

**ORDINANCE OF THE WHITFIELD COUNTY
BOARD OF COMMISSIONERS AMENDING THE
UNIFIED ZONING ORDINANCE**

Ordinance 2020- 0811

WHEREAS, the Whitfield County Board of Commissioners adopted the *Unified Zoning Ordinance* on or about August 15, 2015; and

WHEREAS, the Whitfield County Board of Commissioners has, from time to time, amended said ordinance in order to protect the health, welfare, and safety of the public; and

WHEREAS, the Whitfield County Board of Commissioners finds such amendments to be useful, necessary, and proper, and protective of the health, welfare, and safety of the public; and

WHEREAS, it is the desire of the Whitfield County Board of Commissioners to promote the goals, objectives, and policies of the *Joint Comprehensive Plan for Whitfield County and the Cities of Cohutta, Dalton, Tunnel Hill and Varnell*; and

WHEREAS, it is the belief of the Whitfield County Board of Commissioners that in so doing, it protects the health, welfare, and safety of the public;

NOW, THEREFORE, BE IT RESOLVED by the Whitfield County Board of Commissioners that the *Unified Zoning Ordinance*, otherwise known as **Appendix A** of the Code of Ordinances of Whitfield County, Georgia, be amended by deleting, within Article II, Definitions, the definition of "Boutique Hotel," "Group day care home," "Child care learning center," "Adult day care/day health," "Group Home," "Health Department," and "Personal Care Home, and by inserting alphabetically therein new definitions of each such term; by inserting alphabetically new definitions of "Community Living Arrangement" and "Child Caring Institution, also known as Group Home;" by amending the Permitted Use Table with respect to several uses; and for other purposes.

BE IT ORDAINED by the Board of Commissioners of Whitfield County and by the authority of same, **IT IS HEREBY ORDAINED** as follows:

1. Amend Article II, Definitions, by deleting existing definitions of "Boutique Hotel," "Group Day Care Home," "Child Care Learning Center," "Adult Day Care/Day Health," "Group Home," "Health Department," and "Personal Care Home."
2. Amend Article II, Definitions, by adding, in alphabetical order therein, the definitions of "Boutique Hotel," "Group Day Care Home," "Child Care Learning Center," "Adult Day Center," "Community Living Arrangement," "Group Home," "Child Caring Institution," "Health Department," and "Personal Care Home" such that the new definitions shall read as follows:
 - a. ***Boutique Hotel.*** A small lodging facility with fifty (50) or fewer guest rooms that are rented to occupants on a daily basis for not more than fourteen (14) consecutive days. Access to each guest room shall be through an inside lobby supervised at all times.

- b. ***Group Day Care Home.*** An establishment regulated by the Georgia Department of Family and Children's Services (DFCS) 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.
- c. ***Child Care Learning Center.*** An establishment regulated by the Georgia Department of Family and Children's Services (DFCS) and operated by any person, firm, partnership, association, 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.
- d. ***Adult Day Center.*** An establishment regulated by the Georgia Department of Community Health and operated by any person, firm, partnership, association, proprietorship, company, or corporation which, for a fee, supervises, cares for, provides recreational and social services and/or health and rehabilitative services for three (3) or more persons eighteen (18) years of age or older who, because of some mental or physical impairment, which either limits 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.
- e. ***Community Living Arrangement.*** An establishment regulated by the Georgia Department of Community Health and operated by any person, firm, partnership, association, proprietorship, company or corporation, which, for a fee, provides or arranges for the provision of daily personal services, supports, care, or treatment exclusively for two (2) or more adults who are not related to the owner or administrator by blood or marriage and whose residential services are financially supported, in whole or in part, by funds designated through the Department of Behavioral Health and Developmental Disabilities (DBHDD.)
- f. ***Group Home, (also known as Child Caring Institution.)*** A child-welfare facility licensed by the Georgia State Department of Human Services, which either primarily or incidentally provides full-time room, board, and watchful oversight to six (6) or more children through eighteen (18) years of age outside their own homes.
- g. ***Child Caring Institution, (also known as Group Home.)*** A child-welfare facility licensed by the Georgia State Department of Human Services, which either primarily or incidentally provides full-time room, board and watchful oversight to six (6) or more children through eighteen (18) years of age outside their own homes.
- h. ***Health Department.*** Depending upon the proper context, either the Georgia Department of Community Health, and/or the Whitfield County Health Department, and/or the Whitfield County Board of Health.

- i. **Personal Care Home.** Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one (1) or more personal services for two (2) or more adults who are not related to the owner or administrator by blood or marriage.
3. Amend the Permitted Use Table with respect to "Assisted Living Facility/Community" to denote by the letter "X" thereon that such use shall be permitted outright in the C-2 and M-1 zoning districts.
4. Amend the Permitted Use Table by adding "Community Living Arrangement" and denoting by the letter "X" thereon that such use shall be permitted outright in the R-1, R-2, R-5, R-6, and R-7 zoning districts.
5. Amend the Permitted Use Table with respect to "Day Care Home, Group" to denote by the letter "X" thereon that such use shall be permitted outright in the C-1, C-2, and C-4 zoning districts, and denoted by the letter "S" thereon that such use shall be permitted only after Special Use review and approval within the MU and PUD zoning districts.
6. Amend the Permitted Use Table with respect to "Child Care Learning Center" to denote by the letter "X" thereon that such use shall be permitted outright in the C-2 zoning district, and denoted by the letter "S" thereon that such use shall be permitted only after Special Use review and approval within the MU and PUD zoning districts.
7. Amend the Permitted Use Table with respect to "Adult Day Center" to denote by the letter "X" thereon that such use shall be permitted outright in the C-2 zoning district, and denoted by the letter "S" thereon that such use shall be permitted only after Special Use review and approval within the R-7, C-1, and PUD zoning districts.
8. Amend the Permitted Use Table with respect to "Group Home" to denote by the letter "X" thereon that such use shall be permitted outright in the R-6, R-7, and C-2 zoning districts, and denoted by the letter "S" thereon that such use shall be permitted only after Special Use review and approval within the SA, R-1, R-2, R-5, MU, and PUD zoning districts.
9. Amend the Permitted Use Table with respect to "Child Caring Institution" to denote by the letter "X" thereon that such use shall be permitted outright in the R-6, R-7, and C-2 zoning districts, and denoted by the letter "S" thereon that such use shall be permitted only after Special Use review and approval within the SA, R-1, R-2, R-5, MU, and PUD zoning districts.
10. Amend the Permitted Use Table with respect to "Personal Care Home, Family" to denote by the letter "X" thereon that such use shall be permitted outright in the GA, SA, R-1, R-2, R-5, R-6, and R-7 zoning districts, and denoted by the letter "S" thereon that such use shall be permitted only after Special Use review and approval within the MU and PUD zoning districts.
11. Amend the Permitted Use Table with respect to "Personal Care Home, Group" to denote by the letter "X" thereon that such use shall be permitted outright in the R-6 and R-7 zoning districts, and denoted by the letter "S" thereon that such use shall be permitted only after Special Use review and approval within the SA, R-1, R-2, R-5, MU, and PUD zoning districts.

12. Amend the Permitted Use Table with respect to "Personal Care Home, Congregate" to denote by the letter "X" thereon that such use shall be permitted outright in the R-7 zoning district, and denoted by the letter "S" thereon that such use shall be permitted only after Special Use review and approval within the R-6, MU, and PUD zoning districts.
13. These amendments shall become effective immediately following enactment by the Board of Commissioners of Whitfield County, Georgia, the public health, safety, and welfare requiring it.
14. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
15. It is hereby declared to be the intention of the Board of Commissioners of Whitfield County that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and if any section, paragraph, sentence, clause, or phrase shall be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases herein.

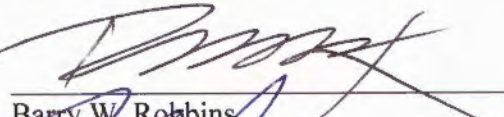
SO ORDAINED, this 10th day of August, 2020.



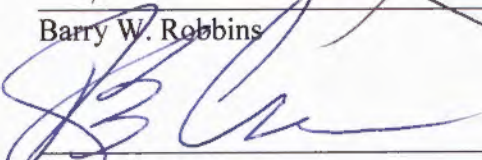
R. Lynette Laughter, Chairman



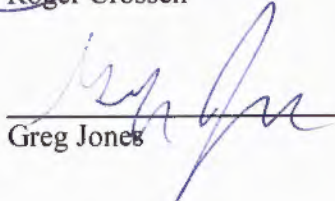
Harold Brooker, Vice Chairman



Barry W. Robbins



Roger Crossen



Greg Jones

Attest:


Blanca Cardona, Whitfield County Clerk