



**SPECIAL CALLED MAYOR AND COUNCIL MEETING
WEDNESDAY, JANUARY 17, 2024
5:00 PM
DALTON CITY HALL**

AGENDA

Call to Order

Pledge of Allegiance

Approval of Agenda

Public Commentary: *(Please Complete Public Commentary Contact Card Prior to Speaking)*

New Business:

1. Ordinance 24-03 The request of the Whitfield County Board of Commissioners along with the Cities of Dalton and Varnell to amend the Unified Zoning Ordinance to address commercial poultry and swine operations.
2. Executive Session - Potential Litigation

Supplemental Business

Adjournment



CITY COUNCIL AGENDA REQUEST

Meeting Type: Mayor & Council Meeting

Meeting Date: 1/17/2024

Agenda Item: **The request of the Whitfield County Board of Commissioners along with the Cities of Dalton and Varnell to amend the Unified Zoning Ordinance to address commercial poultry and swine operations.**

Department: Planning and Zoning

Requested By: Ethan Calhoun

Reviewed/Approved by City Attorney? Sent for Review

Cost: N/A

Funding Source if Not in Budget N/A

Please Provide A Summary of Your Request, Including Background Information to Explain the Request:

See attached staff analysis and recommendation

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

**DALTON-VARNELL-WHITFIELD COUNTY PLANNING COMMISSION
503 WEST WAUGH STREET
DALTON, GA 30720**

MEMORANDUM

TO: City of Dalton Mayor and Council
Andrew Parker
Jonathan Bledsoe
Jean Price-Garland

FROM: Jim Lidderdale
Chairman

DATE: December 19, 2023

SUBJECT: The request of the Whitfield County Board of Commissioners along with the Cities of Dalton and Varnell to amend the Unified Zoning Ordinance to address commercial poultry and swine operations. The most recent meeting of the Dalton-Varnell-Whitfield County Planning Commission was held on December 18, 2023 at 6:00 p.m. at the Whitfield County Courthouse meeting room. A portion of the agenda included a public hearing concerning the above matter. A quorum of five members of the Planning Commission was present. All legal requirements for advertising and posting the public hearing were met. The petition was represented by Ethan Calhoun and Terry Miller.

Public Hearing Summary:

Mr. Calhoun summarized the staff analysis which recommended approval of the text amendment citing the more detailed definitions for commercial swine and poultry operations. Commissioner Thomas confirmed with Calhoun that the proposed definitions were based on federal government definitions. There were no further questions for Calhoun.

Terry Miller noted the concerns of Varnell citizens and leadership regarding the potential development of a large-scale poultry operation on a tract of land within the City of Varnell. Miller stated that this concern prompted the City of Varnell to develop a policy in order to protect the health, safety, and welfare of the citizens of Varnell. Miller then pointed out that there are several hundred acres of land currently zoned GA within the City of Varnell that would currently allow commercial poultry operations with no local input.

Commissioner Thomas noted the amount of GA zoned land in Varnell was vague, and Thomas went on to state his apprehension with adoption regulation that would affect local farmers.

Sandy Pangle, Varnell Councilman, noted the limited size of the City of Varnell as compared to the unincorporated portion of Whitfield County stating that the proposed amendment would have minimal impact to the county-wide agricultural community. Pangle then pointed out the amount of residential development within the City of Varnell that has been occurring in recent years along with their expectations for continued residential development would be threatened if commercial poultry operations were permitted outright in proximity to said residential developments. Pangle ended his remarks by stating his concern with the potential impact animal feeding operations and concentrated animal feeding operations would have on the public health, safety, and welfare of the citizens of Varnell.

With no other comments heard for or against, this hearing closed at approximately 6:22 pm.

Recommendation:

Chairman Lidderdale sought a motion on the requested UZO text amendment. **Chris Shiflett summarized the concerns raised during the public hearing David Pennington then made a motion to recommend approval of the text amendment based on his agreement with the content of the staff analysis. Eric Barr then seconded the motion and a unanimous recommendation to approve the text amendment followed, 4-0.**