

Ordinance 24-03

To Amend Unified Zoning Ordinance Of Whitfield County, Georgia; To Provide An Effective Date; To Repeal All Conflicting Ordinances; To Provide For Severability; And For Other Purposes.

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

Section 1.

The Unified Zoning Ordinance of Whitfield County, Georgia is hereby amended as follows:

1. Insert alphabetically new definitions as follows:

***Poultry Farming, Commercial.** A production system for raising of domesticated birds including but not limited to chickens, turkeys, ducks, and geese for the purpose of producing meat or eggs for food or poultry byproducts. The commercial production scale shall be reached if the facility meets the criteria of either the USDA (U.S. Department of Agriculture) and/or EPA (U.S. Environmental Protection Agency) for an “Animal Feeding Operation (AFO)” or “Concentrated Animal Feeding Operation (CAFO).”*

***Swine Farming, Commercial.** A production system for raising and/or breeding domestic pigs, swine, or hogs for the purpose of producing meat and animal byproducts. The commercial production scale shall be reached if the facility meets the criteria of either the USDA (U.S. Department of Agriculture) and/or EPA (U.S. Environmental Protection Agency) for an “Animal Feeding Operation (AFO)” or “Concentrated Animal Feeding Operation (CAFO).”*

2. Delete Section 4-6-2 in its entirety and replace with the following:

4-6-2 Animal husbandry, including dairies, livestock raising, fish hatcheries, and/or riding stables and academies are permitted within the General Agriculture (GA) district, provided that no structures for housing said animals shall be located closer than twenty-five (25) feet from any property line and the minimum for the above uses shall be five (5) acres. For the purposes of this ordinance, animal husbandry shall not include Commercial Poultry Farming or Commercial Swine Farming.

3. Add a new Section 4-6-35 to read as follows:

4-6-35 Commercial poultry farming shall be allowed in unincorporated Whitfield County within the General Agriculture (GA) district, provided that no structures for housing said animals shall be located closer than twenty-five (25) feet from any property line and the minimum for such use shall be five (5) acres.

Commercial poultry farming shall be allowed within the city limits of Dalton, Georgia and within the city limits of Varnell, Georgia only as a Special Use within the General

Agriculture (GA) district. The minimum required lot area for such new uses within the municipalities shall be ten (10) acres. Increased building setbacks, buffers, and other restrictions may result from the Special Use review. Existing conforming commercial poultry farming buildings may be replaced without the Special Use review as long as the replacement buildings follow all applicable building, fire, and municipal codes as required.

4. Add a new Section 4-6-36 to read as follows:

4-6-36 Commercial swine farming shall be allowed in unincorporated Whitfield County within the General Agriculture (GA) district, provided that no structures for housing said animals shall be located closer than twenty-five (25) feet from any property line and the minimum for such use shall be five (5) acres.

Commercial swine farming shall be allowed within the city limits of Dalton, Georgia and within the city limits of Varnell, Georgia only as a Special Use within the General Agriculture (GA) district. The minimum required lot area for such new uses within the municipalities shall be ten (10) acres. Increased building setbacks, buffers, and other restrictions may result from the Special Use review. Existing conforming commercial swine farming buildings may be replaced without the Special Use review as long as the replacement buildings follow all applicable building, fire, and municipal codes as required.

5. Amend the Permitted Use Table to show “Livestock Raising-Personal Pleasure” allowed only in the GA, SA, and R-5 zoning districts.
6. Amend the Permitted Use Table to add a line item in alphabetical order entitled “Poultry Farm, Commercial” with Additional Requirement Section 4-6-35, and allowed outright in the GA zoning district but with a Special Use for Dalton-Varnell.
7. Amend the Permitted Use Table to add a line item in alphabetical order entitled “Swine Farm, Commercial” with Additional Requirement Section 4-6-36, and allowed outright in the GA zoning district but with a Special Use for Dalton-Varnell.

Section 2.

This Ordinance shall be effective upon the posting of this Ordinance in two (2) public places in the City of Dalton for five (5) consecutive days following its enactment by the Mayor and Council, the public health, safety, and welfare requiring it.

Section 3.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4.

It is hereby declared to be the intention of the Mayor and Council of the City of Dalton that the section, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and

if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.

SO ORDAINED this ____ day of _____, 2024.

The foregoing Ordinance received its first reading on _____ and a second reading on _____. Upon second reading a motion for passage of the ordinance was made by Councilmember _____, second by Councilmember _____ and upon the question the vote is ____ ayes, ____ nays and the Ordinance is adopted.

ATTEST:

CITY CLERK

MAYOR

A true copy of the foregoing Ordinance has been published in two public places within the City of Dalton for five (5) consecutive days following passage of the above-referenced Ordinance as of _____.

CITY CLERK, CITY OF DALTON
