provided herein, all off-street parking shall be provided on the same lot as the use served.
  - (b) Common Off-Street Parking Areas. Two (2) or more principal uses may use a common parking area to comply with off-street requirements, provided that the total number of individual spaces available in such common area is not less than the sum of the spaces required for the individual uses. The owner of said lot shall relinquish his development rights over the property until such time as parking space is provided elsewhere.

- (c) Required Off-Street Parking Spaces on Other Property. If the required off-street parking spaces cannot reasonably be provided on the same lot on which the principal use is located, such spaces may be provided on other off-street property lying not more than three hundred (300) feet from the property of the principal use. In this situation, the applicant shall submit a legal instrument, duly executed and acknowledged, citing the permanent availability of such off-street parking spaces to serve his principal use.

5-3 Design Standards for Off-Street Parking Facilities. All off-street parking facilities, whether public or private, shall meet the following requirements:

5-3-1 Size. A required off-street parking space shall be striped and provide a rectangular parking area at least eight and one-half (8 1/2) feet in width and at least eighteen (18) feet in length (regardless of the angle of the space to the access aisle). The parking shall have a vertical clearance of at least seven (7) feet.

5-3-2 Parking Layout.

- (a) The layout of parking spaces may be arranged parallel, perpendicular, or diagonal to the aisles. Minimum standards for aisle widths is one-way, twelve (12) feet; two-way, twenty-four (24) feet.
- (b) If a development includes a drive-in window or pick-up station, the driveway or stacking lane for such addition shall be at least ten (10) feet wide.

5-3-3 Improvement and Maintenance. All off-street parking areas intending to serve commercial uses, including ingress and egress, shall be graded to ensure proper drainage, surfaced with concrete, asphaltic material, or porous pavers (See Section 5-4-4) and maintained in a clean, orderly condition.

- (a) Bumper Guards. If bumper guards are placed on the edge of the property line adjacent to a sidewalk or right-of-way, the bumper guards must be arranged so that the bumper of each car will not extend over the sidewalk or right-of way.
- (b) Marking. Each off-street parking space shall be painted with stripes, not less than three (3) inches wide, running the length of each of the longer sides of the space or by other acceptable methods which clearly delineate the parking space within the parking lot.
- (c) Fire Lanes. Fire lanes shall be clearly striped and constructed to Fire Department standards.

- 5-3-4 Landscaping Standards. The owners of parking lots are required to landscape with trees and shrubs to reduce the visual impact of glare, headlights, and parking lot lights from the public right-of-way and from adjoining properties. See City of Dalton Landscaping Ordinance for additional requirements for parking lots within the city of Dalton.
- 5-3-5 Residential Parking. All parking areas serving single-family detached or attached dwellings shall conform to the following additional requirements:
- (a) If garages or carports are converted to living area, then the off-street parking requirements must be met elsewhere on the lot.
  - (b) At no time shall such parked or stored camping and recreational vehicles be occupied or used for living, sleeping, or housekeeping purposes.
  - (c) No commercial vehicle as licensed by the State with gross vehicle weight (GVW) exceeding eleven thousand (11,000) pounds or which shall have three (3) or more axles shall be allowed to park in the R-1, R-2, R-3, R-4, R-5, R-6, or R-7 residential zone districts.
  - (d) Commercial vehicles, licensed by the State, buses, and recreational vehicles shall not be allowed to park overnight on the street in a residential district, but shall be permitted to park temporarily to make delivery or pickup of goods or to perform work at the residence.
- 5-4 Off-Street Parking Requirements for Uses. The minimum number of required off-street parking spaces for each use is provided in Chart 5-4. For uses not specifically listed, the off-street parking requirements shall be those of the most similar use. Gross leasable area (GLA) is the total building floor area in square feet that an owner may lease. Gross floor area (GFA) is the sum of the areas of several floors of a building, including all areas for human occupancy, as measured from the interior faces of the walls, but excluding unenclosed porches, interior parking spaces, or any space where the floor to ceiling height is less than six (6) feet, six (6) inches.
- 5-4-1 Computation. When determination of the number of off-street parking spaces required by this Ordinance results in a requirement of a fractional space, any fraction in excess of one-half shall be counted as one (1) parking space.
- 5-4-2 Handicapped Parking. Parking for the handicapped within a multi-family or non-residential district shall be provided at a size, number, and location according to the requirements of the Georgia Handicapped Accessibility Code.

5-4-3 In lieu of the specific standards shown in Chart 5-4, a detailed parking study that evaluates site-specific circumstances and demand or off-site parking relative to any uses or combination of uses, may be required in the discretion of the Building Inspector.

5-4-4 In lieu of the specific standards shown in Chart 5-4, a ten percent (10%) reduction in the total required minimum number of parking spaces may be allowed at the discretion of the Chief Building Official if presented with a detailed parking study that evaluates site-specific circumstances and demand or documented evidence relative to the uses or combination of uses that are proposed on-site. The Board of Zoning Appeals shall determine the standards beyond the discretion of the Chief Building Official.

**CHART 5-4**

<b>Table: Minimum Parking Spaces Required by Use</b>		
<b>Use</b>	<b>Minimum Number of Parking Spaces:</b>	<b>Required for Each:</b>
<b>a. RESIDENTIAL</b>		
1. Single-Family Residence	2	Dwelling Unit
2. Two-Family Residence	2	Dwelling Unit
3. Multi-Family Residence:		
(a) Efficiency apartment	1	Dwelling Unit
(b) 1-bedroom unit or larger	1.5	Dwelling Unit
(c) Manufactured Home Park	2	Per Unit
4. Retirement Community	1	Dwelling Unit
5. Nursing Homes, Personal Care Homes, Fraternity or Sorority Houses	1	Each 2 residents or beds
6. Bed & Breakfast, Rooming House, Boarding House	1 2	Room to be rented, plus Dwelling Unit
7. Hotel or Motel:		
(a) Convention hotel, or a motel with a restaurant or lounge.	1½	Room
(b) Non-convention hotel or a motel with no restaurant	1	Room



Table: Minimum Parking Spaces Required by Use		
Use	Minimum Number of Parking Spaces:	Required for Each:
<b>b. COMMERCIAL</b>		
1. Offices: general and professional offices, insurance and real estate offices	3½	1,000 sf <sup>1</sup> of GFA <sup>2</sup>
2. Banks	3½	1,000 sf of GFA
3. Offices - Medical & Dental	5	1,000 sf of GFA
4. Funeral Home	20	Viewing Room
5. Daycare Center	1	400 sf of GFA
6. Movie Theater	1	4 Seats
7. Service Station, Gas Station, Auto Repair Shop or Garage	3 5	Service bay, plus 1,000 sf of retail space
8. Automobile, Truck, Recreation Vehicle, Manufactured Home or Utility Structure Sales	2 1 3	1,000 sf of indoor sales area, plus 2,500 sf of outdoor display, plus Service bay
9. Custom Service Restaurant:3		
(a) Quality restaurant	16	1,000 sf of GFA
(b) Family Restaurant	9½	1,000 sf of GFA
10. Fast Food Restaurant	14	1,000 sf of GFA
11. Bowling Center	4	Lane
12. Amusement Parlor, Recreational Attraction, Roller Skating or Ice Skating Rink	5	1,000 sf of GFA
13. Health Club or Fitness Center	4½	1,000 sf of GFA
14. Shopping Centers		
(a) Less than 100,000 sf of GLA <sup>4</sup>	4 3 10	1,000 sf of total GLA, plus 100 movie theater seats, plus 1,000 sf of food service area
(b) 100,000-199,999 sf of GLA	4 3 6	1,000 sf of total GLA, plus 100 theater seats over 450, plus 1,000 sf of food service area
(c) 200,000-399,999 sf of GLA	4 3	1,000 sf of total GLA, plus 100 theater seats over 750

<sup>1</sup> Square feet.

<sup>2</sup> GFA—Gross floor area as defined in this Article.

<sup>3</sup> As defined in this Article.

<sup>4</sup> GLA—Gross leasable area as defined in this Article.

Table: Minimum Parking Spaces Required by Use		
Use	Minimum Number of Parking Spaces:	Required for Each:
(d) 400,000-599,000 sf of GLA	4½ 3	1,000 sf of total GLA, plus 100 theater seats over 750
(e) 600,000 or more sf of GLA	5 3	1,000 sf of total GLA, plus 100 theater seats over 750
15. Supermarket	5	1,000 sf of GFA
16. Furniture or Carpet Store	1	1,000 sf of GFA
17. Building Supplies, Brick or Lumber Yard	2 1	1,000 sf of indoor sales area, plus 2,500 sf of outdoor display
18. Retail Sales or Service establishments not listed above	5	1,000 sf of GFA
<b>c. INDUSTRIAL AND MANUFACTURING</b>		
1. Wholesale, Office-Warehouse	1 1	200 sf of office space, plus 1,000 sf of storage area
2. Open storage of sand, gravel, petroleum, etc.	1	2,500 sf of outdoor sales area, if any
3. Warehouse, Transfer and Storage	1	600 sf of GFA
4. Warehouse including commercial sales to the public	1 1	200 sf of sales or office, plus 1,000 sf of storage area
5. Manufacturing	2½	1,000 sf of GFA
<b>d. INSTITUTIONAL AND OTHER</b>		
1. Hospital	1.8	Bed
2. Auditoriums, churches, theatres, stadiums, private clubs, fraternal lodges and other places of assembly	1 1 1	4 seats in the largest assembly room, or 12 feet of pew in the largest assembly room, or 100 sf in the largest assembly room
3. College (instructional space)	10	Classroom
4. Technical College, Trade School	10	Classroom
5. Senior High Schools	6	Classroom
6. Elementary & Jr. High Schools	2	Classroom
7. Library or museum	2	1,000 sf of GFA



## 5-5 General Regulations for Off-Street Loading/Unloading.

### (a) Off-street truck loading; where required.

Areas proposed for loading and unloading motor vehicles in off-street locations shall be provided at the time of the initial construction of any building or structure used or arranged to be used for commercial, industrial, hospital, institutional, hotel/motel or multifamily residential purposes in any zoning district. Such off-street loading areas shall have access to a public alley or street and shall be provided and maintained in accordance with the following requirements, the computation of which shall not be included in the off-street parking requirements.

- (1) Loading spaces provided. Any such business or use shall provide adequate off-street facilities for the loading and unloading of merchandise, supplies, goods, freight, provisions or furnishings within or adjacent to the building as deemed appropriate by the owner or occupants of the property. Such loading facilities, if provided, shall not obstruct freedom of vehicular traffic or pedestrian movement on the public streets and sidewalks.
- (2) Location of off-street loading areas. Off-street loading and unloading areas shall in all cases be located on the same lot or parcel of land as the structure they are intended to serve. In no case shall the off-street loading space be considered as part of the area provided to satisfy off-street parking requirements as listed herein.
- (3) Adequacy of loading area. All such uses shall provide off-street loading areas sufficient for their requirements. Such space shall be adequate if no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into a public street, walk, alley or way.

### (b) Setback requirements; loading areas.

- (1) Off-street truck loading areas shall be set back from the front property line by at least 10 feet. An additional 10-foot setback from any buffer required along a side or rear property line shall also be maintained.
- (2) The required setback area between the front property line and the truck loading area shall be used for landscaping and/or screening as referenced in Section 5-3-4.

### (c) Truck loading on public streets restricted.

The loading or unloading of business merchandise, supplies, goods or freight within a street right-of-way is prohibited in all zoning districts.

## 5-6 Driveway Regulations.

- 5-6-1 Frontage and Boundaries. The frontage of any parcel of property adjacent to a public highway shall be considered to be confined between lines drawn from the intersection of the property lines with the right-of-way lines of the highway, to the roadway surface or the curbing, if any, and perpendicular to the axis of the highway; or if the axis is a curve, to the center of curvature, or a combination of the two. Those lines shall be known as boundaries.
- 5-6-2 Five-Foot Reserve. No entrance or exit shall be so constructed that any part of such entrance or exit shall be less than five (5) feet from the boundaries, as defined in Section 5-6-1, except for returns which may extend to and become tangent at the boundary line, but shall not extend beyond same. For the purposes of topography and/or public safety, the Zoning Administrator or Chief Building Official may consider and authorize the shared driveways on a common property line.
- 5-6-3 Number of Driveways Authorized. No more than two (2) combined entrances and exits shall be allowed to any parcel the frontage of which is less than two hundred (200) feet. Additional entrances or exits for parcels of property having a frontage in excess of two hundred (200) feet shall be permitted only after showing of actual requirements of convenience and necessity. When frontage is fifty (50) feet or less, only one combined entrance-exit is permitted, the width of which shall not exceed the frontage.
- 5-6-4 Driveway Design. (1) Width: The width of any entrance or combined entrance-exit driveway shall not exceed fifty (50) feet measured parallel with the roadway or, if roadway is on a curve, parallel with the tangent of the curve at the point where the center line of the driveway intersects the curb, or edge of pavement where curb does not exist. (2) Angle: The angle of driveways shall not be less than forty-five (45) degrees with the edge of the road or street except on divided highways the entrance angle to roadside commercial establishments may be reduced to thirty (30) degrees. Exit drives from roadside commercial establishments on divided highways shall have an angle of not less than sixty (60) degrees with the roadway.
- 5-6-5 Sight Distance. No portion of an entrance or exit drive shall enter the right-of-way at a point less than twenty-five (25) feet from the intersection of the right-of-way lines or street property lines.

## **Article VI - Towers and Antennae**

**6-1 Purposes.** The purposes of this Article shall be:

6-1-1 To provide for the appropriate location and development of tower facilities in such locations which promote public safety and general welfare and serve the residents and businesses of Whitfield County, while complying with the federal Telecommunications Act of 1996.

6-1-2 To minimize, through proper siting, screening, and design the potential for visual blight and incompatibility and the proliferation of towers and antennae.

6-1-3 To promote tower safety through proper engineering and siting.

6-1-4 To promote and maximize the shared-use or co-location of new and existing towers.

6-1-5 To encourage the use of existing structures for antenna locations as an alternative to the development of additional single use towers.

6-1-6 To accommodate the increased demand for tower facility development.

**6-2 Definitions.** For the purposes of this Article, the following specific terms shall be defined as follows:

**Alternative Tower Structures:** Shall mean man-made structures such as clock towers, bell towers, church steeples, water towers, light poles, man-made trees, existing conforming towers, warehouses, factories, commercial buildings, multi-family buildings fifty (50) feet or more in height and publicly-used structures, such as police and fire stations, libraries, community centers, civic centers, utilities structures, elevated roadways, bridges, flag poles, schools, hospitals, and other structures which can, from the stand point of structural integrity and engineering safety, be used for the mounting of antennae or serving a similar function as a tower, as defined hereinbelow.

**Antenna:** Shall mean any exterior apparatus designed for the sending and/or receiving of electromagnetic waves.

**FAA:** Shall mean the Federal Aviation Administration.

**FCC:** Shall mean the Federal Communications Commission.

**Guy Tower:** Shall mean a tower supported, in whole or in part, by guy wire(s) and ground anchors.

**Height:** Shall mean the vertical distance of any tower as measured from the bottom of the base of the tower at ground level to the highest point of such tower.

**Lattice Tower:** Shall mean a telecommunications tower not exceeding three hundred fifty (350) feet in height and having open-framed supports on three or four sides and constructed without guy wires and ground anchors.

**Monopole Tower:** Shall mean a telecommunications tower not exceeding two hundred fifty (250) feet in height and constructed of a single pole, without guy wire(s) or ground anchors.

**Preexisting Towers and Antennas:** Shall mean any conforming, pre-existing tower or antenna for which a permit has been properly issued prior to the effective date of this Article. Any non-conforming, pre-existing tower or antenna which sustains a casualty equaling fifty percent (50%) or more of its value shall not be reconstructed or restored unless otherwise in conformity with this Article.

**Tower:** Shall mean any vertical structure which is designed and constructed primarily for the purpose of supporting one (1) or more antennae, including self-supporting lattice towers, guy towers, or monopole towers. This general term includes radio, television, microwave, common carrier, P.C.S., analog, digital, cellular telephone, alternative tower structures, and the like.

### **6-3 Review Process: Exempt from further review or Special Use Review**

6-3-1 Towers in the C-1, C-2, C-4, M-1, and M-2 Zone designations, which otherwise meet the General Requirements set forth hereunder and which additionally meet the following specific conditions are a permitted use hereunder and may apply directly to the Zoning Administration for a permit, pursuant to Section 6-6:

- (a) In addition to the setback requirements for all towers as set forth in Section 6-5-10, the proposed tower shall not be within two hundred (200) feet of any dwelling, regardless of the zoning district in which any such dwelling may be located.
- (b) With respect to the construction of a monopole tower, the proposed tower facility shall contain at least two-thousand five hundred (2,500) square feet of ground area available at the tower base, so as to accommodate up to three (3) maintenance/operation structures. With respect to the construction of either a guy tower or lattice tower, the proposed tower facility shall contain at least six thousand (6,000) square feet of ground area available at the tower base, so as to accommodate up to three (3) maintenance/operation structures.
- (c) Any person or entity proposing to co-locate an antenna upon a pre-existing tower or either an antenna or tower upon an alternative

tower structure, except where such alternative tower structure is itself a non-conforming use pursuant to its zoning classification, may apply directly to the Zoning Administrator for a permit.

**6-3-2 Government Owned Property.** Any person or entity proposing to locate a tower upon a lot or parcel owned, leased, or otherwise controlled by Whitfield County, the City of Dalton, the City of Varnell, or any other unit of local government, or which is owned and operated for the sole purpose of municipal use, in the pursuit of the general public safety and public welfare, may apply directly to the Whitfield County Engineer for a permit regardless of the zoning of such lot or parcel. Any unit of local government desiring to erect a tower upon its own property for its own governmental purposes need not apply to the Whitfield County Engineer or his or designee for a permit, but shall ensure that all applicable building or other safety codes are met.

**6-3-3 Towers Under Seventy Feet in Height.** Any person or entity proposing to locate a tower or antenna less than seventy (70) feet in height, which is owned and operated by and for an amateur radio operator and licensed by the FCC, may apply directly to the Whitfield County Engineer or his or designee for a permit.

**6-4 Review Process: Required Special Use Review**

**6-4-1** Towers in the GA, SA, R-1, R-2, R-3, R-4, R-5, R-6 and R-7 Zone designations and those in the C-1, C-1A, C-2, C-3, C-4, M-1, and M-2 Zone designations which do not meet those conditions set forth in Section 6-3 above are allowed only pursuant to Special Use approval.

**6-4-2** Towers proposed to locate upon any alternative tower structure which is a non-conforming use are allowed only pursuant to Special Use approval.

**6-5 General Requirements.** The location and construction of towers governed by this Article shall comply with the following general requirements:

**6-5-1 Construction/Inspections.** Towers shall be constructed and maintained in compliance with applicable building codes, industry standards, and standards for towers published by the Electronic Industries Association, as amended.

- (a) Tower owners shall conduct and be solely responsible for periodic written inspections of such towers at least every twelve (12) months to ensure structural integrity. Such inspections shall be conducted by a structural engineer with a current license issued by the State of Georgia. The results of such inspection shall be submitted to the Whitfield County Engineer or his or designee and shall be



maintained by the tower owner(s) and available for public review upon request.

- (b) If, upon a review of the results of such inspections or upon physical inspection, the Whitfield County Engineer or his or designee concludes that a tower fails to comply with such codes and standards and poses a danger to persons or property, then upon written notice thereof to the owner, the owner shall have thirty (30) days to bring such tower into compliance. Should the owner fail to bring the tower into compliance within thirty (30) days, Whitfield County may remove such tower at the owner's expense pursuant to **OCGA §41-2-8** through **§41-2-12**.

- 6-5-2 **Regulatory Compliance.** Tower owners shall provide documentation showing that each tower is in compliance with standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennae. Such evidence of compliance, which may consist of a certification by the tower owner, shall be submitted to the Building Inspector at least every twelve (12) months. If such standards and regulations are changed, then the owner(s) of the towers and antennae governed by this Article shall bring such tower or antennae into compliance with such revised standards and regulations as mandated by the controlling agency.
- 6-5-3 **Security.** All towers, except alternative tower structures, shall be enclosed by decay-resistant security fencing not less than six (6) feet in height and shall be equipped with an anti-climbing device.
- 6-5-4 **Advertising.** Except for the owner's identifying name plate, including emergency telephone number(s), to be located upon the gate or security fence surrounding the tower base, advertising on towers shall be prohibited.
- 6-5-5 **Tower Lighting.** Illumination is prohibited on towers, except where required by the FCC or FAA, as necessary for air traffic safety. When illumination is required, documentation shall be provided to the Building Inspector identifying the type of illumination required and any available alternatives. The Building Inspector may review alternative permissible illumination and may mandate the design causing the least disturbance to the surrounding uses and views.
- 6-5-6 **Access.** Access for maintenance vehicles shall be the right of way which would most minimize interference with public traffic. Proposed sites which lack frontage on a public or private road shall provide an easement at least twenty-five (25) feet wide with at least twelve (12) feet graveled or paved travel way.

- 6-5-7 **Hazardous/Volatile Substances.** Use of a lot by a tower shall be prohibited when another principal use, on the same lot, includes the storage, distribution, or sale of volatile, flammable, explosive or hazardous materials such as propane, gasoline, natural gas, dangerous chemicals, or hazardous waste when such materials are not part of an emergency power source for the tower facilities.
- 6-5-8 **Maintenance/Operation Structures.** Maintenance/Operation structures adjacent to any tower facility area shall be used only to house equipment and other supplies directly in support of the tower. Such structures shall not be used for offices, vehicle storage or for any continuous human occupation. Any equipment not used in direct support of a tower site shall not be stored on the site.
- 6-5-9 **Historic Sites.** Tower facilities shall not be attached to or mounted to historically significant buildings, structures, or places identified by placement upon the National Register of Historic Places, by designation as a State Historical site, by designation by the Governing Authority, by designation by the Whitfield-Murray County Historical Society as a historic site, or as part of a locally-designated historic district.
- 6-5-10 **Setbacks and Separations.** All towers shall comply with the following standards, except that existing alternative tower structures are exempt from the minimum setback and separation requirements of this section; provided, however, that such alternative tower structure must be a conforming use within the zoning district in which it is located for this setback exemption to apply as of right.
- (a) All Towers, regardless of the zoning district in which such tower is proposed to be located, shall set back at least a distance equal to the height of the tower plus fifteen (15) feet or two hundred (200) total feet, whichever is less, from any dwelling, GA, SA, R-1, R-2, R-3, R-4, R-5, R-6, or R7 zoning district line, or public property, regardless of whether such distance shall cross any public or private right-of-way or roadway. This requirement shall be in addition to but concurrent with all other setbacks required by the zoning district in which a proposed tower is to be located.
  - (b) All towers and maintenance/operation structures (including guy wires) shall comply with the setbacks as required by the zoning district in which the tower is to be located.

## 6-6 **Buffering Tower Sites.**

- 6-6-1 Tower sites shall be landscaped with a buffer of plant materials such that the view of the base of the tower is screened from any public rights-of-way,

public property, and any GA, SA, R-1, R-2, R-3, R-4, R-5, R-6, or R-7 zoned property.

6-6-2 In locations where the visual impact of the tower would be minimal, this landscaping requirement may be reduced or waived altogether by the Board of Zoning Appeals.

6-6-3 Existing mature growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as when towers are sited upon large, wooded lots, natural growth around the perimeter of the property may be sufficient if so determined by the Board of Zoning Appeals.

6-6-4 In buffer construction, native vegetation shall be preserved to the fullest extent possible.

6-7 **Visual Impact.**

6-7-1 Towers shall maintain a galvanized matte steel finish or be painted a neutral, earth-toned color, unless otherwise required by the FAA.

6-7-2 The design of maintenance/operation buildings and/or accessory structures at the tower site shall use materials, colors, textures, screening, and landscaping which create the greatest level of compatibility with the natural environment and existing land use patterns.

6-7-3 Antennae installed on an alternative tower structure and supporting electrical and mechanical equipment shall be of a neutral color which is similar to or complements the color of the alternative tower structure.

6-7-4 Tower antennae shall be designed to be visually compatible with the exterior of the alternative tower structure to which they are to be attached.

6-8 **Shared Use/Co-location.** New tower sites may not be permitted if there is technically and commercially reasonable space available for shared use/co-location on a conforming pre-existing tower.

6-8-1 The application for a permit to develop a tower shall demonstrate that no existing tower or alternative tower structure can accommodate the proposed antenna. Evidence submitted to demonstrate that no existing tower or alternative tower structure can accommodate the proposed antenna shall consist of the following:

- (a) Certification that no existing tower or alternative tower structures are located within the geographic area necessary to meet the applicant's engineering requirements.

- (b) Certification that existing tower or alternative tower structures have insufficient height and cannot be modified to accommodate the applicant's engineering requirements.
- (c) Certification that existing tower or alternative tower structures do not have sufficient integrity or strength and cannot be modified to support the proposed antenna and related equipment.
- (d) Certification that the proposed antenna would cause interference with the antenna on the existing tower or alternative tower structure, or that the antenna on the existing tower or alternative tower structure would cause interference with the applicant's proposed antenna.
- (e) Certification that the fees, costs, or contractual provisions required by the owner in order to share an existing tower or alternative tower structure or to adapt an existing tower or alternative tower structure for sharing unreasonably exceed market costs.
- (f) The applicant demonstrates that there are other objective limitations which render existing towers unsuitable.

6-8-2 Permit applicants for towers shall certify and demonstrate their intent to allow the shared use of such facilities with other tower apparatus which does not interfere with the primary purpose of the tower or such applicant shall document that the reserved space on the tower is to fulfill the owner's future needs. All applicants shall identify how the applicant will make available such shared use/co-location.

6-9 **Application Procedures.** Application for a permit for any tower, antenna, or use of an alternative tower structure shall be made to the Zoning Administrator. All applicants, whether exempt from further review or whether Special Use approval is necessary hereunder, shall complete an application in accordance with this section. If the permit application is not exempt from further review and if Special Use approval is required, the permit application and Special Use application shall be forwarded to the Planning Commission and, thereafter, to the Governing Authority for Special Use review. If the Special Use is approved, the permit application may then be presented to the Chief Building Official for review. Incomplete applications shall not be considered. A complete permit application shall contain, in addition to the information contained upon every application for a building permit in Whitfield County, the following information specifically relating to towers:

6-9-1 **Inventory of Existing Towers.** An inventory of the applicant's existing towers which are either within Whitfield County, including all municipal corporations located therein and including areas within one-half

(1/2) mile of the border thereof, including the specific locations, heights, and designs of each such tower.

- 6-9-2 A description of the proposed tower's area of service.
- 6-9-3 Photo simulations or renderings of the proposed tower illustrating the potential visual impact, for Special Use review only. For towers exempt from further review, this Section shall be satisfied by photos or drawings of similar towers.
- 6-9-4 A site plan or plans to scale specifying the proposed location and dimensions of tower(s), size of maintenance/operation buildings or uses, access, parking, fences, landscape plans, existing and adjacent land uses.
- 6-9-5 A site plan for alternative tower structures shall show adjacent rights-of-way, buildings, and structures, including the structure=s height and dimensions, proposed antenna location on the structure or building and adjacent land uses.
- 6-9-6 A report from a Professional Engineer, currently licensed in Georgia, documenting the following information:
  - (a) Tower height and design, including technical, engineering, economic, and other pertinent data and/or factors governing the proposed tower design.
  - (b) Total anticipated capacity of the structure, including number and types of antennae which can be accommodated.
  - (c) Evidence of structural integrity of the tower structure.
  - (d) Failure characteristics of the tower and demonstration that the site, setbacks, and separation from other uses are of adequate size or distance to protect the safety of the general public and of all nearby landowners.
- 6-9-7 A written statement from the owner of the tower certifying that the proposed tower site complies with regulations administered by the FAA and FCC, or stating that the tower is exempted from these regulations.
- 6-9-8 Evidence of compliance with the co-location requirements set forth herein.
- 6-9-9 If the proposed tower is to be located upon property owned by any unit of local government pursuant to Section 6-3-2, then the applicant shall file either a copy of the lease agreement or other written certification or agreement from such unit of local government that such applicant has the permission of the land owner for the proposed tower facility project.

6-9-10 Any additional information which may be reasonably requested by the Whitfield County Engineer, Chief Building Official, Zoning Administrator, Planning Commission, or Governing Authority, in order to evaluate fully and to review the proposed tower site and the potential impact of a proposed tower and/or antenna.

6-10 **Abandoned Towers.** Any tower found to be abandoned and not in compliance with these regulations, or found to constitute a danger to persons or property, shall, upon written notice by the Whitfield County Engineer or his or her designee to the owner(s) of such tower, be brought into compliance or removed within thirty (30) days. Any tower or antenna not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of such tower or antenna shall remove the same within thirty (30) days of receipt of written notice.

## **Article VII - Home Occupations**

7-1 **Purpose and Intent of Article.** It is the purpose and intent of this Article:

- 7-1-1 To protect residential areas from the potentially adverse effects of commercial activities associated with home occupations;
- 7-1-2 To allow residents the reasonable opportunity to use their dwelling for the production of or supplementation of family income;
- 7-1-3 To establish performance criteria and development standards for home occupations.

7-2 **Performance Criteria.** Home occupations shall be allowed only if:

- 7-2-1 Incidental to the use of the premises as a dwelling;
- 7-2-2 Compatible with residential use;
- 7-2-3 No exterior alterations which affect the residential character of the property are necessary.
- 7-2-4 The use is limited in extent.

7-3 **Standards.** In addition to the requirements of the definition of Home Occupation set forth in Article II of this Ordinance, the following standards shall apply to all proposed home occupations:

- 7-3-1 Home occupations shall not include the employment of any person not otherwise residing upon the premises;
- 7-3-2 All retail sales upon the premises shall be prohibited, except for products or goods fabricated or produced at the premises as a result of the home occupation;
- 7-3-3 All home occupations shall be conducted within the enclosed living area, including basement, if any, of the dwelling provided that no more than twenty-five percent (25%) of the total enclosed square footage of the dwelling may be used in furtherance of a home occupation;
- 7-3-4 No products, materials, equipment, fixtures, or machinery fabricated or used in the home occupation may be visible from the exterior of the dwelling;
- 7-3-5 No alteration of the residential appearance of the dwelling shall occur;

- 7-3-6 No entrance to the dwelling shall be used exclusively for the home occupation;
- 7-3-7 No increased traffic flow or increased on or off-street parking shall occur;
- 7-3-8 No hazardous or other materials or equipment adverse to the public health, welfare, safety shall be used in the home occupation;
- 7-3-9 No increased noise, glare, vibration, fumes, odors, or electrical interference shall occur;
- 7-3-10 Not more than one (1) non-commercially licensed or titled vehicle with a carrying capacity of no more than one (1) ton shall be used in the home occupation. No commercially licensed or titled vehicles shall be used in the home occupation.
- 7-4 **No Permit Required; Enforcement.** No permit is required to establish a home occupation. Enforcement of compliance with the criteria and standards set forth herein shall be by the Zoning Administrator.



## Article VIII -- Buffers

- 8-1 **Buffer Requirement.** A buffer, as specified herein below, shall be required when a proposed development abuts property in a less intense zone district, unless the adjacent zone district is already developed with uses similar to the proposed uses. Refer to the following table for the required buffer:

	DISTRICTS REQUIRED TO BUFFER										
	R-6	R-7	PUD	MU	C-1A	C-1	C-2	C-3	C-4	M-1	M-2
<i><b>Abutting District</b></i>	<b>Width of Required Buffer</b>										
<b>GA</b>	15'	15'	TBD	TBD	15'	20'	20'	20'	20'	30'	30'
<b>SA</b>	15'	15'	TBD	TBD	15'	20'	20'	20'	20'	30'	30'
<b>R-1</b>	15'	15'	TBD	TBD	15'	20'	20'	20'	20'	30'	30'
<b>R-2</b>	15'	15'	TBD	TBD	15'	20'	20'	20'	20'	30'	30'
<b>R-3</b>	15'	15'	TBD	TBD	15'	20'	20'	20'	20'	30'	30'
<b>R-4</b>	15'	15'	TBD	TBD	15'	20'	20'	20'	20'	30'	30'
<b>R-5</b>	None	15'	TBD	TBD	15'	20'	20'	20'	20'	30'	30'
<b>R-6</b>	None	None	TBD	TBD	15'	15'	15'	15'	15'	30'	30'
<b>R-7</b>	None	None	TBD	TBD	15'	15'	15'	15'	15'	30'	30'
<b>PUD</b>	None	None	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
<b>MU</b>	None	None	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
<b>C-1A</b>	None	None	TBD	TBD	None	None	None	None	None	None	None
<b>C-1</b>	None	None	TBD	TBD	None	None	None	None	None	None	None
<b>C-2</b>	None	None	TBD	TBD	None	None	None	None	None	None	None
<b>C-3</b>	None	None	TBD	TBD	None	None	None	None	None	None	None
<b>C-4</b>	None	None	TBD	TBD	None	None	None	None	None	None	None
<b>M-1</b>	None	None	TBD	TBD	None	None	None	None	None	None	None
<b>M-2</b>	None	None	TBD	TBD	None	None	None	None	None	None	None

**TBD** – To be determined by the applicable governing body during the Special Use review approval-process.

- 8-1-1 Buffers shall be located within and along the outer perimeter of a lot or parcel along the side and/or rear lot lines. Buffers shall not be located upon any portion of existing, dedicated, or reserved public or private road right-of-way.

- 8-1-2 No building permit shall issue for any lot or parcel development requiring a buffer until such time as that buffer, as specified herein, shall be

substantially in place or until acceptable surety for the cost of the buffer installation shall be provided to the Building Inspector. Acceptable surety shall consist either of an irrevocable letter of credit from an approved lending institution or a performance bond from an approved insurer in an amount not less than fifteen dollars (\$15.00) per linear foot of area to be buffered. The required buffer must be completed and in place within thirty (30) days before any such surety shall lapse or within six (6) months of the issuance of the building permit, whichever shall occur sooner.

- 8-1-3 If the required buffer shall not be completed and in place as set forth herein, then, in such circumstance, the Zoning Administrator or designee shall have authority to go upon such areas of the subject parcel as reasonable and necessary to construct the required buffer, utilizing the surety previously provided. The Governing Authority shall not be liable for such action unless the Zoning Administrator or his or her designee shall act with gross negligence in coming upon and/or damaging such parcel.
- 8-2 **Passive Use.** A buffer may be used for some forms of passive recreation such as pedestrian, bicycle, or equestrian trails; or a buffer may be used to locate a stormwater retention area provided that:
- 8-2-1 No planted materials shall be eliminated.
- 8-2-2 The total width of the buffer shall be maintained.
- 8-2-3 A buffer shall not be used for any active recreational use such as playfields, stables, swimming pools and tennis courts.
- 8-3 **More Intense Use Must Provide Buffer.** When adjoining properties are zoned in dissimilar use districts, the property within the more intensive use district shall be required to provide the buffer. However, when adjoining vacant parcels are in dissimilar use districts, no buffer is required when the parcel zoned for the less intensive use seeks a building permit.
- 8-4 **General Buffer Design.** All buffers required by this Article shall conform to the following specifications:
- 8-4-1 Prior to development, a buffer plan shall be required to show the types and locations of all screening devices within a required buffer. If a site development plan is required, a buffer plan may be incorporated as part of the site development plan.
- 8-4-2 Landscaping within buffer areas shall be used to screen objectionable views or nuisances, such as parking and service areas, refuse containers, air conditioning units and transformers. Existing on-site plantings may be credited as landscaped open space meeting the requirements of this section if such plant materials achieve the purposes of this section.

## **8-5 Zoning Buffer Standards.**

### **8-5-1 General.**

- (a) Buffer areas shall contain no driveways, access easements, parking areas, patios, storm water detention facilities, or any other structures or accessory uses except for a fence, wall or earthen berm constructed to provide the visual screening required to meet the standards of this Article.
- (b) Underground utilities including closed storm drains may be permitted to cross perpendicular to a buffer if the screening standards of this Article will be subsequently achieved.
- (c) Vehicular access through a buffer may be allowed only as a condition of rezoning, Special Use or Planned Unit Development zoning approval by the Governing Authority.

### **8-5-2 Minimum required screening.**

A required zoning buffer must create a barrier that substantially blocks the sight lines, noise transmission, and the transfer of artificial light and reflected light up to a height of not less than six (6) feet at the property line (or such greater height as required by conditions of zoning approval on a particular property).

### **8-5-3 Natural buffers.**

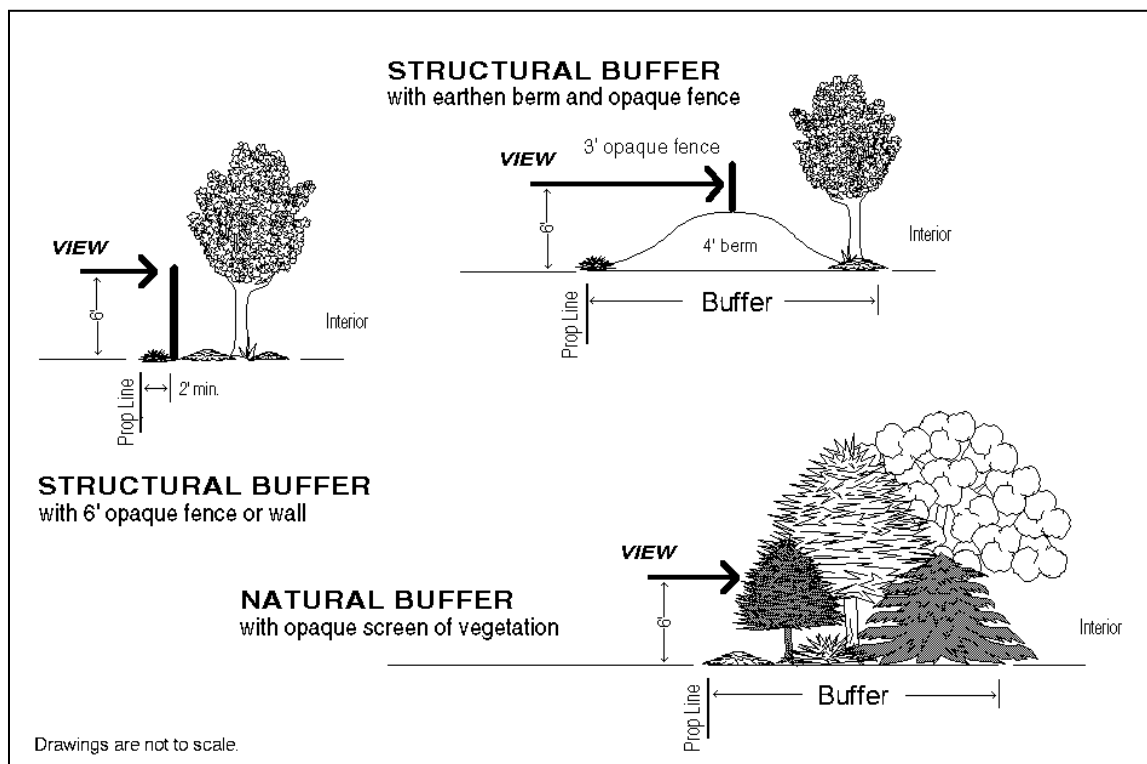
Natural buffers shall be composed of healthy plants with growth characteristics to produce a dense, compact visual screen not less than six (6) feet in height. Natural buffers may contain deciduous or perennial vegetation, but shall contain existing or planted evergreen shrubs and trees suitable to local growing conditions that will provide an opaque visual screen during all seasons of the year.

### **8-5-4 Structural buffers.**

A structural buffer shall provide a continuous visual screen throughout its entire length, and may consist of any combination of the following, as approved by the Zoning Administrator: Opaque fencing constructed of cedar, redwood, treated and stained or painted wood, vinyl replicating wood, or other suitable all-weather material; masonry walls of brick or stone; concrete block walls treated with a decorative finish; planted or natural vegetation; or earthen berms. Structural buffers shall meet the following criteria:

- (a) Structural buffers shall be vegetated throughout the minimum area required for the buffer around any fences or walls and upon any earthen berms, which may include ground covers, shrubs and trees, and areas that are mulched.

- (b) All earthen berms shall have a maximum side slope of fifty percent (50 %) (one (1) foot of vertical rise to two (2) feet of horizontal run.) Earthen berms shall not be constructed within the drip line of any existing trees that will remain on the property; new trees that overhang the berm may be planted after the berm is constructed.
- (c) Trees shall be located or planted within any structural buffer at a density of not less than one tree for each twenty-five (25) feet of buffer length or portion thereof (or every thirty-five (35) feet for shade trees). New deciduous trees shall have a caliper of not less than two (2) inches upon planting, and new evergreens shall be at least six (6) feet tall when planted. Trees may be clustered following professional landscaping standards for spacing, location and design
- (d) Fences and freestanding walls shall present a finished and decorative appearance to the abutting property, and shall be located not closer to the property line than two (2) feet. Shrubs, ground covers, or other vegetation shall be provided between the fence or wall and the property line so as to provide a decorative effect, following professional landscaping standards for spacing, location and design.
- (e) Examples of buffers are shown in the following illustration:



- 8-6 **Maintenance of buffers.** Every buffer required under this Article shall be maintained by the owner of the property where the buffer is located, so as to provide an opaque visual screen to a height of six (6) feet on a continuous, year-round basis. Dead or dying plants or trees must be replaced immediately with the same or an equivalent species.
- 8-7 **Reduction for unnecessary buffers.** The Governing Authority may reduce a zoning buffer requirement to a temporarily appropriate level of screening if the Comprehensive Plan anticipates future development on the adjoining property in a land use category such that a zoning buffer would not be required or may be reduced by this Ordinance once the adjoining property is rezoned or developed. Such determination shall be based upon the Future Development Map in the Comprehensive Plan, surrounding land use and zoning patterns, and the propriety of a future zoning change on the adjoining property.
- 8-8 **Variances.** The requirements of this Article may be altered, amended, or waived by the Board of Zoning Appeals, depending upon circumstances, if it is shown by clear and convincing evidence either that the existing topography and/or vegetation will achieve the purposes of the Article or that, because of the topography, no required screening device could screen the ground level activities of the more intense use from the ground level activities of the abutting less intense use.

## **Article IX - Non-Conforming Use, Structure, or Lot**

- 9-1 Any use of land legally established at the time of enactment or subsequent amendment of this Ordinance, which would not be permitted as a new use in the zone district in which it is located, or any structure or accessory structure which is legally established at the time of enactment or subsequent amendment of this Ordinance and is not built in conformity with the current requirements of this Ordinance, or any lot of record whose area, frontage, width or other dimensions, or location which no longer meets or exceeds one or more such requirements of the applicable zoning district, may be continued pursuant to compliance with all of the following limitations:
- 9-1-1 A non-conforming use may not be changed, altered, or amended to any other non-conforming use.
- 9-1-2 A non-conforming use may not be re-established after discontinuance of such use for a period of twelve (12) months.
- 9-1-3 A non-conforming use, structure, or accessory structure may not be enlarged beyond its size at the time it shall become non-conforming, nor shall the intensity of the use therein increase. This provision shall include, but shall not be limited to, the size of the building, the use of additional land, or the use of additional or more powerful equipment. Approval for such expansion of a non-conforming use shall require a successful rezoning of the lot or parcel in order to bring such use or parcel into compliance with this Ordinance. This provision shall not apply to any residential addition onto an existing non-conforming single family dwelling, provided such addition does not further encroach upon the required setback area. This provision also shall not apply to the replacement of an existing, non-conforming mobile or manufactured home used for residential purposes with another manufactured home, with the same or fewer bedrooms.
- 9-1-4 A non-conforming structure may be rebuilt, altered without enlargement or expansion in any sense, repaired, or replaced at a size, use, or impact not larger than the original size and in substantially the same location for the same use within twelve (12) months following damage or loss to such structure. This provision, however, shall not apply to condemnation or voluntary demolition, the effect of which shall be immediate forfeiture of the non-conforming use upon the affected lot or parcel or portion thereof.

## **Article X - Administration, Enforcement, and Penalties**

- 10-1 **Administration by Zoning Administrator's Office.** The provisions of this Ordinance shall be administered by the Zoning Administrator, who is hereby given the authority to perform such functions and/or to designate such other persons as he or she shall deem necessary to administer and to enforce the requirements of this Ordinance, including, but not limited to, the issuance of stop work orders, the issuance of citations (in any appropriate form) to the Whitfield County Magistrate Court for violation hereof, and the seeking of injunctive relief in the Whitfield County Superior Court.
- 10-2 **Fees.** A schedule of permit, application, and/or use fees, as adopted from time to time by the Governing Authority, shall be attached hereto as **Appendix "A."**
- 10-3 **Permit.** It shall be unlawful to commence the excavation or filling of any lot for the construction of any structure which requires a permit to build or to commence construction of any structure which requires a permit to build or to commence the moving or alteration of any structure which requires a permit to build or to commence the development or improvement of land for a use not requiring a structure until a permit has issued for all such work.
- 10-4 **Enforcement.** The Zoning Administrator, any Code Enforcement Officer, or any duly authorized Whitfield County Sheriff's Deputy or City Police Officer within the applicable municipality, or the lawful designee of any such person, shall have the authority to issue citations for violations of this Ordinance. Any such person shall investigate every written complaint received which shall charge that a specific lot or parcel is not in compliance herewith.
- 10-5 **Owner, Occupant, or Tenant May be Cited.** An owner, as shown by the records of the Whitfield County Tax Assessor's Office, or any occupant, tenant, or other person in lawful possession of any lot, parcel, or premises determined to be in violation hereof may be cited therefor.
- 10-6 **Continuing Violation.** Any violation of this Ordinance shall be considered a continuing violation, subject to separate citation each day in which such violation remains.
- 10-7 **Penalties for Violation.** Pursuant to **OCGA §36-1-20(b,)** any person convicted of violating this Ordinance or any provision thereof shall be sentenced to a maximum fine of one-thousand dollars (**\$1,000.00**) or imprisonment for a term of sixty (60) days, or both. Every day a violation continues shall be subject to a separate penalty.
- 10-8 **Remedies - Injunctive Relief.** When any structure or accessory structure which is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any structure, accessory structure, land use, or land condition violates any portion of this Ordinance, the Zoning Administrator or his or her

designee may seek injunctive or other equitable relief in any court of competent jurisdiction. Such remedy shall be in addition to, and not in lieu of, any similar remedy which adjacent or neighboring property holders may already have pursuant to the laws of Georgia and shall have no effect thereon.

- 10-9 **Remedies - Effect of Non-Compliance; Notice and Hearing before Governing Authority.** In addition to any other remedies provided hereunder, so as to promote the health, morals, safety, and general welfare of the residents of Whitfield County, if the owner, occupant, tenant, lessee, and/or any other person in lawful possession of any lot, parcel, or premises shall fail to maintain such parcel in conformity with the provisions of this Ordinance, the Zoning Administrator, if he or she shall choose to proceed pursuant to the purview of this section, shall notify in writing all such person(s), specifically including, but not limited to, the owner of record, as may be reasonably determined by records contained in the Whitfield County Tax Assessor's Office, by certified mail, return receipt requested, that such person(s) shall have thirty (30) days from receipt of such notice in which to bring such lot, parcel, or premises into conformity with the provisions of this Ordinance. If such notice shall be returned "unclaimed" or is otherwise undeliverable, then notice by publication in the *The Daily Citizen* (Dalton, Georgia) once a week for four (4) consecutive weeks shall constitute due and proper notice as of the date of the fourth publication. Notice, whether by mail or by publication, shall advise with reasonable specificity the condition(s) which do not comply with the provisions of this Ordinance. Such notice shall further advise that if no response is forthcoming within thirty (30) days, the Zoning Administrator shall cause such matter to be placed upon the agenda of the next regularly scheduled meeting of the Governing Authority for public hearing. At such hearing, the Zoning Administrator or designee shall advise the Governing Authority of the unlawful condition(s) thereon and then the Governing Authority shall hear any other person(s) wishing to address it with regard to the condition of the lot, parcel, or premises. The Governing Authority shall then determine whether it shall cause such condition(s) to be brought into compliance with the provisions of this Ordinance, as the particular facts may warrant, and whether it shall cause the costs of such efforts to be charged against the lot or parcel upon which the condition existed as a real property lien and/or cause to be levied as a special tax against the land upon which such conditions existed and/or to recover such costs in an action at law against the owner of such lot or parcel.

- 10-10 **Adoption and Amendments.** The governing authorities of Whitfield County and the municipalities of Dalton and Varnell shall adopt this Ordinance and the zoning map that is part of this Ordinance only after public notice(s) and public hearing(s) and final action of each Governing Authority, as required by the adopted Zoning Procedures and Standard Ordinance of the respective governments.

Further, the Governing Authorities may from time to time amend the text of this Ordinance or the Official Zoning Map that is part of this Ordinance, according to the procedures in their respective Zoning Procedures and Standards Ordinance,



which is included herein in **Appendix “E.”** Appendix E fully describes all applicable final zoning decisions as defined by State Law, including but not limited to rezoning, special use review, and annexation, the notice and posting requirements to the public, the procedures for conducting the public hearings, the standards used to review zoning decisions, and the procedures to obtain a final zoning decision.

- 10-10-1 **Application Process.** Any amendment to the text of this Ordinance or the Zoning Map or any final action upon any other zoning decision shall begin upon an application form. Annexations shall begin on a form provided by the respective municipal governments and all other zoning decisions shall begin on a form provided by the Zoning Administrator. Such application forms shall include a listing of any and all requirements for consideration of any matter requiring a final zoning decision. Failure to comply with the requirements of the application shall constitute an incomplete application which will not be processed for conclusion of the requested final zoning decision. An application fee, which is established by the Governing Authority of the County or the municipalities, as applicable, may apply and be adjusted from time to time. Failure of the Zoning Administrator or City Clerks, as applicable, to collect a fee from the Governing Authority or the respective municipalities or from the Planning Commission (or equivalent), when they are initiating a proposed zoning decision, shall not void the validity of the application.
- 10-11 **Conflict with Other Laws.** Whenever the regulations of this Ordinance require a greater width or size of yards, building, or smaller number of stories, or require a greater percentage of a lot to be left unoccupied, or impose other more restrictive standards than are required in or pursuant to any other statute, law, rule, or regulation, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance, the provisions of such statute shall govern.
- 10-12 **Separability.** Should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.
- 10-13 **Repeal of Conflicting Ordinances and Validity of Prior Approvals and Actions.** All ordinances and parts of ordinances in conflict herewith are repealed.
- 10-13-1 This is the Unified Zoning Ordinance, and all other conflicting ordinances or resolutions are hereby repealed; provided, that nothing herein shall be construed as repealing or modifying the condition of operation or conditions of site development accompanying those zoning approvals or use permits issued under previous zoning ordinances or

resolutions; however, modification or repeals of these past conditions of approval may be accomplished as provided by this ordinance.

- 10-13-2 Except as otherwise provided herein with respect to non-conforming uses, all variances and exceptions heretofore granted by the respective Planning Commission or Board of Zoning Appeals shall remain in full force and effect and all terms, conditions and obligations imposed by the respective Planning Commissions, Board of Zoning Appeals, or governing authority shall remain in full force and effect and be binding. Prior ordinances shall remain in effect insofar as required for the initiation of any proceedings against violations thereof and for the prosecution of any violations heretofore commenced.
- 10-13-3 Notwithstanding anything contained herein and notwithstanding any zoning classification change, all previous special stipulations, conditions, restrictions, agreements and terms contained in prior zoning ordinances shall remain in full force and effect and shall not be amended by this document and shall carry forward to any new zoning classification and shall be binding upon said property. Prior ordinances shall remain in effect and shall remain as such special stipulations, conditions, restrictions, agreements and terms, even though the zoning category itself may be changes hereunder.

## **Article XI – Unified Board of Zoning Appeals**

11-1 **Appointment.** The Unified Board of Zoning Appeals for the City of Dalton, City of Varnell, and for Whitfield County is hereby created.

11-1-1 The membership of the Board shall consist of five (5) members.

11-1-2 The City of Dalton and Whitfield County shall appoint two (2) members each, and the City of Varnell shall appoint one (1) member. Each Governing Authority shall appoint members with overlapping terms. One member each from Whitfield County and the City of Dalton shall be appointed initially to a five-year term. One member each from Whitfield County and the City of Dalton shall be appointed initially to a four-year term. The City of Varnell member shall be appointed initially to a three-year term. Thereafter, each appointment shall be for a five-year term. If the City of Varnell shall fail to appoint its member within sixty (60) days of notice of expiration of the term, then Whitfield County shall make such appointment for the applicable term.

11-1-3 A member of the Board shall be appointed to not more than two (2) consecutive full terms.

11-1-4 A member shall serve at the pleasure of the appointing Governing Authority and may be removed from the Board by a majority vote of the Governing Authority that appointed the member in the event of absenteeism at three (3) successive called meetings or for other reasons the Governing Authority may deem appropriate.

11-1-5 When a position becomes vacant before the end of a term, the Governing Authority that appointed the vacating member shall appoint a new member for the duration of the term remaining consistent with the original appointment.

11-2 **Powers and Duties.** The Board shall have the following powers and duties:

11-2-1 To hear and to decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by any representative, officer, or agent of the applicable Governing Authority. Any such reversal shall be based upon reliable evidence adduced at the hearing, as provided for below, that such decision was erroneous under the facts as the Board finds them to be and under the Board's reasonable interpretation of the provisions of this Ordinance;

11-2-2 To authorize, upon request in specific cases, such variance from the regulations or requirements of this Ordinance, as the case may be, as will not be contrary to the public interest where, owing to special conditions,

a literal enforcement of the provisions of the Ordinance will, in such individual case, result in unnecessary hardship, so that the spirit of the Ordinance shall be observed, public welfare and safety secured, and substantial justice done. In order to grant a variance from the requirements of this Ordinance, the Board must find that every one of the following conditions is met:

- (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
- (b) The application of this Ordinance to the particular piece of property would create an unnecessary hardship;
- (c) Such conditions are peculiar to the particular piece of property involved;
- (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance, provided, however, that no variance may be granted for the use of land or building or structure which is prohibited by this Ordinance or for an increase in the density allowed by this Ordinance.
- (e) The applicant must provide either formal or informal written evidence that the intended use, if a variance were granted, would be allowed, either by the Whitfield County Health Department or Dalton Utilities, as applicable, with respect to wastewater treatment.

**11-3 Procedures.** Any person having a legal interest in affected property, or his or her attorney-in-fact, shall have standing to file an appeal or variance request to the Board. The appeal or variance request shall be filed upon forms provided by the office of the Zoning Administrator. The office of the Zoning Administrator may charge a reasonable fee for the filing of such appeal or variance request, so as to defray the costs of advertisement and case preparation. Any such fee shall be paid with the filing of the notice of appeal or variance request.

**11-3-1** The request for an appeal or variance shall be either hand delivered or mailed and must be received by the office of the Zoning Administrator on or before the 30th day following denial of a permit.

**11-3-2** If the 30th day falls upon a Saturday, Sunday, or legal holiday, then the appeal or variance request shall be due on the next business day upon which the office of the Zoning Administrator is open to the public.

- 11-3-3 An appeal or variance request not received by the office of the Zoning Administrator on or before the 30th day following decision or determination shall be considered untimely and shall be automatically denied.
- 11-3-4 A timely filed appeal or variance request shall stay all legal proceedings in furtherance of the action from which the appeal is taken unless the Zoning Administrator or his/her agent shall certify by sworn affidavit, a copy of which shall be provided to the appellant, that a stay would cause imminent peril to life and/or property. In such circumstance, there shall be no stay unless ordered by any court of competent jurisdiction.
- 11-3-5 At least fifteen (15) days but not more than forty-five (45) days prior to the public hearing date, a written notice shall be published in a newspaper of general circulation within the territorial boundaries of the County, setting forth the time, place, and purpose of the hearing. In addition, a sign shall be placed in a conspicuous location upon the lot or parcel for which a variance is sought, setting forth the time, place, and purpose of the public hearing. Acts of vandalism or natural occurrences limiting the effectiveness of such notice shall not invalidate any proceeding or action taken upon the proposed variance.
- 11-3-6 The appellant may represent himself or herself before the Board or may be represented by an attorney at law, a registered land surveyor, and/or other engineers or professionals, as he or she deems appropriate or helpful. The appellant may not be represented by a layperson unless such person shall be the appellant's attorney-in-fact.
- 11-3-7 The order of proceeding shall be as follows: An authorized representative of the office of the Zoning Administrator shall first present all of his or her reasons for the order, requirement, decision, or determination being appealed or requested for a variance. In presenting said reasons, such representative shall present all of the findings of fact and conclusions of law that form the bases for said decision. Then the individual appellant shall present his or her grounds for requesting a waiver or variance, calling witnesses if desired. Any member of the Board may question any witness at any point during the proceeding. Following all witnesses, either side may present rebuttal testimony. At the conclusion of the evidence, the Chair may give both sides an opportunity to summarize briefly if the Chair shall deem it helpful.
- 11-3-8 Hearings before the Board shall not be governed by the strict rules of evidence as in a court of law, though the Chair shall be empowered to disallow any evidence or testimony deemed by him or her to be irrelevant, speculative, or otherwise inappropriate to the issues being

heard. Any remark amounting to an attack upon the character or personal integrity of another individual or comment not actually supportable or comment in the form of an emotional outburst shall be non-germane to the purpose of the hearing and shall be ruled out of order by the Chair. The Chair shall have the authority to remove or censure any person who continues to make such comments or who is otherwise disruptive to the hearing process.

- 11-3-9 The deliberation and vote by the Board must be made in open session, either upon motion and second at the meeting at which the appeal or variance request is presented or at any subsequent regular or special called meeting of the Board. The Board shall make a decision not later than either thirty-five (35) days following the initial hearing upon any appeal or variance request or ninety (90) days from the time the application for Appeal or Variance is filed with the office of the Zoning Administrator, or said request shall be deemed granted.

The appellant shall be notified in writing at the address provided in the appeal or variance request within fifteen (15) days of the decision of the Board.

- 11-3-10 Should the individual appellant desire to appeal any decision of the Board, he or she must do so by Writ of *Certiorari* directly to the Whitfield County Superior Court within thirty (30) days of such decision. There shall be no intermediate appeal to the applicable Governing Authority, or to any other administrative body.
- 11-3-11 Any appellant whose appeal or variance request shall be denied by the Board shall be required to wait not less than six (6) months before seeking an appeal or variance for the same real property and/or for the same or similar request. Such waiting period shall apply to any agent for appellant, co-owner with appellant, or successor in appellant's interest.

<b>APPENDIX A</b> <b>PERMIT, APPLICATION, AND OTHER LAND DEVELOPMENT FEES</b> <b>FOR WHITFIELD COUNTY</b>	
<b>LAND DEVELOPMENT TYPE</b>	<b>FEE</b>
REZONING REQUEST	\$200
SPECIAL USE PERMIT REQUEST	\$200
VARIANCE REQUEST	\$100
MAJOR SUBDIVISION PLAT REVIEW	\$100 + \$2 per lot
MINOR SUBDIVISION PLAT REVIEW	\$30 + \$1 per lot
EXEMPT SUBDIVISION PLAT REVIEW	\$30
LAND DISTURBANCE PERMIT	\$40 per disturbed acre
STORM WATER MANAGEMENT PLAN REVIEW	Fee to be determined by Plan Reviewer Fee paid by developer directly to Plan Reviewer
STORM WATER PERMIT	\$250

# APPENDIX B

## **RECORD OF AMENDMENTS TO THE ORDINANCE**



## ***RECORD OF AMENDMENTS TO THE ORDINANCE***

<b><i>DATE OF CHANGE</i></b>	<b><i>AMENDMENTS</i></b>
<i>May 9, 2016</i>	<i>DEFINITIONS</i> <i>Brewery/Distillery/Winery</i> <i>Brewpubs</i> <i>Dwelling, Loft</i> <i>Dwelling, Single Family Attached</i> <i>Dwelling, Urban</i> <i>Microbrewery</i> <i>Micro-distillery/winery</i> <i>Townhouse</i> <i>Chart 3.7</i> <i>3-8-6</i> <i>4-5-1</i> <i>4-6-17</i> <i>4-6-29</i> <i>4-6-30</i> <i>4-6-31</i> <i>Board of Zoning Appeals name change</i> <i>11-1</i> <i>Appendix C</i> <i>Permitted Use Table</i>
<i>November 14, 2016</i>	<i>DEFINITIONS</i> <i>Clinic</i> <i>Section 4-6-32</i> <i>Permitted Use Table</i>
<i>March 20, 2018</i>	<i>4-6-33</i> <i>Permitted Use Table</i>
<i>April 24, 2018</i>	<i>DEFINITIONS</i> <i>Transitional Housing</i> <i>Permitted Use Table</i>
<i>February 19, 2019</i>	<i>DEFINITIONS</i> <i>Boutique Hotel</i> <i>Permitted Use Table</i>
<i>March 11, 2019</i>	<i>DEFINITIONS</i> <i>Urban Dwelling</i>
<i>April 23, 2019</i>	<i>4-6-34</i> <i>Permitted Use Table</i>

## APPENDIX C

### RULES FOR WHITFIELD COUNTY HEALTH DEPARTMENT

**Department of Public Health Chapter (511-3-1) Minimum Lot Sizes or Land Area Required.**

**(1) Lot Size**

- (a)** To provide for orderly and safe development utilizing on-site sewage management systems, minimum lot sizes have been established. These lot sizes permit flexibility to suit soil conditions, topography and ground or surface water limitations. The following shows the minimum lot sizes based on soil groups. Larger lot sizes may be required to meet the requirements of these rules in some circumstances.

		SOIL GROUPING*				
SLOPE CLASS	SLOPE %	1	2	3	4	5
AB	0-5	30,000	39,000	48,000	51,000	60,000
C	5-15	33,000	42,000	51,000	54,000	66,000
D	15-25	36,000	45,000	54,000	57,000	N/A
E	25-35	39,000	48,000	57,000	60,000	N/A

**\* Refer to Table CT-2 Georgia Department Human Resources Manual for On-site Sewage Management Systems.**

- (b)** Where on-site sewage management systems and community or public water is used, minimum lot sizes may be reduced by up to 50%.
- (c)** The lot sizes in (1)(a) are for single family residences. The square footage for multi-family residences shall be increased by 25% per unit.

## APPENDIX D

### *By-Laws of the Unified Board of Zoning Appeals*

- a. At its first meeting of each calendar year, the Board shall elect a Chair and a Vice-Chair from its members, each of whom shall serve for one (1) year or until his or her successor is elected. The Vice-Chair shall preside at meetings in the absence of the Chair.
- b. The Chair or, in his or her absence, the Vice-Chair or other member designated to conduct an official meeting, may administer oaths and compel the attendance of witnesses.
- c. The Board may adopt such by-laws, rules or procedures as are appropriate and not in conflict with the Unified Zoning Ordinance.
- d. A meeting of the Board shall occur not more than forty-five (45) days from receipt by the Board of a properly completed appeal request. Notice of the meeting date shall be provided to the individual appellant not later than fifteen (15) days prior to the meeting date by regular United States Mail at the address shown upon the appeal request or by e-mail if an e-mail address is provided by an appellant.
- e. A special called meeting of the Board may be called by any member of the Board or the Zoning Administrator upon not less than forty-eight (48) hours' written notice to the other Board members and to the Zoning Administrator, with a brief explanation of the purpose of the special called meeting. If a special called meeting involves an individual appellant and is called at the request of such appellant, such individual shall receive not less than twenty-four (24) hours' written notice as well.
- f. A quorum of at least three (3) members of the Board must be physically present to hear any appeal and to render a decision. A majority of the quorum present shall be entitled to take action either to grant a variance hereunder or to deny such a request, even if such majority of the quorum present does not constitute a majority of the entire membership of the Board.
- g. Voting on all matters shall be by voice or by show of hands, as determined by the Chair.
- h. The conduct of the meeting shall be governed by Robert's Rules of Order, or the latest revision thereof.
- i. All meetings of the Board shall comply fully with the Georgia Open Meetings Act and shall be open to the public.

- j. All meetings of the Board shall take place in the Council Chambers of City Hall with security provided by the Dalton Police Department, unless changed by the Chair, at such time as is designated by the Chair.
- k. All Board members attending a meeting shall vote on each matter placed before it. A member may abstain from voting only in the instance of a conflict of interest, the nature of which must be stated for the record.
- l. The Zoning Administrator or his or her designee shall serve as secretary to the Board. The secretary shall cause minutes of the Board's proceedings to be kept, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall cause records of the Board's examinations and other official actions to be kept, all of which shall be of public record.

# APPENDIX E

## UNIFIED ZONING PROCEDURES AND STANDARDS ORDINANCE

### **SECTION 1-1 PREAMBLE AND ENACTMENT CLAUSE:**

For the purpose of ensuring that due process is afforded to the general public of Whitfield County, Georgia, when Whitfield County, Georgia, regulates the use of property through the exercise of zoning power, and pursuant to the authority and mandates of Chapter Sixty-Six of Title Thirty-Six of the Official Code of Georgia Annotated (O.C.G.A. & 36-66-1 et. seq.), Whitfield County, Georgia does hereby adopt, order, and enact into law this Ordinance.

### **SECTION 1-2 SHORT TITLE:**

This Ordinance shall be known as and may be cited as "The Unified Zoning Procedure and Standards of Whitfield County ."

### **SECTION 1-3 DEFINITIONS:**

As used within this Ordinance, the following terms shall have the definitions and meanings hereinafter set forth.

#### **SECTION 1-3.1 "COMMISSION"**

Commission shall mean the Dalton-Whitfield County Planning Commission.

#### **SECTION 1.3.2 "GOVERNING AUTHORITY"**

Governing Authority means the group of officials responsible for governance of a governmental entity located within the territorial boundaries of Whitfield County.

#### **SECTION 1-3.3 "GOVERNMENTAL ENTITY"**

Governmental entity means the City of Dalton, the City of Varnell, the unincorporated areas of Whitfield County, as the case may be.

#### **SECTION 1-3.4 "SPECIAL USE"**

Special Use means a land use which is not allowed in a particular zoning district or in any zoning district because of the inherent and special characteristics of the land use in relationship to the land use of surrounding areas to the subject property.

#### **SECTION 1-3.5 "LOCAL GOVERNMENT"**

Local government means the governing authority which exercises zoning power within its territorial boundaries.

#### **SECTION 1-3.6 "TERRITORIAL BOUNDARIES"**

Territorial boundaries means the respective corporate boundaries of the governmental entities within Whitfield County and the unincorporated areas of Whitfield County, as the case may be.

#### **SECTION 1-3.7 "ZONING"**

Zoning means the power of the governing authority to provide within its respective territorial boundaries for the zoning or districting of property for various uses and the prohibition of other or different uses within such zones or districts and for the regulation of development and the improvement of real estate within such zones or districts in accordance with the uses of property for which such zones or districts were established.

#### **SECTION 1-3.8 "ZONING ADMINISTRATOR"**

The official designated by the governing authority to manage, administer and coordinate enforcement of the Zoning Ordinance on behalf of the governing authority.

#### **SECTION 1-3.9 "ZONING DECISIONS"**

Zoning decision means final action by the governing authority which results in:

- (a) the adoption of a zoning ordinance;
- (b) the adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance;
- (c) the adoption of an amendment to a zoning ordinance and/or zoning map which rezones property from one zoning classification to another;
- (d) the adoption of an ordinance annexing a land into the city with a specified zoning classification; or
- (e) the adoption of a Special Use.

#### **SECTION 1-3.10 "ZONING ORDINANCE"**

Zoning Ordinance means an ordinance of the governing authority establishing procedures and zones or districts within its respective territorial boundaries which regulate the uses and development standards of property within such zones or districts. The term also includes the Unified Zoning Map of Whitfield County (as hereinafter amended,) adopted in conjunction with the Unified Zoning Ordinance of Whitfield County, which shows the zones and districts and zoning classification of property therein.

**SECTION 1-4 PROCEDURES FOR AMENDMENT TO THE ZONING ORDINANCE TEXT, APPLICATION FOR A SPECIAL USE, AND/OR AMENDMENT TO THE ZONING MAP:**

The text of the Zoning Ordinance and the Zoning Map may be amended from time to time and Special Uses may be granted, subject to the following conditions and procedures contained herein:

**SECTION 1-4.1**

An amendment to the Zoning Ordinance and/or Zoning Map or application for Special Use shall not become effective unless initiated or requested by the governing authority, the property owner(s) of the particular parcel affected by the Zoning Ordinance and/or Zoning Map, or any individual who has written power of attorney of a property owner of the particular parcel affected by the Zoning Ordinance and/or Zoning Map, or a request signed by sixty percent (60%) of the property owners who own legal or equitable title to not less than sixty percent (60%) of the affected land requested to be rezoned or for which a Special Use is sought. All governing authorities that have adopted the Zoning Ordinance and this Ordinance shall confer not less than thirty (30) days before initiating an amendment to the text of the Zoning Ordinance or this Ordinance.

**SECTION 1-4.2**

Any proposed Amendment to the Zoning Ordinance and/or Zoning Map or application for a Special Use shall be initiated by an application submitted to the staff of the Zoning Administrator upon forms provided by the Zoning Administrator.

**SECTION 1-4.3**

Upon the submission of an application for an Amendment to the Zoning Ordinance and/or Zoning Map or application for Special Use, the person or persons submitting such application shall pay an administrative fee.

**SECTION 1-5 PUBLIC NOTICE OF PROPOSED AMENDMENTS TO THE ZONING ORDINANCE AND/OR ZONING MAP AND/OR APPLICATION FOR A SPECIAL USE:**

Public notice of hearings upon a proposed Amendment to the Zoning Ordinance and/or Zoning Map and/or proposed Special Use shall be given as hereinafter set forth.

**SECTION 1-5.1**

At least fifteen (15) but not more than forty-five (45) days prior to the date set by the Dalton Whitfield Planning Commission for a public hearing, a written notice shall be published in a newspaper of general circulation within the territorial boundaries of Whitfield County, State of Georgia, setting forth the time, place, and purpose of the hearing.

**SECTION 1-5.2**

In addition to the requirements of subsection 1-5.1, if the proposed amendment to the Zoning Ordinance and/or Zoning Map or proposed Special Use calls for a zoning decision for the rezoning of a lot or parcel or for the granting of a Special Use thereon, and the proposed Amendment or proposed Special Use is initiated other than by the governmental authority, the following additional conditions apply:

- (i) The published notice shall include the general location of the lot or parcel and shall state the present zoning classification of the lot or parcel and the proposed zoning classification of the lot or parcel or proposed Special Use sought.
- (ii) A sign shall be placed by the Zoning Administrator in a conspicuous location upon the lot or parcel sought to be rezoned or for which a Special Use is sought, setting forth the time, place, and purpose of the public hearing, the present zoning classification of the lot or parcel, and the proposed zoning classification or proposed Special Use. Acts of vandalism or natural occurrences limiting the effectiveness of such notice shall not invalidate any proceeding or action taken upon the proposed amendment.
- (iii) For subject properties within the unincorporated area of Whitfield County, the Zoning Administrator shall reasonably attempt to notify each owner of a lot or parcel abutting and/or adjoining the subject property proposed for amendment to the Zoning Map or Special Use by mailing to each such adjoining owner a copy of the application for amendment to the Zoning Map or Special Use by regular United States mail. In determining the name, address and ownership of each abutting and/or adjoining lot or parcel entitled to notice, the Zoning Administrator or its designee may conclusively rely upon the records of the office of the Whitfield County Tax Assessor as of the date of the filing of the application for amendment to the Zoning Map or application for Special Use with the Zoning Administrator. The Zoning Administrator's office may place reasonable requirements upon the applicant to assist in obtaining accurate information concerning adjoining owners and shall require the applicant to reimburse actual mailing costs. The determination by the Zoning Administrator that the requirements of this Section 1-5.2(iii) have been satisfied shall be final.

**SECTION 1-6 PUBLIC HEARING FOR AMENDMENTS TO THE ZONING ORDINANCE AND/OR ZONING MAP AND FOR SPECIAL USE APPROVAL:**

A public hearing upon any proposed amendment to the Zoning Ordinance and/or Zoning Map or Special Use shall be provided for by the Dalton Whitfield Planning Commission. A public hearing upon any proposed Amendment to the Zoning Ordinance and/or Zoning Map of Whitfield County or Special Use properly initiated shall be conducted at the time and place as set forth in subsection 1-5.1. Any affected governmental authority may, at its discretion, join the Dalton Whitfield County Planning Commission during the public hearing process, such that both bodies simultaneously are present for such public hearing(s). The Chairman of the Dalton-Whitfield County Planning Commission shall conduct such public hearing(s), unless he or she shall designate that another person shall serve as Chair of the proceedings for such public hearing(s). The purpose of such public hearing(s) shall be to present to the public any proposed amendment to the Zoning Ordinance and/or Zoning Map or Special Use and to receive comments thereon from the public. The governing authority shall consider the comments presented by the public at such public hearing(s) in making their respective decisions on the proposed amendment to the Zoning Ordinance and/or Zoning Map or Special Use in accordance with the standards as enumerated in Section 1-8 or 1-9 of this Ordinance, as applicable.

**SECTION 1-7 CONDUCT AND PROCEDURES OF PUBLIC HEARINGS HELD BEFORE THE WHITFIELD COUNTY BOARD OF COMMISSIONERS AND THE DALTON-WHITFIELD COUNTY PLANNING COMMISSION:**

The following policies and procedures shall govern the conduct of hearings before the Dalton-Whitfield County Planning Commission and the governmental authority if jointly convened (the joint hearing body is hereinafter, the “joint panel”).

**SECTION 1-7.1**

The Chairman of the Dalton-Whitfield County Planning Commission or his or her designee (hereinafter, “the Chair”) shall open the hearing(s) with an explanation of the purpose of the hearing(s) and a description of the general rules for the conduct of the hearing(s). The Chair may describe the authority and role of both the Dalton-Whitfield County Planning Commission, in providing a recommendation only, and of the governmental authority, for final action, in any zoning decision. An individual requesting to be heard upon a matter germane to the purpose of the hearing must be called and recognized by the Chair before addressing the joint panel. The Chair shall determine the germaneness of any proposed comment or presentation and is authorized to rule any individual or portion of the presentation out of order if not germane to the published purpose of the hearing. Any person recognized by the Chair, shall first state his name and residence address before proceeding with any comment, remarks, or presentation. Any person addressing the joint panel shall respond to questions from the Chair or anyone he or she shall recognize. The Chair may predetermine the length of any hearing, allotting equal time to proponents and opponents of any proposed amendment to the Zoning Ordinance and/or Zoning Map or Special Use to the extent that there are both proponents and opponents who desire to be heard. The Chair shall be required to offer equal time to both the proponents and opponents of any proposed amendment to the Zoning Ordinance and/or Zoning Map or Special Use and the fact that equal time is not in fact utilized by either shall not invalidate any proceeding or action taken upon any proposed amendment to the Zoning Ordinance and/or Zoning Map or Special Use. The Chair, however, shall allow a minimum time period no less than ten (10) minutes per side for the presentation of data, evidence, and opinion.

**SECTION 1-7.2**

A proposed amendment to the Zoning Ordinance and/or Zoning Map or Special Use applications may be called in any order in the discretion of the Chair. The Chair shall confirm that proper public notice of the public hearing(s) in accordance with the provisions or this article has been given prior to taking any comments from the public.

**SECTION 1-7.3**

The Chair shall allow the person initiating the proposed amendment to the Zoning Ordinance and/or Zoning Map or Special Use, or his or her designee (hereinafter, “the applicant,”) to present a description of the request and the reason(s) supporting it. The failure of the applicant to be present for the hearing when called shall result in an automatic continuance in the public hearing thereon until the next regular monthly meeting of the Dalton-Whitfield County Planning Commission, with public notice thereof to all in attendance. Additionally, the Zoning Administrator shall re-post the sign setting forth the new public hearing date. The failure of the applicant to be present for the hearing when called at the next meeting of the Dalton-Whitfield County Planning Commission shall result in an automatic negative decision from the governing authority when such request shall come before it.

**SECTION 1-7.4**

The Chair shall enter into the record after the presentation of the applicant any written comment, petition or similar written statement, photographs, or any other evidence submitted during the public hearing and such documents and/or exhibits shall be considered by the Dalton-Whitfield County Planning Commission, and subsequently by the governing authority in its analysis of the relevant zoning standards and factors as set forth in Section 1-8 or 1-9 of this Ordinance, as applicable.

**SECTION 1-7.5**

The Chair shall then give persons opposed to the proposed amendment to the Zoning Ordinance and/or Zoning Map or Special Use the opportunity to address the assembled panel.

**SECTION 1-7.6**

The Chair may then alternate the presentation of persons speaking in favor of and opposed to the proposal, beginning with the applicant, or the Chair may divide such presentation into blocks of time beginning with the proponents and thereafter move into the presentation of the opponents, if any. The Chair may poll the public assemblage at the hearing concerning its concurrence with the remarks of any speaker.

**SECTION 1-7.7**

Any remark amounting to an attack on the character or personal integrity of another individual or comment not actually supportable or comment in the form of emotional outburst shall be non-germane to the purpose of the hearing and may be ruled out of order. The Chair shall have the power to remove or censure any person who continues to make any remarks amounting to an attack on the character or personal integrity of another individual or any comment not factually supportable or any comment in the form of emotional outburst during the proceeding.

**SECTION 1-7.8**

Upon the conclusion of the presentation of persons, if any, opposing the proposed amendment to the Zoning Ordinance and/or Zoning Map or Special Use, the Chair may grant to the applicant an allotted time for rebuttal of any new issues raised by opponents, if any. The Chair may rule out of order the raising of any new issues in rebuttal unless he or she shall determine that the raising of such new issue is useful to the purpose of the hearing, in which case opponents, if any, shall be allotted an equal amount of time to address such issue(s).

**SECTION 1-7.9**

When the applicant/proponent(s) and opponents, if any, have been heard in accordance with the foregoing procedures, the Chair shall declare the public hearing closed. No further public hearing upon the proposed amendment to the Zoning Ordinance and/or Zoning Map or Special Use shall be permitted prior to the final zoning decision by the governing authority, unless the governing authority shall determine that such public hearing should be re-opened for the presentation of additional information, in which case the same must be advertised in conformity with subsection 1-5.1.

**SECTION 1-8 ZONING STANDARDS:**

Exercise of zoning power by the governing authority shall constitute an effort to balance the interests of Whitfield County in promoting the public health, safety, morality, and/or general welfare against the right of lot or parcel owners to the unrestricted use of their lot or parcel. The following factors are determined to be relevant in balancing the interest and promoting the public health, safety, morality, and/or general welfare against the right to unrestricted use of lot or parcel:

**SECTION 1-8.1 "FACTORS"**

**SECTION 1-8.1(A)**

Whether the proposed amendment would allow a use that is generally suitable for the site compared to other possible uses and whether the proposed change is consistent with the established land use pattern and zoning of adjacent and nearby properties.

**SECTION 1-8.1(B)**

Whether the proposed amendment would adversely affect the economic value or the uses of adjacent and nearby properties.

**SECTION 1-8.1(C)**

Whether the subject property has a reasonable economic use as currently zoned, considering the suitability of the subject property for the proposed zoned uses.

**SECTION 1-8.1(D)**

Whether there is relative gain to the health, safety, morals, or general welfare of the public as compared to any hardship imposed upon the individual owner under the existing zoning.

**SECTION 1-8.1(E)**

Whether the proposed amendment, if adopted or approved, would result in a use which would or could cause an excessive or burdensome use of existing streets, schools, sewers, water resources, police and fire protection, or other utilities, as contrasted with the impact under the existing zoning.

**SECTION 1-8.1(F)**

Whether the property sought to be rezoned (or annexed) is in conformity with the policy and intent of the adopted joint comprehensive plan or equivalent. If not, has the plan already been amended, officially or unofficially, by the development of uses which are contrary to the plan recommendation, and if the plan has been amended, does this rezoning or annexation request allow uses which are compatible to the existing uses in the vicinity.

**SECTION 1-8.1(G)**

Whether there are any other conditions or transitional patterns affecting the use and development of the property to be rezoned or annexed, which give grounds for approval or disapproval of the proposed zoning proposal. Whether the proposed zoning change constitutes an "entering wedge" and is a deterrent to the use, improvement, or development of adjacent property within the surrounding zone districts or would create an isolated, unrelated district (spot zone) as interpreted by current Georgia law.

**SECTION 1-8.1(H)**

Whether the subject property, as currently zoned, is vacant and undeveloped for a long period of time, considered in the context of land development in the vicinity or whether there are environmental or cultural factors, like steep slopes, flood plain, storm water, or historical issues, that influence the development of the subject property under any zoning designation.

**SECTION 1-8.2**

The governing authority shall consider any proposed zoning amendment properly initiated in light of the factors set forth in section 1-8.1. In evaluating the factors set forth in 1-8.1, it shall be the policy of the governing authority to exercise its zoning power in conformity with the policy intent of the Joint Comprehensive Plan for Whitfield County and the cities of Dalton and Varnell insofar as that plan is current in its application to the specific subject lot or parcel sought to be rezoned. It is further the policy of the governing authority to exercise the zoning power for the purposes of assuring the compatibility of use of adjacent and nearby properties and the preservation of the economic value of adjacent, abutting, and nearby properties while enabling a reasonable use of all lot or parcel within the territorial boundaries of the governmental entity.

**SECTION 1-9 SPECIAL USE STANDARDS:** As set forth in Section 10-10-1 of the Unified Zoning Ordinance, a request for a Special Use shall be duly evaluated pursuant to the following factors, which are intended to be objective in character:

**SECTION 1-9.1 "FACTORS"**

**SECTION 1-9.1(A)**

Whether the proposed use would impact upon anticipated traffic volume and/or traffic flow and/or pedestrian safety within the vicinity;

**SECTION 1-9.1(B)**

Whether the hours and manner of operation of the proposed use would impact upon nearby properties and uses within the vicinity;

**SECTION 1-9.1(C)**

Whether parking, loading/service, and/or refuse areas of the proposed use would impact upon nearby properties and uses within the vicinity, particularly with regard to noise, light, glare, smoke, and/or odor;

**SECTION 1-9.1(D)**



Whether the height, size, and/or location of any proposed structure is compatible with the height, size, and/or location of structure(s) upon nearby properties and uses within the vicinity;

**SECTION 1-9.1(E)**

Whether the size of the lot or parcel is sufficiently large for the proposed use, and for reasonable growth opportunity of such proposed use, within the parameters of the Zoning Ordinance and within the probable limits of the soils thereon if an on-site sewage system is to be installed;

**SECTION 1-9.1(F)**

Whether the benefits of and need for the proposed use are, on balance, greater than reasonable anticipated depreciating effects and/or damages, if any, to nearby properties within the vicinity.

**SECTION 1-10 OFFICIAL ACTION BY THE GOVERNING AUTHORITY:**

Consideration of any proposed amendment to the Zoning Ordinance and/or Zoning Map or Special Use properly initiated and subsequent to the public hearing(s) shall be as follows:

**SECTION 1-10.1**

After the close of all the public hearings, the Dalton-Whitfield County Planning Commission shall make a recommendation, which shall later be reduced to writing, to the applicable governmental authority, as to the advisability of adoption of any proposed amendment to the Zoning Ordinance and/or Zoning Map or Special Use, and which shall be based upon the "Factors" set forth in Section 1-8 or 1-9, as applicable.

**SECTION 1-10.2**

If consideration of any proposed amendment to the Zoning Ordinance and/or Zoning Map or Special Use shall be tabled by the Dalton-Whitfield County Planning Commission, it shall be reconsidered not later than its next regular monthly meeting. Under any circumstances, however, if no recommendation shall be forthcoming within sixty (60) days of the date upon which the advertisement of the public hearing referenced in Section 1-5.1 hereinabove, it shall be deemed that the recommendation of the Dalton-Whitfield County Planning Commission shall have been favorable to the request.

**SECTION 1-10.3**

The authority of the Dalton-Whitfield County Planning Commission regarding any zoning decision shall be advisory only. However, the governing authority shall await either such recommendation or the sixty (60) days referenced in Section 1-10.2 hereinabove prior to taking final action upon any such proposed amendment to the Zoning Ordinance and/or Zoning Map or Special Use.

**SECTION 1-10.4**

If the governing authority shall take official action defeating a proposed amendment to the Zoning Map which seeks to rezone a lot or parcel or Special Use, the same property may not be considered again for rezoning or for a Special Use until the expiration of twelve (12) months from the date of the official action of the governing authority. This subsection shall specifically include, but not be limited to, an automatic denial due to the failure of the applicant to appear at the public hearing when called.

**SECTION 1-11 ANNEXATION OF UNINCORPORATED ISLANDS BY MUNICIPALITIES.**

In order to accommodate the timing requirements of state law concerning the annexation of unincorporated islands, the following procedure will be used for such annexations.

**SECTION 1-11.1**

Prior submission to commission not required. Annexations of unincorporated islands, or any part thereof, to a governmental entity may be accomplished by the mayor and council without prior submission to the commission. Not less than one public hearing shall be held by the governing entity prior to the enactment of an ordinance to annex an unincorporated island or any portion thereof.

**SECTION 1-11.2**

Notice of public hearing and notice of intent to annex an unincorporated island. A public notice of the date, time, place and purpose of any public hearing precedent to the enactment of an ordinance to annex an unincorporated island or any portion thereof shall be given not less than 15 days but not more than 45 days prior to any public hearing upon the subject of the annexation of an unincorporated island or any portion thereof. Such public notice shall be published in the legal organ for Whitfield County, Georgia.

**SECTION 1-11.3**

Conduct and procedure for public hearing held precedent to the enactment of an ordinance to annex an unincorporated island or any portion thereof. Any public hearing shall be called by the mayor or his designee (hereinafter the term "mayor" shall include his designee). Any person in attendance who requests to be heard concerning any matter shall be heard, subject to the rules set forth herein, after the call to order of the public hearing. The mayor shall preside at the public hearing and may recognize persons requesting to be heard. The mayor shall open any public hearing with an explanation of the purpose for the public hearing and a description of the general rules in conducting the public hearing. Any individual requesting to be heard on a matter germane to the purpose of the public hearing must be recognized by the mayor before addressing the governing authority. Whether any comment or presentation before the governing authority is germane to the public hearing shall be the sole determination of the mayor or his designee. The mayor is authorized to rule any person or any portion of any person's presentation out of order and not germane to the published purpose for the public hearing. Any person, upon being recognized by the mayor will give his/her name and residence address before making any comment, remark, or presentation. Any person recognized shall respond to questions from the governing authority. The mayor may pre-determine the length of any hearing and allot equal time to proponents and opponents of the proposed annexation and rezoning. The fact that equal time is not utilized by either the proponents or opponents shall not invalidate any proceeding or final action taken by the governing authority. Provided, however, the proponents of annexation and the

opponents of annexation shall be allowed a minimum aggregate time period of not less than ten minutes per side for presentation of data, evidence, or opinion. Any person may present written comments concerning the proposed annexation to the mayor and council by submittal to the city clerk not later than the close of the public hearing. Written comments submitted to the governing authority shall become public records available for inspection upon proper request. The city clerk will present all written comments to the governing authority for its consideration prior to final action by the governing authority on the proposed annexation.

**SECTION 1-11.4**

Enactment of an ordinance to annex an unincorporated island or any portion thereof. The governing authority will consider the enactment of an ordinance to annex an unincorporated island or any portion thereof at the next regular meeting of the governing authority following the public hearing referred to above. The governing authority may review, or have reviewed by staff, any modifications to the proposed annexation prepared as a consequence of the public hearing or public comments. In enacting any proposed ordinance to annex an unincorporated island or any portion thereof, the governing authority shall apply the standards and factors enumerated in section 1-10 of this ordinance, as well as the Joint Comprehensive Plan for Whitfield County and the cities of Dalton and Varnell.

**SECTION 1-12 DISTRIBUTION:**

Copies of this Ordinance shall be printed and copies thereof made available for distribution to the general public in the office of the Zoning Administrator. Distribution to the general public shall be upon request of a member of the general public, who shall be entitled to one copy. The Zoning Administrator is authorized to print copies of the zoning procedures standards and Amendments thereto from time to time for the purposes compliance requirements of "The Zoning Procedure Law," (Title Thirty-Six, Chapter Sixty-Six of the Official Code of Georgia Annotated).

COMMERCIAL/INDUSTRIAL/MIXED ZONING									AGRICULTURE/RESIDENTIAL ZONING										
C-1A Limited Commercial	C-1 Neighborhood Commercial	C-2 General Commercial	C-3 Central Business District	C-4 Transitional Commercial	MU Mixed Use	PUD Planned Unit Development	M-1 Light Mfg	M-2 Heavy Mfg	PERMITTED USES	ADDIT. REQ'MT Section	GA General Agriculture	SA Suburban Agriculture	R-1 Estate Residential	R-2 Low Density Residential	R-3 Medium Density Residential	R-4 Zero Lot Line Residential	R-5 Rural Residential	R-6 Transitional Residential	R-7 High Density Residential
									ACCESSORY USES	4-6									
								S	Acid Manufacturer										
		X							Adult Entertainment/Business										
							X	X	Advertising Display, Sales and Manufacturing										
		X					X	X	Agriculture Equip Sales, Supply & Storage										
									Agritourism	4-6-29	S	S					S		
		S					S	S	Airports, Public & Private		S								
		X		X			X	X	Ambulance Services										
		X	X						Amusements, Commercial	4-6-1									
									Animal Breeding		X								
									Animal Husbandry	4-6-2	X								
X	X	X	X	X	X	X			Antique Shop	4-6-18									
X	X	X	X	X	X	X			Apparel & Accessory Store	4-6-18									
		X	X	X					Appliance Sales and Repair										
X	X	X	X	X	X	X			Art Gallery/Music Conservatory	4-6-18									
	X	X	X	X	X	X			Athletic/Health Club & Facilities	4-6-18									
		X	X		X	X			Auditorium, Assembly Hall, Civic Center										
		X					X	X	Auto & Truck Sales, Service	4-6-8									
		X					X	X	Automobile Repair & Body Shop	4-6-8									
	X	X							Bait/Tackle Shop	4-6-18									
X	X	X	X	X	X	X			Bakery, Pastry Shop	4-6-18									
X	X	X	X	X	X	X	X	X	Bank Automatic Teller Machine (ATM)	4-6-18									
X	X	X	X		X				Bank or Financial Institution, Full Service	4-6-18									
	X	X	X	X	X	X			Bar, Cocktail Lounge, Tavern, Night Club	4-6-18									
X	X	X	X	X	X	X			Barber Shop, Beauty Salon	4-6-18									
		X		X			X		Baseball Batting Cages										
X	X	X			X	X			Bed & Breakfast Home	4-6-3	X	X						X	X
X	X	X	X	X	X	X			Bed & Breakfast Inn	4-6-3	X	X						X	X
		X		X			X		Boat Sales, Service & Repair										
		X					X	X	Boat Storage										
X	X	X	X	X					Books, Cards and Stationery Store	4-6-18									
		X					X	X	Bottle Gas, Storage & Distribution										
							X	X	Bottling Plant										
		X	S	S	X				Boutique Hotel										
		X							Bowling Alley										
								X- Dalton Varnell only	Brewery/Distillery/Winery										
					X- Dalton Varnell only				Brewpubs, Microbrewery, Micro-winery	4-6-31									
		X- Dalton Varnell only	X- Dalton Varnell only	X- Dalton Varnell only					Brewpubs, Microbrewery, Micro-distillery/winery	4-6-31									
		X					X	X	Building Materials Sales, Supplies, Storage										
		X					S	S	Bus Station		S								S
		X	X	X			X	X	Cafeteria (See also Restaurant)	4-6-21									
									Camp, Private	4-6-26	S			S			S		
		X		X			X	X	Carpet and Rug Sales, Floor Covering & Storage										
		X	X	X			X	X	Carpet Cleaning Store										
								S	Cement, Lime, Gypsum Manufacture		S								
		X							Cemetery, Mausoleum, Columbarium (Not Church related)	4-6-5	X	S	S	S	S		S	S	S
X	X	X	X	X	X	X			Churches		S	S	S	S	S		S	S	
		X	X						Cinema, Movie Theatre										
S	S	X	S	S	S				Clinic, Medical										
X	X	X	X	X	X	X			Clubs and Lodges, private										
		X	X	X			X	X	College, University or Technical School		S								S
							X	X	Concrete/Stone Cutting, Fabrication										
	X	X				X	S		Conference/Convention Center		S								S
		X		X			X	X	Contractor Equipment - Material Storage										
		X					X	X	Convenience Center		X								
	X	X	X	X		X	X	X	Convenience Stores with or without fuel service	4-6-7 4-6-8									
		X		X					Convent and Monastery		S	S							S
						X		X	Correctional Facility		S								
		X	X	X	X	X			Country Club, Private Club		S	S	S	S			S		
		X		X			X	X	Crematorium		S								
							S	S	Crop Production		X	X					X		

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X	X	X	X	X	X				Curio & Souvenir Shop	4-6-18									
	S	X		X	X	X	X		Day Care, Adult	4-6-9								S	X
	S	X		X	X	X	X		Day Care, Child Learning Center	4-6-9								S	X
	X	X		X	X	X			Day Care Home , Group									S	X
X				X	X	X			Day Care Home, Family		X	X	X	X	X	X	X	X	X
		X					X	X	Dormitory for worker employed on premise		S								
		X		X			X		Drug Rehab/Treatment Facility	4-6-28	S							S	S
	X	X	X	X	X	X			Drug Store, Pharmacy	4-6-18									
			X		X	X			Dwelling, Loft										
			X		X	X			Dwelling(s), Urban										
X						X			Dwelling, Multi Family (Duplex)								X	X	X
X						X			Dwelling, Multi Family (Triplex, Fourplex)									X	X
X						X			Dwelling, Multi-Family										X
X						X			Dwelling, Single Family		X	X	X	X	X	X	X	X	X
						X			Dwelling, Single Family Zero Lot Line	4-6-25						X			
						X			Dwelling, Townhouse, Condominium	3-8								X	X
		S					S	S	Electrical Generation Facility		S								
		X					X	X	Equipment Rental, Industrial										
		X					X	X	Equipment Supplies (Business/Industrial)										
		X							Equipment Supplies (Medical, Arts, etc)										
	X	X			X	X			Event Center	4-6-27	S	S							
								S	Explosive Manufacture or Storage										
	S	X							Farmer's Market	4-6-11	S	S							
		X				X	X	X	Fast Food, Dine-in with Drive-thru										
	X	X			X	X	X	X	Fast Food, Dine-in without Drive-thru										
	X	X	X	X	X	X	X	X	Fast Food, Drive-thru only										
							X	X	Feed Mill, Seed Mill Production & Packing		X								
		X							Flea Market	4-6-11	S								
X	X	X	X	X	X	X	X		Florist Shop	4-6-18									
					X	X			Fraternity, Sorority, Residence Hall										X
							X	X	Freight Terminals										
		X		X		X			Funeral Home, Mortuary										
		X		X		X	X	X	Furniture, Home Furnishing and Equipment Store										
	X	X	X	X	X				Game Room, Arcade	4-6-18									
X	X	X	X	X	X	X	X	X	Garage Sales	4-6-12	X	X	X	X	X	X	X	X	X
	X	X		X		X			Garden, Landscaping Supplies										
									Gardening/Horticulture (non-commercial)		X	X							
		X		X			X	X	Gas Station w/repair services	4-6-8									
X	X	X	X	X	X	X			Gift Shop	4-6-18									
		X				X			Golf Courses and Club Houses, Public or Private		S	S	S	S			S		
X	X	X	X	X		X	X	X	Government Buildings, Public		S	S	S	S	S		S	S	S
	X	X	X	X	X	X			Grocery/General Merchandise Store	4-6-18									
					X	X			Group Home		X	X	X	X	X		X	X	
				X					Halfway House	4-6-28								S	S
	X	X	X	X		X	X		Hardware, Paint & Wallpaper Store	4-6-18									
							S	S	Hazardous Wastes Handling & Processing	4-6-13									
		S					S	S	Helicopter Landing Area		S								
	X	X	X	X	X				Hobby, Toy & Game Store	4-6-18									
									Holiday Tree Farm	4-6-22	X	X							
	X	X		X					Holiday Tree Lot (Temporary)	4-6-23	X	X							
									Home Occupations, Customary				X	X	X	X	X	X	
		X	S	S					Homeless Facility	4-6-33									
		X				X	X	X	Hospital, Health and Medical Institution									S	S
		X		X		X	X		Hotel										
		X	S	S	X				Hotel, Boutique										
		X					X	X	Ice, Sales & Manufacture										
	X	X		X	X	X	X	X	Ice, Self Serve Kiosk										
							X	X	Industrial Park, Planned										
							S	S	Junk Yard, Salvage Yard	4-6-14									
		X		X					Kennel, Boarding & Breeding	4-6-30	X	X							
		X					X	X	Laboratory, Research Facilities										
									Landfill, Inert	4-6-24	S								
									Landfill, Solid Waste	4-6-24	S								
	X	X		X	X	X			Laundromat, Coin Operated	4-6-18									
		X					X	X	Laundry, Commercial Services										
X	X	X	X	X		X	X	X	Laundry, Pick up and Dry Clean Services	4-6-16									
	X	X		X	X	X			Liquor-beer, Package Store										
									Livestock Raising -Personal Pleasure	4-6-17	X	X	X	X			X		

COMMERCIAL/INDUSTRIAL/MIXED ZONING									AGRICULTURE/RESIDENTIAL ZONING										
C-1A Limited Commercial	C-1 Neighborhood Commercial	C-2 General Commercial	C-3 Central Business District	C-4 Transitional Commercial	MU Mixed Use	PUD Planned Unit Development	M-1 Light Mfg	M-2 Heavy Mfg	PERMITTED USES	ADDIT. REQ'MT Section	GA General Agriculture	SA Suburban Agriculture	R-1 Estate Residential	R-2 Low Density Residential	R-3 Medium Density Residential	R-4 Zero Lot Line Residential	R-5 Rural Residential	R-6 Transitional Residential	R-7 High Density Residential
		X							Livestock Sales, Auction Facilities		S								
		X					X	X	Machine Shop, Fabrication, Welding, Sales										
		X					X	X	Machinery Sales, Service & Repair										
	X	X	X	X	X	X			Mailbox Services	4-6-18									
									Manufactured Home		X	X					X	X	X
		X					X		Manufactured Homes, Sales & Service										
								X	Manufacturing Establishment, General/Heavy										
							X	X	Manufacturing, Light (no smoke, fumes, noise, odors)										
X	X	X	X	X	X	x			Massage/Day Spa	4-6-18									
							S	S	Meat Processing/Packing		S								
							X- Dalton Varnell only		Micro-Brewery, Micro-distillery/winery	4-6-31									
		X				X			Miniature Golf Course										
								S	Mining/Quarry Operations		S								
		X		X			X	X	Mini-Warehouse										
		X					X		Motel, Motor Lodge										
		X					X	X	Motor Vehicle Sales/Repair/Dealerships										
	X	X		X		X	X	X	Motor Vehicle Wash - Manual or Automatic										
X	X	X	X	X	X	X			Museum, Cultural Facility	4-6-18	S								
X		X	X	X			X		Newspaper Office/Production										
	X	X							Nursery, Greenhouse (Retail)	4-6-18									
		X					X		Nursery, Greenhouse (Wholesale)		X								
	X	X					X		Nursing Home										S
	X	X	X	X	X				Office Supplies	4-6-18									
X	X	X	X	X	X	X	X	X	Office, Business & Professional	4-6-4									
									Organic Farming	4-6-29	S	S					S		
								S	Paper or Paper Pulp Manufacturing										
X		X	X	X			X	X	Parking Lot or Garage, Commercial										
		X				X	X	X	Parks and Recreation Facilities (including playfields)	4-6-15	S	S	S	S	S		S	S	S
								S	Paving, Concrete and Asphalt Plant										
X						X			Personal Care, Family		X	X	X	X		X	X	X	X
	X	X		X		X			Personal Care, Group									S	X
	S	X		X		X	X		Personal Care, Congregate									S	X
		X							Pet Cemetery		S								
	X	X	X	X	X	X			Pet Shop & Pet Grooming Shop	4-6-18									
							S	S	Petroleum Products, Bulk Storage Tank										
								S	Petroleum/ Petroleum Products, Refining										
X	X	X	X	X	X	X			Print Shop (Quick Print & Copy Service)	4-6-18									
		X					X	X	Printing, Publishing and Sampling										
	X	X							Produce Stand (Permanent Structures)	4-6-11	S								
	X	X							Produce Stand (Temporary Structures)	4-6-11	X	X							
		S							Race Tracks, Motor Vehicle	4-6-1	S								
		X					X	X	Recycling Center (w/processing facilities)	4-6-20									
		X					X	X	Recycling Collection Station	4-6-20									
								S	Refining of Petroleum/Petroleum Products										
		X	X	X			X	X	Repair Service, Motor Vehicle	4-6-8									
		X	X	X			X	X	Repair Service, General Merchandise										
		X					X	X	Repair Services (Heavy Equipment)										
	X	X			X	X	X	X	Restaurant, Cafeteria (Dine-in and Drive-thru)	4-6-21									
	X	X	X	X	X	X	X	X	Restaurant, Cafeteria (Dine-in, no Drive-thru)	4-6-21									
	X	X	X	X	X	X			Retail Stores, General Merchandise	4-6-18									
									Rooming & Boardinghouse		S								
		X							RV Park, Campground	4-6-19	X								
		X					X	X	Saw Mill, Lumber Yard		X								
		X					X	X	Saw Mill, Temporary or Portable		X								
	S	X							School, Public, Private or Parochial(with or without campus lodging)		S	S	S	S	S		S	S	S
		X	S				X	X	Self-Service Storage Warehouse or Climate-Controlled	4-6-32									
		X	X	X			X	X	Service Businesses (not otherwise defined)										
		X	X	X			X	X	Service Station, (gas station w/repair services)	4-6-8									
S	S	S	S	S	S	S	S	S	Sewage/Wastewater Treatment Facilities, Public or Private		S	S	S	S	S	S	S	S	S
	X	X	X	X	X	X			Shoe Repair	4-6-18									
		X	X						Shooting Gallery/Range, Indoor										
									Shooting Range, Outdoor		S	S							
	X	X		X					Shopping Center, Planned	4-6-6									
							S	S	Slaughter Yards		S								
	X	X	X	X	X				Specialty Food Store	4-6-18									

COMMERCIAL/INDUSTRIAL/MIXED ZONING									AGRICULTURE/RESIDENTIAL ZONING										
C-1A Limited Commercial	C-1 Neighborhood Commercial	C-2 General Commercial	C-3 Central Business District	C-4 Transitional Commercial	MU Mixed Use	PUD Planned Unit Development	M-1 Light Mfg	M-2 Heavy Mfg	PERMITTED USES	ADDIT. REQ'MT Section	GA General Agriculture	SA Suburban Agriculture	R-1 Estate Residential	R-2 Low Density Residential	R-3 Medium Density Residential	R-4 Zero Lot Line Residential	R-5 Rural Residential	R-6 Transitional Residential	R-7 High Density Residential
									Stock Yards		X								
		X					X	X	Storage Warehouse										
		X					X	X	Storage Yard, Equipment										
X	X	X	X	X	X	X			Studio for Art, Photography & Similar Uses	4-6-18									
	X	X				X			Swimming Pool, Commercial										
	X	X	X	X	X	X			Tanning Salon	4-6-18									
X	X	X	X	X	X	X			Tattoo Parlors; Body Art										
		X							Taxidermy		X	S							
		X	X		X	X			Theater with stage for live performance										
		X	X	X			X	X	Tire Sales & Service										
	X	X					X	X	Towers, Radio, TV & Communication	Article 6	S	S	S	S	S	S	S	S	S
							S	S	Transfer Station, Solid Waste	4-6-24	S								
					S	S			Transitional Housing		S	S	S	S	S		S	S	S
		X					X	X	Truck Terminal, Freight Handling										
X	X	X	X	X	X	X	X	X	Utility Facilities (electric/telephone substations, lift/pump stations,water tanks)		X	X	X	X	X	X	X	X	X
	X	X	X	X					Vendor Stands	4-6-18									
		X							Veterinary Clinic/Animal Hospital/Grooming House										
X	X	X	X	X					Vocational School (trade, secretarial, art, professional, music, dance, drama)										
		S		S	S	S	S	S	Water Treatment Facilities		S	S	S	S	S	S	S	S	S
		X					X	X	Water/Storage Tank 1000-5999 gallon										
		S					X	X	Water/Storage Tank 6000 gallon and over										
X	X	X	X	X	X	X	X	X	Water/Storage Tank under 1000 gallon		X	X	X	X	X	X	X	X	X
		X		X			X	X	Wholesale Trade/Warehouse/Distribution Facilities	4-6-34									
		X		X			X	X	Woodworking, Cabinet-making										
		X					X	X	Wreckage Services, Temporary Storage	4-6-14									

-3-

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.

-4-

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

-5-

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 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\_\_.

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CITY CLERK  
CITY OF DALTON





## CITY COUNCIL AGENDA REQUEST

**Meeting Type:** Mayor & Council Meeting

**Meeting Date:** 01/16/20

**Agenda Item:** The request of Anish Govan to rezone from Estate Residential (R-1) to General Commercial (C-2) a tract of land totaling 1.7 acres located at 108 Kinnier Court, Dalton. Parcel (12-235-02-003) (City)

**Department:** Planning and Zoning

**Requested By:** Ethan Calhoun

**Reviewed/Approved by City Attorney?** Yes

**Cost:** N/A

**Funding Source if Not in Budget** N/A

**Please Provide A Summary of Your Request, Including Background Information to Explain the Request:**

See the attached staff analysis and Planning Commission Recommendation\*

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

**DALTON-WHITFIELD COUNTY PLANNING COMMISSION**  
**503 WEST WAUGH STREET**  
**DALTON, GA 30720**

**MEMORANDUM**

**TO:** City of Dalton Mayor and Council  
Kim Witherow  
Jason Parker  
Gandi Vaughn  
Jean Price-Garland

**FROM:** Jim Lidderdale  
Chairman

**DATE:** December 3, 2019

**SUBJECT: The request of Anish Govan to rezone from Estate Residential (R-1) to General Commercial (C-2) a tract of land totaling 1.7 acres located at 108 Kinner Court, Dalton. Parcel (12-235-02-003) (City)**

The most recent meeting of the Dalton-Varnell-Whitfield County Planning Commission was held on November 25, 2019 at 6:00 p.m. at the Wells Fargo Building fifth floor Whitfield County Commissioner's Chambers, 201 S. Hamilton Street. A portion of the agenda included a public hearing concerning the above matter. A quorum of four members of the Planning Commission was present. All legal requirements for advertising and posting the public hearing were met.

The petition was represented by Daniel Laird, with power of attorney on the petitioner's behalf.

**Public Hearing Summary:**

Mr. Calhoun oriented the audience to the subject property and summarized the staff analysis which was in favor of the requested C-2 rezoning with the conditions cited within the staff analysis. Chairman Lidderdale affirmed with Mr. Calhoun that the grade of the subject property was downward. Scott DeLay asked Mr. Calhoun if there was an example of a similar rezoning anywhere in the City of Dalton. Mr. Calhoun was not able to provide an example to Mr. DeLay of a previous rezoning with a similar character. Mr. DeLay went on to ask Mr. Calhoun if there would be other properties along Walnut Avenue where a similar rezoning would be acceptable. Mr. Calhoun stated that he felt as though the uniqueness of the subject property make it such that the commercial character could be effectively mitigated by the existing topographical variation, existing tree cover, condition of no access to Kinner Court, and the additional required buffer. Mr. Calhoun went on to state that the subject property is likely the only property that staff could give a recommendation to approve along the Walnut Avenue residential to commercial border. Chairman Lidderdale asked if any of the other adjacent properties owned by the petitioner would be suitable for a commercial rezoning. Mr. Calhoun stated that he believed further commercial rezoning of properties other than the subject property along Kinner Court could not be effectively buffered and would have noticeable negative impacts on the neighboring residential properties. Mr. DeLay asked Mr. Calhoun if there is an example in the City of Dalton where C-2 had encroached into an R-1 neighborhood. Mr. Calhoun was unable to provide an example to Mr. DeLay.

Daniel Laird represented Mr. Govan with power of attorney. Mr. Laird began by stating that the petitioner's desire is to re-invest in the vacant and deteriorating building on the subject property to attract a new business. Mr. Laird went on to state that the business the petitioner is in hope of

attracting would be an Olive Garden. Mr. Laird stated that the petitioner requested this rezoning in order to utilize the subject property for additional parking to serve the proposed business due to the fact that Olive Garden corporate requires a minimum of 150 to 180 parking spaces per restaurant. Mr. Laird stated that the petitioner's plan is to place a fence along the north, east, and west boundaries of the subject property as well as evergreen vegetation to mitigate visual impact to the Dickson Acres neighborhood. Mr. Laird added the fact that Mr. Patel, the petitioner's father, has the other two residential estates along Kinnier Court under contract with the intent to further buffer the Dickson Acres neighborhood from the proposed rezoning. At this time a video presentation, provided by the petitioner, was projected onto screens for the members of the Planning Commission as well as the audience to observe a conceptual design of the subject property. Mr. Laird stated that 108 Kinnier Court is the only property up for rezoning and, Mr. Laird restated that the other residential estates along Kinnier Court under contract with Mr. Patel are intended to create further buffer to reduce impacts to Dickson Acres. Mr. Laird continued by stating that the conditions recommended in the staff analysis were already part of the petitioner's design for the subject property and stated that there is no issue with satisfying said conditions. Scott DeLay asked Mr. Laird how many parking spaces exist on the adjacent commercial property and Mr. Laird stated eighty spaces. Mr. DeLay then asked how many spaces are proposed for the subject property and Mr. Laird stated that they will need to create at least 70 spaces for the prospective business to satisfy corporate requirements. Mr. DeLay confirmed that the petitioner owns the empty adjacent property along Walnut Avenue and asked why it was not considered for parking expansion. Mr. Laird stated that the property along Walnut Avenue adjacent to the former O'Charley's building was not large enough for the necessary parking, had a lower elevation than the former O'Charley's building, and that the petitioner had plans for another new business for that property. Chairman Laughter confirmed that the dwelling on the subject property was not blighted and was in good condition. Mr. DeLay asked Mr. Laird if he was aware of another location in the City of Dalton where C-2 had created a wedge into an R-1 district. Mr. Laird stated that he was unaware of an exact example of this scenario but, gave the example of the commercial and residential boundaries related to the Steak and Shake property along Walnut Avenue that was rezoned for additional parking in the past.

Jeff White, 121 Ella Lane approached the Planning Commission to speak in favor of the C-2 rezoning based on the fact that he was not concerned that his property would be negatively impacted based on the conceptual site plans and stated that he is in favor of the proposed rezoning. Dr. White made note of a long-standing stormwater issue that affects his property unrelated to the rezoning. He went on to state that the lack of the twenty-foot buffer between his property and Walnut Avenue commercial property add to his stormwater issue. Dr. White believed that the large buffer proposed by the petitioner would help reduce stormwater impacts to the Dickson Acres community.

Drayton Sanders, 102 Ella Lane resident of Dickson Acres of 34 years stated that the Dickson Acres residents collectively and strongly oppose the proposed C-2 rezoning of the subject property. Dr. Sanders went on to give a thorough sixty-five-year history of the Dickson Acres community from its time as a farm to the current day. He pointed out that Dickson Acres residential community pre-dated the interstate and modern-day Walnut Avenue commercial development. Dr. Sanders pointed out that protective covenants were created and recorded in the courthouse since the community's creation. He went on to state that investment has continued in Dickson Acres with both re-investment, home sales, and new construction to the current day, despite the community's age. Dr. Sanders noted that he had been the chairman of the Dickson Acres Home Owner's Association for fifteen-years. He pointed out the other HOA members Craig Tidwell, John Didier, and Charles Maret unanimously oppose the 108 Kinnier Court rezoning. He pointed out the three estates along Kinnier Court that are owned or under contract by Mr. Patel as well as noting the location of Dr. White's estate along Ella Lane. Dr. Sanders stated that he believed the proposed C-2 rezoning would be considered a wedge into the Dickson Acres community. He went on to cite a conversation he had with Mr. Patel in the past that led Dr. Sanders to

believe Mr. Patel's intention to develop the other residential properties along Kinnier Court to commercial as well. Dr. Sanders then stated per his communication with Mr. Patel that he understood that Mr. Patel intends to request that Kinnier Court be closed as a City street. Dr. Sanders went on to further state that in his prior conversations with Mr. Patel that Mr. Patel had made claims to develop the other properties along Kinnier Court with restaurants and a hotel at a later time. He then pointed out long-standing stormwater issues along McClellan Creek inside Dickson Acres and believed that this rezoning, if approved, would worsen the existing issue.

Craig Poteet, thirty-five-year resident of Dickson Acres residing at 129 Ella Lane, points out that his property faces the subject property with a clear lane of sight. Mr. Poteet stated that he was concerned that Mr. Patel had purchased such a substantial amount of property along Kinnier Court and believed that this rezoning, if approved, would have a substantial negative impact to Dickson Acres and the City of Dalton. He went on to state that, since the 2015 adoption of the Unified Zoning Ordinance, that not a single instance had occurred where a property had been rezoned from R-1 to C-2. Mr. Poteet pointed out on a large zoning map the straight and consistent boundary of C-2 and R-1 in this area and how the proposed rezoning would create a commercial wedge into Dickson Acres. He stated that he felt that the demolition of a conforming R-1 property for the expansion of a parking lot would be a poor land use decision. Mr. Poteet points out on another set of large maps the amount of contiguous commercial property the petitioner owns along Walnut Avenue that, in total, exceeds seven acres. He then pointed out the other contiguous properties owned or under contract by Mr. Patel along Kinnier Court and stated that he believed this rezoning would constitute an entering wedge into Dickson Acres. Mr. Poteet stated that he believes the petitioner could utilize other vacant contiguous commercial properties already zoned C-2 for the proposed parking lot rather than compromising the residential integrity within Dickson Acres. He pointed out former residential to commercial rezoning along the Walnut Avenue corridor where the City of Dalton purchased property to create a boundary and buffer.

Steve Farrow, lifelong resident of Dickson Acres, passed out a typed opposition countering the points of the staff analysis with an opposition to the proposed rezoning. Mr. Farrow stated that he believed the proposed rezoning would be blatant commercial intrusion as an entering wedge with long-term negative affects to the residential character of Dickson Acres and, did not believe the benefit of a corporate commercial enterprise would outweigh the negative impacts imposed on the residential community. Mr. Farrow again pointed out the clear and long-standing boundary of C-2 and R-1 along this portion of Walnut Avenue to illustrate the point of an entering wedge and, he went on to state that this boundary is much more easily preserved than other areas within the City where residential and commercial boundaries converge.

Craig Tidwell, 129 Huntington within Dickson Acres, passed out a petition along with several letters to Chairman Lidderdale that opposed the proposed C-2 rezoning. Mr. Tidwell felt as though the proposed rezoning was in conflict with the vision statement of the Whitfield County Joint Comprehensive Plan based on the fact that it would encroach upon an existing residential community.

David Archer, attorney hired by the Dickson Acres architectural committee passed a copy of the Dickson Acres 1955 covenant recorded in the Whitfield County courthouse and points out that they are still viable to the Dickson Acres community. Mr. Archer points out that the covenants strictly prohibit any other use than residential within Dickson Acres. He continued to read another point from the covenants that states the need for a majority of Dickson Acres residents in order to exempt a property from the covenants. Mr. Archer stated that no such act had occurred, to date, exempting the subject property of the Dickson Acres covenants. Mr. Archer stated, on behalf of his clients within Dickson Acres, that if this application is approved it would be arbitrary and capricious action and in violation of the United States Constitution. He went on to state that certain aspects of the procedures and standards of the public hearing were in violation of the Georgia Zoning Procedures Act. Mr. Archer asked the

Planning Commission not to recommend approval of this rezoning.

Daniel Laird rebutted by stating that when the previously mentioned Dickson Acres covenants were amended in 2009 the 108 Kinnier Court, subject property, did not sign the amended covenants. He went on to state that because 108 Kinnier Court had not signed the amended Dickson Acres covenants that the property is not bound by such restrictions. Mr. Laird noted, per the staff analysis, that the requested rezoning is a unique property where said rezoning could be appropriately mitigated by the conditions listed within the staff analysis. Mr. Laird closed by stating he believed that the requested rezoning should be approved despite the concerns regarding other properties owned by Mr. Patel.

With no other comments heard for or against this hearing closed at 8:19

**Recommendation:**

Chairman Lidderdale sought a motion on the requested C-2 rezoning. Mr. DeLay stated that he felt as though the requested C-2 rezoning would be an entering wedge given the long-standing boundary of commercial and residential zone districts in this area. Mr. DeLay went on to state that he believed the entering wedge of C-2 would weaken the integrity of the adjacent neighborhood. Mr. Sanford, in agreement with Mr. DeLay, noted the age of the Dickson Acres community and its integrity as an estate neighborhood. Mr. Thomas stated that he appreciated the intent of the petitioner to invest in the community but, he then noted that the petitioner purchased the subject property as it was zoned along with the restrictions attached to the longstanding covenants from the 1950's. Mr. DeLay then stated that he believed this rezoning, if approved, would set a precedent for more commercial encroachment since no similar examples could be provided showing a similar situation yielding no adverse effect to a neighborhood in the City of Dalton. **Mr. DeLay then made a motion to recommend a denial for the C-2 rezoning. Mr. Thomas seconded the motion and a unanimous recommendation to deny the requested C-2 rezoning followed, 3-0.**



**STAFF ANALYSIS  
REZONING REQUEST  
*Unified Zoning Ordinance***

**ZONING CASE:** Anish Govan is seeking to rezone from Estate Residential (R-1) to General Commercial (C-2) a tract of land (parcel 12-235-02-003) containing 1.7-acres. The tract is currently developed as with a single family detached dwelling. The rezoning request to C-2 is sought in order for the petitioner to demolish the existing dwelling to then expand the parking lot on the adjacent commercial property to accommodate a new restaurant franchise in the existing adjacent commercial structure (former O'Charley's).

The surrounding uses and zoning are as follows: 1) to the north, is a single flag lot zoned R-1 that contains a large single family detached dwelling; 2) to the east, are two adjacent tracts that are each zoned R-1 and each contain single family detached dwellings; 3) to the south, are two adjacent tracts owned by the petitioner and zoned C-2. One of the adjacent southern tracts contains a restaurant-style commercial building while the other tract is vacant; and 4) to the west, are two adjacent tracts both zoned R-1. One of the western adjacent tracts is undeveloped and belongs to the other western adjacent tract which contains a single family detached dwelling. This area is at a convergence of interstate interchange commercial and estate residential land uses.

<u>Administrative Matters</u>		<u>Yes</u>	<u>No</u>	<u>N/A</u>
A.	Is an administrative procedure, like a variance, available and preferable to a rezoning?	—	<u>X</u>	—
B.	Have all procedural requirements been met?	<u>X</u>	—	—
	1. Legal ad November 8, 2019 (16 days notice)			
	2. Property posted November 5, 2019 (Yes -- one sign on the lot frontage; 18 days notice.)			
C.	Has a plat been submitted showing a subdivision of land?	—	<u>X</u>	—
D.	The following special requirements have an impact on this request:			
	<b>100-year flood plain</b> (land is filled to the 100-year flood level)	—	<u>X</u>	—
	<b>Site Plan</b> (none required)	—	<u>X</u>	—
	<b>Buffer Zones</b> (none required)	<u>X</u>	—	—
	<b>Soil Erosion/Sedimentation Plan</b>	—	<u>X</u>	—
	<b>Storm Water Requirements</b>	—	<u>X</u>	—

The subject property is within the jurisdiction of the City of Dalton Mayor and Council.

## **CONSIDERING FACTORS FOR A REZONING/ANNEXATION ANALYSIS**

**(A) Whether the proposed amendment would allow a use that is generally suitable for the site compared to other possible uses and whether the proposed change is consistent with the established land use pattern and zoning of adjacent and nearby properties.**

This area of the City along Walnut Avenue became a major commercial corridor shortly after the completion of I-75 and the Walnut Avenue interchange. It is fair to say that this area became the most active commercial district in the City largely due to the I-75 interchange and nearby Dalton State College. As with any large commercial district, there is always a boundary with a non-commercial district. It is clear that commercial development favored the southern R/W of Walnut Avenue more so than the northern R/W. The subject property is adjacent to two commercially developed lots that are part of the greater Walnut Avenue commercial corridor. At the time the commercial lots were developed adjacent to the subject property, they were not required to create an undeveloped buffer adjacent to the residential properties. The lack of sufficient buffer between the subject property and the commercial tracts placed a visual burden on the subject property. With such a close proximity to a busy commercial development and lack of sufficient buffer, the subject property may be seen as less than desirable for residential occupation when compared to many other nearby residential tracts with a significantly larger buffer. The subject property also happens to be at grade with the adjacent commercial property that the proposed parking lot is planned to serve, while the majority of other adjacent residential properties are at a significantly lower elevation from the commercial area along Walnut Avenue. The above-mentioned characteristics do not make the subject property unsuited for residential use but, it is this planner's observation that this property could be easily adapted for the proposed use more so than any of the other residential tracts nearby.

**(B) Whether the proposed C-2 amendment would adversely affect the economic value or the uses of adjacent and nearby properties.**

The characteristics of C-2 and R-1 are incredibly different and rarely tend to be adjacent districts. The C-2 zone district offers opportunity for high-traffic and High-intensity commercial land use that may create noise and visual impacts to surrounding properties. The R-1 zone district is the lowest-density residential district in the Unified Zoning Ordinance and is intended for large-lot estate residences only. The subject property, as mentioned previously, is on the border between the R-1 and C-2 districts. In most cases a rezoning such as the one proposed would be devastating to an R-1 neighborhood. Based on the previously mentioned factors including topography and buffer area, however, the subject property creates a unique opportunity that could make this rezoning viable while minimizing the perceived impact on the adjacent neighborhood. The subject property sets approximately thirty-feet higher than the adjacent properties to the north and west. Also, along the northern and western boundary of the subject property is a mature stand of trees and vegetation on the subject property that occupies the steep slope. The eastern adjacent properties can be sufficiently buffered from the proposed parking area with existing vegetation as well. The proposed site plan shows a buffer of over 100 feet to the north as well as the required twenty-feet buffer on the eastern and western boundaries of the subject property.

**(C) Whether the subject property has a reasonable economic use as currently zoned, considering the suitability of the subject property for the proposed zoned uses.**

The subject property has remained a conforming property in the R-1 zone district with no apparent issues. It is worth pointing out, however, that the lack of buffer on the adjacent commercial property has created a hardship on the subject property as an estate residential property. As stated previously, the subject property could be redeveloped as proposed without a significant disturbance to the adjacent neighborhoods.

**(D) Whether there is relative gain to the health, safety, morals, or general welfare of the public as compared to any hardship imposed upon the individual owner under the existing zoning.**

N/A

**(E) Whether the proposed (C-2) amendment, if adopted or approved, would result in a use which would or could cause an excessive or burdensome use of existing streets, schools, sewers, water resources, police and fire protection, or other utilities, as contrasted with the impact under the existing zoning.**

This area is served by a more than adequate array of utilities and public infrastructure due to the intensity of development that has already occurred. The proposed expansion of a parking lot would not impose additional traffic since it will simply be serving the existing structure adjacent to the subject property. There should, however, be serious consideration to the fact that the subject property now has street access to Kinnier Ct. at the terminus of the cul-de-sac. The petitioner has expressed no interest in utilizing Kinnier Ct. for the subject property's proposed use which can be seen in the proposed site plan. It is this planner's opinion that automobile access to the subject property be strictly limited to the adjacent associated commercial property and that no automobile access be granted to the subject property from Kinnier Ct. If access to the subject property were granted from Kinnier Ct. then it would be expected that a noticeable traffic increase through the adjacent neighborhood would begin to occur both for access to commercial properties as well as a short-cut to access Walnut Avenue. While some may see such a connection as convenient, there is concern that higher traffic loads along the quiet neighborhood streets would eventually become a burden to those living in the neighborhood. The concern for said traffic impact on the adjacent neighborhood is likely why no street connection like this has occurred in the past to ensure a separation between the neighborhood and commercial district.

**Whether the property sought to be rezoned (or annexed) is in conformity with the policy and intent of the adopted joint comprehensive plan or equivalent. If not, has the plan already been amended, officially or unofficially, by the development of uses which are contrary to the plan recommendation, and if the plan has been amended, does this rezoning or annexation request allow uses which are compatible to the existing uses in the vicinity.**

The Comprehensive Plan shows the subject property to be within the Suburban character area. This character area is, of course, aimed at preserving existing suburban neighborhoods character as time and development progress. The subject property is, however, adjacent to the Regional Activity Center character area as well. The Regional Activity Center character area is aimed at creating significant commercial development that serves the greater community and region. Based on the previously

mentioned factors, this is a unique situation where the proposed rezoning and development could be approved with no perceivable impact to the existing neighborhood. Due to the concept of character area planning it is not unreasonable for the proposed rezoning to be acceptable if certain conditions are required as part of the rezoning in order to ensure proper buffer is established.

**(F) Whether there are any other conditions or transitional patterns affecting the use and development of the property to be rezoned or annexed, which give grounds for approval or disapproval of the proposed zoning proposal. Whether the proposed zoning change constitutes an “entering wedge” and is a deterrent to the use, improvement, or development of adjacent property within the surrounding zone districts or would create an isolated, unrelated district (spot zone) as interpreted by current Georgia law.**

Since the subject property is adjacent to a large well-established C-2 zone district this is not considered a “spot zone”. The boundary between this neighborhood and the Walnut Avenue commercial district has been long-standing and unaffected by development in the past. As stated previously, the subject property is one of the very few, if not the only, property along this border that could be rezoned and developed as proposed with little to no affect on the adjacent neighborhood.

**(G) Whether the subject property, as currently zoned, is vacant and undeveloped for a long period of time, considered in the context of land development in the vicinity or whether there are environmental or cultural factors, like steep slopes, flood plain, storm water, or historical issues that influence the development of the subject property under any zoning designation.**

NA

#### **CONCLUSION:**

Staff can provide a recommendation to approve the C-2 rezoning at this location based on the following factors:

- 1) By rezoning the subject property to C-2, the desired use would be serving an established adjacent commercial property that is part of a well-established commercial district.
- 2) The (C-2) request is on the border of the Suburban and Regional Activity Center character areas. Based on the ability to expand the commercial district with a more than sufficient buffer this planner believes that this rezoning could be approved without being in conflict with the comprehensive plan.
- 3) There is no expectation that this rezoning will have a negative economic impact on the surrounding residential properties, if the property is developed based on the attached site plan that includes utilizing much of the existing timber growth as a buffer. Additional buffering will be required for the eastern boundary of the subject property as well.

- 4) This rezoning should be approved contingent to the proposed site plan along with the condition that no automobile access will be granted to the subject property from Kinnier Ct. Physical barriers such as vegetation and curbing of the proposed parking lot should be required to ensure thorough separation that prevents automobile access.

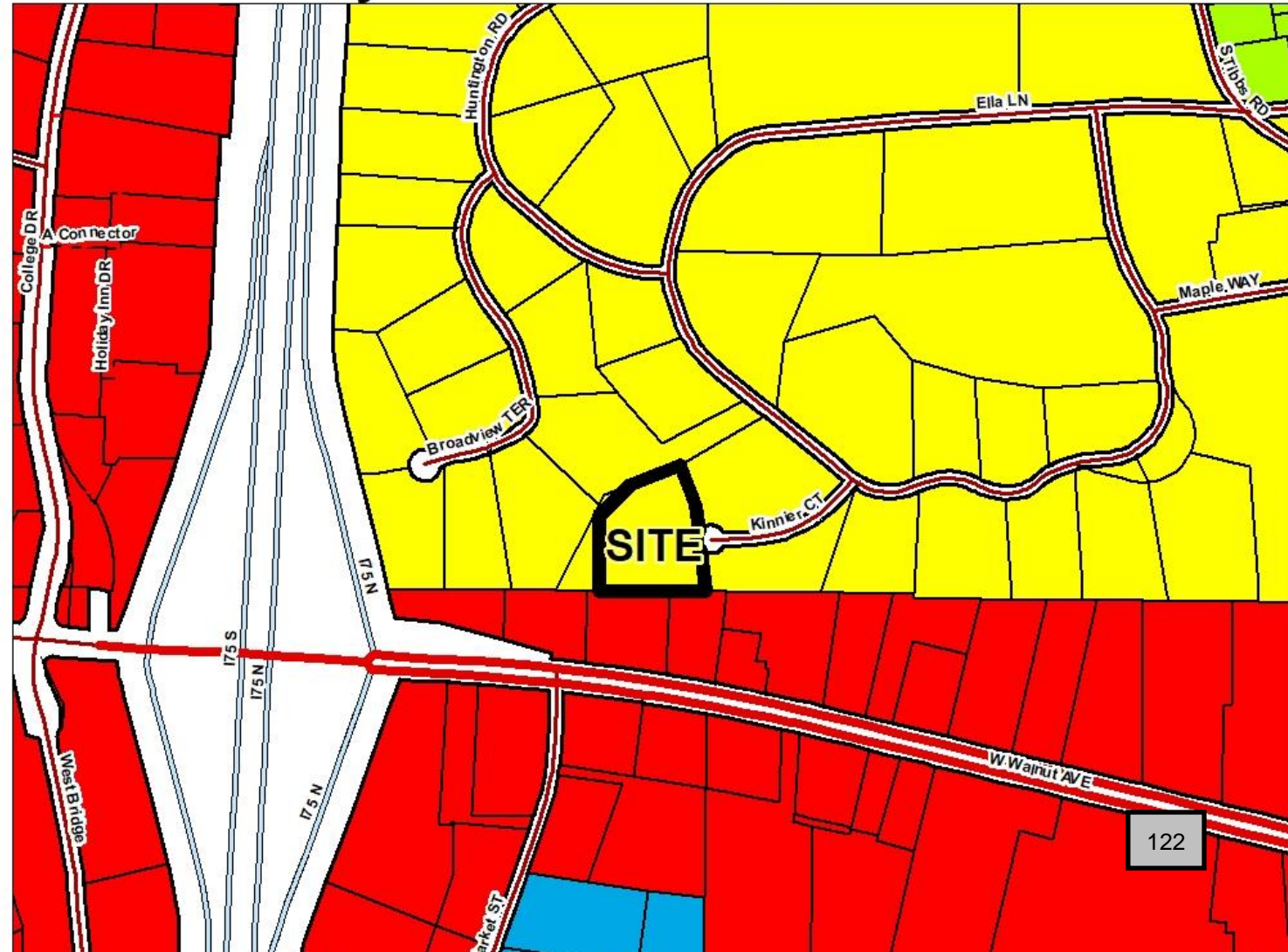
# Govan Rezoning Request R-1, Estate Residential to C-2, General Commercial City of Dalton Jurisdiction



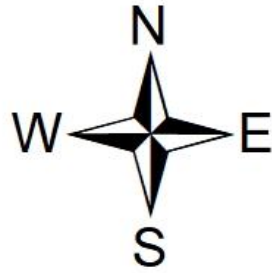
## ZONING

-  Low Density Single Family Residential (R-2)
-  Estate Residential (R-1)
-  Mixed Use (MU)
-  General Commercial (C-2)

**FEET**  
**400**

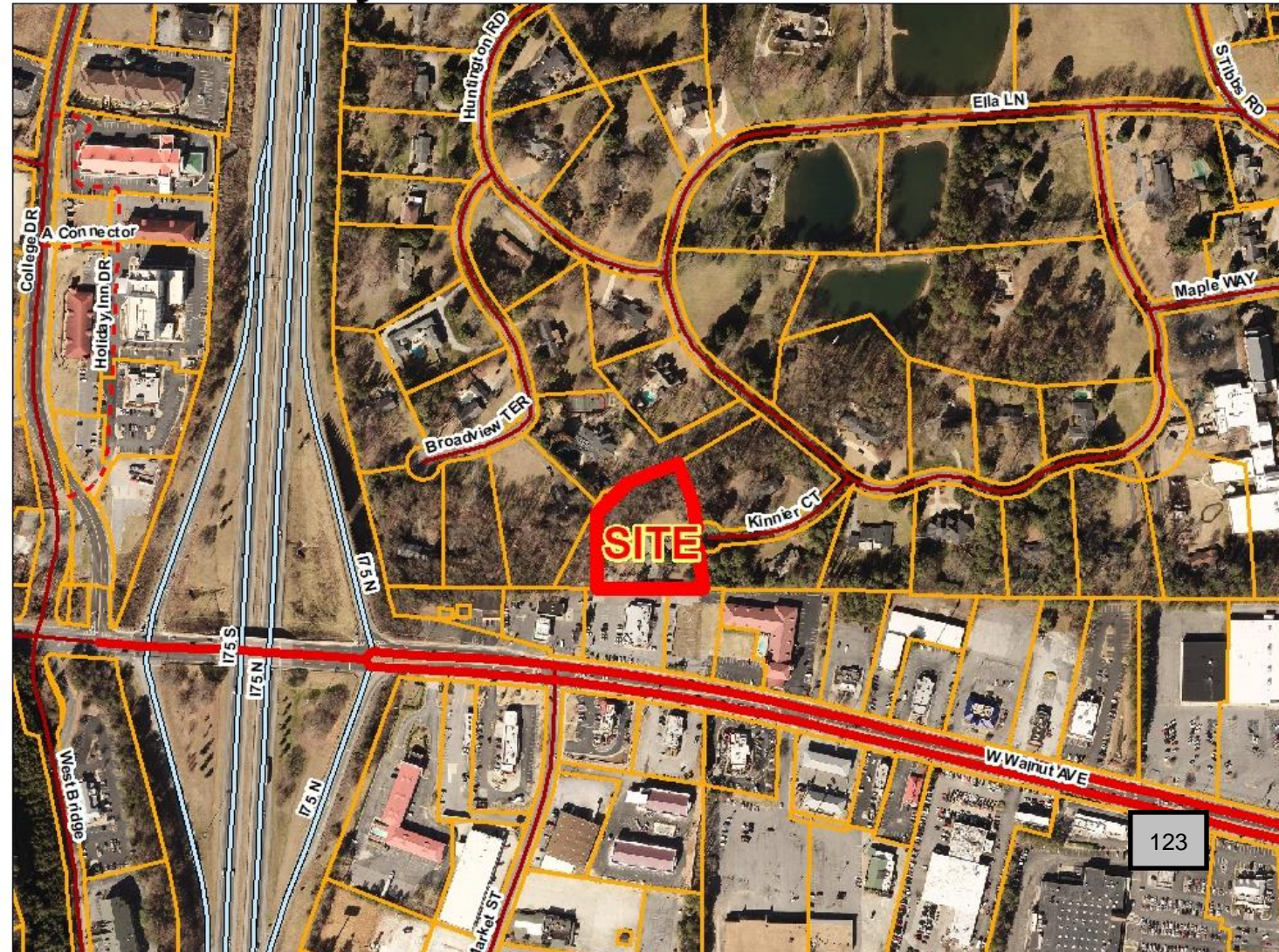






**Govan Rezoning Request  
R-1, Estate Residential  
to  
C-2, General Commercial  
City of Dalton Jurisdiction**

**FEET  
400**

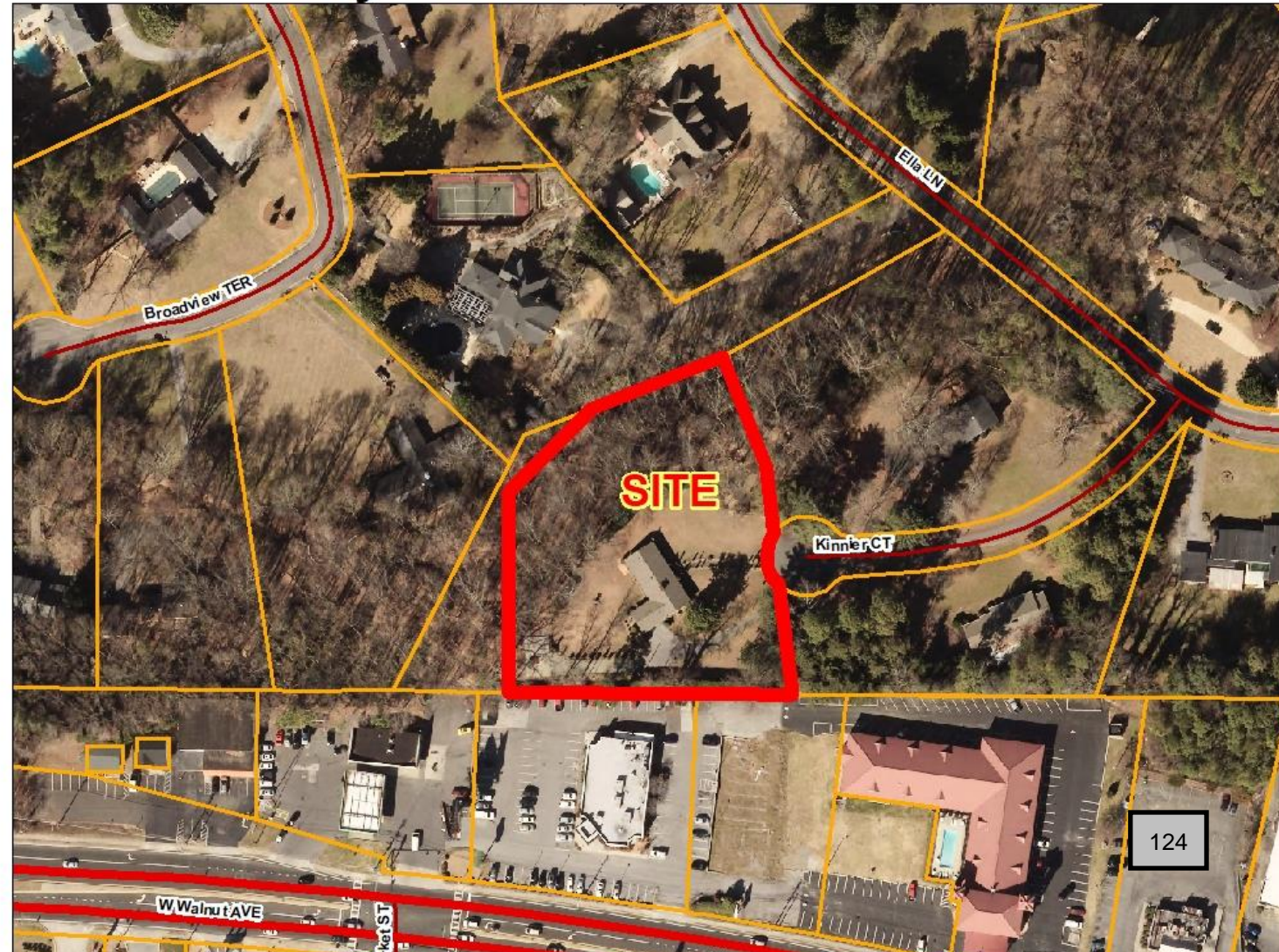






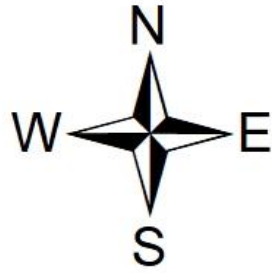
**Govan Rezoning Request  
R-1, Estate Residential  
to  
C-2, General Commercial  
City of Dalton Jurisdiction**

**FEET  
150**





# Govan Rezoning Request R-1, Estate Residential to C-2, General Commercial City of Dalton Jurisdiction



## FUTURE DEVELOPMENT MAP

-  Dalton State/College Drive
-  Regional Activity Center
-  Suburban

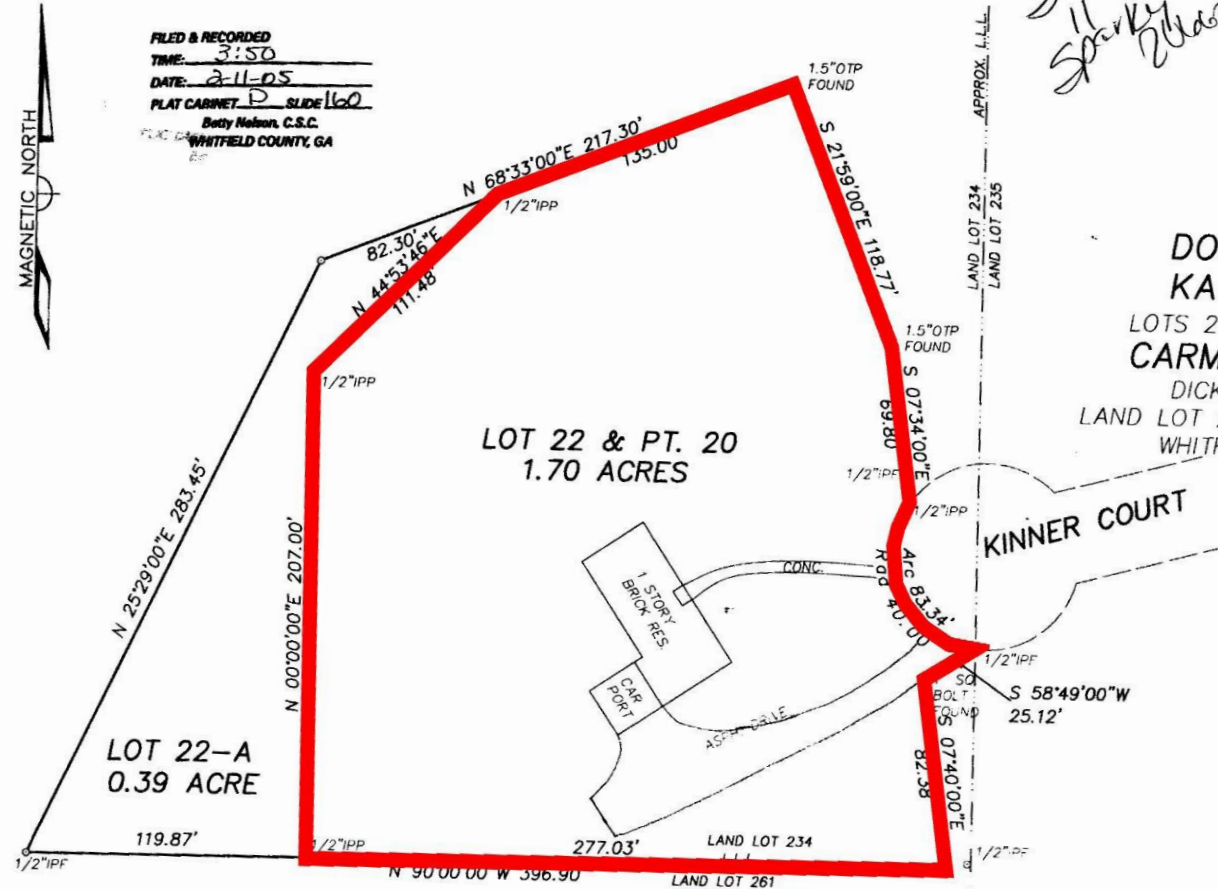
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400



FILE NO: 050124

D-160

FILED & RECORDED  
TIME: 3:50  
DATE: 2-11-05  
PLAT CARNET: B SLIDE 160  
Buddy Nelson, C.S.C.  
WHITFIELD COUNTY, GA



50 0 50 100 150  
GRAPHIC SCALE - FEET

STATEMENT OF OWNERSHIP:  
THIS DRAWING, AS AN INSTRUMENT OF SERVICE, IS THE PROPERTY OF THE SURVEYOR AND MAY NOT BE PUBLISHED, REPRODUCED, ELECTRONICALLY DIGITIZED OR SCANNED, OR OTHERWISE COPIED OR USED WITHOUT THE EXPRESSED AND WRITTEN PERMISSION OF JOSEPH R. EVANS, REGISTERED LAND SURVEYOR.

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SURVEY FOR  
LOT 22-A FOR  
**DONALD O. FREEMAN**  
**KAYE H. FREEMAN**  
LOTS 22 & PART OF LOT 20 FOR  
**CARMEN BELMAN-PEREZ**  
DICKSON ACRES, PLAT 1-A  
LAND LOT 234, 12TH DISTRICT, 3RD SECTION  
WHITFIELD COUNTY, GEORGIA



THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000+ FEET AN ANGULAR ERROR OF 0.3 PER ANGLE POINT, AND WAS (ADJUSTED) USING THE LSQ RULE

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 10,000+ FEET.

FIELD WORK WAS DONE BY USING A EDM TRANSIT AND A CHAIN

GA. REG. LAND SURVEYOR, NO. 2  
**JOSEPH R. EVANS & ASSOCIATES**  
LAND SURVEYORS

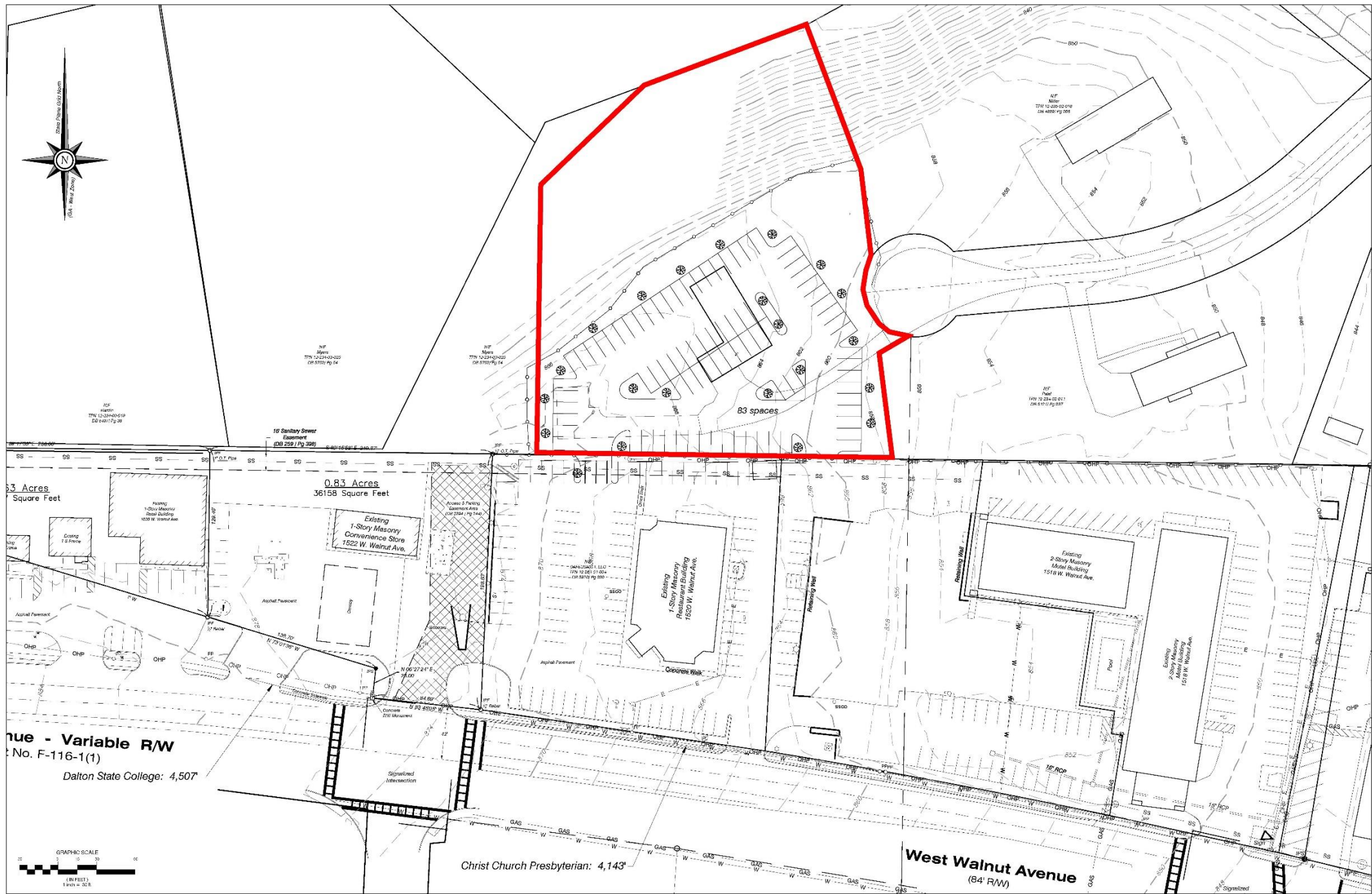
1816 DUG GAP ROAD, DALTON, GA. 307  
(706) 226-7902 FAX (706) 275-99

DRAWN BY: J.E.B. CHECK BY:

DATE 21 JAN 05 SCALE 1"=50'

REVISIONS





November 11, 2019

To Whom It May Concern,

My residence is located at 106 Kinnier Court in Dickson Acres subdivision. Mr. Patel shared with me the plans to rezone 108 Kinnier Court and what he intends to do with the property and I am in support of his requests to rezone.

Wes Miller





**WHITE'S  
PEDIATRICS**

1575 CHATTANOOGA AVE  
SUITE 1  
DALTON, GA 30721

925 NORTH 3RD AVE  
CHATSWORTH, GA 30705

105 LAUREL CREEK RD  
SUITE 1  
CALHOUN, GA 30701

706-876-2130  
706-876-2168 FAX

Ronald B. Tull, MD, FAAP  
Beverly Jordan, MD, FAAP  
Minsheng Wang, MD, FAAP  
Joseph Point du Jour, MD  
Kathy Schleier, PA-P  
Regina Rogers, FAAP  
Carey Bramlett, FAAP  
Buffy Mosteller, FAAP  
Kelly Cline, PA-P

Jeffery H. White, MD., FAAP and Associates

November 7, 2019

To Whom It May Concern:

My family home is located at 121 Ella Lane in the Dickson Acres subdivision. I am writing in support of Mr. Patel's request to rezone the property at 108 Kinnier Court. I was hesitant when I first heard about the rezoning request, but I was able to meet with Mr. Patel today and ask questions about his plans for the property and how it will affect the neighborhood. I am now satisfied that the design is well-suited for the property and will be a great asset to the community. I do not believe it will negatively affect the character of the neighborhood or cause any unnecessary nuisance or disruption.

Thank you for your careful consideration of Mr. Patel's zoning request.

Sincerely,

Jeffery H. White

TO: Jim Lidderdale, Chairman  
Tom Minor  
Jody McClurg  
John Thomas  
Mitch Sanford

FROM: Charles and Sarah Maret

DATE: November 18, 2019

RE: Rezoning of Kinnier Court property from R1 to C2


We are residents of Dickson Acres subdivision and are concerned with the request for the rezoning of a portion of the neighborhood. Zoning laws are there for a purpose and that is why many choose to live in the city ---to ensure their property values are protected. Zoning should protect existing property values by preventing incompatible uses of a property. When you purchase property in a residential zoned area, you expect your property to be protected from commercial encroachment.

Dickson Acres is a vibrant, desirable neighborhood with families moving into the area, and homeowners maintaining their property. The homes and lawns are well kept and there is an abundance of trees. It is close in to the center of Dalton and is easily accessible to major roads, yet remains a quiet, residential area. Many people use the streets to walk and jog because of the absence of heavy traffic. This neighborhood was established in the early 1950's, remains a beautiful area and does not need a pocket of property rezoned to commercial.

There is a small creek that borders the property in question and there are many environmental concerns about the effect that rezoning will have. Run-off from paved areas could pollute the lakes in the neighborhood, and could also cause flooding in the area. There would be eroded streambanks and sediment could clog waterways and kill aquatic life. No studies have been done to determine what the effect would be on the environment. Also, this area already has stormwater run-off issues and new commercial development would only make this a larger problem.

When the property in question was purchased it was zoned residential and the property owner was well aware of that zoning. When looking at an aerial view of this area, there is a clear dividing line between the commercial and residential areas. This dividing line is to protect residential residents from the Walnut Avenue commercial corridor.

We are opposed to any change in the zoning designation on Kinnier Court.

 We hope that  
you will vote no  
on this rezoning  
request. Sarah



# PETITION IN OPPOSITION TO REZONING APPLICATION

REZONING APPLICANT:

ANISH GOVAN

ADDRESS OF PROPOSED REZONING:

108 KINNIER COURT, DALTON, GEORGIA

CURRENT TO PROPOSED ZONING:

R-1 to C-2

TO: Dalton-Whitfield Planning Commission  
Dalton City Council

The undersigned residents of the City of Dalton, do hereby object to the above-referenced rezoning application.

NAME:	ADDRESS:	SIGNATURE:
W.H. Lumpkin	1801 Huntington Woods	W.H. Lumpkin, MD
Anish Govan	111 Huntington Road	Anish Govan
Kent Chapman	150 Ella Lane	Kent Chapman
Julie Crossman	150 Ella Lane	Julie Crossman
Mike Maret	129 Ella Lane	Mike Maret
Mike Maret	1307 Cooper Dr.	Mike Maret

# PETITION IN OPPOSITION TO REZONING APPLICATION

REZONING APPLICANT: ANISH GOVAN  
 ADDRESS OF PROPOSED REZONING: 108 KINNIER COURT, DALTON, GEORGIA  
 CURRENT TO PROPOSED ZONING: R-1 to C-2

TO: Dalton-Whitfield Planning Commission  
 Dalton City Council

The undersigned residents of the City of Dalton, do hereby object to the above-referenced rezoning application.

NAME:	ADDRESS:	SIGNATURE:
John Didier	147 Ella Lane	[Signature]
Antonia [Signature]	147 Ella Lane	[Signature]



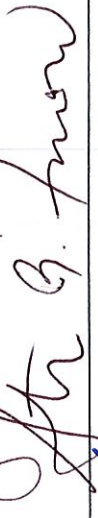





# PETITION IN OPPOSITION TO REZONING APPLICATION

REZONING APPLICANT: ANISH GOVAN  
 ADDRESS OF PROPOSED REZONING: 108 KINNER COURT, DALTON, GEORGIA  
 CURRENT TO PROPOSED ZONING: R-1 to C-2

TO: Dalton-Whitfield Planning Commission  
 Dalton City Council

The undersigned residents of the City of Dalton, do hereby object to the above-referenced rezoning application.

NAME:	ADDRESS:	SIGNATURE:
Joe M. Wise	128 Ella Ln,	
Jean Wise	128 Ella Lane	
Stephen Farrow	1901 Rena Lane	
Adam Smith	116 Ella	
Tanya Smith	116 Ella	
Gerry Lewis	151 Ella	

# PETITION IN OPPOSITION TO REZONING APPLICATION

REZONING APPLICANT: ANISH GOVAN  
 ADDRESS OF PROPOSED REZONING: 108 KINNIER COURT, DALTON, GEORGIA  
 CURRENT TO PROPOSED ZONING: R-1 to C-2

TO: Dalton-Whitfield Planning Commission  
 Dalton City Council

The undersigned residents of the City of Dalton, do hereby object to the above-referenced rezoning application.

NAME:	ADDRESS:	SIGNATURE:
Leslie Taylor	111 Broadview Terrace Dalton, Georgia	Leslie Taylor
Johnny Taylor	Dame	Johnny Taylor

19/5

Petition in Opposition to Rezoning  
 Rezoning Applicant: Anish Govan  
 Property: 108 Kimmier Court, Dalton, GA  
 Current to Proposed Zoning: R-1 to C-2

NAME:	ADDRESS:	SIGNATURE:
Don W. Adcock	110 Broadview Terrace	Don W. Adcock
Ingy Bestawros	126 Huntington Road	Ingy Bestawros
Hilda I Bestawros	126 Huntington Rd.	Hilda I Bestawros
Janette Mathis	124 Huntington Rd	Janette Mathis
Paul Whitt	112 Broadview Terr.	Paul Whitt
Debra Ware	128 Huntington Rd	Debra Ware
Charles MARET	128 Huntington Rd	Charles MARET

# PETITION IN OPPOSITION TO REZONING APPLICATION

REZONING APPLICANT: ANISH GOVAN  
 ADDRESS OF PROPOSED REZONING: 108 KINNIE COURT, DALTON, GEORGIA  
 CURRENT TO PROPOSED ZONING: R-1 to C-2

TO: Dalton-Whitfield Planning Commission  
 Dalton City Council

The undersigned residents of the City of Dalton, do hereby object to the above-referenced rezoning application.

NAME:	ADDRESS:	SIGNATURE:
Leon O'Neal	119 Broadview Terrace	Leon O'Neal
John W. O'Neal, Jr.	119 Broadview Terrace	John W. O'Neal, Jr.
Mary Elizabeth Handlin	113 Broadview Terrace	Mary Elizabeth Handlin

PETITION IN OPPOSITION TO REZONING APPLICATION

REZONING APPLICANT: ANISH GOVAN  
 ADDRESS OF PROPOSED REZONING: 108 KINNIE COURT, DALTON, GEORGIA  
 CURRENT TO PROPOSED ZONING: R-1 to C-2

TO: Dalton-Whitfield Planning Commission  
 Dalton City Council

The undersigned residents of the City of Dalton, do hereby object to the above-referenced rezoning application.

NAME:	ADDRESS:	SIGNATURE:
Virginia A. W. Hoyt	108 Pinewood Rd. Dalton, GA 30721	<i>Virginia A. W. Hoyt</i>
Patty McCreary	809 Ruckey Dr. Dalton GA 30720	<i>Patty McCreary</i>
Ron Goffio	1712 Violet Way Dalton, Ga. 30720	<i>Ron Goffio</i>
Charles Clark	1200 W. Main St. Dalton, Ga. 30720	<i>Charles Clark</i>



# PETITION IN OPPOSITION TO REZONING APPLICATION

REZONING APPLICANT: ANISH GOVAN  
 ADDRESS OF PROPOSED REZONING: 108 KINNER COURT, DALTON, GEORGIA  
 CURRENT TO PROPOSED ZONING: R-1 to C-2

TO: Dalton-Whitfield Planning Commission  
 Dalton City Council

The undersigned residents of the City of Dalton, do hereby object to the above-referenced rezoning application.

NAME:	ADDRESS:	SIGNATURE:
Craig + Andy Tidwell	129 Huntington Road Dalton, GA 30720	<i>Craig + Andy Tidwell</i>
Stewart + Cynthia Stanley	135 Huntington Road Dalton, GA 30720	<i>Stewart + Cynthia Stanley</i>
Karen + Barbara Jackson	1900 Rena	<i>Karen + Barbara Jackson</i>
Craig + Kelly Gough	1902 Rena	<i>Craig + Kelly Gough</i>
Erle Miles	1906 Rena	<i>Erle Miles</i>
Greg and Dusty Ross	1910 Rena Lane	<i>Greg + Dusty Ross</i>
DAVID & JANEY OBENAUER	1800 HUNTINGTON VLOOPS WAY	<i>David &amp; Janey Obenauer</i>

# PETITION IN OPPOSITION TO REZONING APPLICATION

REZONING APPLICANT: ANISH GOVAN  
 ADDRESS OF PROPOSED REZONING: 108 KINNIE COURT, DALTON, GEORGIA  
 CURRENT TO PROPOSED ZONING: R-1 to C-2

TO: Dalton-Whitfield Planning Commission  
 Dalton City Council

The undersigned residents of the City of Dalton, do hereby object to the above-referenced rezoning application.

NAME:	ADDRESS:	SIGNATURE:
Charlotte Haugland	131 ELLA Lane	Charlotte Haugland
CARL J PURYEAR	115 ELLA LN	Carl Puryear
Joe Remillard	101 Huntington Rd	Joe Remillard
Tyra Stevenson	703 Greenwood Dr.	Tyra Stevenson
Joel Reynolds	607 Greenwood Dr	Joel Reynolds
FIKKY SHAKTH	123 HUNTINGTON Rd.	Ficky Shakti
Dan Whittle	102 Broadview Ter	Dan Whittle



# PETITION IN OPPOSITION TO REZONING APPLICATION

REZONING APPLICANT: ANISH GOVAN  
 ADDRESS OF PROPOSED REZONING: 108 KINNIER COURT, DALTON, GEORGIA  
 CURRENT TO PROPOSED ZONING: R-1 to C-2

TO: Dalton-Whitfield Planning Commission  
 Dalton City Council

The undersigned residents of the City of Dalton, do hereby object to the above-referenced rezoning application.

NAME:	ADDRESS:	SIGNATURE:
Charles Allgood	133 Huntington Rd. DALTON, GA 30720	C. J. Allgood
Laura J. Allgood	133 Huntington Rd. Dalton, GA 30720	Laura J. Allgood
BT James Ansearson	107 HUNTINGTON ROAD DALTON, GA 30720	B. James Ansearson
Loe Ann Ansearson	107 HUNTINGTON ROAD DALTON, GA 30720	Loe Ann Ansearson
Jennifer Blount	100 Broadview Terr. Dalton, GA 30720	Jennifer Blount
Marion Broome	105 Broadview Terr. Dalton, GA 30720	Marion Broome
Dorothy Broome	105 Broadview Terr. Dalton, GA 30720	Dorothy Broome







# PETITION IN OPPOSITION TO REZONING APPLICATION

REZONING APPLICANT: ANISH GOVAN  
 ADDRESS OF PROPOSED REZONING: 108 KINNIER COURT, DALTON, GEORGIA  
 CURRENT TO PROPOSED ZONING: R-1 to C-2

TO: Dalton-Whitfield Planning Commission  
 Dalton City Council

The undersigned residents of the City of Dalton, do hereby object to the above-referenced rezoning application.

NAME:	ADDRESS:	SIGNATURE:
Don & Laurie Wright	104 Broadview Terrace, Dalton Ga.	
John & April Moore	137 Huntington Rd	
Larry & Linda Spence	113 Broadview	
Linda Little	102 Broadview Terrace	
Anne Hammack	125 Huntington Rd.	Anne Hammack
James A. Hamrick	125 Huntington Rd.	JAMES A. HAMRICK
Harriet Moore	119 Ella Lane	Harriet C. Moore

# PETITION IN OPPOSITION TO REZONING APPLICATION

REZONING APPLICANT: ANISH GOVAN  
 ADDRESS OF PROPOSED REZONING: 108 KINNIER COURT, DALTON, GEORGIA  
 CURRENT TO PROPOSED ZONING: R-1 to C-2

TO: Dalton-Whitfield Planning Commission  
 Dalton City Council

The undersigned residents of the City of Dalton, do hereby object to the above-referenced rezoning application.

NAME:	ADDRESS:	SIGNATURE:
Nancy Hallsworth	1914 CANTERBURY NW DALTON, GA 30720	N. Hallsworth
Ann Warren	916 Hardwick Cir. Dalton, GA 30720	Ann Warren
Rita Fardham	1702 Rio Vista Dalton, GA 30720	Rita Fardham
Bernita Chappell	1704 Southmont Dr. Dalton, GA 30720	Bernita Chappell
Lou Kirkman	712 Mt Sinai Rd Dalton, GA 30720	Lou Kirkman
Carol Percy	205 Kenderman Circle Dalton, GA 30720	Carol Percy
Teresa Bozer	1704 Brandywine Way Dalton 30720	Teresa Bozer

Dee Ann Adams  
 516 Lanning Road  
 Dalton, GA 30720  
 Dee Ann Adams

# PETITION IN OPPOSITION TO REZONING APPLICATION

REZONING APPLICANT: ANISH GOVAN  
 ADDRESS OF PROPOSED REZONING: 108 KINNIER COURT, DALTON, GEORGIA  
 CURRENT TO PROPOSED ZONING: R-1 to C-2

TO: Dalton-Whitfield Planning Commission  
 Dalton City Council

The undersigned residents of the City of Dalton, do hereby object to the above-referenced rezoning application.

NAME:	ADDRESS:	SIGNATURE:
David Finley	1125 Ridgeleigh Cir.	<i>[Signature]</i>
Adrienne Mauldin	1306 Rosemont Dr.	<i>Adrienne Mauldin</i>
Pat Saniel	1915 Fairington Dr.	<i>Pat Saniel</i>
Carolyn Turner	709 Seymour Terr	<i>Carolyn Turner</i>
<i>Shirley Boyd</i>	485 Oaklawn	<i>Shirley Boyd</i>
Marjorie Mitchell	1915 Keystone Way	<i>Marjorie Mitchell</i>
Sharon Majestic	1802 Elaine Way	<i>Sharon Majestic</i>
VALERIE BAL	1802 Elaine Way	<i>Valerie Seal</i>

# PETITION IN OPPOSITION TO REZONING APPLICATION

**REZONING APPLICANT:** ANISH GOVAN  
**ADDRESS OF PROPOSED REZONING:** 108 KINNIER COURT, DALTON, GEORGIA  
**CURRENT TO PROPOSED ZONING:** R-1 to C-2

**TO:** Dalton-Whitfield Planning Commission  
 Dalton City Council

The undersigned residents of the City of Dalton, do hereby object to the above-referenced rezoning application.

NAME:	ADDRESS:	SIGNATURE:
Courtney Hitchens	705 Valley Drive Dalton, GA 30720	Courtney Hitchens
Debra Harris	1926 Fairington Dr. Dalton, GA 30720	Debra Harris
Sarah Lewis	4003 Woods Point Rocky Face, GA 30740	Sarah Lewis
Mark Lewis	4003 Woods Point Rocky Face, GA 30740	Mark Lewis
Judy Dhanan	109 Wildberry Rd. Rocky Face, GA 30740	Judy Dhanan
Lou Long	1100-1 Brookwood Lane Dalton, GA 30720	Lou Long
Karen Hemphill	1817 Woodley Hwy Dr. Dalton, GA 30720	Karen Hemphill

# PETITION IN OPPOSITION TO REZONING APPLICATION

REZONING APPLICANT: ANISH GOVAN  
 ADDRESS OF PROPOSED REZONING: 108 KINNIER COURT, DALTON, GEORGIA  
 CURRENT TO PROPOSED ZONING: R-1 to C-2

TO: Dalton-Whitfield Planning Commission  
 Dalton City Council

The undersigned residents of the City of Dalton, do hereby object to the above-referenced rezoning application.

NAME:	ADDRESS:	SIGNATURE:
Marg Bondy	1806 Rymer Ridge Rd.	Margaret A Bondy
Donna Twister	1500 Pleasant Grove Dr.	Donna Twister
Barbara Allen Ward	2302 Salem Way Dalton	Barbara Ward
Sue Tuggle	811 Atkinson Dr.	Sue Tuggle
TOM AND JOANNE WRIGHT	912 DOGWOOD LANE	Mrs. Joanne W. W. W. W.
JACK BARRY	607 VALLEY DR	Jack Barry
HUGH ENGLIS	604 MT. SINAI Rd.	Hugh Inglis





## CITY COUNCIL AGENDA REQUEST

**Meeting Type:** Mayor & Council Meeting

**Meeting Date:** 1-6-20

**Agenda Item:** Service Agreement with Downtown Dalton Development Authority

**Department:** DDDA

**Requested By:** George Woodward on behalf of DDDA Board

**Reviewed/Approved by City Attorney?** Yes

**Cost:** \$135,000

**Funding Source if Not in Budget** General Fund

**Please Provide A Summary of Your Request, Including Background Information to Explain the Request:**

Service Agreement with deliverables due (as approved at Finance Committee Meeting December 18, 2019)
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## INTERGOVERNMENTAL SERVICES CONTRACT

**THIS INTERGOVERNMENTAL SERVICES CONTRACT** (this “Contract”), made and entered into as of the 6 day of January, 2020, by and between the **CITY OF DALTON, GEORGIA**, a municipal corporation of the State of Georgia (the “City”), and the **DOWNTOWN DALTON DEVELOPMENT AUTHORITY**, a body corporate and politic and political subdivision of the State of Georgia (the “DDDA or Authority”).

### WITNESSETH:

**WHEREAS**, the 1983 Constitution of the State of Georgia, Article IX, Section III, Paragraph 1 (a) provides that: “...any county, municipality, school district, or other political subdivision of the state may contract for any period not exceeding 50 years with each other or with any other public agency, public corporation, or public authority for joint services, for the provision of services, or for the joint or separate use of facilities or equipment”; and

**WHEREAS**, the DDDA was created pursuant to the provisions of Article IX, Section VI, Paragraph III of the 1983 Constitution of the State of Georgia, the Downtown Development Authorities Law of the State of Georgia, O.C.G.A. § 36-42-1, et seq., as amended (“DDA Law”), Georgia Laws, and resolution of the Mayor and Council of the City of Dalton, and is now existing and operating as a public body corporate and politic; and

**WHEREAS**, the DDDA finds as its purpose in the DDA Law (O.C.G.A. § 36-42-2) the revitalization and redevelopment of the central business district of the City of Dalton to develop and promote for the public good and general welfare trade, commerce, industry, and employment opportunities and promote the general welfare of this state by creating a climate favorable to the location of new industry, trade, and commerce and the development of existing industry, trade, and commerce within the City of Dalton; and

**WHEREAS**, the City and the DDDA wish to enter into this Contract to better set out the parties’ responsibilities and to better define the relationship of staff, management of programming, and financial obligations with respect to the City and the DDDA;

**NOW, THEREFORE**, for and in consideration of the premises and undertakings as hereinafter set forth and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and the DDDA do hereby agree, as follows:

1. **Term.** This Contract shall become effective on January 1, 2020, shall continue in effect until December 31, 2021.

2. **Service Area.** In accordance with the procedures defined by state law, the City has designated the area in which the DDDA as the Downtown Historic District.
3. **Services.** The DDDA shall provide the Services to the City described in Exhibit 1.
4. **Payment for Services.** The City shall pay to the DDDA the amount of \$135,000.00 per annum for the Services within the Service Area.
5. **Job Descriptions.** The DDDA shall employ an Director and Main Street Program Coordinator with the job descriptions set forth in Exhibit 2.
6. **Amendments.** The parties may amend this Contract at any time in writing signed by both parties.
7. **Severability.** Should any phrase, clause, sentence or paragraph herein contained be held invalid or unconstitutional, it shall in no way affect the remaining provisions of this Contract, which provisions shall remain in full force and effect.
8. **Counterparts.** This Contract may be executed in several counterparts, each of which shall be an original but all of which shall constitute one and the same instrument.
9. **Governing Law.** This Contract shall be construed and enforced in accordance with the laws of the State of Georgia.
10. **No Waiver.** Failure to insist upon strict compliance with any of the terms herein (by way of waiver or breach) by either party hereto will not be deemed to be a continuous waiver in the event of any future breach of any condition hereunder.
11. **Notice.** Any notice required under this Contract shall be given in writing delivered by hand delivery or certified mail to the Mayor of the City or the Executive Director of the DDDA. Notice is deemed given when actually received by the other party.

**IN WITNESS WHEREOF**, the parties hereto, acting by and through their duly authorized officers, have caused this Contract to be executed.



**CITY OF DALTON, GEORGIA**

By: \_\_\_\_\_(SEAL)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Attest:

By: \_\_\_\_\_

City Clerk

**DOWNTOWN DALTON  
DEVELOPMENT AUTHORITY**

By: \_\_\_\_\_(SEAL)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Attest:

By: \_\_\_\_\_

Secretary

## DELIVERABLES

### PROMOTION

- DOWNTOWN BRANDING ( radio, newspaper, infomercials, posters, social media )
- DOWNTOWN AMENITIES ( develop and implement promotional opportunities for merchants, restaurants and small business. )
- TOURIST AND TRAVEL RELATED EVENTS ( collaboration on events and cross promotional programs and venues in conjunction with the CVB )
- COORDINATE HIGH PROFILE AND DRAW EVENTS ( Music Series, Downtown Sampler and BeerFest )
- UPDATED WEBSITE ( general information, events, available properties and resources )
- INTERFACE WITH DEVELOPERS AND ENTREPRENEURS ( hands on review of available properties and applicable financing tools )
- WEEKEND GUIDE / DOWNTOWN INFORMATION ( happenings each weekend in downtown and regular downtown news updates )

### DESIGN

- COLLABORATE WITH HPC ( promote development patterns that preserve unique , cultural, natural and historic resources )
- FACADE GRANTS ( administer grant application process and coordinate with HPC )
- DESIGN CONSULTATION AND ASSISTANCE ( provide resources available through Main Street, DCA , UGA and CAG to assist merchants and property owners )
- CONSULTING AND COMPLIANCE ( ensure developers and designers understand ordinances and zoning regulations as well as historic district appropriateness )
- ARTS/CULTURE ( actively pursue and promote projects that provide education, information and entertainment with respect to historical and cultural aspects of the community's diverse citizenry ; partner with CAG on artist-in-residence project funded by the Lyndhurst Foundation )

## ORGANIZATION

- BOARD OF DIRECTORS ( carry out financial and fiduciary responsibilities in accordance with the Bylaws of the organization and provide oversight and management of professional staff )
- PROFESSIONAL STAFF ( recruit and provide ongoing professional development opportunities to qualified professional staff )
- MAIN STREET ACCREDITATION ( meet and or exceed all requirements to maintain accreditation with National and State Main Street organizations )
- CITY DEPARTMENTS ( communicate and coordinate as necessary to maintain excellent working relationships )
- FUNDING AND RESOURCES ( act as liaison for both Downtown and the City of Dalton with DCA, GMA, GA Cities Foundation and other potential organizations in pursuit of grants or alternative sources of funding )
- SPECIAL EVENTS PERMITS ( act as point of contact and coordinate all application requests in a timely manner, in accordance with established policies and procedures )
- CONSTITUENCY ( provide the services and assistance as required to downtown merchants, property owners, residents, employers and employees and represent their interests to local government and the community at large )
- BOARDS AND COMMISSIONS ( maintain a close working relationship with the various appointed boards and commissions as may be necessary in performance of DDDA business )
- INTERAGENCY COLLABORATION ( align branding and strategic initiatives with the JDA, CVB, Chamber and Believe Greater Dalton to promote the economic vitality and vibrancy of Greater Dalton avoiding duplication of services )
- TRAINING/CERTIFICATION ( meet and/or exceed all training requirements for both the board and professional staff )

## ECONOMIC RESTRUCTURING

- MASTER PLAN ( ensure that programs and initiatives are consistent with consensus plan and frequently communicates status of plan and projects )
- PUBLIC/PRIVATE PARTNERSHIPS ( identify and pursues investment in downtown by leveraging resources available through DDDA, City of Dalton and private investment )
- RECRUITS AND RETAINS ( proactively work with small business and entrepreneurs to bring into and maintain downtown business activity and employment )
- BUSINESS START UP ( provide point of contact, one-stop service to individuals interested in locating in downtown )
- DALTON INNOVATIVE ACCELERATOR ( provide support and technical assistance to private sector partners and other individuals and organizations interested in the DIA facility, operation or resources )
- PROJECT FINANCING ( promote and facilitate application process for tax credit and revolving loan programs. )
- REFERRALS ( provide referrals to additional resources available through the Small Business Development Center, Access to Capital for Entrepreneurs, Southeast Industrial Development Association, and the Georgia Department of Economic Development )
- DEVELOPMENT FUNDING ( work with private sector developers to assess project viability for funding available through DDDA, TAD, DCA, ARC and/or Georgia Cities Foundation )
- BLIGHT ABATEMENT ( pursue strategies for re-use of brownfields, greyfields and abandoned buildings )
- RESIDENTIAL ( utilizing the Master Plan and the Housing Study, DDDA partner with local government to where possible reduce barriers to residential housing development in downtown by promoting addition loft and mixed use development )
- TRANSPORTATION/WALKABILITY ( assess and provide technical assistance to local government as to traffic flow, parking, pedestrian corridors and implementation of smart mobility solutions )

## **Executive Director**

### **Position Description- Executive Director of Downtown Dalton Development Authority**

Plan, develop, market and manage all aspects and activities to downtown development; including business recruitment, retention and expansion, and community development activities that enhance the quality of life for Downtown Dalton.

#### **Duties and Responsibilities:**

- Provide vision, leadership and continuity for downtown development internally and externally.
- Establish financial integrity and accountability for the Downtown Dalton Development Authority.
- Ensure thorough and timely communication with chairperson and board.
- Implement and report progress of annual organizational goals and objectives.
- Represent the Downtown Dalton Development Authority in matters that correspond with its mission.
- Serve as the spokesperson for all matters related to downtown development.

#### **Key Responsibilities:**

- Familiarization with all persons and forces directly or indirectly involved in the downtown area.
- Oversee & maintain DDDA Operating Budget and prepare annually. Familiar with payroll/accounting practices including payroll taxes and withholding. Responsible for timely filing of Federal and State returns including Social Security. Works closely with Treasurer to ensure all financial data is reported tracked and monitored.
- Assess leadership and management capacities of major community organizations influencing downtown development and encourage improvement in undertaking joint activities.
- Encourage a cooperative climate between the DDDA, downtown businesses and public officials, addressing the area of public improvements and issues in downtown.
- Help build strong and productive working relationships with appropriate public and private agencies at the local, state, and national levels.
- Assist the DDDA Board of Directors in developing an action plan with yearly updates.
- Monitor meeting attendance and required training of DDDA Board.
- Expand and develop advisory/volunteer capacity ensuring that committee activity is moving smoothly.
- Develop strategies to increase opportunities downtown, attracting new users to existing facilities, expanding market opportunities and promoting existing businesses.
- Facilitate recruiting new businesses downtown
- Inform and assist tenants and property owners with physical improvement projects.
- Represent the DDDA/Main Street at various state and national conferences, workshops, and seminars.
- Maintain personal contact with all members of the DDDA district through newsletters, DDDA brochures, special events and functions, and business visits.

- Oversee update of all DDDA marketing materials and associated printing costs.
- Perform other related tasks as directed by the DDDA Board of Directors.

**Specific Duties:**

- Serve as the downtown development marketing leader and contact for the Greater Dalton Community.
- Build positive relationships between local merchants and property owners.
- Respond to and prepare proposals for prospects in a timely manner.
- Serve as the key contact for new and expanding commercial and retail projects.
- Host site visits, lead negotiation process, develop incentive packages for consideration.
- Work closely with company representatives from initial proposal through operational start-up and then on-going as existing industry.
- Work with local government on downtown development issues, such as infrastructure, incentives, grant preparation and administration.
- Support local government and other community organizations in other downtown attraction efforts.
- Develop strong relationships with stakeholders at all levels.
- Meet on a regular basis with existing merchants and property owners and maintain relationships to assure firsthand knowledge of potential issues, expansions, etc. Work closely with local businesses to resolve problems and concerns related to local operation and property owners.

**Skill Set Requirements:**

- A bachelor's degree in marketing, business, planning, finance, real estate, or related discipline.
- Experience in preservation-based commercial revitalization, an acute visual sensitivity and commitment to the preservation philosophy.
- Should be an energetic, self-motivated, imaginative and accomplished organizer, capable of functioning effectively in an independent situation, while maintaining a sense of the overall goals of the commercial revitalization product.
- Strong oral and written communications skills as well as attention to detail.
- An ability to deal effectively with the public and governmental officials.
- Expertise in economic development and/or finance and real estate.
- Outstanding consensus building and interpersonal, verbal and written communication skills.
- Clear understanding of how businesses operate and their needs for success.
- Excellent ability to develop and build relationships.
- Ability to organize, implement, and evaluate programs.
- Ability to deal with confidential information.
- Strategic planning and implementation experience.
- Strong organizational skills.
- Articulate and poised.
- Ability to identify issues, develop solutions, build support and implement decisions.

- Well versed in economic incentive and financing methods.
- Familiarity with planning and zoning, government regulations and procedures.
- Budgeting and finance experience.
- Proficient with technology.
- Regional and state assistance program knowledge.
- Grant writing experience.
- Excellent interpersonal, organizational, and team building skills.
- Experience in developing projects from initial contact, proposal submission, site visits, negotiating incentives through start up and ongoing existing industry support.
- Knowledge of financial packaging and grant and loan programs.
- Ability to work with area, regional and state economic development partners.
- Ability to maintain a high level of professionalism at all times.

# **CITY OF DALTON GEORGIA**

**JOB TITLE:** Main Street Program Coordinator

**DEPARTMENT:** Dalton Downtown Development Authority

**REPORTS TO:** DDDA Executive Director

**FLSA STATUS:** Hourly

**SUPERVISES:** Committee members, volunteers and some maintenance employees for events

**SAFETY SENSITIVE:** No

**DATE REVISED/REVIEWED:** June 27, 2019

## **Purpose of Job**

The Main Street Program Coordinator provides administrative services for the Downtown Dalton Development Authority (DDDA) and its Main Street Program, coordinates events hosted by the authority and coordinates the special event permitting process. The coordinator works with the DDDA staff and board to maintain Dalton's annual accreditation as a Georgia Classic Main Street and to promote and to implement the downtown master plan and Main Street community transformation strategies. The coordinator recruits and manages volunteers, coordinates events, tracks reporting data for the Main Street Program's activities and accomplishments and manages all social media for the authority and Main Street Program. The position involves extensive interaction with DDDA board members and staff, local advisory groups, community partners, business and property owners, volunteers and area residents.

## **Job Related Requirements**

### **Typical Work Schedule:**

- Monday - Friday, 8:30 a.m. – 5:00 p.m. Participation at evening meetings and special events is required; some weekend tasks as necessary.
- Work is performed in a variety of conditions and settings, including but not limited to a desk in an office setting, outdoors in a variety of weather conditions and includes standing for a long period of time during working hours along with the physical demands of setting up and breaking down of events and programs.
- Must have a valid Georgia driver's license.
- Regular and predictable attendance is required.

## **Minimum Requirements to Perform Essential Job Functions**

(List the minimum requirements an individual must possess in order to be considered for this position. Include certifications, licensure, education, etc.)

- Must work cooperatively with others.



- Must be able to work a minimum of 40 hours a week.
- May require attending evening meetings and working weekend events.
- Must be available to travel out of town for training purposes.
- Minimum two-year degree or equivalent from an accredited college or university, preferably in public relations, marketing, communications, public administration, economic development or business.
- One year progressively responsible experience in coordinating special events preferred.

### **Essential Duties, Responsibilities:**

**The following duties are normal for this position. They are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.**

- Serves as the primary staff contact for DDDA administrative activities. Plans and prepares for regular and special called meetings that include but are not limited to agenda preparation, communicating meeting notifications and reminders to members, posting meeting notices and cancellations, recording and distribution of meeting minutes, general recordkeeping and other duties as assigned.
- Performs duties related to planning, preparation and operation of DDDA, task forces and committees.
- Performs financial administrative duties for the Main Street Program, including recordkeeping, purchasing and accounting.
- Generates data for monthly Main Street reports and maintains a business and building inventory to track investment and job creation in the district.
- Develops and maintains relationships with merchants and property owners, works with diverse groups and builds teams to accomplish program goals.
- Performs duties and makes decisions consistent with the DDDA's mission, vision and core values.
- Develops printed and electronic materials, manages their distribution and evaluates their relevance.
- Maintains communication with all necessary city officials and departments involving projects, programs and events within the downtown district.
- Works with director to encourage downtown stakeholders to undertake collaborative activities such as promotional events, advertising, uniform store hours, special events, etc.
- Provides support to, plans and implements special events and activities to enhance the visitor, shopping, dining and living experience in downtown Dalton.
- Serves as liaison between city departments, business owners and vendors to manage special events and to coordinate special event permit application process.
- Performs other related duties as assigned.

### **Knowledge, Skills and Abilities**

- Excellent verbal and written communication skills and experience preparing reports.
- Marketing, public information and promotional techniques used in downtown development, including current digital and social media programs.
- Ability to interact and coordinate effectively with board members, groups, community partners and volunteers from diverse social and economic cultures.
- Knowledgeable of local government operations, policies and procedures.

- Knowledge of event planning methods and principles.
- Able to recruit, assign, mentor, collaborate with and monitor volunteers effectively and to manage various projects. Employee makes independent decisions on staff deployment and resources needed.
- Self-starter and self-directed, requiring minimal supervision with superior organizational, multi-tasking and time management skills.
- Demonstrated proficiency in Microsoft Office and G Suite programs.
- Preference given to candidates with knowledge and experience in principles, practices, methods and issues of Main Street Program or knowledgeable of principles and practices relative to the following fields: finance, public relations, journalism, business administration, public administration, retailing, volunteer or nonprofit administration, and/or small business development.

### **(ADA) MINIMUM QUALIFICATIONS OR STANDARDS REQUIRED TO PERFORM ESSENTIAL JOB FUNCTIONS**

**PHYSICAL REQUIREMENTS:** Must be able to use body members to work, move or carry objects or materials. This position requires: stooping, kneeling, crouching, reaching, standing, walking, pushing, pulling, lifting, fingering, grasping, feeling, talking, hearing, seeing and repetitive motion. May be exposed to inclement weather. Physical demand requirements are generally at levels of office work.

**DATA CONCEPTION:** Requires the ability to compare and or judge the readily observable functional, structural, or compositional characteristics (whether similar to or divergent from obvious standards) of data, people, or things.

**INTERPERSONAL COMMUNICATION:** Requires the ability to hear, speak and/or signal people to convey or exchange information. Includes receiving assignments and/or directions from co-workers, assistants or supervisors. Must be able to give instructions to volunteers and members of committees and tasks forces.

**LANGUAGE ABILITY:** Requires ability to read a variety of maps, informational documentation, directions, instructions, methods and procedures. Requires the ability to prepare reports, forms, etc., using prescribed formats and conforming to all rules of punctuation, grammar, diction, and style. Requires the ability to speak to people with poise, voice control, and confidence.

**INTELLIGENCE:** Requires the ability to learn and understand basic principles and techniques; to acquire and be able to expound on knowledge of topics related to primary occupation; and to make independent judgment in the absence of management.

**VERBAL APTITUDE:** Requires the ability to record and deliver information, to explain procedures, and to follow verbal and written instructions. Must be able to communicate effectively and efficiently in a variety of administrative or technical languages appropriate working in government and with the public.

**NUMERICAL APTITUDE:** Requires the ability to utilize mathematical formulas; add and subtract totals; multiply and divide.

**FORM/SPATIAL APTITUDE:** Requires the ability to inspect items for proper length, width, and shape.

**MOTOR COORDINATION:** Requires the ability to coordinate hands, fingers, and eyes accurately in using equipment. Requires the ability to lift, bend, push, pull, manipulate equipment/tools and objects as the position necessitates.

**MANUAL DEXTERITY:** Requires the ability to operate a computer and office equipment. Must have moderate levels of eye/hand/foot coordination.

**COLOR DISCRIMINATION:** Requires the ability to differentiate between colors and shades of color.

**INTERPERSONAL TEMPERAMENT:** Requires the ability to deal with people beyond giving and receiving instructions. Must be adaptable to performing under considerable stress when confronted with an emergency.

**PHYSICAL COMMUNICATION:** Requires the ability to talk and/or hear: (Talking - expressing or exchanging ideas by means of spoken words). (Hearing - perceiving nature of sounds by ear).

Approved by: \_\_\_\_\_  
Department Head Name

Date Approved: \_\_\_\_\_



## CITY COUNCIL AGENDA REQUEST

**Meeting Type:** Mayor & Council Meeting

**Meeting Date:** 1-6-20

**Agenda Item:** Bank Resolutions

**Department:** Finance

**Requested By:** Cindy Jackson

**Reviewed/Approved  
by City Attorney?** N/A

**Cost:** N/A

**Funding Source if Not  
in Budget** N/A

**Please Provide A Summary of Your Request, Including Background Information to  
Explain the Request:**

Bank Resolution changes due to new mayor

**RESOLUTION 20-01**

**Resolution Designating Bank of the Ozarks as a Depository of Public Funds of the City;  
Establishing Signatories Thereto; and Authorizing Certain Employees to Take Limited  
Action With Respect to City Accounts.**

**WHEREAS**, the City is authorized to deposit its funds in banks qualified to be public fund depositories; and

**WHEREAS**, in order to conduct the business of the City efficiently, certain employees of the City must be given authority to initiate certain transactions with respect to City accounts.

**NOW, THEREFORE, BE IT AND IT HEREBY IS RESOLVED** that checks, drafts, transfers, or other instruments drawn with respect to funds of the City now or hereafter with the Bank of the Ozarks shall require the signature of one of the following persons:

David Pennington, Mayor

Cindy Jackson, Chief Financial Officer

**BE IT FURTHER RESOLVED**, that Mechelle Champion, Assistant Finance Director in the City's Finance Department, is hereby authorized to initiate electronic transfers of funds of the City now or hereafter with the Bank of the Ozarks; provided, however such electronic transfers may only be effected by the electronic approval and action of the City's Chief Financial Officer. Services to effect this Resolution.

**SO RESOLVED**, this \_\_\_\_ day of \_\_\_\_\_, 2020.

**CITY OF DALTON, GEORGIA**

\_\_\_\_\_  
David Pennington  
Mayor

ATTESTED TO:

\_\_\_\_\_  
City Clerk

**RESOLUTION 20-02**

**Resolution Designating First Bank of Dalton as a Depository of Public Funds of the City; Establishing Signatories Thereto; and Authorizing Certain Employees to Take Limited Action With Respect to City Accounts.**

**WHEREAS**, the City is authorized to deposit its funds in banks qualified to be public fund depositories; and

**WHEREAS**, in order to conduct the business of the City efficiently, certain employees of the City must be given authority to initiate certain transactions with respect to City accounts.

**NOW, THEREFORE, BE IT AND IT HEREBY IS RESOLVED** that checks, drafts, transfers, or other instruments drawn with respect to funds of the City now or hereafter with the First Bank of Dalton shall require the signature of one of the following persons:

David Pennington, Mayor

Cindy Jackson, Chief Financial Officer

**BE IT FURTHER RESOLVED**, that Mechelle Champion, Assistant Finance Director in the City's Finance Department, is hereby authorized to initiate electronic transfers of funds of the City now or hereafter with First Bank of Dalton; provided, however such electronic transfers may only be effected by the electronic approval and action of the City's Chief Financial Officer. Services to effect this Resolution.

**SO RESOLVED**, this \_\_\_\_ day of \_\_\_\_\_, 2020.

**CITY OF DALTON, GEORGIA**

\_\_\_\_\_  
David Pennington  
Mayor

ATTESTED TO:

\_\_\_\_\_  
City Clerk

**RESOLUTION 20-03**

**Resolution Designating Office of Treasury & Fiscal Services as a Depository of Public Funds of the City; Establishing Signatories Thereto; and Authorizing Certain Employees to Take Limited Action With Respect to City Accounts.**

**WHEREAS**, the City is authorized to deposit its funds in banks qualified to be public fund depositories; and

**WHEREAS**, in order to conduct the business of the City efficiently, certain employees of the City must be given authority to initiate certain transactions with respect to City accounts.

**NOW, THEREFORE, BE IT AND IT HEREBY IS RESOLVED** that checks, drafts, transfers, or other instruments drawn with respect to funds of the City now or hereafter with the Office of Treasury & Fiscal Services shall require the signature of one of the following persons:

David Pennington, Mayor

Cindy Jackson, Chief Financial Officer

**BE IT FURTHER RESOLVED**, that Mechelle Champion, Assistant Finance Director in the City's Finance Department, is hereby authorized to initiate electronic transfers of funds of the City now or hereafter with Office of Treasury & Fiscal Services; provided, however such electronic transfers may only be effected by the electronic approval and action of the City's Chief Financial Officer. Services to effect this Resolution.

**SO RESOLVED**, this \_\_\_\_ day of \_\_\_\_\_, 2020.

**CITY OF DALTON, GEORGIA**

\_\_\_\_\_  
David Pennington  
Mayor

ATTESTED TO:

\_\_\_\_\_  
City Clerk

## **RESOLUTION 20-04**

### **Resolution Designating FirstBank as a Depository of Public Funds of the City; Establishing Signatories Thereto; and Authorizing Certain Employees to Take Limited Action With Respect to City Accounts.**

**WHEREAS**, the City is authorized to deposit its funds in banks qualified to be public fund depositories; and

**WHEREAS**, in order to conduct the business of the City efficiently, certain employees of the City must be given authority to initiate certain transactions with respect to City accounts.

**NOW, THEREFORE, BE IT AND IT HEREBY IS RESOLVED** that checks, drafts, transfers, or other instruments drawn with respect to funds of the City now or hereafter with the FirstBank shall require the signature of one of the following persons:

David Pennington, Mayor

Cindy Jackson, Chief Financial Officer

**BE IT FURTHER RESOLVED**, that Mechelle Champion, Assistant Finance Director in the City's Finance Department, is hereby authorized to initiate electronic transfers of funds of the City now or hereafter with the FirstBank; provided, however such electronic transfers may only be effected by the electronic approval and action of the City's Chief Financial Officer. Services to effect this Resolution.

**SO RESOLVED**, this \_\_\_\_ day of \_\_\_\_\_, 2020.

**CITY OF DALTON, GEORGIA**

\_\_\_\_\_  
David Pennington  
Mayor

ATTESTED TO:

\_\_\_\_\_  
City Clerk



**RESOLUTION 20-05**

**Resolution Designating BB&T Bank as a Depository of Public Funds of the City;  
Establishing Signatories Thereto; and Authorizing Certain Employees to Take Limited  
Action With Respect to City Accounts.**

**WHEREAS**, the City is authorized to deposit its funds in banks qualified to be public fund depositories; and

**WHEREAS**, in order to conduct the business of the City efficiently, certain employees of the City must be given authority to initiate certain transactions with respect to City accounts.

**NOW, THEREFORE, BE IT AND IT HEREBY IS RESOLVED** that checks, drafts, transfers, or other instruments drawn with respect to funds of the City now or hereafter with the BB&T Bank shall require the signature of one of the following persons:

David Pennington, Mayor

Cindy Jackson, Chief Financial Officer

**BE IT FURTHER RESOLVED**, that Mechelle Champion, Assistant Finance Director in the City's Finance Department, is hereby authorized to initiate electronic transfers of funds of the City now or hereafter with the BB&T Bank; provided, however such electronic transfers may only be effected by the electronic approval and action of the City's Chief Financial Officer. Services to effect this Resolution.

**SO RESOLVED**, this \_\_\_\_ day of \_\_\_\_\_, 2020.

**CITY OF DALTON, GEORGIA**

\_\_\_\_\_  
David Pennington  
Mayor

ATTESTED TO:

\_\_\_\_\_  
City Clerk



## CITY COUNCIL AGENDA REQUEST

**Meeting Type:** Mayor & Council Meeting

**Meeting Date:** 1-6-20

**Agenda Item:** Resolution 20-06 Regarding Support of Amendment to Georgia Revenue Bond Law

**Department:** Dalton Utilities

**Requested By:** Tom Bundros

**Reviewed/Approved by City Attorney?** Pending

**Cost:** N/A

**Funding Source if Not in Budget** N?A

**Please Provide A Summary of Your Request, Including Background Information to Explain the Request:**

Resolution regarding support from Mayor and Council to change of the Georgia Revenue Bond Law

**CITY OF DALTON**  
**MAYOR AND COUNCIL**

**RESOLUTION 20-06**

**RESOLUTION REGARDING SUPPORT OF**  
**AMENDMENT TO GEORGIA REVENUE BOND LAW**

**WHEREAS**, the Board of Water, Light and Sinking Fund Commissioners of the City of Dalton, doing business as Dalton Utilities (“Dalton Utilities”), from time to time wishes to fund capital improvements and infrastructure support for its operations through the issuance of general revenue bonds by and through the City of Dalton, and;

**WHEREAS**, Dalton Utilities by and through the City of Dalton pursuant to Georgia statute and after the required legal approval process may issue general revenue bonds without a voter referendum to fund capital improvements and infrastructure support for Dalton Utilities’ water, wastewater and natural gas infrastructure, and;

**WHEREAS**, the current Georgia Revenue Bond Law requires a voter referendum for the issuance of general revenue bonds to fund capital improvements and support for the infrastructure of Dalton Utilities used for the generation, transmission and distribution of electricity, and;

**WHEREAS**, in order to remain competitive and continue to make capital improvements and support the infrastructure used by Dalton Utilities for the generation, transmission and distribution of electricity (including the City of Dalton’s ownership interests in various power plants and transmission assets), Dalton Utilities, by and through the City of Dalton desires to issue general revenue bonds without a voter referendum in order to efficiently and effectively improve and support its infrastructure used for the generation, transmission and distribution of electricity, and;

**WHEREAS**, the issuance of general revenue bonds for the improvement and support of the infrastructure used for the generation, transmission and distribution of electricity by Dalton Utilities would not amount to a tax pledge by the City of Dalton and would be repaid only from the revenues of Dalton Utilities, and;

**WHEREAS**, the ongoing improvement and support of the infrastructure used by Dalton Utilities for the generation, transmission and distribution of electricity is important to the citizens and businesses located within the City of Dalton, and;

**WHEREAS**, the ongoing improvement and support of the infrastructure used by Dalton Utilities for the generation, transmission and distribution of electricity is important to the future economic development needs and growth of the City of Dalton, and;

**WHEREAS**, the current Georgia Revenue Bond Law requiring a voter referendum for the issuance of general revenue bonds for the improvement and support of infrastructure used for the generation, transmission and distribution of electricity is an impediment to Dalton Utilities’

desire to effectively, efficiently and competitively improve and support its infrastructure used for the generation, transmission and distribution of electricity;

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Dalton, Georgia supports a change of the Georgia Revenue Bond Law to remove the requirement that a voter referendum must be held for Dalton Utilities acting through the City of Dalton to issue general revenue bonds for the purpose of improving and supporting the infrastructure used by Dalton Utilities for the generation, transmission and distribution of electricity.

**IT IS SO RESOLVED, this 6th day of January, 2020.**

**CITY OF DALTON, GEORGIA**

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**David Pennington, Mayor**

**Attest:** \_\_\_\_\_  
**Bernadette Chattam, City Clerk**

**(SEAL)**



## CITY COUNCIL AGENDA REQUEST

**Meeting Type:** Mayor & Council Meeting

**Meeting Date:** 01/06/2020

**Agenda Item:** Board Appointments

**Department:** City Clerk

**Requested By:** Gesse Cabrera

**Reviewed/Approved  
by City Attorney?** N/A

**Cost:** N/A

**Funding Source if Not  
in Budget** N/A

**Please Provide A Summary of Your Request, Including Background Information to  
Explain the Request:**

City Board Appointments for:

- Expired Appointments
- Mayoral Appointments
- Miscellaneous Appointments

Expired Appointments					
Type	Current Member	Incoming Member	Term	Expiration	New Expiration
D/W Building Code Appeals	Henderson, Martin		3 Year	3/1/2018	3/1/2021
D/W Building Code Appeals	Sims, Gregg		3 Year	3/1/2018	3/1/2021
Animal Control	Stearns, Chris		4 Year	4/15/2018	4/15/2022
Trade Center	Kensey, Mike		1 Year	1/31/2019	
Development	Puryear, Carl		6 Year	2/1/2019	2/1/2025
Development	Wright, Bryan		6 Year	2/1/2019	2/1/2025
WC EMS Quality Review	Pangle, Todd	Pangle, Todd	2 Year	3/1/2019	3/1/2021
Animal Control	Puryear, Carl		4 Year	4/15/2019	4/15/2023
Animal Control	Brooks, Devon		4 Year	4/15/2019	4/15/2023
Building	Robertson, Frank		4 Year	6/15/2019	6/15/2023
Building	Sellers, Scott		4 Year	6/15/2019	6/15/2023
Building	Lewis, Lane		4 Year	6/15/2019	6/15/2023
Library	Compton, Ann		3 Year	6/30/2019	6/30/2022
Library	McFarland, Frances (Bitsy)		3 Year	6/30/2019	6/30/2022
Grievance	O'Neill, Mike		3 Year	7/31/2019	7/31/2022
Housing	Woodward, George	Woodward, George	5 Year	10/14/2019	10/14/2024
Housing	Watson, Erica		5 Year	10/14/2019	10/14/2024
Airport	Johnston, Rip		5 Year	12/31/2019	12/31/2024
Housing	Lumpkin, Joanne	Land, Barbara	1 Year	12/31/2019	12/31/2020
Public Safety	Weaver, Bill	Weaver, Bill	5 Year	12/31/2019	12/31/2024
Recreation	Tharpe, Julia M.		5 Year	12/31/2019	12/31/2024
Regional Development	Gowin, Kenny	Gowin, Kenny	1 Year	12/31/2019	12/31/2020
WL&SF	Hair, Bryan		5 Year	12/31/2019	12/31/2024
Service Delivery	Dunn, Benny		1 Year	12/31/2019	12/31/2020
Joint Development	Robertson, Frank	Robertson, Frank	1 Year	1/31/2020	1/31/2021
Joint Development	Davies, Bill	Davies, Bill	3 Year	1/31/2020	1/31/2023
Trade Center	Upton, Jamie		2 Year	1/31/2020	1/31/2022
D/W Building Code Appeals	King, Buddy		3 Year	2/1/2020	2/1/2023

<b>Mayoral Appointments</b>					
<b>Type</b>	<b>Current Member</b>	<b>Incoming Member</b>	<b>Term</b>	<b>Expiration</b>	<b>New Expiration</b>
Airport	Wood, Denise		1 Year	12/31/2019	12/31/2020
Building	Harlan, Annalee		1 Year	12/31/2019	12/31/2020
D/W Charter & Consolidation	Crew, Gary		1 Year	12/31/2019	12/31/2020
Downtown Development	Harlan, Annalee		1 Year	12/31/2019	12/31/2020
Finance & Administration	All Council Members		1 Year	12/31/2019	12/31/2020
Finance & Administration	Mock, Dennis		1 Year	12/31/2019	12/31/2020
Joint Development	Mock, Dennis		1 Year	12/31/2019	12/31/2020
MPO Policy	Wood, Denise		1 Year	12/31/2019	12/31/2020
Pension	Mock, Dennis		1 Year	12/31/2019	12/31/2020
Pension	Goodlett, Tyree		1 Year	12/31/2019	12/31/2020
Public Safety	Harlan, Annalee		1 Year	12/31/2019	12/31/2020
Public Works & Facilities	Wood, Denise		1 Year	12/31/2019	12/31/2020
Public Works & Facilities	Goodlett, Tyree		1 Year	12/31/2019	12/31/2020
Recreation	Crews, Gary		1 Year	12/31/2019	12/31/2020
Regional Development	Gowin, Kenny		1 Year	12/31/2019	12/31/2020
Service Delivery	Harlan, Annalee		1 Year	12/31/2019	12/31/2020
Service Delivery	Dunn, Benny		1 Year	12/31/2019	12/31/2020
Solid Waste Mgmt	Goodlett, Tyree		1 Year	12/31/2019	12/31/2020
Solid Waste Mgmt	Mock, Dennis		1 Year	12/31/2019	12/31/2020
TAD Policies	Crews, Gary		1 Year	12/31/2019	12/31/2020
Technology	Wood, Denise		1 Year	12/31/2019	12/31/2020
Trade Center	Crews, Gary Harlan Annalee		1 Year	12/31/2019	12/31/2020
Tree	Goodlett, Tyree		1 Year	12/31/2019	12/31/2020
WL&SF	Crews, Gary		1 Year	12/31/2019	12/31/2020
Library	Need New Liaison		1 Year		12/31/2020
Creative Arts Guild	Need New Liaison		1 Year		12/31/2020

<b>Miscellaneous</b>						
<b>Type</b>	<b>Appointment</b>	<b>Current Member</b>	<b>Incoming Member</b>	<b>Term</b>	<b>Expiration</b>	<b>New Expiration</b>
Miscellaneous	Municipal Court Judge	Cowan, Robert		1 Year	12/31/2019	12/31/2020
Miscellaneous	Mayor Pro-Tem	Wood, Denise		1 Year	12/31/2019	12/31/2020
Miscellaneous	Fire Marshall	Daniel, Matthew		1 Year	12/31/2019	12/31/2020
Miscellaneous	City Attorney	Vaughn, Gandy		1 Year	12/31/2019	12/31/2020





## CITY COUNCIL AGENDA REQUEST

**Meeting Type:** Mayor & Council Meeting

**Meeting Date:** 01/06/20

**Agenda Item:** Tourism Presentation

**Department:** CVB

**Requested By:** Margaret Thigpen

**Reviewed/Approved  
by City Attorney?**

**Cost:**

**Funding Source if Not  
in Budget**

**Please Provide A Summary of Your Request, Including Background Information to  
Explain the Request:**

Presentation of Tourism Economic Impact for Northwest Georgia

# HISTORIC HIGH COUNTRY DOMESTIC TRAVEL (2018)



**TOTAL VISITORS** **6.99 MILLION** (+3.2% YoY)

**SHARE OF GEORGIA TRAVEL** **4.36%** (-2.17 points YoY)

**Table 2.3: Economic Impact of Domestic Travel in Georgia by Region and County, 2018**  
(Continued)

<u>Region/County</u>	<u>Expenditures (\$ Millions)</u>	<u>Payroll (\$ Millions)</u>	<u>Employment (Thousands)</u>	<u>State Tax (\$ Millions)</u>	<u>Local Tax (\$ Millions)</u>
<b>HISTORIC HIGH COUNTRY TOTAL</b>	<b>1,682.17</b>	<b>362.80</b>	<b>15.04</b>	<b>70.03</b>	<b>47.49</b>
Bartow	217.09	50.10	1.95	9.79	6.56
Carroll	177.41	34.72	1.47	7.20	5.11
Catoosa	92.33	20.48	0.79	3.83	2.39
Chattooga	19.14	3.49	0.17	0.76	0.51
Cherokee	353.02	85.69	3.55	14.56	10.16
Dade	18.46	3.34	0.15	0.76	0.49
Fannin	44.53	9.35	0.38	1.82	1.22
Floyd	169.60	33.42	1.46	6.81	4.94
Grimes	36.41	5.90	0.27	1.47	1.00
Gordon	54.57	11.02	0.50	2.23	1.47
Haralson	22.58	2.96	0.14	0.88	0.66
Murray	29.72	5.77	0.26	1.23	0.79
Paulding	84.57	16.11	0.71	3.40	2.36
Pickens	32.79	5.22	0.24	1.30	0.87
Polk	52.92	11.49	0.51	2.16	1.48
Walker	68.71	19.10	0.67	3.01	1.61
Whitfield	208.32	44.63	1.81	8.82	5.88

## Economic Impact on the Northwest Georgia Region 2018

**Overall Expenditures: \$1.68 billion**

**Employment: 15,000 jobs**

**Generated \$70 million State Tax Revenue & \$47.5 million in Local Tax Revenue**

Source: 2018 TRAVEL ECONOMIC IMPACT ON GEORGIA STATE,  
COUNTIES AND REGIONS

Prepared for the Georgia Department of Economic Development (DED) By  
the U.S. Travel Association Washington, D.C. October 2019

## DEMOGRAPHICS

**AVERAGE AGE = 52 YEARS**

**AVERAGE PARTY SIZE = 1.81 PEOPLE**

*Party Composition: Adult Travelling Alone (43%);  
M/F Couples (36%); Adults with Children (9%)*

**AVERAGE HOUSEHOLD INCOME = \$83,600**

**MEDIAN HOUSEHOLD INCOME = \$75,900**

**MARRIED: 81%**

**CHILDREN IN HOUSEHOLD: 21%**

Source: 2018 Georgia Region Visitor Profile (D.K. Shifflet & Associates)

For more information contact:

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ExploreGeorgia.org | MarketGeorgia.org

## **Historic High Country Travel Association 2020 Issues of Statewide & Regional Importance**

**Here are a few of the issues influencing the tour travel industry in northwest Georgia and the state as a whole. We'd like to share our feelings and hear from you on them.**

### **1 - State Tourism Marketing Budget**

In 2018, tourism expenditures in Georgia brought in \$1.4 Billion in state tax and \$757 million in local taxes, yet the marketing budget for the state declined. The Georgia Department of Economic Development Tourism Division marketing budget must be increased for us to stay competitive.

### **2 - Tourism Product Development**

Preserve Georgia's Tourism Product Development program and advocate for increased funding of this program.

### **3 - Protect Hotel/ Motel Tax**

The purpose of Georgia's Hotel/Motel tax dollars is to market the cities and counties in which they are collected. Oppose policies that would erode that intended purpose.

### **4 - Short Term Rentals**

Support initiatives to allow local jurisdiction, taxation and regulation of private residences rented as temporary accommodations through Airbnb, VRBO and similar online marketing engines;

### **5 - Distribution of Transportation Funds**

Monitor distribution of transportation funds derived from the \$5 Transportation Fee on hotel room rentals to assure that an equitable amount is spent throughout the state for the proper maintenance of DOT maintained highways statewide.

### **6 - Breweries, Wineries and Distilleries – Support measures like SB 152 which would:**

- Eliminate the daily sales cap for breweries, allowing the sale of more multiple cases or kegs to individuals;
- Double the amount of beer breweries can distribute each year from 5,000 to 10,000 barrels per year;
- Allow breweries to sell beer from other brewers, allowing for collaboration and increased sales.

### **7 - Creation of Georgia's Outdoor Adventure Highway**

Officially designate the Interstate 575/ Hwy 515 corridor as Georgia's "Outdoor Adventure Highway."