

RESOLUTION OF THE WHITFIELD COUNTY
BOARD OF COMMISSIONERS AMENDING THE
WHITFIELD COUNTY SITE DESIGN ORDINANCE

Ordinance 090919

WHEREAS, the Whitfield County Board of Commissioners adopted the *Whitfield County Site Design Ordinance* on or about June 9, 2003; 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 *Whitfield County Site Design Ordinance*, otherwise known as **Chapter 14** of the Code of Ordinances of Whitfield County, Georgia, be amended by adding a paragraph to Section 14-49 to grant the County Engineer additional discretion when reviewing roadway cross sections for an approved Planned Unit Development (PUD, as defined in the Unified Zoning Ordinance), 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. Add a new paragraph at the end of Section 14-49 to read as follows:
If presented with a proposal that evaluates site-specific circumstances for new construction of local streets that will be part of an approved Planned Unit Development (PUD, as defined in the Unified Zoning Ordinance), the County Engineer, in his or her professional discretion, may allow a reduction in the required right-of-way width. Additionally, the County Engineer, in his or her professional discretion, may allow utility easements as substitution for rights-of-way. In such cases, the utility easement(s) shall be a minimum of fifteen (15) feet if provided along one side of the right-of-way or a minimum of ten (10) feet if provided along both sides of the right-of-way. Utility construction shall occur outside the right-of-way and only within the provided easement(s). The County reserves the right to place equipment and facilities within the utility easement(s). Additionally, the County reserves the right to enter onto the utility easement(s) for the purposes of maintenance and repair.
2. 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.

3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
4. 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 9 day of September 2019.

R. Lynette Laughter
R. Lynette Laughter, Chairman

Harold Brooker
Harold Brooker, Vice Chairman

Barry W. Robbins
Barry W. Robbins

Roger Crossen
Roger Crossen

Greg Jones
Greg Jones

Attest:
Blanca Cardona
Blanca Cardona, Whitfield County Clerk