

AN ORDINANCE OF THE COMMISSIONER OF BARTOW COUNTY FOR THE PURPOSE OF **AMENDING THE CODE OF BARTOW COUNTY, APPENDIX A, THE BARTOW COUNTY ZONING ORDINANCE ARTICLE VII, RELATING TO USE REQUIREMENTS BY DISTRICT**; AND FOR OTHER PURPOSES AT THE REGULAR MEETING OF THE COMMISSIONER OF BARTOW COUNTY HELD ON THE 5th DAY OF AUGUST, 2020.

WHEREAS, Bartow County has had zoning in place for many years, and has most recently readopted the Zoning Ordinance on September 11, 2019, and amended it thereafter; and

WHEREAS, the Commissioner has determined it is in the best interest of the public health, safety and welfare to make further amendments to address matters not properly regulated in the Zoning Ordinance including making changes to definitions and uses; and

WHEREAS, the Planning Commission considered the proposed amendment at its public meeting on August 3, 2020; and

WHEREAS, the Commissioner has determined that the proposed amendment to the Zoning Ordinance serves such purposes and benefits the public health, safety and welfare;

NOW THEREFORE BE IT ORDAINED, AND IT IS HEREBY ORDAINED, by virtue of the authority vested in the Commissioner by law, that the Code of Bartow County, Appendix A, Zoning Ordinance, is amended as follows:

I. Article V, Section 5.3.3 is amended to state as follows:

Accessory buildings and structures in residential zoning districts are permitted only in the side or rear yard and shall not be less than ten feet from the side and rear property lines, and shall also meet all buffer requirements, if applicable. No part of an accessory structure may be built closer to the street than the existing front building line of the principal structure. On lots of less than two acres, there shall be no more than three accessory buildings, including any detached garages. Accessory buildings are not permitted on residential lots without a primary structure. On lots less than two acres, no accessory structure shall exceed 50 percent of the size of the principle building or structure.

II. Article VI, Section 6.15 is amended to state as follows:

Swimming pools are permitted as accessory uses in residential zoning districts. Swimming pools are only permitted to be located in the side or rear yards of a property, with the following exception: for residential use properties of five (5) acres or larger, swimming pools may be in the front yard if located a minimum of 100 feet

from the front property line. All portions of a swimming pool (including the pool itself, any recirculation pumps, sumps, heaters, filtration or treatment systems, chemical tanks, or pool-related machinery) shall be setback at least ten feet from the side and rear property lines. Swimming pools shall further comply with applicable board of health regulations, and the county building code ordinance.

III. Article VII, Section 7.1.2 is amended to state as follows:

Area, yard, height and buffer requirements. The following requirements apply in the A-1 district:

Minimum lot size: two acres. No new A-1 lot shall be created which is not at least two acres in area, and no lot of less than two acres may be split off from existing A-1 zoned property. No remnant of under two acres may be created by a lot split, nor shall any existing A-1 lot be reduced to less than two acres.

Minimum lot width at street R/W (on existing road): 200 feet.

Minimum lot width at street R/W (in new development): 100 feet; 50 feet on cul-de-sac.

Front yard setback (from right-of-way): 40 feet; if an existing lot of record one acre or smaller, 25 feet.

Side yard setback (from property line): 10 feet.

Rear yard setback (from property line): 25 feet.

Maximum building and structure height: 50 feet.

Buffers: special, see below.

IV. Article VII, Section 7.1.4 is amended to state as follows:

Accessory structures. Accessory buildings and structures which are not intended for use or used for the housing of livestock or agricultural practices and are ancillary to the residential use (e.g., garage, pool) shall maintain the same front and side yards as the main structure; however, they shall not project beyond the established front building line with the following exception: for residential use properties of five (5) acres or larger, accessory structures may be in the front yard projecting beyond the front building line if located a minimum of 100 feet from the front property line. For such buildings and structures, rear yard setbacks shall be a minimum of ten feet. Silos, granaries, barns, and similar accessory agricultural structures, on lots ten acres or greater, shall be setback by a distance equal to the structure's height from any property line, and may be located in the front, side or rear yard. Silos, granaries, barns, and similar accessory agricultural structures, on lots less than ten acres, shall

be setback by a distance of at least 25 feet from any property line, and shall be located in the rear yard. Accessory livestock structures must additionally meet special setback requirements under section 7.1.8(B)(ii).

All other Ordinances and Resolutions, or parts of said Ordinances or resolutions, in conflict herewith are hereby repealed, except to the extent said Ordinances are more restrictive than this Ordinance.

SO ADOPTED this 5th day of August, 2020, to be effective immediately, the public health, safety, and general welfare demanding.

ATTEST:

BARTOW COUNTY, GEORGIA

Kathy Gill, Clerk

Steve Taylor, Commissioner