

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

Ordinance 16-1114

WHEREAS, the Whitfield County Board of Commissioners adopted the *Unified Zoning Ordinance* on or about August 10, 2015; and

WHEREAS, the Whitfield County Board of Commissioners will, from time to time, amend 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 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 amending the definition of Clinic, and by adding a new section 4-6-32 for special requirements in the C-3, Central Business District zoning district for Self-Service Storage Warehouse and Climate-Controlled facilities, and by amending the Permitted Use Table to amend listings for Brewpubs, Clinic, Hotel, Mini-Warehouse, Motel/Motor Lodge, Self-Service Storage 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. Delete the definition for Clinic in its entirety and in lieu thereof insert the following definition for 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.
2. Add a new Section 4-6-32 in sequence to read as follows:
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.*
3. Amend the Permitted Use Table with respect to "Brewpubs" to rename the line item as "Brewpubs, Microbrewery, Micro-winery" and to additionally allow such use in the MU zoning district by inserting an "X-Dalton only" in the MU column.
 4. Amend the Permitted Use Table with respect to "Clinic, Medical" to allow such use in the C-2 zoning district, denoted by inserting an "X" in the C-2 column, and additionally to allow such use as a Special Use in the C-1, C-1A, C-3, C-4, and MU zoning districts, denoted by inserting an "S" in the respective columns.
 5. Amend the Permitted Use Table with respect to "Hotel, Motel, Motor Lodge" to rename the line item as "Hotel".
 6. Amend the Permitted Use Table with respect to "Mini-Warehouse (self-service storage facility or climate-controlled)" to rename the line item as "Mini-Warehouse".
 7. Amend the Permitted Use Table with respect to "Motel (See also Hotel/Motor Lodge)" to rename the line item to "Motel, Motor Lodge".
 8. Amend the Permitted Use Table to add "Self-Service Storage Warehouse or Climate-Controlled" alphabetically, as a permitted use in the C-2, M-1, and M-2 zoning districts, denoted by inserting an "X" in the respective columns, and as a Special Use in the C-3 zoning district by inserting an "S" in the C-3 column, and by inserting "Sec. 4-6-32" in the Additional Requirement column.
 9. 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.
 10. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
 11. 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 14th day of November, 2016.



Mike Babb, Chairman


Harold Brooker, Vice Chairman


Roger Crossen


Lynn Laughter


Barry W. Robbins

Attest:

Blanca Cardona, Whitfield County Clerk

Allowing Storage Warehouses in (Non-Historic) Downtown by Special Use Review

| 2016 Proposed Text Amendments - Unified Zoning Ordinance | | | | |
|--|--|-------------------------------------|---|---|
| Amendment | Purpose | Text Section | Current Text | Revised/Amended Text |
| 1 | Separate dissimilar uses | Permitted Use Table; Page 5 of 7 | Mini-Warehouse (self-service storage facility or climate-controlled) | Mini-Warehouse (self-service storage facility or climate-controlled) |
| 2 | Allow Climate-Controlled storage warehouses for special use review in the C-3 (Central Business district) zone | Permitted Use Table; Page 6 of 7 | Storage Warehouse Permitted outright in zones: C-2, M-1, M-2 | <u>Self-Service Storage Warehouse or Climate-Controlled</u> Permitted in zones: C-2, M-1, M-2 <u>Special Use in C-3 zone</u> <u>Additional Requirement *</u> |
| | | | | |

Additional Requirement 4-6-30

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 zone district.
- (2.) Flammable, explosive, or any hazardous materials are prohibited.
- (3.) Trucks or trailers with cargo space in excess of sixteen feet are prohibited.

Correcting Hotel/Motel Permitted Use Contradiction

| 2016 Proposed Text Amendments - Unified Zoning Ordinance | | | | |
|--|----------------------|--------------|---|---|
| Amendment | Purpose | Text Section | Current Text | Revised/Amended Text |
| 1 | Remove Contradiction | Page 4 of 7 | Hotel, Motel, Motor Lodge (Allowed outright in zones C-2, C-4, PUD, and M-1) | Hotel, Motel, Motor Lodge (Allowed outright in zones C-2, C-4, PUD, M-1) |
| 2 | Remove Contradiction | Page 5 of 7 | Motel (See also Hotel/Motor Lodge) (Allowed outright in zones C-2, and M-1) | Motel, (See also Hotel/) Motor Lodge (Allowed outright in zones C-2, and M-1) |

Microbrewery

| 2016 Proposed Text Amendments - Unified Zoning Ordinance | | | |
|--|--------------|--|--|
| Purpose | Text Section | Current Text | Revised/Amended Text |
| Allow Similar Uses in the same zone district | Page2 of 7 | Brewpubs allowed outright in Mixed Use* | Brewpubs, <u>Microbrewery, Micro-winery</u> <u>Allow all three uses outright in Mixed Use</u> |

Microbrewery is currently allowed outright in C-1, C-2, and C-4 zones along with Micro-distillery, Micro-winery, and Brewpubs. Micro-distilleries would not be a good fit for the mixed use district due to their production and storage of a highly flammable/explosive product. However, micro-breweries, brewpubs, and micro-wineries all have a low intensity organic processes appropriate for the mixed use environment. All establishments are subject to state laws and other locally adopted ordinances.

Brewpub

Any 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 licensed wholesale dealer) for retail consumption on the premises and solely in draft form. Food sales must create 50% of annual sales, but not including

Microbrewery

A brewery that produces less than 10,000 barrels of beer per year and can include a tasting room and retail space. Packaged products must be sold to wholesalers. Only 36 ounces of samples per individual per day allowed for on-site consumption.

Micro-winery

The concept is similar to a microbrewery, in that small batches of product are made primarily for local consumption and not to exceed 60,000 gallons per year.

Clinics, Medical

| 2016 Proposed Text Amendments - Unified Zoning Ordinance | | | | |
|--|---|----------------------------------|--|---|
| Amendment | Purpose | Text Section | Current Text | Revised/Amended Text |
| 1 | Better review of medical clinics in more restrictive commercial districts | Permitted Use Table; Page 2 of 7 | Allowed outright in C-1, C-2, C-3, C-4, and MU | Clinic, Medical Allow outright <u>only</u> in C-2 Allow as Special Use in zones C-1, C-1A, C-3, and C4 Not Allowed in MU |
| 2 | Increase specificity in the definition of a Clinic | Definitions; Page II-6 | A building or portion of a building where patients are not lodged overnight, but are admitted for medical examination and treatment by one or more physicians or dentists practicing together. | A building or 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. |

Due to parking and traffic generated by medical clinics it is recommended that they only be allowed in commercial zones, and more specifically only allowed under special use review in more restricted commercial zones other than C-2. Clinics are not an appropriate land use within the MU or mixed use district because they do not fit the housing, retail, and services intended for this district.