

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

Ordinance 2021- 0809

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 adding a new definition for “Small Animals”; by amending the definition of “Townhouse”; by amending the description of zoning districts GA, SA, and R-5 to add a statement wherein under certain conditions, a person may be permitted to store commercial tools, vehicles, and equipment at their residence; to repeal Section 4-6-10 and replace therewith a new Section 4-6-10; to repeal Section 4-6-17 and replace therewith a new Section 4-6-17; by amending Section 1-8.3 of the Whitfield County Zoning Procedures and Standards to not allow the withdrawal of an application for zoning amendment or conditional use once the Planning Commission opens and conducts the public hearing; 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. Insert alphabetically a new definition for “Small Animals” as follows:

***Small Animals.** Domestic small livestock, poultry and fowl, including rabbits, chinchillas, or similar animals, chickens, turkeys, pigeons, and small birds and ducks kept for non-commercial purposes.*

2. Delete the definition of “Townhouse” in its entirety and, in lieu thereof, insert alphabetically therein a new definition for “Townhouse (Row House,)” as follows:

***Townhouse (Row House)** A single-family dwelling unit constructed in a group of three (3) or more attached units. Each unit extends from foundation to roof, not more than three (3) stories in height, with a separate means of egress, and with an open space/yard or public way on at least two (2) sides. Each townhouse shall be considered a separate building with independent exterior walls and shall be separated by a two-hour fire-resistance-rated wall assembly.*

3. Amend Sections 4-1-1, 4-1-2, and 4-1-7 by adding the following sentence at the end of each applicable section:

Under certain conditions as set forth hereinafter, an accessory structure may contain tools, currently tagged vehicles and/or equipment utilized in the trade or business occupation of the person or persons occupying the principal dwelling structure thereon.

4. Amend Section 4-6-10 by deleting it in its entirety and, in lieu thereof, insert the following new Section 4-6-10, as follows:

4-6-10 Accessory Structures.

(a) *Accessory structures constructed concurrent with, or subsequent to, the primary dwelling structure, including, but not limited to, open sheds, garages, carports, and shelters are permitted upon a parcel less than three (3) acres in area and zoned for or used for single-family residential purposes only if the accessory structure is no larger than the gross floor area of the primary dwelling or fifteen hundred (1,500) square feet, whichever is lesser, 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.*

(b) *Within the R-5, SA, or GA zoning districts, accessory structures constructed concurrent with, or subsequent to, the primary dwelling, may also store tools, currently tagged vehicles and/or equipment utilized in the trade or business occupation of the person or persons occupying the principal dwelling structure only if all of the following additional conditions are met:*

- (1) *The accessory structure is no larger than the gross floor area of the primary dwelling or fifteen hundred (1,500) square feet, whichever is lesser, and provided that all applicable building setbacks are met.*
- (2) *The accessory structure shall be constructed in accordance with applicable building codes, including, but not limited to, all setback requirements, and shall be fully enclosed.*
- (3) *The accessory structure shall not be used for the manufacture, construction, shipping or processing of commercial goods or services.*
- (4) *There shall be no business invitees or customers upon the residential property for business purposes.*
- (5) *No more than two (2) commercially licensed or titled vehicles weighing not more than fourteen thousand pounds US (14,000 lbs.) gross vehicle weight (GVW) each shall be stored on site.*
- (6) *Nothing herein shall be construed to allow large commercial equipment, including, but not limited to bulldozers, dump trucks, backhoes, earth moving equipment, and the like, within an accessory structure upon any residentially zoned lot or parcel.*

5. Amend Section 4-6-17 by deleting it in its entirety and, in lieu thereof, insert the following new Section 4-6-17, as follows:

4-6-17 Animals.

- (a) Except within the City of Dalton, raising and keeping livestock, ten (10) or more pounds in weight shall be permitted upon a lot or parcel in the GA, SA and R-5 Residential zoning districts, or upon a lot in a commercial or manufacturing zoning district upon which 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.
 - (b) Raising and keeping small animals, under ten (10) pounds in weight, shall be permitted upon a lot or parcel in the GA, SA and R-5 Residential zoning districts, or upon a lot in a commercial or manufacturing zoning district upon which there is located a non-conforming single-family dwelling occupied as a residence, subject to the following:
 - (1) *Condition, size.* All such animals must be provided with adequate, secure enclosure(s) while not within the immediate presence of the owner. The pens or other enclosures wherein such animals are kept shall have a solid floor of suitable washable material, except when the pens are seventy-five (75) feet or more from the nearest neighbor's dwelling or place of business. Floor space in all such pens or enclosures, wherever located, shall contain not less than six (6) square feet per animal. In order to promote good hygiene and to eliminate nuisance odors, pens must be regularly cleaned and animal waste must be properly disposed.
 - (2) *Location.* Pens or yards where such animals are kept shall be placed at the following minimum distances from any dwelling or business structure:
 - i. Distance from any dwelling, except that of owner, or any business structure, fifty (50) feet
 - ii. Distance from owner's dwelling, five (5) feet.
 - (3) *Maximum number.* The maximum number of such animals, in any combination, which may be kept upon a single lot or parcel shall be limited as follows:
 - i. On lots up to five (5) acres in size, a total of no more than ten (10) small animals. No roosters, peafowl or any other fowl whose calls are audible to an adjoining lot shall be permitted.
 - ii. On lots five (5) or more acres in size, there is no limit to the number of non-commercial small animals permitted.
6. Amend Appendix E of the Unified Zoning Procedures and Standards Ordinance of Whitfield County, Georgia by deleting in its entirety Section 1-7.9 and replacing with a new Section 1-7.9 to read as follows:

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. The application for zoning amendment or conditional use shall not be withdrawn once the public hearing thereon commences.

7. Amend the Unified Zoning Ordinance permitted use table by allowing Brewpubs, Microbreweries, and Micro Wineries/Distilleries also in the M-1 and M-2 zone districts.
8. 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.
9. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
10. 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 9th day of August, 2021.


Jevin S. Jensen, Chairman


Barry W. Robbins, Vice Chairman


Greg Jones

ABSENT
Robby Staten


John Thomas

Attest:

Blanca Cardona
Blanca Cardona, Whitfield County Clerk