

## Ordinance 26-03

### 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.

**WHEREAS**, the Mayor and Council of the City of Dalton previously adopted the *Unified Zoning Ordinance*; and

**WHEREAS**, said ordinance has been amended from time to time in order to protect the health, welfare, and safety of the public; and;

**WHEREAS**, the Mayor and Council desire to amend the *Unified Zoning Ordinance* as set forth herein; and

**WHEREAS**, the Mayor and Council have determined that said amendments are useful, necessary, and proper, and they protect the health, welfare, and safety of the public; and

**WHEREAS**, the Mayor and Council have determined that said amendments promote the goals, objectives, and policies of the *Joint Comprehensive Plan for Whitfield County and Cities of Dalton, Cohutta, Tunnel Hill, and Varnell*; and

**WHEREAS**, all other procedures as required by Georgia law have been followed.

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

#### Section 1.

The *Unified Zoning Ordinance* is hereby amended as follows:

1. Add the following four (4) definitions in Article II - Definitions, alphabetically, to read as follows:

***Biohazard Waste.*** *A material contaminated with an infectious agent or substance derived from an organism, which poses a threat to human health. Biohazard waste can include regulated medical waste, biohazard incident waste, trauma scene waste, human remains management waste, prion or animal prion waste, animal and contaminated food supply waste, or samples of microorganisms or toxins from a biological source that can impact human health or the environment.*

***Biological Waste.*** *A type of organic waste that decomposes, such as food scraps, yard trimmings, paper products, manure, and certain compostable plastics. It can also refer to biohazard waste, which includes infectious materials like used medical supplies, contaminated lab equipment, and body parts. Biological waste can be composted or converted into energy, while biohazard waste requires specific, regulated treatment to prevent infection and environmental harm.*

**Data Center.** An establishment engaging in the storage, management, processing, and/or transmission of digital data, and housing computer and/or network equipment, systems, servers, appliances, and other associated components related to digital data operations, including but not limited to AI workload, e-commerce, cloud computing, crypto mining, and other high-performance computing.

**Hazardous Waste.** A waste product with properties that make it dangerous or capable of having a harmful effect on human health or the environment. Hazardous waste is generated from many sources, ranging from industrial manufacturing process wastes to batteries and may come in many forms, including liquids, solids gases, and sludges.

2. Delete Section 4-6-13 and replace with the following:

*Biological waste, biohazard waste, or hazardous waste facilities and/or operations are permitted as a Special Use and only in the M-1 and M-2 districts provided that such facilities and/or operations shall conform to all local, state, and federal regulations for biological, biohazard waste and hazardous waste management.*

3. Add a new line item in the Permitted Use Table for “Data Center” to allow the use only in the M-2, Heavy Manufacturing Zoning District with a Special Use required.
4. Add a new Section 5A-6 to read as follows:

#### **5A-6. GREENSPACE COURTYARD SUBDIVISION OPTION**

**5A-6-1. Purpose.** The purpose of this option is to provide additional flexibility within the Urban Planned Unit Development (UPUD) Zoning District by allowing residential lots to be subdivided around a shared greenspace courtyard, while maintaining high-quality urban design, connectivity, and long-term access and maintenance assurances.

**5A-6-2. Applicability.**

Within the Urban Planned Unit Development (UPUD) Zoning District, a development may utilize a Greenspace Courtyard Subdivision design option, subject to the requirements herein. All other applicable standards of the UPUD district shall remain in full force and effect unless expressly modified by this section.

**5A-6-3. Greenspace Courtyard Configuration.**

- a. Residential lots may be arranged around a central greenspace courtyard, with dwelling units oriented toward and fronting the courtyard.
- b. The courtyard shall function as a shared open space and pedestrian-oriented amenity for the development.
- c. A shared parking area shall be provided and may be located adjacent to or connected to the courtyard to serve the surrounding residential units.

**5A-6-4. Subdivision and Ownership.**

- a. Lots may be subdivided off of the greenspace courtyard, provided that:
  1. Each lot has direct pedestrian access to the courtyard; and
  2. Vehicular access is provided via the shared parking area or other approved access points.
- b. The greenspace courtyard shall not be subdivided into individual lots.

**5A-6-5. Easement and Perpetuity Requirements.**

- a. *The greenspace courtyard shall be placed within a permanent access easement that provides for ingress, egress, and pedestrian circulation.*
- b. *The easement shall:*
  1. *Be recorded with the final plat;*
  2. *Be referenced within the deed of each affected lot; and*
  3. *Run in perpetuity, ensuring permanent access and use.*
- c. *Maintenance responsibility for the courtyard shall be clearly defined through a homeowners' association, covenant, or other legally binding mechanism acceptable to the Governing Authority.*

**5A-6-6. Sidewalk and Pedestrian Standards.**

- a. *A sidewalk with a minimum clear width of six (6) feet shall be provided within the greenspace courtyard.*
- b. *The sidewalk shall:*
  1. *Front each dwelling unit facing the courtyard; and*
  2. *Provide continuous pedestrian connectivity around or through the courtyard.*
- c. *Sidewalk materials, alignment, and construction shall be consistent with applicable Governing Authority's standards.*

**5A-6-7 Relationship to Existing UPUD Standards.**

- a. *Except as expressly modified by this amendment, all existing design standards, dimensional requirements, and performance criteria of the UPUD zoning district shall remain applicable, including but not limited to:*
  1. *Building setbacks and orientation;*
  2. *Landscaping and buffering;*
  3. *Parking standards;*
  4. *Open space requirements; and*
  5. *Architectural and design guidelines.*

**5A-6-8 Intent.**

*The Greenspace Subdivision Courtyard Option is intended to encourage:*

- *Walkable, pedestrian-oriented residential design;*
- *Efficient land use through shared open space and parking;*
- *Community interaction through centrally located greenspace; and*
- *Long-term protection of shared amenities through permanent legal mechanisms.*

**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.

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#### **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 \_\_\_\_\_, 2026.

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:

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CITY CLERK

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MAYOR/MAYOR PRO TEM

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 \_\_\_\_\_.

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CITY CLERK, CITY OF DALTON

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