

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF
VARNELL ADOPTING THE UNIFIED ZONING PROCEDURES AND
STANDARDS ORDINANCE OF THE CITY OF VARNELL; TO PROVIDE
FOR AN EFFECTIVE DATE; TO REPEAL ALL CONFLICTING
ORDINANCES; TO PROVIDE FOR SEVERABILITY; AND FOR OTHER
PURPOSES

Ordinance No. 08-15

WHEREAS, the Mayor and Council of the City of Varnell originally adopted the Zoning Ordinance of Varnell, Georgia on or about August 30, 1977; and

WHEREAS, the Mayor and Council of the City of Varnell contemporaneously herewith adopts a new Unified Zoning Ordinance of the City of Dalton, the City of Varnell, and Unincorporated Whitfield County and requires such procedures and standards for the amendment of such Unified Zoning Ordinance; and

WHEREAS, it is the belief of the Mayor and Council of the City of Varnell that in so doing, it protects the health, welfare, and safety of the public;

NOW, THEREFORE, BE IT RESOLVED and ORDAINED by the Mayor and Council of the City of Varnell that the within *Unified Zoning Procedures and Standards Ordinance* is herewith adopted, and for other purposes.

BE IT ORDAINED by the Mayor and Council of the City of Varnell and by the authority of same, IT IS HEREBY ORDAINED as follows:

The *Unified Zoning Procedures and Standards Ordinance of the City of Varnell* shall be herewith adopted and approved, as follows, in its entirety:

**UNIFIED ZONING PROCEDURES AND STANDARDS ORDINANCE OF VARNELL
GEORGIA**

SECTION 1-1 PREAMBLE AND ENACTMENT CLAUSE:

For the purpose of ensuring that due process is afforded to the general public of the City of Varnell, Georgia, when the City of Varnell, 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 ct. seq.), the City of Varnell, 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 Procedures and Standards Ordinance of the City of Varnell."

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. For unincorporated Whitfield County, the Governing Authority is the Whitfield County Board of Commissioners.

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 maybe.

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:

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

- (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.

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

1. These amendments shall become effective immediately following enactment by the Mayor and Council of the City of Varnell, Georgia, the public health, safety, and welfare requiring it.
2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
3. It is hereby declared to be the intention of the Mayor and Council of the City of Varnell 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.

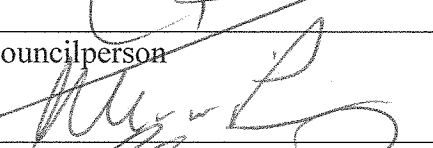
SO ORDAINED, this 18th day of August, 2015.



Anthony Hulsey, Mayor




Councilperson



Councilperson




Councilperson



Councilperson

ATTEST:



Pam Garrison, City of Varnell

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF VARNELL
AMENDING THE ZONING ORDINANCE OF CITY OF VARNELL BY
REPEALING AND REPLACING IT WITH THE UNIFIED ZONING ORDINANCE
OF THE CITY OF DALTON, THE CITY OF VARNELL, AND
UNINCORPORATED WHITFIELD COUNTY; TO PROVIDE FOR AN
EFFECTIVE DATE; TO REPEAL ALL CONFLICTING ORDINANCES; TO
PROVIDE FOR SEVERABILITY; AND FOR OTHER PURPOSES

Ordinance No. 08-15

WHEREAS, the Mayor and Council of the City of Varnell originally adopted the *Zoning Ordinance of Varnell, Georgia* on or about August 30, 1977; and

WHEREAS, the Mayor and Council of the City of Varnell has, from time to time, amended said ordinance in order to protect the health, welfare, and safety of the public; and

WHEREAS, the Mayor and Council of the City of Varnell 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 Mayor and Council of the City of Varnell 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 desire of the Whitfield County Board of Commissioners, the Mayor and Council of the City of Dalton, and the Mayor and Council of the City of Varnell to have consistent regulations across political boundaries within Whitfield County; and

WHEREAS, it is the belief of the Mayor and Council of the City of Varnell that in so doing, it protects the health, welfare, and safety of the public;

NOW, THEREFORE, BE IT RESOLVED and ORDAINED by the Mayor and Council of the City of Varnell that the *Zoning Ordinance of Varnell, Georgia, as amended*, is herewith amended, repealed, and replaced with the following, to be entitled the "Unified Zoning Ordinance of the City of Dalton, the City of Varnell, and Unincorporated Whitfield County," including all text set forth herein and further adopting the City of Varnell Zoning Map, and for other purposes.

BE IT ORDAINED by the Mayor and Council of the City of Varnell and by the authority of same, IT IS HEREBY ORDAINED as follows:

1. The Zoning Ordinance of Varnell, Georgia, as heretofore amended, shall be herewith amended, repealed in its entirety, and replaced with the following Ordinance, to be entitled the *Unified Zoning Ordinance of the City of Dalton, the City of Varnell, and Unincorporated Whitfield County*, as follows, in its entirety, including all appendices thereto:

2. The City of Varnell Zoning Map is also adopted herewith as a part of this Ordinance, as evidenced by the signatures of the Mayor and Council of the City of Varnell.
3. These amendments shall become effective immediately following enactment by the Mayor and Council of the City of Varnell, Georgia, the public health, safety, and welfare requiring it.
4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
5. It is hereby declared to be the intention of the Mayor and Council of the City of Varnell 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 18th day of August, 2015.



Anthony Hulsey, Mayor



Councilperson



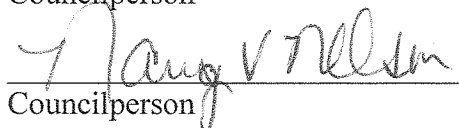
Councilperson



Councilperson



Councilperson



Councilperson

ATTEST:



Pam Garrison, Varnell City Clerk