

WHEN THESE FORMS ARE COMPLETED

PLEASE RETURN TO:

DALTON-WHITFIELD PLANNING OFFICE

301 W. CRAWFORD ST.

DALTON, GEORGIA 30720

PHONE: (706) 876-2524

FAX: (706) 281-4810

ATTENTION

The applicant for a rezoning request shall obtain a list of all abutting and adjoining property owners from the Whitfield County Tax Assessor's Office. The applicant shall supply these names and addresses, along with stamped envelopes to the Dalton - Whitfield Planning Office. The Planning Office will verify the mailing list and mail each adjoining property owner a copy of this application. If these are not received with the rezoning application the application will be considered incomplete.

REZONING/SPECIAL USE PROCESS

1. Applicant shall make initial appointment with a county planner to discuss proposed actions. Applicant shall submit completed Rezoning/Special Use application to the Dalton - Whitfield Planning Office after consultation with a city/county planner on or before the 20th of the month.
2. Planning Office will notify applicant by letter of the date and time of the public hearing.
3. **At least 15 days prior to the public hearing, the property is posted, adjacent property owners are notified, and the newspaper advertisement is published.**
4. At the jointly held public hearing before the Dalton-Whitfield County Planning Commission and the Whitfield County Board of Commissioners:
 - (a) The city/county planner will make brief remarks regarding the application and will orient the Commission and Board members as to the location of the property;
 - (b) The applicant will be asked to come forward and state his/her reasons for the request;
 - (c) Any other persons present who wish to speak in favor of the application will be given an opportunity to speak;
 - (d) Any persons present who wish to speak against the application will be given an opportunity to speak;
 - (e) The applicant will be given an opportunity to rebut any statements made opposing the application;
 - (f) After all other Rezoning/Special Use applications are heard, the Dalton-Whitfield County Planning Commission members will vote on each application; this vote will be forwarded in the coming week to the Whitfield County Board of Commissioners;
 - (g) **Approximately two (2) weeks after the public hearing, the Whitfield County Board of Commissioners will make a final decision regarding the application at their regular monthly meeting;**
 - (h) **The applicant will be notified by mail of the decision.**

**WHITFIELD COUNTY
REZONING
PRELIMINARY SITE PLANS**

Date Of Submittal: _____

Name Of Project: _____

Name of Owner/Developer: _____

Address: _____

Phone: _____

All Items must be addressed and checked before plans will be accepted for rezoning consideration. **This document must be completed, checked and submitted with Preliminary Site Plans by the twentieth (20th) of the preceding month for rezoning consideration by the Planning Commission meeting which occurs on the fourth Monday of the month.** Your cooperation is appreciated.

Preliminary Site Plan. For all parcels which require rezoning to R-4, R-5, R-6, MHP, C-1, C-2, C-2C, M-1, M-2 or PUD for a proposed use or which require a Special Use Permit for a proposed use, a Preliminary Site Plan, as described herein, shall be submitted with such application, which shall remain incomplete without such information. The Board of Commissioners may hereafter conditionally approve such request based upon information set forth in such site plan. Each Preliminary Site Plan shall include the following information:

- (a) _____ Preliminary Name of the proposed development; name(s) and address(es) of the owner(s) and the designer(s) of the site plan.
- (b) _____ Date, north arrow, and graphic scale.
- (c) _____ Survey Boundaries. Surveyed boundaries of the entire tract and their relationship to adjoining properties, public rights-of-ways, and easements.
- (d) _____ Location Map. A general location map at a scale of one inch equals two thousand feet indicating existing zone on or adjacent to the site, adjoining roads and the adjacent areas are required.
- (e) _____ Utility and drainage plans. The conceptual location of utility and drainage easements shall be provided.
- (f) _____ Sewage Management Systems, On-Site (Septic Systems); Sewage Treatment System, Public or Community (Central Sewage Treatment Plant). Written statement from the Environmental Health Department indicating the optimum number of units the property will accommodate based on a soils report by a soils scientist and an on-site

inspection by a county environmental specialist. If public sewer is available, written approval shall be provided from Dalton Utilities for the number of desired sewer taps.

- (g) ___ Septic System Absorption Field and Replacement Area and Building Locations.
Approximate location of the septic fields, all proposed buildings, their shape, size, and setback in approximate scale.
- (h) ___ Rights-of-Way. Location and right-of-way of streets, roads, alleys, railroads, public crosswalks, with lengths and widths, road names, or designations.
- (i) ___ Buffers and vegetation. Existing and proposed vegetation and the use of vegetation to provide buffers and landscaping for the proposed development.
- (j) ___ Environmentally sensitive areas. Location of major river corridors, water supply watersheds, groundwater recharge areas, wetlands, the boundary and elevation of the 100-year floodplain as determined by the past history of flooding or the best available data.
- (k) ___ Proposed improvements. The names, where appropriate, and locations and dimensions of proposed streets, alleys, sidewalks, easements, buildings parking and loading, dumpsters, recreation areas and facilities, yards and other open spaces.

Article IX -- Buffers

9-1 Buffer Requirement. A buffer, as specified in Section 9-4 hereinbelow, shall be required when a proposed development abuts property in a less intense zone district, unless the adjacent zone district is already developed with uses similar to the proposed uses. Refer to the following table for the required buffer:

Abutting District	DISTRICTS REQUIRED TO BUFFER							
	MHP	R-5	R-6	C-1	C-2	C-2C	M-1	M-2
	Width of Required Buffer							
GA	12'	12'	12'	30'	30'	30'	30'	30'
R-1	12'	12'	12'	30'	30'	30'	30'	30'
R-2	12'	12'	12'	30'	30'	30'	30'	30'
R-3	12'	12'	12'	30'	30'	30'	30'	30'
R-4	None	None	None	30'	30'	30'	30'	30'
R-5	None	None	None	30'	30'	30'	30'	30'
R-6	None	None	None	30'	30'	30'	30'	30'
MHP	None	None	None	30'	30'	30'	30'	30'
C-1	None	None	None	None	None	None	None	None
C-2	None	None	None	None	None	None	None	None
C-2C	None	None	None	None	None	None	None	None
M-1	None	None	None	None	None	None	None	None
M-2	None	None	None	None	None	None	None	None

9-1-1 Buffers shall be located within and along the outer perimeter of a lot or parcel along the side and/or rear lot lines. Buffers shall not be located upon any portion of existing, dedicated, or reserved public or private road right-of-way.

9-1-2 No building permit shall issue for any lot or parcel development requiring a buffer until such time as that buffer, as specified herein, shall be substantially in place or until acceptable surety for the cost of the buffer installation shall be provided to the Whitfield County Engineer. Acceptable surety shall consist either of an irrevocable letter of credit from an approved lending institution or a performance bond from an approved insurer in an amount no less than fifteen dollars (\$15.00) per linear foot of area to be buffered. The required buffer must be completed and in place within thirty (30) days before any such surety shall lapse or within six (6) months of the issuance of the building permit, whichever shall occur sooner.

9-1-3 If the required buffer shall not be completed and in place as set forth in Section 9-1-2 above, then, in such circumstance, the Whitfield County Engineer or designee shall have authority to go upon such areas of the subject parcel as reasonable and necessary to construct the required buffer, utilizing the surety previously provided. Whitfield County shall not be liable for such action unless the Whitfield County Engineer or his or her designee shall act with gross negligence in coming upon and/or damaging such parcel.

9-2 **Passive Use.** A buffer may be used for some forms of passive recreation such as pedestrian, bicycle, or equestrian trails; or a buffer may be used to locate a storm water retention area provided that:

9-2-1 No planted materials shall be eliminated.

9-2-2 The total width of the buffer shall be maintained.

9-2-3 A buffer shall not be used for any active recreational use such as playfields, stables, swimming pools and tennis courts.

9-3 **More Intense Use Must Provide Buffer.** When adjoining properties are zoned in dissimilar use districts, the property within the more intensive use district shall be required to provide the buffer. However, when adjoining vacant parcels are in dissimilar use districts, no buffer is required when the parcel zoned for the less intensive use seeks a building permit.

9-4 **Parcels Adjacent to the City of Dalton.** Whenever a lot or parcel lying within the unincorporated portion of Whitfield County (hereinafter "County property") abuts a lot or parcel lying within the corporate limits of the City of Dalton (hereinafter "City property"), the County property shall be required to provide, within and along such border with the City property, a twelve (12) foot buffer, as more particularly described and set forth in Section 9-6-1, under the following circumstances only (nothing herein

shall have any effect upon any buffer requirement otherwise set forth by this ordinance with regard to other abutting properties lying within the County):

- 9-4-1 If the County property is located within the M-1, M-2, C-1, C-2, or C-2C district and the City property is located within any residential district upon which is located any residential use, including, but not limited to single family dwelling, duplex, triplex, etc., apartment/condominium, or manufactured home park;
- 9-4-2 If the County property is located within the M-1, M-2, C-1, C-2, or C-2C district and the City property is located upon an undeveloped lot or parcel within any residential zone district and for which the Future Land Use Map then in force and effect for the City of Dalton calls for such City property to develop residentially at any density level;
- 9-4-3 If the County property is located within the R-5, R-6, or MHP district and the City property is located within any residential district restricted to single family dwellings only, whether developed or not, and for which the Future Land Use Map then in force and effect for the City of Dalton calls for such City property to develop with low density residential uses;
- 9-4-4 If the County property is located within the M-1, M-2, C-1, C-2, or C-2C district and the City property is then used residentially and such residential use is a conforming use pursuant to the City property's zoning district;
- 9-4-6 If the County property is located within the R-5 district and the City property is then used for single family residential purposes only and such single family residential use is a conforming use pursuant to the City property's zoning district;
- 9-4-7 If the County property is located within the MHP or R-6 district and the City property is then used residentially and such residential use is a conforming use pursuant to the City property's zoning district.
- 9-4-8 Under circumstances as set forth herein, if the duly-appointed Zoning Administrator for both the City of Dalton and for Whitfield County shall jointly agree that, because the requirements of this section would require the buffering of like or similar uses at like or similar density levels, or that, because of the existing topography and/or vegetation upon the lot or parcel otherwise required to provide a buffer hereunder, such buffer would be ineffective or unnecessary to the purposes of this Article, then such requirement may be waived or amended. If there is no joint agreement between the respective Zoning Administrators, then the matter shall be submitted to the Planning Commission for its review and recommendation hereunder, by which both the City of Dalton and Whitfield County agree to abide. Any appeal from the recommendation of the Planning Commission by the affected landowner or any other person with legal standing to do so, shall be by Writ of *Certiorari* to the Superior Court of Whitfield County, as otherwise provided herein for appeals from the Whitfield County Board of Zoning Appeals, with no intermediate appeal either to the Whitfield County Board of Commissioners or to the Mayor and Council of the City of Dalton.

9-5 General Buffer Design. All buffers required by this Article shall conform to the following specifications:

- 9-5-1 Prior to development, a buffer plan shall be required to show the types and locations of all screening devices within a required buffer. If a site development plan is required, a buffer plan can be incorporated as part of the site development plan.
- 9-5-2 Landscaping within buffer areas shall be used to screen objectionable views or nuisances, such as parking and service areas, refuse containers, air conditioning units and transformers. Existing on-site plantings may be credited as landscaped open space meeting the requirements of this section if such plant materials achieve the purposes of this section.

9-6 Specific Buffer Design – Twelve Foot and Thirty Foot Buffers.

- 9-6-1 A required twelve (12) foot buffer shall have not less than a twelve (12) foot base width and shall consist of plantings having year-round foliage, or a fence, or a wall (not otherwise part of a structure or accessory structure), or a berm, or any combination thereof, with a total minimum height of six (6) feet. The required buffer shall provide not less than ninety percent (90%) visual blockage. If a buffer consists of plantings only, then said plantings shall be an evergreen species from a list provided by the Whitfield County Engineer, which, under normal growing conditions, will attain a minimum height of six (6) feet within thirty-six (36) months after planting, but are not required to be at such height upon planting.
- 9-6-2 A required thirty (30) foot buffer shall have not less than a thirty (30) foot base width and shall consist of plantings having year-round foliage, plus either a fence, or a wall (not otherwise part of a structure or accessory structure), or a berm, or any combination thereof, with a total minimum height of six (6) feet. The required buffer shall provide not less than ninety percent (90%) visual blockage.
- 9-6-3 Screening is a method of visually shielding or obscuring a use from another by fence, walls, berms, or densely planted vegetation. Screening shall provide a year round visual screen from the ground to a minimum of six (6) feet in height. The fence or wall shall be placed on the outer edge of the buffer.

9-7 Maintenance. The responsibility for maintenance of a required buffer shall remain with the owner of the property. Maintenance is required to ensure the proper functioning of a buffer as a landscaped area which reduces or eliminates nuisance and/or conflict.

9-8 Variances. The requirements of this Article may be altered, amended, or waived by the Whitfield County Board of Zoning Appeals, depending upon circumstances, if it is shown by clear and convincing evidence either that the existing topography and/or vegetation will achieve the purposes of the Article or that, because of the topography, no required screening device could screen the ground level activities of the more intense use from the ground level activities of the abutting less intense use.

FOR OFFICE USE ONLY:
DATE RECEIVED: _____

ACTION BY BOARD OF COMMISSIONERS:
APPROVED: _____ DISAPPROVED: _____

**APPLICATION FOR AMENDMENT OF THE
WHITFIELD COUNTY ZONING ORDINANCE/MAP**

Fee - \$200.00

Make check payable to:
Dalton – Whitfield Planning Office

Application is hereby made for amendment of the Whitfield County Zoning Ordinance/Map, and if granted, the applicant agrees to conform to all laws, ordinances and resolutions regulating same.

Name of Applicant: _____ Telephone: _____

Mailing Address: _____

Address of Property
to be Rezoned: _____

Amendment to: Zoning Map _____ Text Section _____

If an amendment to the Zoning Text, (include on separate sheets the proposed amendment).

If an amendment to the Zoning Map, indicate the following:

Size of Property: _____ acres; _____ square feet

Zoning Classification: (Current) _____ (Proposed) _____

Tax Parcel Number: _____

Present Use of Property: _____

Proposed Use of Property: _____

If multi-family, total number of units: _____

Average size of unit (optional): _____ square feet

Site plan is required for zoning districts of R-4, R-5, R-6, MHP, C-1, C-2, C-2C, M-1, M-2, and PUD

Include on separate sheets a legal description of the property and a map of the property showing:

- a) Actual dimensions of property
- b) Location and type of existing structures
- c) Zone and land use of surrounding property

I hereby certify that the above information is true and correct.

Signed: _____ Date: _____

VERIFICATION

The undersigned is the/an owner of an interest in the lands described in the attached Application for Amendment of the Whitfield County Zoning Ordinance and concurs in the application. The undersigned's interest in the lands described in the application is as follows:

(describe parcel or parcels of interest and percentage of interest)

I appoint _____
my attorney in fact with full authority, my name, place, and stead, to apply for the zoning amendment set forth in the attached application.

Owner

Sworn to and subscribed
before me, this ____ day
of _____, _____

Notary Public

(SEAL)

DISCLOSURE REPORT OF PROPERTY/FINANCIAL INTEREST

BY APPLICANT

(Required by Title 36, Chapter 67A, O.C.G.A.)

Date of Rezoning Application: _____

Does any member of the Whitfield County Board of Commissioners or Planning Commission have a property interest (direct or indirect ownership, including any percentage of ownership less than total) in the subject property?

(yes or no)_____

If so, describe the nature and extent of such interest:

Does any member of the Board of Commissioners or Planning Commission have a financial interest (direct ownership interests of the total assets or capital stock where such ownership interest is ten (10) percent or more) in a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property?

(yes or no)_____

If so, describe the nature and extent of such interest:

If the answer to any of the above is "Yes," then the member of the Board of Commissioners or Planning Commission must immediately disclose the nature and extent of such interest, in writing, to the Board of Commissioners of Whitfield County, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

Applicant means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of the applicant for a rezoning action.

Does any member of the Board of Commissioners or Planning Commission have a spouse, mother, father, brother, sister, son, or daughter who has any interest as described above?

(yes or no) _____

If so, describe the relationship and the nature and extent of such interest:

I certify that the foregoing information is true and correct to the best of my knowledge and belief, this _____ day of _____, _____.

Applicant's Signature

[Note: Any local government official or any applicant for rezoning action knowingly failing to make any disclosure as required by O.C.G.A. Chapter 36 - 67A shall be guilty of a misdemeanor.]

**DISCLOSURE REPORT OF CAMPAIGN CONTRIBUTIONS AND GIFTS
BY APPLICANT*
(Required by Title 36, Chapter 67A, O.C.G.A.)**

Date of Rezoning Application: _____

Has the applicant* made, within two (2) years immediately preceding the filing date of this application, campaign contributions aggregating two hundred fifty dollars (\$250) or more or made gifts having in the aggregate a value of two hundred fifty dollars (\$250) or more to a member or members of the Whitfield County Board of Commissioners or Planning Commission who will consider this application?

(Yes or No)

If so, the applicant and the attorney or other person representing the applicant must file a disclosure report with the Whitfield County Board of Commissioners within ten (10) days after this application is first filed. The following information will be considered as the required disclosure:

1) List the name and official position of the Commissioner or Planning Commission member; 2) the dollar amount and date of each applicable campaign contribution; and 3) an enumeration and description of each gift having a value of \$250 or more.

I certify that the foregoing information is true and correct to the best of my knowledge and belief, this _____ day of _____, _____.

Applicant's Signature

[Note: Any local government official or any applicant for rezoning action knowingly failing to make any disclosure as required by O.C.G.A. Chapter 36 - 76A shall be guilty of a misdemeanor.]

* Applicant means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of the applicant for a rezoning action.

CHECK LIST FOR REZONING/SPECIAL USE APPLICATION

1. APPLICATION PAGE

- A. If the property owner is the applicant, is every property owner listed?
- B. Signature of applicant or property owner(s).
- C. Names and addresses of adjacent property owners; stamped envelopes

2. VERIFICATION PAGE

- A. List of property owner(s) and % interest in property.
- B. Signature of property owner(s) if
 - 1. giving power of attorney to a third party; or
 - 2. applicant is not the property owner

3. ALL OTHER PAGES

- A. Signature of applicant and any other person appointed on Verification Page as having power of attorney.
- 4. Typed legal description of property.
- 5. Plat whose boundaries match those of the legal description.
- 6. If the requested zone is R-4, R-5, R-6, C-1, C-2, C-2C, M-1, M-2, MHP, PUD or Special Use, then a Preliminary Site Plan must be provided listing all those items required for a preliminary site plan.