



**MAYOR AND COUNCIL MEETING
MONDAY, FEBRUARY 02, 2026
6:00 PM**

DALTON CITY HALL - COUNCIL CHAMBERS

A G E N D A

Call to Order

Pledge of Allegiance

Approval of Agenda

Public Commentary: (Please Complete Public Commentary Contact Card for the Record Prior to Speaking - Limit of 3 Minutes/Person)

Presentations:

1. Staff Reports

Minutes:

2. Mayor & Council Regular Meeting Minutes of January 20, 2026

3. Mayor & Council Special Called Meeting Minutes of January 27, 2026

New Business:

4. Review of Public Safety Commission hearing decision regarding CMG Dalton Development d/b/a Walnut Express.

5. First Reading Ordinance 26-02 To Amend Chapter 26 of the 2001 Revised Code of The City of Dalton, Georgia Captioned "Businesses" To Reserve Sections 26-333 through 26-344 and By the Addition of a New Article X Captioned "Vape Shops"; To Provide for An Effective Date; To Provide for The Repeal of Conflicting Ordinances; To Provide for Severability; And for Other Purposes.

6. First Reading Ordinance 26-03 The request of Whitfield County Board of Commissioners and the City of Dalton Mayor and Council to make proposed amendments to the Unified Zoning Ordinance text to add the definition for "Biohazard Waste" "Biological Waste" and "Hazardous Waste" and to update the Permitted Use Table to add a new line item for "Biohazard Waste", "Biological Waste" and "Hazardous Waste", delete Section 4-6-13 and replace, amend the requirements for the UPUD zoning district, and for other purposes. (County & City).

7. First Reading Ordinance 26-04 The request of Viviana Ramirez to rezone from General Commercial (C-2) to Medium Density Single Family Residential (R-3) a tract of land totaling 0.33 acres located at 409 S. Spencer Street, Dalton, Georgia. Parcel (12-238-19-002).

Supplemental Business

Announcements

Adjournment

THE CITY OF DALTON
MAYOR AND COUNCIL MINUTES
JANUARY 20, 2026

The Mayor and Council held a meeting this evening at 6:00 p.m. at City Hall. Present were Mayor Annalee Sams, Councilmembers Dennis Mock, Tyree Goodlett and Steve Farrow, City Administrator Andrew Parker and City Attorney Jonathan Bledsoe.

CALL TO ORDER

Mayor Sams called the meeting of the Mayor and Council to order.

PLEDGE OF ALLEGIANCE

Councilmembers led the audience in the Pledge of Allegiance.

APPROVAL OF AGENDA

On the motion of Councilmember Mock, second Councilmember Farrow, the Mayor and Council approved the agenda. The vote was unanimous in favor.

SPECIAL RECOGNITION - DPRD 2025 GRPA SOCCER STATE CHAMPIONS

Assistant Recreation Director Will Chappell and Recreation Athletics Manager Victor Rodriguez presented Certificates of Achievement to the players of Dalton's soccer State Championship teams. Each team member was congratulated for earning the title of 2025 GRPA Soccer State Champions in the 8U, 10U, and 12U boys' divisions, as well as the 12U girl's division.

The Mayor and Council also extended their congratulations to all participants. On a motion by Council Member Mock, seconded by Council Member Goodlett, the Mayor and Council unanimously voted to recognize Dalton as having the best soccer programs in the state.

PUBLIC COMMENTARY

Melissa Williams, owner of E&D Legacy at 222 North Hamilton Street, reported ongoing noise from Deja Vu Social Club between midnight and 7:00 a.m., disrupting tenants' sleep. She stated the issue persists despite police intervention, leading to complaints, notices to vacate, and difficulty attracting new renters. Ms. Williams stressed her concern is not political, urged voter registration before the February 9 deadline, and invited the club owners to contact her using the phone number posted on her building's back window.

STAFF REPORTS

City Administrator Andrew Parker stated there were no Staff Reports.

MINUTES

The Mayor and Council reviewed the Work Session Minutes of January 5, 2026. On the motion of Councilmember Mock, second Councilmember Goodlett, the minutes were approved. The vote was unanimous in favor.

MINUTES Cont.

The Mayor and Council reviewed the Regular Meeting Minutes of January 5, 2026. On the motion of Councilmember Mock, second Councilmember Farrow, the minutes were approved. The vote was unanimous in favor.

The Mayor and Council reviewed the Special Called Minutes of January 8, 2026. On the motion of Councilmember Mock, second Councilmember Farrow, the minutes were approved. The vote was unanimous in favor.

RESOLUTION 26-02 TO JOIN THE LIMESTONE VALLEY RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL

City Administrator Andrew Parker presented Resolution 26-02 to Join the Limestone Valley Resource Conservation and Development Council. Parker stated LVRCDC's mission is to enhance the communities within an eleven-county area, promote conservation, water quality improvement, natural resource education and sustainable agriculture. Parker further stated the Resolution provides for the following:

- Joining LVRCDC as a member which secures 1 voting board member seat
- Access to project management at a below market rate
- Grant management support
- Support from LCRCDC for natural resource-based grant proposals and technical assistant
- Annual cost \$1500.00 per year
- Authorizes the City Administrator to execute any necessary documents

On the motion of Councilmember Mock, second Councilmember Goodlett, the Resolution was approved. The vote was unanimous in favor.

RESOLUTION 26-03 TO ACCEPT A GRANT FROM GEORGIA RIVERS LITTER COLLECTION DEVICE

City Administrator Andrew Parker presented Resolution 26-03 to accept a Grant from Georgia Rivers Litter Collection Device. Parker stated the device will be placed on Mill Creek adjacent to the former Mill Creek Water Treatment Plant. Parker further outlined the following:

- Dalton Utilities is involved in the project
- Georgia Rivers will provide the funding to Limestone Valley
- Limestone Valley will purchase the device and deliver to the City to install
- City will support the initiative by assisting with installation, maintaining the device, and providing reports of trash removed for 2 years

On the motion of Councilmember Mock, second Councilmember Goodlett, the Resolution was approved. The vote was unanimous in favor.

INTERGOVERNMENTAL AGREEMENT WITH THE DOWNTOWN DALTON DEVELOPMENT AUTHORITY TO EMPLOY A SPECIAL EVENTS AND COMMUNITY ENGAGEMENT COORDINATOR

Assistant City Administrator Todd Pangle presented an Intergovernmental Agreement with the Downtown Dalton Development Authority to employ a special events and community engagement coordinator. Pangle stated the agreement provides for the following:

- Termination the leased employment agreement
- The City will employ a Special Events and Community Engagement Coordinator under the City Administration Department, the former Executive Director of the DDDA will serve in this new position
- The City will make the position available to assist DDDA with Services as follows:
 - Event Planning and coordination for Downtown Dalton Events
 - Event Permitting, planning and coordination of events in Downtown Dalton
 - Support of DDDA initiatives
 - Coordination of marketing efforts and promotional materials for DDDA
 - Administration of the Mail Street Program
 - Assistance with management of DDDA board meetings; façade grant programs, and annual reporting requirements

On the motion of Councilmember Mock, second Councilmember Goodlett, the Intergovernmental Agreement was approved. The vote was unanimous in favor.

MEMORANDUM OF UNDERSTANDING WITH DALTON UTILITIES FOR HIGH MAST LIGHTING AT THE ROCKY FACE INTERCHANGE

Public Works Director Chad Townsend presented a Memorandum of Understanding with Dalton Utilities regarding high-mast lighting at the Rocky Face Interchange. Townsend explained that the existing lights have reached the end of their useful life, and the City proposes to partner with Dalton Utilities to upgrade them. Townsend further stated the agreement began October 2025 and will continue through September 2035, with the City compensating Dalton Utilities at a rate of \$24.74 per month per fixture. On the motion of Councilmember Goodlett, second Councilmember Farrow, the MOU was approved. The vote was unanimous in favor.

TEMPLE BETH EL MEMORIAL PARK CONSIDERATION OF CONTRACT AWARD TO COMPLETE SITE, LLC

Public Works Director Chad Townsend presented a Consideration of Contract Award for Complete Site, LLC to construct the Temple Beth El Memorial Park in the amount of \$1,329,459 to be paid from Bonded Capital and the General Fund if necessary. Townsend stated the contraction complete is 120 calendar days. On the motion of Councilmember Mock, second Councilmember Goodlett, the Contract Award was approved. The vote was unanimous in favor.

ARCADIS TASK ORDER NO. 005B AMENDMENT FOR NORTH GLENWOOD AVENUE DRAINAGE IMPROVEMENTS

Public Works Director Chad Townsend presented Arcadis task order no. 005b an amendment for North Glenwood Avenue drainage improvements. Townsend stated the amendment is to cover additional costs associated with finalizing the construction plans for the designed drainage improvements. Townsend further stated the cost is \$5000 and the funding source will come from the Project account. On the motion of Councilmember Mock, second Councilmember Goodlett, the Amendment was approved. The vote was unanimous in favor.

PROFESSIONAL SERVICES AGREEMENT WITH ATLAS TECHNICAL CONSULTANTS LLC FOR BRIDGE ASSESSMENTS

Public Works Director Chad Townsend presented a Professional Services Agreement with Atlas Technical Consultants, LLC for bridge assessments. Townsend explained that the request seeks approval to assess the condition of four bridges within the City and identify any necessary repairs to ensure proper maintenance of the structures. The consultant will complete the services within four weeks at a cost of \$30,853.13, which will be paid from the Public Works Contract Services budget. On the motion of Councilmember Mock, second Councilmember Farrow, the Amendment was approved. The vote was unanimous in favor.

APPROVAL OF THE 2026 EQUITABLE SHARING AGREEMENT WITH THE DEPARTMENT OF JUSTICE

Police Chief Cliff Cason presented an Equitable Sharing Agreement. Cason stated the Police Department is required by the Department of Justice to submit an annual equitable sharing report. Cason further stated the document allows DOJ to verify the expenditures for auditing purposes. On the motion of Council member Mock, second Council member Farrow, the Agreement was approved. The vote was unanimous in favor.

APPROVAL OF PYROTECNICO AGREEMENT FOR JULY 4, 2026 FIREWORKS DISPLAY

Assistant Recreation Director Will Chapel presented a Fireworks Display Agreement with Pyrotecnico for the City of Dalton's July 4th's firework display show in the amount of \$36,200.00. On the motion of Council member Mock, second Council member Farrow, the agreement was approved. The vote was unanimous in favor.

CHANGE ORDER #8 WITH INTEGRATED BUILDS, LLC FOR AIRPORT HANGAR PROJECT

Airport Director Andrew Wiersma presented Change Order #8 with Integrated Builds, LLC for the Airport Hangar Project. Wiersma stated the Change Order is to add Knox boxes which are required by the fire code for each hangar building at a cost of \$1,692.28. On the motion of Council member Mock, second Council member Goodlett, the Change Order was approved. The vote was unanimous in favor.

FY 2025 BUDGET AMENDMENT #5

CFO Cindy Jackson presented FY 2025 Budget Amendment #5. Jackson stated the amendment to record transfer fee from DWRSWMA, adjust transfer free from Dalton Utilities to actual, and increase budgets for City Clerk, Elections, and Municipal Court to cover overages. A copy of this amendment is a part of these minutes. On the motion of Council member Mock, second Council member Goodlett, the Amendment was approved. The vote was unanimous in favor.

FY 2026 BUDGET AMENDMENT #1

CFO Cindy Jackson presented FY 2026 Budget Amendment #1. A copy of this amendment is a part of these minutes. Jackson stated the Amendment is to adjust General Fund Commercial Insurance budgets to actual commercial insurance cost and to provide budgets for the Capital Improvements Program fund for uncompleted 2025 projects. On the motion of Council member Mock, second Council member Goodlett, the Amendment was approved. A complete copy of this amendment is a part of these minutes. The vote was unanimous in favor.

APPROVAL OF (2) NEW 2026 ALCOHOL BEVERAGE APPLICATIONS

On the motion of Council member Goodlett, second Council member Farrow, the following Application was approved:

Business Owner: Logans Roadhouse Enterprises, LLC
d/b/a: Logan's Roadhouse #427
Applicant: Heather Jorden
Business Address: 811 Walnut Square Blvd.
License Type: Pouring Beer, Wine, Liquor (Restaurant)
Disposition: New
Staff Comments: None. Have approvals from Fire Department, Code Enforcement and City Attorney's Office
The vote was unanimous in favor.

On the motion of Council member Mock, second Council member Goodlett, the following Application was approved:

Business Owner: All American Entertainment, LLC
d/b/a: Big Time Billiards and Cafe
Applicant: Glenn Elrod
Business Address: 1129 S. Thornton Ave
License Type: Pouring Beer, Wine, Liquor (Restaurant)
Disposition: New
Staff Comments: None. Have approvals from Fire Department, Code Enforcement and City Attorney's Office
The vote was unanimous in favor.

Mayor and Council
Regular Session Minutes
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January 20, 2026

APPOINTMENTS TO THE JDA

On the motion of Council member Mock, second Council member Goodlett the Mayor and Council approved the following appointments:

- Re-Appointment of Frank Robertson to the JDA for a 1-year term to expire January 31, 2027
- Appointment of Brian Cooksey to the JDA to fill the unexpired 3-year term of Bob Caperton to expire January 31, 2028.

The vote was unanimous in favor.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on the motion of Councilmember Mock, second Councilmember Goodlett the meeting was adjourned at approximately 6:52 p.m.

Bernadette Chattam
City Clerk

Annalee Sams, Mayor

Recorded
Approved: _____
Post: _____

THE CITY OF DALTON
SPECIAL CALLED
MAYOR AND COUNCIL MINUTES
JANUARY 27, 2026

The Mayor and Council held a Special Called meeting this morning at 5:00 p.m. in the Council Chambers of City Hall. Present were Mayor Annalee Sams, Council members Dennis Mock, Tyree Goodlett and Steve Farrow, City Administrator Andrew Parker and City Attorney Jonathan Bledsoe.

CALL TO ORDER

Mayor Sams called the meeting to order.

PLEDGE OF ALLEGIANCE

Councilmember Mock led the audience in the Pledge of Allegiance.

APPROVAL OF AGENDA

On the motion by Council member Goodlett, second by Council member Mock, the agenda was approved. The vote was unanimous in favor.

PUBLIC COMMENTARY

There were no Public Comments

UPDATE ON STORM SUPPORT

CEO John Thomas updated the Mayor and Council on Dalton Utilities efforts to assist other communities during the Ice Storm of 2026. Thomas stated approximately 10 staff members, including two powerline crews, were deployed to assist in storm restoration efforts in Holly Springs, Mississippi (suburb outside Memphis). Thomas stated the area experienced significant ice and snow, requiring additional support. Thomas further stated crews are working with the local community to restore power and address storm damage.

Mayor Sams expressed appreciation for the crews' willingness to assist other communities. Leadership's support in enabling this effort.

RESOLUTION 26-04 – RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DALTON, GEORGIA DECLARING ITS OFFICIAL INTENT TO PROCEED WITH THE PROPOSED ISSUANCE OF THE CITY OF DALTON GEORGIA COMBINED UTILITIES REVENUE BONDS, SERIES 2026 FOR THE PURPOSE OF FINANCING CERTAIN PUBLIC UTILITY PROJECTS FOR THE BENEFIT OF DALTON UTILITIES

CEO John Thomas stated the proposed project by Dalton Utilities involves pursuing a debt offering of up to \$130 million to construct a 57-megawatt natural gas-powered electric generation facility on existing property, including all necessary infrastructure and grid connections. Thomas stated this will be a private placement with Regions Bank, offering flexibility and a lower interest range, with final rates determined at closing in April or May. Thomas further stated up to \$30 million can be prepaid within 24 months if unused, reducing interest costs. Financially, he stated the project is expected to save approximately \$1.5 million annually during the first ten years while paying debt service, and after payoff, about \$10 million annually, totaling \$150–\$200 million over 20 years. Thomas elaborated that the facility is projected to last 35–40 years.

Question

Council member Farrow asked Thomas to explain the projects connection to data centers.

Thomas clarified that the proposed project has no connection to data centers. Dalton Utilities has been transparent with data center customers Thomas said, stating they will not make long-term infrastructure investments solely to serve them; such investments would require partnership. The current project is based on historical analysis of purchased power over an extended period, not recent years.

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RESOLUTION 26-04

Continued

Question

Council member Goodlett asked Thomas clarify any future rate increases as it relates to this project. Thomas emphasized that any future rate increases are unrelated to the proposed project and are part of normal operational adjustments. The project is intended to mitigate potential future market-driven increases, helping reduce their impact over time. While rates may not decrease, the initiative provides long-term cost stability.

Motion

There being no further discussion, on the motion of Council member Mock, second Council member Farrow, the Resolution was approved. The vote was unanimous in favor.

MAYORAL APPOINTMENTS

Mayor Sams made the following Mayoral appointments

Landbank Authority

Dennis Mock - 1-year term to expire 12/31/26
Annalee Sams - 1-year term to expire 12/31/26

Historic Preservation Commission - 1-year term to expire 12/31/26

Steve Farrow

APPOINTMENT – HISTORIC PRESERVATION COMMISSION

On the motion Council member Farrow, second Council member Goodlett, the Mayor and Council appointed Rachel Dossche to the Historic Preservation Commission to fill the unexpired 3-year term of John Hutcheson to expire February 1, 2027. The vote was unanimous in favor.

EXECUTIVE SESSION - PERSONNEL MATTERS AND POTENTIAL LITIGATION

There being no further business to come before the Mayor and Council, on the motion by Council member Mock, second by Council member Goodlett, the Mayor and Council adjourned into Executive Session at 5:18 p.m. to discuss personnel matters and potential litigation.

Bernadette Chattam
City Clerk

Annalee Sams, Mayor

Recorded
Approved: _____
Post: _____



CITY COUNCIL AGENDA REQUEST

MEETING TYPE

Mayor & Council Meeting

MEETING DATE

2/2/2026

AGENDA ITEM

Review of Alcohol Violation

DEPARTMENT

Clerk's Office

REQUESTED BY

Deputy Clerk - Gesse Cabrera

REVIEWED/APPROVED BY CITY ATTORNEY?

Yes

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:

Review of Public Safety Commission hearing decision regarding CMG Dalton Development **d/b/a** Walnut Express.



PHONE

706-278-9500

WEBSITE

www.daltonga.gov

ADDRESS

300 W Waugh Street
PO Box 1205 Dalton,
Georgia 30722



CITY COUNCIL AGENDA REQUEST

MEETING TYPE

Mayor & Council Meeting

MEETING DATE

2/2/2026

AGENDA ITEM

First Reading Ordinance 26-02 Vape Shops

DEPARTMENT

Administration

REQUESTED BY

Andrew Parker

REVIEWED/APPROVED BY CITY ATTORNEY?

Yes

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:

To Amend Chapter 26 of the 2001 Revised Code of The City of Dalton, Georgia Captioned "Businesses" To Reserve Sections 26-333 through 26-344 and By the Addition of a New Article X Captioned "Vape Shops"; To Provide for An Effective Date; To Provide for The Repeal of Conflicting Ordinances; To Provide for Severability; And for Other Purposes.

PHONE

706-278-9500

WEBSITE

www.daltonga.gov

ADDRESS

300 W Waugh Street
PO Box 1205 Dalton,
Georgia 30722

Ordinance 26-02

To Amend Chapter 26 of The 2001 Revised Code Of The City Of Dalton, Georgia Captioned “Businesses” To Reserve Sections 26-333 through 26-344 and By The Addition Of A New Article X Captioned “Vape Shops”; To Provide For An Effective Date; To Provide For The Repeal of 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.

Chapter 26 of The 2001 Revised Code of the City of Dalton, Georgia captioned “Businesses”, Article IX Mobile Food Vendors is hereby amended by the addition of certain reserved sections which shall read as follows: “Secs. 26-333 – 26-344. – Reserved.”

Section 2.

Chapter 26 of The 2001 Revised Code of the City of Dalton, Georgia captioned “Businesses”, is hereby amended by the addition of a new Article X captioned “Vape Shops” which shall read as follows:

ARTICLE X. VAPE SHOPS

Sec. 26-345. Definitions.

For purposes of this article, the following terms, phrases, words, and their derivatives shall have the meaning set forth in this section.

Alternative nicotine product means any material that contains nicotine, but does not contain tobacco leaf, and is intended for human consumption, whether such material is chewed, absorbed, dissolved, or ingested by any other means. Such term shall include, but shall not be limited to, nicotine gel, pouches, or gum or dissolvable nicotine strips, sticks, lozenges, or pellets. Such term shall not include little cigars, cigars, cigarettes, loose or smokeless tobacco, consumable vapor products, or any product regulated as a drug or

therapeutic device by the United States Food and Drug Administration under chapter V of the Federal Food, Drug, and Cosmetic Act.

Applicant means any person required to sign an application for a Vape/CBD Shop License as set forth herein.

Authorized City Official means an individual appointed by the Mayor and Council or City Administrator to perform certain duties or services.

Cannabinoid. Any of various naturally-occurring, biologically active, chemical constituents (such as cannabidiol or cannabinol) of hemp or cannabis including some (such as THC) that possess psychoactive properties.

Consumable vapor product means any liquid solution, whether it contains nicotine or not, that is intended to be heated into an aerosol state and inhaled by an individual. Such term shall include, but shall not be limited to, e-liquid, e-juice, vape juice, and cartridges that are prefilled with such a solution. Such term shall not include any alternative nicotine product, cigar, cigarette, loose or smokeless tobacco, perfume, potpourri, essential oil, or product regulated as a drug or therapeutic device by the United States Food and Drug Administration under chapter V of the Federal Food, Drug, and Cosmetic Act.

Floor space means the floor area inside an establishment that is visible or accessible to patrons for any reason, including aisles, walkways, and cashier stations

Kratom. means the tropical evergreen known as *Mitragyna speciosa*, which contains the alkaloid mitragynine or metabolite 7-hydroxymitragynine.

Licensee means an individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, nonprofit corporation or cooperative nonprofit membership, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit, plural as well as singular number, who holds any class of permit issued under this article.

Non-traditional tobacco paraphernalia means any device designed to facilitate the use, smoking, consumption or ingestion of tobacco, nicotine, chemicals, substances, illicit drugs, or other harmful additives in any form (such as grinders, bongs, hookah pipes, or faux jewelry, bracelets, or necklaces commonly associated with tobacco, vaping, or drug use, with one purpose of such items being the inhalation or ingestion of tobacco or drugs); provided, however, that the term "non-traditional tobacco paraphernalia" shall exclude products that contain nicotine, tobacco products, cigarette papers or wrappers, blunt wraps, tobacco pipes, holders, cigarette rolling machines, or other products, devices, or substances used for the purpose of making tobacco cigarettes; provided further that, said term shall also not include any item for which the sale or use of the same is regulated under state or federal law.

Person means any individual, natural person, partnership, firm, corporation, joint venture, proprietorship, business entity, association, agency, group, organization or group of persons or any other legal entity.

Vapor device means any system or device developed or intended to deliver a consumable vapor product to an individual who inhales from the device.

Vape Shop shall mean any business whose principal business activity is the sale of any alternative nicotine product, consumable vapor product, vapor device, cannabinoid, kratom, non-traditional tobacco paraphernalia, or any combination thereof (all such items may be hereinafter referenced as “regulated products”). A “principal business activity” means any one or more of the following exist:

- (1) The establishment at any time displays or offers for sale at least five hundred (500) regulated products.
- (2) Twenty-five percent (25%) or more of the establishment’s annual gross revenue is derived from the sale of regulated products. In the case of an audit, the relevant time period shall be the 12 months immediately preceding the commencement of the audit. If the establishment being audited has been in operation as a restaurant for less than 12 months, the audit period shall be the period of time the entity has operated.
- (3) The establishment maintains at least twenty-five percent (25%) of its floor space for the display or sale of regulated products.
- (4) The establishment maintains at least five (500) square feet of its floor space for the display or sale of regulated products.
- (5) The establishment regularly makes regulated products available for sale and holds itself out, in any medium, as an establishment that caters to customer interest in the regulated products.

Sec. 26-346. Purposes of article.

This article has been enacted in accordance with a plan designed for the following purposes, among others:

- (1) Promoting the health and general welfare of the community;
- (2) Establishing reasonable and ascertainable standards for the regulation and control of the licensing of vape shops to protect and preserve schools and churches;
- (3) Giving effect to existing land use and preserving certain residential areas, with reasonable considerations, among others, to the character of the area and the peculiar suitability for particular uses, the congestion in the roads and streets, and with a general view of promoting desirable living conditions and sustaining the stability of neighborhoods and property values; and
- (4) Protecting against the negative effects of concentration of retail outlets for regulated products or preventing underage persons from engaging in or having any interest in regulated products.

Sec. 26-347. License required.

- (1) It shall be unlawful for any person to operate a vape shop without having first complied with this chapter including, but not limited to, obtaining the appropriate license from the city.
- (2) Any person who desires to operate a vape shop shall apply in the office of the city clerk for a vape shop license and shall remit with said application the application fee in such an amount as may be set by the mayor and council from time to time.
- (3) If a license is granted, said licensee shall also pay the annual license fee on or before January 1st of each year so licensed. The annual license fee shall be no less than five thousand dollars (\$5,000.00) and may be modified from time to time by the mayor and council. The current application and license fee schedule shall be kept in the city clerk's office and made available to any licensee or prospective licensee upon request.
- (4) All applications shall be fully completed by the applicant, signed, and sworn to by the applicant in the presence of a notary public or other officer authorized to administer oaths. If the application is filed on behalf of an entity, including, but not limited to, a partnership, corporation, nonprofit tax exempt civic, patriotic, or social club or corporation, a private club, a limited liability company, then the applicant must be an agent or officer of the entity with actual authority to execute the application.
- (5) An approved annual license shall be valid for the date issued and shall expire on December 31 of each year. Each licensee shall complete a renewal application consisting of the same information required for an application and pay the annual fee for renewal of said license prior to December 31 of each year.

Sec. 26-348. Application requirements.

All applications shall include the following:

- (1) A survey (dated no more than 180 days prior to submission of the application to the city), certified by a registered surveyor of this state, showing a scaled drawing of the premises, the location on the premises where the applicant desires to sell any regulated product and the distance in linear feet measured from the front door of the premise where any regulated product is to be sold, to the property line of the tract upon which is located the nearest church building, school building, educational building, school grounds or college grounds, or college campus building.
- (2) The application fee.
- (3) A statement identifying the full legal name and all trade names of the business for which the license is to be used and a statement identifying the name, address, and telephone number of all persons with an ownership interest of five percent (5%) or more in said business.

- (3) As a prerequisite to the issuance of any license, the applicant shall furnish a complete set of fingerprints for all persons required to sign the application to be forwarded to the Georgia Bureau of Investigation and to the Federal Bureau of Investigation, as specified under state law. Each person required to sign the application for an original license and/or renewal license, must authorize the city or its designated representatives to secure from any state, county, municipal or federal court, any police department and/or law enforcement agency his, her or its criminal history and civil history and further authorize the city, its officers and employees to use such information in determining whether or not a license will be issued to the applicant. Further, the applicant must authorize the city, its officers and employees to use such information in a public hearing if necessary, to determine whether or not the applicant's license should be denied, voided, cancelled, or revoked. Each applicant waives any right or rights he, she or it may have under state or federal law, statute or court ruling to preclude the city from securing such criminal or civil history from any source and waives any right he, she or it may have to preclude the city from using such information publicly in determining whether the license will be issued to such applicant.
- (4) Each applicant shall certify that he or she has read, understands, and will comply with this article and if the license is granted, each licensee shall maintain a copy of this article on the premises and shall require each of the licensee's employees to be familiar with this article. Furthermore, applicant agrees, by signing and filing the application, that applicant will maintain sales receipts and records and allow any authorized public official to inspect said records to ensure compliance with this article.

Any application which is not complete or does not comply with the requirements of this section shall be rejected by the clerk's office and stand automatically denied.

Sec. 26-349. Public safety commission powers and duties under this article.

For the purposes of this article, the public safety commission is vested with the following duties and powers:

- (1) *Initial applications.* To screen, verify, investigate and review all initial applications for licenses for vape shops, to consider whether the applicant meets the applicable qualifications and requirements, and to make a recommendation to mayor and council to grant or to deny licenses for vape shops.
- (2) *Renewals.* To investigate and hear reports and charges constituting probable cause not to renew licenses for vape shops, to consider whether the applicant meets the applicable qualifications and requirements, and to make a recommendation to mayor and council to grant or to deny renewals of licenses for vape shops.
- (3) *Determinations of conduct or offenses requiring penalty, suspension, revocation or combination thereof.* To conduct hearings upon charges of the city to licensee as to the occurrence of conduct or an offense for which penalty, suspension, revocation, adjustment of operating hours, or a combination thereof is provided under this article; to cause a record and transcript of such hearing to be made and kept; and to recommend fines, suspension, or revocation, or any combination thereof, pursuant to the requirements of this article.

- (4) *Modifications.* To recommend to the mayor and council modifications to any city ordinances and policies pertaining to the regulation of vape shops.

Sec. 26-350. Applications and Renewals.

For the purposes of this chapter, the mayor and council are vested with the following duties and powers:

- (1) To grant or deny initial applications for licenses for vape shops, and to consider all recommendations of the public safety commission regarding the same.
- (2) To grant or deny all renewal applications for vape shops, and to consider all recommendations of the public safety commission regarding the same.
- (3) The initial review of all such licenses shall occur in the public safety commission; however, to the extent the public safety commission does not consider and issue a recommendation on an initial application or renewal application within 60 days of filing said application with the clerk, the mayor and council shall be authorized to grant or deny such license without a recommendation from the public safety commission.

No vape shop license shall be issued or renewed until all applicable requirements of this article have been met and said license has been approved by the mayor and council.

Sec. 26-351. Inspection of licensed establishments.

Sworn officers of the police department, code enforcement officers, and any other Authorized City Official shall have the authority to inspect establishments licensed under this article during the hours in which the premises are open for business. The City Attorney or any Authorized City Official may also require a licensee to produce books and records and may conduct or oversee an audit of the books and records of a licensed establishment at any time. Such investigations may occur from time to time to determine compliance with the requirements of this article and state law.

Sec. 26-352. Location requirements.

- (a) It shall be unlawful to establish or add a vape shop to an existing business that is:
 - (1) Within 1,000 feet of any parcel upon which a religious facility, public or private elementary or secondary school, college campus, day care facility, library, public building, fitness facility, public park, or any residence is located; or
 - (2) Within 3,000 feet of any parcel upon which another vape shop is located; or
 - (3) Within the overlay district; or
 - (4) Within the central business district (Zoning classification C-3).
- (b) For the purpose of this section, measurements shall be made in a straight line from the closest part of any structure occupied by the vape shop to the closest property line of a parcel containing a use listed in subsection (a), above.

(c) Vape shops which are currently operating and do not comply with the distance requirements at the time of the adoption of this article shall be grandfathered in, provided that upon the sale of such business, the revocation of its license, or the failure to renew any such license, said grandfathered status shall be forfeited.

Sec. 26-353. Disqualification generally.

No vape shop license may be issued to an applicant under the following circumstances:

- (1) An applicant who is not at least 21 years old.
- (2) An applicant who has been convicted under any federal or state law of a felony or any misdemeanor involving the usage, distribution, or possession of controlled substances, alcohol, or offenses involving moral turpitude within a five-year period immediately preceding application. For purposes of this subsection, a "conviction" shall include any plea of guilty or admission of guilt and subsequent sentence under the First Offender Act of O.C.G.A. §§ 42-8-60, 16-13-2 or 3-3-23.1(c), or any similar sentencing provision for first time offenders of any other state or of the United States. A plea of nolo contendere for any felony or misdemeanor of any state or of the United States, or any municipal ordinance, except traffic violations, or the forfeiture of a bond (except traffic offenses) when charged with a crime is also considered a conviction under this article.
- (3) An applicant who has been held in civil or criminal contempt by any federal, state or local court if such citation indicates to the mayor and city council that the applicant will not maintain the outlet for which the applicant is seeking a license in conformity with federal, state or local laws, rules, and regulations.
- (4) An applicant who is not an officer, director, owner, or manager of the business for which the license is held.
- (5) An applicant whom the PSC or the mayor and city council determines, based upon an investigation into the applicant, the applicant's prior businesses or entities, (whether operating under the same establishment name or not) in the city or in other jurisdictions, has him or herself, or has engaged employees or agents, who have sold cigarettes, tobacco products, tobacco related objects, alternative nicotine products, or vapor products in violation of state law or local ordinances, including but not limited to sales to minors.
- (6) The city has suspended or revoked a business license, vape shop license, or any other license issued under this code at the location where the applicant desires to operate a vape shop, within the previous 12 months for a suspension or within the previous 36 months for a revocation.
- (7) The applicant's business does not meet the requirements of this article.

Sec. 26-354. False information.

Any material omission or untrue or misleading information contained in or left out of an original or renewal application for a license shall be cause for the denial thereof. If any license

has previously been granted on the basis of such misleading statements or material omissions, such shall constitute cause for the revocation of the license.

Sec. 26-355. Licenses non-transferable.

No vape shop license shall be transferable, except upon the death of a licensee, at which time such license may be transferred to the administrator, executor, or lawful adult heir or heirs of such deceased person provided that such person meets the requirements of this article. If the legal representatives of such deceased licensee cannot meet all the requirements of this article, said license shall be revoked.

Sec. 26-356. General regulation of business operations.

- (a) No licensee, employee of any licensee, or other person shall sell or permit to be sold any item of non-traditional tobacco paraphernalia to any person under the age of 18 years, either directly or indirectly.
- (b) No licensee, employee of any licensee, or other person shall sell or permit to be sold any regulated product in violation of state or federal law, either directly or indirectly.
- (c) Each licensee shall maintain their entire inventory of regulated products in an area behind the sales counter where patrons of the licensee may not handle such products without first interacting with an employee of the licensee. Specifically, upon request to see any regulated products, employees of the licensee shall verify that the patron requesting such product is of legal age to purchase said items. Licensee and its employees shall not allow patrons who are not of lawful age to purchase such items to enter into the area behind the sales counter where regulated products are displayed or stored.
- (d) Any license for the sale of regulated products shall be posted conspicuously in the place of business for which such license is issued.

Sec. 26-357. Suspension, revocation, or forfeiture of license.

- (a) Any suspension, revocation, or forfeiture of a license by the mayor and city council shall occur only after notice and opportunity for a hearing and upon the following occurrences:
 - (1) Any licensed outlet that is found to be in violation of this article.
 - (2) Every vape shop license issued by the city shall be immediately revoked in case of bankruptcy, receivership, or levy of legal process.
 - (3) Except as provided for transfers under section 26-355 above, any change in the ownership of any entity owning a licensed outlet shall result in immediate revocation of any license issued to such entity.
 - (4) All licensees must, within six months after the approval of said license, open for business the outlet referred to in the application for license, and begin the sale of the product or products authorized by the said license. Failure to open the outlet and begin the sales referred to within the six-month period, shall result in immediate revocation of the license and no refund of any fees paid pursuant to this article shall be made.

- (5) Any licensee who shall for a period of three consecutive months cease to operate the business and sale of the product or products authorized in the said license, shall, after said three months period, result in immediate revocation of the license and no refund of any fees paid pursuant to this article shall be made.
- (6) A license may be immediately suspended or revoked by the mayor and city council upon learning that a licensee furnished fraudulent or untruthful information in the application for a license, or omits information required in the application for a license, or fails to pay all fees, taxes, or other charges imposed under the provisions of this code.
- (7) Whenever the state shall revoke any permit or license to sell alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia, as is or may become applicable, the city license shall thereupon be immediately revoked.
- (8) Failure to provide books and records requested as a part of any investigation or audit into compliance with this chapter shall result in revocation of the license.
- (9) A license shall be immediately revoked if it is determined that regulated products have been sold or distributed by the licensee during any period of suspension.
- (13) It shall be a violation of this article for any licensee or any employee or agent of the licensee or licensed establishment to permit any person to engage in any activity on the premises for which the license is issued or within the place of business, which is in violation of the laws or regulations of any federal, state, county, or municipal governing authority or regulatory agency. A violation of this subsection shall subject the license to immediate suspension or revocation.
- (14) An act or omission of a licensee which constitutes a violation of federal or state law or regulation, relating to the sale of alcoholic beverages, taxes, gambling, violation of the Georgia Controlled Substances Act, or constitutes a crime of moral turpitude, shall subject the license to immediate suspension or revocation.

(b) The city clerk shall notify the licensee of any charge of conduct or offense subject to penalty, suspension or revocation or any combination thereof. If the potential sanction is suspension or revocation the notice shall also state the place and time the public safety commission will hear the charges against the licensee. The notice may also contain such additional information, as the city clerk may deem appropriate. The notice shall be delivered to the licensee at least five days prior to the hearing date by personal delivery, first class mail addressed to licensee at the address contained in licensee's license application, or by posting the notice on the front door of the licensed premises. In the case of delivery by first class mail the notice shall be deemed delivered two days after being deposited into the US mail properly addressed and with adequate postage.

(c) Unless waived by the licensee, the public safety commission shall conduct a hearing on any charge against a licensee alleging conduct or offense that is subject to a suspension or revocation, at its next regularly scheduled meeting, but not later than 60 days from the date of notice to the licensee unless a continuance is granted at the request of the city or the licensee.

The public safety commission shall have the discretion to call a special meeting to conduct a meeting or to reschedule or continue any hearing upon the request of the city or the licensee. The licensee shall be allowed to appear at said hearing and to present evidence and cross-examine witnesses. Upon hearing evidence from the city and licensee, if the licensee shall present any evidence, the public safety commission shall, no later than 30 days after the hearing, either dismiss all or some the charges against the licensee and/or, make a finding that a violation has occurred as to all or any one of the charges. If a violation is found to have occurred, the public safety commission shall make a recommendation to the mayor and council consistent with the provisions of this article. The City Attorney, or the City Attorney's designee, shall represent the City in all such public safety commission hearings.

(d) The mayor and council shall perform an on-record review of the hearing record before the public safety commission unless the licensee waives said review. The mayor and council shall determine from the hearing record whether there is sufficient evidence to support the finding of the public safety commission. The licensee shall not be permitted to present additional evidence or arguments before the mayor and council. If the on-record review concerns a revocation recommendation, then upon a finding by the mayor and council that sufficient evidence exists to support the recommendation, the mayor and council shall revoke the license of the licensee for 60 months. Any decision of mayor and council pursuant to this subsection shall be in writing and filed with the city clerk.

Sec. 26-358. Enforcement.

- (a) Without limiting the ability to suspend or revoke a license pursuant to Section 26-357(a), any violation of this article shall also subject the licensee to the following actions upon notice and hearing:
 - (1) The first violation shall result in fine of up to \$1,000 and/or a license suspension for a period of up to 60 days.
 - (2) The second violation within a consecutive 24-month period shall result in a fine of up to \$2,500 and a license suspension for a period of not less than 60 days nor more than 90 days.
 - (3) The third violation within a consecutive 24-month period shall result in license revocation.
- (b) For any licensee who is also licensed to sell alcohol in the city, any violation of this article which results in a license suspension or license revocation shall also result in a 60-day suspension of said licensee's alcohol license in addition to any other penalty which may be levied pursuant to Chapter 6 of this Code.

Sec. 26-359. Limitation on number of licenses.

- (a) No license shall be issued for a vape shop unless the number of active vape shop licenses is less than one license per two thousand five hundred (2,500) people residing within the corporate limits of the City of Dalton according to the most recent United States Decennial Census.

- (b) Notwithstanding any other provision of this section, any business which operates as a vape shop at the time of enactment of this article may apply for and be granted a vape shop license.
- (c) When an additional license for a vape shop becomes available as a result of population growth or attrition of current licenses, the city shall announce the availability of an additional license and the time for receipt of applications for said license, which time shall not be less than 30 days. All applications received during the application time shall be evaluated and approved provisionally pursuant to the process for all other vape shop licenses set forth in this code; however, such approval shall be subject to the limitations set forth in this section, and no license shall issue until the process described in this section is complete. An applicant shall then be chosen to receive a vape shop license via lottery from the pool of provisionally approved applicants.
- (d) The limitations set forth in this section shall be in addition to and not in lieu of all other requirements specified in this article for a vape shop license.

Secs. 26-360 – 26-399. Reserved.

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 and parts of ordinances in conflict with this ordinance are 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 _____, 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.

MAYOR/MAYOR PRO TEM

ATTEST:

CITY CLERK



CITY COUNCIL AGENDA REQUEST

MEETING TYPE

Mayor & Council Meeting

MEETING DATE

2/2/2026

AGENDA ITEM

The request of Whitfield County Board of Commissioners and the City of Dalton Mayor and Council to make proposed amendments to the Unified Zoning Ordinance text to add the definition for "Biohazard Waste" "Biological Waste" and "Hazardous Waste" and to update the Permitted Use Table to add a new line item for "Biohazard Waste", "Biological Waste" and "Hazardous Waste", delete Section 4-6-13 and replace, amend the requirements for the UPUD zoning district, and for other purposes. (County & City)

DEPARTMENT

Planning and Zoning

REQUESTED BY Ethan Calhoun

REVIEWED/APPROVED BY CITY ATTORNEY?

Yes

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 the attached staff analysis and Planning Commission recommendation to approve.

PHONE

706-278-9500

WEBSITE

www.daltonga.gov

ADDRESS

300 W Waugh Street
PO Box 1205 Dalton,
Georgia 30722

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.

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:

CITY CLERK

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 _____.

CITY CLERK, CITY OF DALTON

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

MEMORANDUM

TO: Whitfield County Board of Commissioners
Robert Sivick
Robert Smalley
Jean Price-Garland
City of Dalton Mayor and Council
Andrew Parker
Jonathan Bledsoe
City of Varnell Mayor and Council
Terry Miller
Mike Brown

FROM: Jim Lidderdale
Chairman

DATE: January 21, 2026

A. To hear the request of Whitfield County Board of Commissioners and the City of Dalton Mayor and Council to make proposed amendments to the Unified Zoning Ordinance text to add the definition for “Biohazard Waste” “Biological Waste” and “Hazardous Waste” and to update the Permitted Use Table to add a new line item for “Biohazard Waste”, “Biological Waste” and “Hazardous Waste”, delete Section 4-6-13 and replace, amend the requirements for the UPUD zoning district, and for other purposes. (County & City)

The most recent meeting of the Dalton-Varnell-Whitfield County Planning Commission was held on January 20, 2026, at 6:00 p.m. in the Whitfield County Courthouse meeting room. A portion of the agenda included a public hearing concerning the above matter. A quorum of six 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.

Public Hearing Summary:

Ethan Calhoun summarized the staff analysis, which recommended approval of the proposed text amendments. Steve Laird asked if all UPUD designs would be required to have green space, to which Calhoun confirmed they would. There were no further questions for Calhoun.

The public hearing closed at 7:33 pm.

Recommendation:

Chairman Lidderdale sought a motion for the requested text amendments. Robert Smalley stated that the requirement for requiring a Special Use Permit for data centers should be deleted from the proposed text amendments. Chris Shiflett made a motion to approve the proposed text amendments for Biohazard Waste” “Biological Waste” and “Hazardous Waste” and to update the Permitted Use Table to add a new line item for “Data Centers, Biohazard Waste”, “Biological Waste” and “Hazardous Waste. Shiflett specified that his motion did not include the requirement for a Special Use Permit for data centers. Brad Ramsey seconded the motion which then passed unanimously (5-0). Steve Laird made a motion to approve the Unified Zoning Ordinance text amendments proposed for the UPUD zone district and Octavio Perez seconded. There was a unanimous recommendation to approve the UZO text amendments as presented for the UPUD zone district (5-0).

PROPOSED AMENDMENT TO THE DALTON–WHITFIELD–VARNELL UNIFIED ZONING ORDINANCE

URBAN PLANNED UNIT DEVELOPMENT (UPUD) ZONING DISTRICT

Purpose of Amendment

The purpose of this amendment 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.

Section XX: Greenspace Courtyard Subdivision Option

A. 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.

B. Greenspace Courtyard Configuration

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

C. Subdivision and Ownership

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

D. Easement and Perpetuity Requirements

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

E. Sidewalk and Pedestrian Standards

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

F. Relationship to Existing UPUD Standards

1. 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:
 - a. Building setbacks and orientation;
 - b. Landscaping and buffering;
 - c. Parking standards;
 - d. Open space requirements; and
 - e. Architectural and design guidelines.

Intent

This amendment 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.

PLANNING COMMISSION STAFF REPORT SUMMARY

Proposed Text Amendment to the Dalton–Whitfield–Varnell Unified Zoning Ordinance

URBAN PLANNED UNIT DEVELOPMENT (UPUD) ZONING DISTRICT

Purpose of Amendment

The purpose of the proposed amendment is to provide additional design flexibility within the UPUD district by allowing residential lots to be subdivided around a **shared central greenspace courtyard**, while maintaining existing UPUD design standards and ensuring long-term access, connectivity, and maintenance.

The amendment is intended to encourage:

- Pedestrian-oriented development,
- Efficient land use,
- Shared open space amenities, and
- Long-term protection of common areas through permanent legal mechanisms.

Summary of Proposed Standards

The amendment would allow the following, subject to the requirements outlined in the ordinance text:

- Residential lots may be subdivided around a central greenspace courtyard.
- The greenspace courtyard must:
 - Be connected to a shared parking area serving the surrounding dwellings;
 - Be placed within a permanent easement for ingress, egress, and pedestrian access;
 - Be recorded with the final plat and tied to each lot deed in perpetuity.
- A minimum 6-foot-wide sidewalk shall be provided within the courtyard and shall front each dwelling unit oriented toward the courtyard.
- Maintenance responsibilities for the courtyard must be clearly defined through recorded covenants, a homeowners' association, or other approved legal mechanism.
- All other existing UPUD zoning district standards remain applicable unless explicitly modified by the amendment.

Consistency with the Comprehensive Plan

The proposed amendment is consistent with the goals and policies of the Comprehensive Plan related to:

- Walkable neighborhood design,
- Efficient use of land and infrastructure,
- Provision of usable open space,
- Diverse housing types and layouts within planned developments.

Impact on Surrounding Properties

The amendment does not permit additional uses beyond those already allowed in the UPUD district. Instead, it provides an alternative layout option that emphasizes internal open space and pedestrian connectivity. When implemented, development utilizing this option is expected to be compatible with surrounding land uses and consistent with existing zoning regulations.

Public Facilities and Services

The amendment does not, by itself, increase density or intensity beyond what is currently permitted in the UPUD district. Any future development proposals utilizing this option will be subject to:

Site plan review,

Infrastructure capacity evaluation, and

Compliance with applicable utility, transportation, and stormwater standards.



Illustrative Rendering - Greenspace Courtyard Subdivision Concept



CITY COUNCIL AGENDA REQUEST

MEETING TYPE

Mayor & Council Meeting

MEETING DATE

2/2/2026

AGENDA ITEM

The request of Viviana Ramirez to rezone from General Commercial (C-2) to Medium Density Single Family Residential (R-3) a tract of land totaling 0.33 acres located at 409 S. Spencer Street, Dalton, Georgia. Parcel (12-238-19-002)

DEPARTMENT

Planning and Zoning

REQUESTED BY Ethan Calhoun

REVIEWED/APPROVED BY CITY ATTORNEY?

Yes

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 the attached staff analysis and Planning Commission recommendation to approve.

PHONE

706-278-9500

WEBSITE

www.daltonga.gov

ADDRESS

300 W Waugh Street
PO Box 1205 Dalton,
Georgia 30722

ORDINANCE NO. 26-04

To rezone certain property of Eclectic79, LLC from a General Commercial (C-2) Classification to a Medium Density Single Family Residential (R-3) Classification; to provide for an effective date; to provide for the repeal of conflicting ordinances; to provide for severability; and for other purposes.

WHEREAS, Eclectic79, LLC, by and through its authorized agent, Viviana Ramirez, has petitioned for rezoning of certain real Property owned by Eclectic79, LLC from C-2 classification to R-3 classification;

WHEREAS, the application for rezoning appears to be in proper form and made by all owners of the Property sought to be rezoned;

WHEREAS, the rezoning is in conformity with the City of Dalton Joint Comprehensive Plan; 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 authority of the same, **IT IS HEREBY ORDAINED**, as follows:

Section 1.

The real property located within the city limits, which is identified as Tax Parcel No. 12-238-19-002 (the “Property”), is hereby rezoned from C-2 classification to R-3 classification.

Section 2.

This Ordinance shall be effective as of the date of approval of this Ordinance.

Section 3.

The City Clerk or designated City staff members shall ensure that the Dalton-Whitfield Zoning Administrator is provided a copy of this ordinance and that this rezoning is recorded on the Official Zoning Map of Whitfield County, Georgia.

Section 4.

All ordinances and parts of ordinances in conflict with this Ordinance are repealed.

Section 5.

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 _____, seconded by Councilmember _____, and upon the question the vote is _____ ayes, _____ nays, and the Ordinance is adopted.

ATTEST:

CITY CLERK

MAYOR/MAYOR PRO TEMPORE

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: January 21, 2026

A. To hear the request of Viviana Ramirez to rezone from General Commercial (C-2) to Medium Density Single Family Residential (R-3) a tract of land totaling 0.33 acres located at 409 S. Spencer Street, Dalton, Georgia. Parcel (12-238-19-002)

The most recent meeting of the Dalton-Varnell-Whitfield County Planning Commission was held on January 20, 2026, at 6:00 p.m. in the Whitfield County Courthouse meeting room. A portion of the agenda included a public hearing concerning the above matter. A quorum of six members of the Planning Commission was present. All legal requirements for advertising and posting the public hearing were met. The petition was represented by Viviana and Carlos Ramirez.

Public Hearing Summary:

Ethan Calhoun summarized the staff analysis, which recommended approval for the R-3 rezoning. Steve Laird asked Calhoun if there would be potential for an additional lot to be created from the undeveloped portion of the subject property. There were no further questions for Calhoun. Viviana and Carlos Ramirez stated their plan to remodel the commercial structure on the subject property to serve as their residence. Ramirez brought and distributed architectural renderings of the proposed improvements to the subject property. Chairman Lidderdale confirmed with Ramirez that they had no plans to add any additional units/lots to the subject property than the existing structure.

Wayne Burgess, owner of multiple nearby properties, stated that he is in support of the proposed rezoning and development based on the positive impact he expects the redevelopment to bring to the surrounding area.

Jose Galegos, resident on East Morris Street, stated that his parents own and operate the adjacent event venue. Galegos stated his family's concerns regarding parking and their ability to access their adjacent property as well as the potential conflicts of adjacent residential neighbors. Some discussion occurred that resulted in the understanding that the parking and access concerns were a civil issue between the petitioner and Galegos event center.

With no other comments heard for or against, Chairman Lidderdale closed the public hearing at approximately 7:58 pm

Recommendation:

Chairman Lidderdale sought a motion for the R-3 rezoning. Chris Shiflett made a motion to approve the R-3 rezoning, and Brad Ramsey seconded the motion. There was a unanimous recommendation to approve the R-3 rezoning (5-0).

STAFF ANALYSIS
REZONING REQUEST
Unified Zoning Ordinance

ZONING CASE: Viviana Ramirez is seeking to rezone from Commercial (C-2) to Medium-Density Single-Family Residential (R-3) a tract of land (parcel 12-238-19-002) containing a total of 0.33 acres located at 409 South Spencer Street. The subject property currently contains a vacant commercial structure: The petitioner's request to rezone was made in order to convert the subject property from commercial use to residential.

The surrounding uses and zoning are as follows: To the north are two tracts of land zoned C-2 that contain a commercial structure. To the east there is a 0.67-acre tract of land zoned C-2 that contains a commercial building. To the south is an undeveloped tract of land zoned M-2. To the west, are three adjacent tracts of land across Pencer Street. Two of the western adjacent tracts of land are zoned M-2 and utilized for parking while the other western tract is zoned R-5 and contains a single-family detached dwelling.

The subject property is within the jurisdiction of the City of Dalton Mayor and Council.

CONSIDERING FACTORS FOR A REZONING/ANNEXATION ANALYSIS

(A) Whether the proposed amendment would allow a use that is generally suitable for the site compared to other possible uses and whether the proposed change is consistent with the established land use pattern and zoning of adjacent and nearby properties.

The subject property lies at the convergence of the C-2, C-3, M-2, and R-5 zone districts. This diverse landscape can be attributed to the City's former zoning ordinance that permitted all land uses in the M-2 zone district. While the M-2 zoned district appears dominant in this area, most adjacent and nearby land uses are commercial and residential. This downtown-adjacent area has been the focus of redevelopment and revitalization for a number of years with notable improvement. The proposed rezoning would allow the subject property to be converted for residential use. At first glance, this rezoning appears out of place, however, there are two adjacent tracts of land as well as four nearby tracts of land that are zoned and developed for single-family residential use. With other adjacent tracts of land unlikely to be developed for manufacturing use, a small "pocket neighborhood" could be formed.

(B) Whether the proposed amendment would adversely affect the economic value or the uses of adjacent and nearby properties.

It is unlikely that the proposed R-3 rezoning and residential use of the subject property would have a negative effect on the values of the adjacent properties. Typically, residential development within walkable distance to retail, dining, and services tends to have a positive effect for the commercial businesses. Investment within blighted and underutilized areas can also have a catalytic effect on other adjacent and nearby properties by prompting investment and revitalization.

(C) Whether the subject property has a reasonable economic use as currently zoned, considering the suitability of the subject property for the proposed zoned uses.

The subject property could continue to be utilized as it is currently developed. However, the adjacent residential zoning and development pattern of this area suggests potential for the proposed use of the subject property.

(D) Whether there is relative gain to the health, safety, morals, or general welfare of the public as compared to any hardship imposed upon the individual owner under the existing zoning.

N/A

(E) Whether the proposed (R-3) amendment, if adopted or approved, would result in a use

which would or could cause excessive or burdensome use of existing streets, schools, sewers, water resources, police and fire protection, or other utilities, as contrasted with the impact under the existing zoning.

The proposed rezoning and development would not create a notable concern regarding public utilities or services based on the limited potential for development of the subject property in the R-3 zone district.

(F) Whether the property sought to be rezoned (or annexed) is in conformity with the policy and intent of the adopted joint comprehensive plan or equivalent. If not, has the plan already been amended, officially or unofficially, by the development of uses which are contrary to the plan recommendation, and if the plan has been amended, does this rezoning or annexation request allow uses which are compatible to the existing uses in the vicinity.

The Joint Comprehensive Plan's future development map (FDM) shows this property to be within the Industrial character area. This character area is intended to represent areas of the city where industrial development should be located. While this area has historically been dominated by manufacturing and warehousing operations, housing has existed for decades. This area has seen a reduction in industrial land use and a rise in downtown commercial and residential revitalization. The subject property lies at the convergence of the Industrial and Downtown character areas. Creating additional housing within walkable distance to the downtown commercial areas would benefit further downtown revitalization efforts by increasing housing options for residents seeking an urban lifestyle. With downtown revitalization and the need for additional housing within walkable distance to the downtown being priorities in the Comprehensive Plan, the proposed rezoning would not be in conflict with the intent of the Comprehensive Plan.

(G) Whether there are any other conditions or transitional patterns affecting the use and development of the property to be rezoned or annexed, which give grounds for approval or disapproval of the proposed zoning proposal. Whether the proposed zoning change constitutes an “entering wedge” and is a deterrent to the use, improvement, or development of adjacent property within the surrounding zone districts or would create an isolated, unrelated district (spot zone) as interpreted by current Georgia law.

The proposed C-2 rezoning would create an island of R-3 zoning at this location. However, the adjacent R-5 zone district and multiple single-family detached dwellings suggest this rezoning would not be out of place.

(H) Whether the subject property, as currently zoned, is vacant and undeveloped for a long period of time, considered in the context of land development in the vicinity or whether there are environmental or cultural factors, like steep slopes, flood plain, storm water, or historical issues that influence the development of the subject property under any zoning designation.

N/A

CONCLUSION:

The staff can provide a recommendation to approve the R-3 rezoning of the subject property based on the following factors:

1. The requested R-3 zone district would allow for the subject property to be zoned and utilized in a manner that would be similar to multiple adjacent properties.
2. The need for additional housing within walkable distance to the downtown coupled with the need for revitalization of the surrounding area, the proposed rezoning and redevelopment project could be in alignment with the intent of the Comprehensive Plan.
3. The R-3 rezoning of the subject property would be unlikely to have a negative impact on the values of adjacent and nearby properties.

Ramirez Rezoning Request C-2, General Commercial

to

R-3, Medium Density Single Family Residential City of Dalton Jurisdiction



ZONING

- Medium Density Single Family Residential (R-3)
- Rural Residential (R-5)
- Rural Residential (R-5) Cond
- Transitional Residential (R-6)
- Central Business District (C-3)
- Central Business District (C-3) Cond
- General Commercial (C-2)
- Mixed Use (MU)
- Heavy Manufacturing (M-2)

FEET

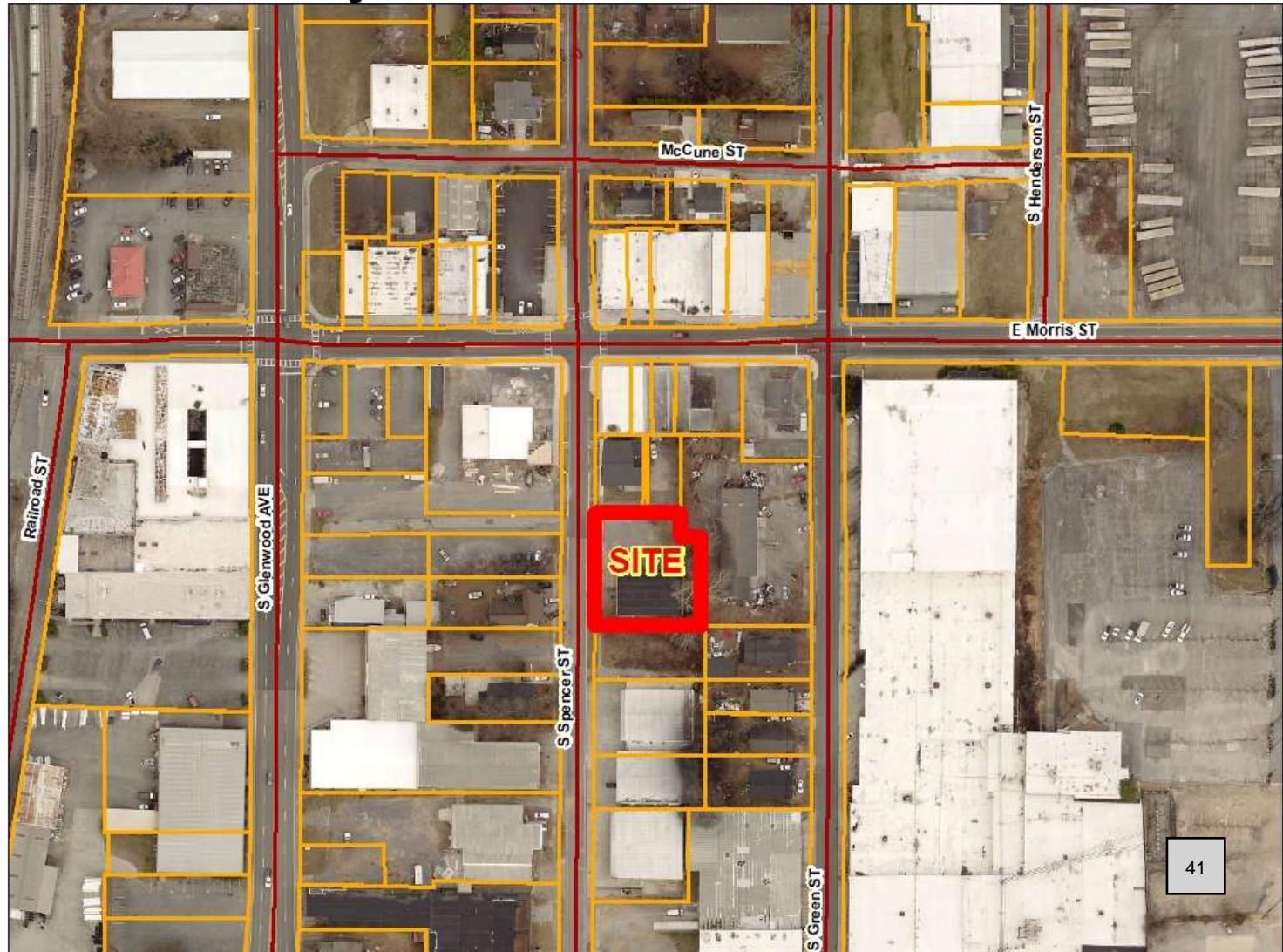
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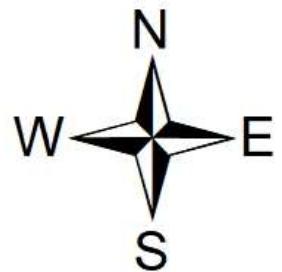


Ramirez Rezoning Request C-2, General Commercial

to

**R-3, Medium Density Single Family Residential
City of Dalton Jurisdiction**





Ramirez Rezoning Request C-2, General Commercial

to

**R-3, Medium Density Single Family Residential
City of Dalton Jurisdiction**





FEET
150

Ramirez Rezoning Request
C-2, General Commercial
to
R-3, Medium Density Single Family Residential
City of Dalton Jurisdiction

