

AN ORDINANCE OF THE COMMISSIONER OF BARTOW COUNTY FOR THE PURPOSE OF AMENDING THE CODE OF BARTOW COUNTY, APPENDIX A, ZONING ORDINANCE, RELATING TO USE REQUIREMENTS BY DISTRICT; APPENDIX B, DEVELOPMENT REGULATIONS, RELATING TO OFF-STREET PARKING AREAS; AND FOR OTHER PURPOSES AT THE REGULAR MEETING OF THE COMMISSIONER OF BARTOW COUNTY HELD ON THE 5th DAY OF JANUARY 2022.

WHEREAS, Bartow County has had zoning in place for many years, and has most recently readopted the Zoning Ordinance on July 21, 2021; and

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

WHEREAS, the Planning Commission considered the proposed amendment at its public meeting on January 3, 2022; 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 VI, Section 6.4 is hereby deleted and replaced with the following:

Sec. 6.4 HOME OCCUPATIONS

Home Occupations are permitted in zoning districts as listed in Article VII. No home occupation shall occupy more than thirty (30) percent of the heated floor space of the principal use building. No separate building or structure may be constructed to house a home occupation. A home occupation must be a use that is clearly incidental and secondary to the use of the dwelling as a residence and that does not change the character thereof or reveal from the exterior that the dwelling is being used in part for other than a residence. No non-resident of the home may work in the home occupation (i.e., no non-resident employees). There shall be no display, stock in trade, or commodity sold on the premises, and no mechanical equipment used except such as is commonly used for purely domestic household purposes. Such permissible occupations include, in general, such personal services such as are furnished by a musician, artist, seamstress, cook, or laundress, consultant, telecommuter, or other occupation which does not generate

non-residential traffic nor has non-occupant employees, but shall not include such uses as barbershops, beauty parlors, tea rooms, animal hospitals, animal grooming, or a wholesale or manufacturing business.

II. Article VII, Section 7.4.2 is hereby deleted and replaced with the following:

7.4.2 Area, Yard, Height and Buffer Requirements.

The following requirements apply in the R-1 District:

Minimum Lot Size: 15,000 square feet with sewer; if on septic, 26,000 square feet or greater as required by County Health Department. See Sec. 5.5. See also section 7.4.9 for mandatory development standards.

Min. Lot Width at Street R/W (on existing road): 200 feet.

Min. Lot Width at Street R/W (in new development): 75 feet, 25 ft. on cul-de-sac.

Front Yard Setback (from right-of-way): 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: None.

Special Agricultural Protection Buffers: See Sec. 8.2.3 for buffers required for homes built adjacent to existing agricultural activities.

III. Article VII, Section 7.15 is hereby deleted and replaced with the following:

Sec. 7.15 PUD PLANNED UNIT DEVELOPMENT DISTRICT

7.15.1 Purpose.

The PUD district is established to encourage the development of master-planned communities that may contain one or more uses within the development. The PUD district is intended to encourage flexible and creative concepts in site planning while providing a development compatible with surrounding residential areas.

7.15.2 Area, Yard, Height and Buffer Requirements.

The following requirements apply in the PUD District:

Minimum Lot Width at Street R/W for individual lot: As specified on the concept site plan. If not specified, 50 ft., 25 ft. on cul-de-sac.

Setbacks for individual lots: As specified on the concept site plan. If not specified, based on the applicable zoning district for the proposed use.

External Setback: 25 feet (i.e., all buildings to be at least 25 feet from external boundaries of PUD development).

Maximum Building and Structure Height: As specified on the concept site plan. If not specified, based on the applicable zoning district for the proposed use. In all cases, maximum 75 ft.

Buffers: Buffers in PUD districts shall be set according to the zoning district that corresponds to the proposed use and density. Buffers shall be shown on the concept site plan.

Minimum lot size per dwelling unit:

- Single-family detached. As specified on the concept site plan. If not specified, based on the applicable zoning district for the proposed use. In all cases, minimum 4,000 sqft.
- Minimum lot size for townhomes: As specified on the concept site plan. If not specified, based on the R-3 district standard. In all cases, minimum 2,000 sqft.

Maximum density for apartments, condominiums, and condo-style townhomes: 16 dwelling units per acre.

7.15.3 Height Exceptions.

The height limitation does not apply to structures such as unoccupied and inaccessible architectural features on non-residential buildings (e.g., church spires, belfries, cupolas and domes), monuments, government-owned observation towers, water towers, chimneys, flag poles, aerials, and similar structures. Specific height requirements apply to signs and structures containing signs; see Article XI.

7.15.4 Accessory Structures.

Accessory buildings and structures shall maintain the same front and side yards as the main structure; however, they will not project beyond the established building line. Rear yard setbacks shall be a minimum of ten feet. Non-residential accessory uses shall be set back at least fifty (50) feet from the property line, shall be screened by a twenty-five (25) foot vegetative buffer, and shall also have a six-foot wooden fence on the inner or outer boundary of the buffer where adjacent to residentially-used property, or as otherwise required by the Zoning Administrator during the review process.

Off-street parking/loading for all non-residential uses shall be provided in accordance with Bartow County Development Regulations.

7.15.5 Development Plans.

Development must be in accordance with the Bartow County Development Regulations. The Engineering Department should be consulted. Uses in this district are subject to special building code requirements, and the Bartow County Building Inspections Department and the Bartow County Building Code Ordinance should be consulted. In the event that a State Development of Regional Impact (DRI) review is required, a traffic impact study shall be required to be submitted to the county engineer for review before rezoning or conditional use. The traffic impact study shall be prepared, signed and sealed by a registered professional engineer and submitted to the county engineer or his/her designee for review. The county engineer shall submit comments to be reviewed by the Planning Commission and Commissioner as part of the zoning application.

7.15.6 Applicable standards

A planned unit development district shall be located only in an area where public utilities are available. A PUD must be served by public water and sewer. Said district may consist of various residential dwellings, commercial or industrial sites or combinations thereof. In the event that there are proposed significant changes to an existing property zoned PUD, including but not limited to change in one or more uses or a change in the number of units by twenty five percent (25%) or more, a zoning application to amend the zoning conditions shall be required, which shall include submittal of a revised site plan, letter from the water/sewer authority confirming availability, and other information as may be required by the zoning administrator.

7.15.7 Application

The following shall be filed with the application for rezoning, in addition to any information otherwise required of all rezoning applications. A concept site plan shall be submitted to the zoning administrator at the time of filing for rezoning and the PUD must be conditioned to the concept site plan at the rezoning hearing. Concept site plans shall include all of the following:

- (A) The proposed name of the PUD;
- (B) An aerial photograph of the area and vicinity;
- (C) A complete and accurate legal description of the

proposed PUD property;

- (D) Minimum lot width at street right-of-way, minimum setbacks, and minimum lot sizes.
- (E) Maximum building and structure height.
- (F) Buffers shown according to the zoning district that corresponds to the proposed use and density, or as otherwise proposed.
- (G) A tabulation of total acreage of the site designated for various uses.
- (H) Proposed lots in the PUD and proposed densities (units per acre);
- (I) Proposed circulation pattern of the public streets and private driveways;
- (J) Parking layout;
- (K) All access points to streets to be located and which shall have been reviewed by the Road Department and/or the Georgia Department of Transportation;
- (L) Minimum of ten (10) percent of the PUD to be set aside as contiguous greenspace, at least 100 feet in width, which may include amenities and recreational purposes. The greenspace shall be directly accessible to the largest practical number of lots within the development. The greenspace should adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of greenspace. Greenspace cannot be entirely along the perimeter of the development. At least one amenity must be shown and labelled on the site plan. Proposed amenities may include walking trails, water features, pedestrian plazas, playground equipment, and other recreational facilities. Parking lots, streets, setback areas, stormwater control measures, and detention facilities shall not count toward this requirement.
- (M) In addition to the concept site plan, the following shall be submitted:

- a. Utility availability letter from the water and sewer provider(s).
- b. Letter of explanation providing an overview description of the project.
- c. Example architectural renderings of proposed residential structures.

7.15.8 PERMITTED USES IN THE PUD DISTRICT

Residential, commercial, and industrial uses are permitted in the PUD District. Proposed uses shall be listed on the concept site plan and applicable zoning districts shall be determined by the zoning administrator at time of zoning. The architectural standards for the applicable districts shall be adhered to as part of the development process.

- 7.15.9 Consideration of the application for a PUD shall be in accordance with the procedures set forth in Article XV of this Ordinance, provided, however, the applicant may request, at the time of filing the application, an extended presentation time. In that event, the application will automatically be placed last on the agendas of the Planning Commission and Commissioner's public hearings for the date at which the application is to be presented.

- 7.15.10 Except as otherwise expressly provided herein, the PUD shall comply with all the requirements of this Ordinance.

7.15.11 CONDITIONAL USES IN PUD DISTRICT.

Telecommunications structures may be permitted as conditional uses in the PUD District, subject to Article XII of this Ordinance.

7.15.12 Design standards for PUD Developments

1. Each residence shall exhibit at least four of the following:
 - a. Shutters on at least two front windows, or other window accents as approved by the zoning administrator or his/her designee
 - b. An architectural 6-panel door with at least one side light
 - c. Covered entry-way, stoop, or porch
 - d. Arches, columns, gables or cornices
 - e. Each side with at least one window
 - f. Architectural shingles
 - g. Eaves on sloped roofs that extend a minimum of 12 inches from the face of the building. Roof overhangs at gables that extend a minimum of six inches from face of the building.

- h. Appropriate similar feature as approved by the zoning administrator or his/her designee
- 2. Vinyl siding is prohibited as an exterior finish material. At least fifty percent (50%) of the exterior finish shall be one or more of the following materials:
 - a. Brick
 - b. Stone
 - c. Wood
 - d. Stucco
 - e. Board and Batten
 - f. Cedar shakes
 - g. Appropriate similar product as approved by the zoning administrator or his/her designee

The remainder may be a fiber-cement product or other appropriate product as approved by the zoning administrator or his/her designee.

- 3. Nonresidential development design. A metal panel exterior finish product shall not be allowed on metal buildings exceeding one hundred fifty (150) square feet in gross floor area constructed or placed on lots within the PUD district, unless finished with a product consisting of brick, stone, hard-coat stucco, or other appropriate product as approved by the zoning administrator or his/her designee. Refuse areas (dumpsters) shall be placed in the least visible location from public streets and shall be enclosed on three (3) sides with opaque walls, with the fourth side being an opaque closing gate. Height of an opaque wall shall be at least one foot higher than the receptacle. All site lighting shall be directed onto the site.
- 4. At least three (3) architectural plans and designs showing all four sides of proposed units or buildings shall be submitted for review to the zoning administrator for approval before issuance of building permits.
- 5. As part of the civil plans, the developer shall provide a landscape plan or show required landscaping on the site plan according to the landscaping standards of the Bartow County Development Regulations, Appendix B, section 5.63.

- IV. Article VII, Sections 7.2.2, 7.3.2, 7.5.2, 7.6.2, and 7.7.2 are all amended identically, by deleting the existing provision and replacing it with the new provision, as shown below:

Existing Provision to be Deleted:

Special agricultural setbacks: see section 8.2.3 for setbacks required for homes built adjacent to existing agricultural structures.

Replaced with:

Special Agricultural Protection Buffers: See Sec. 8.2.3 for buffers required for homes built adjacent to existing agricultural activities.

FURTHERMORE, 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 B, Development Regulations, is amended as follows:

- I. Article V, Division 3, Section 5.62 (g) (6) is hereby deleted and replaced with the following:
- (6) Paving standards. All parking lots, access ways, storage lots, loading or open lot sales shall be paved and constructed of a minimum of four inches of concrete or two inches of asphaltic concrete on six inches of graded aggregate base (gab), or a base and surface material of equivalent durability as certified by the developer's engineer. Such paved areas shall be maintained in good condition by the owner to prevent any hazards, such as cracked asphalt or potholes. Responsibility for pavement failure occurring as a result of inadequate alternative base and surface material design shall fall on the certifying engineer. The following are exceptions to the above paving standards:
- a. Storage lots serving facilities within an industrial or light industrial zoning district may be constructed of six inches of graded aggregate at a minimum provided the following requirements are met:
1. The storage area is setback a minimum of 100 feet from a public right-of-way excluding interstate highway rights-of-way.
 2. Clearly limited and defined vehicular drives for ingress and egress to the storage area are provided; drive widths shall not exceed 30 feet.
 3. A vegetated buffer 20 feet in width and consisting of evergreen plants is installed along the perimeter of the storage lot. The vegetative buffer shall create a visual screen that is 75 percent or more opaque and reaches a height of six feet within two years.
 4. Water and other dust control measures shall be applied during the installation of graded aggregate.

- b. Drives serving unmanned facilities may be constructed of six inches of graded aggregate provided the required drive, from the edge of the public roadway for a distance of 100 feet, meets the paving standards of this section.
- c. Alternative paving methods or parking lot surfaces may be considered if adequate standards and installation procedures are followed per the manufacturer's recommendations or approved design plans. The alternative method will need to be reviewed and approved by the county engineer. Such alternative methods may include but are not limited to the following: porous concrete, pervious pavers, or gravel parking pads. The purpose of these methods is to limit the large, open impervious parking lots. Concrete and asphalt paving requirements may not be logical or affordable for large parking areas that are not adjacent to buildings, therefore the county engineer is authorized to determine that paving requirements may be lessened for industrial and commercial overflow parking areas as well as for commercial outdoor storage parking areas. To lessen such regulations, the county engineer may decide based on the proposed civil plans that the reduction is consistent with the spirit and intent of the code, will not harm the public interest or adjacent property, and is in the best interests of the county. Any such approved modification shall be noted on the civil plans to provide public record of the fact that existing regulations have been varied for the proposed development.

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 January, 2022, to be effective immediately, the public health, safety, and general welfare demanding.

ATTEST:

BARTOW COUNTY, GEORGIA

Kathy Gill, Clerk

Steve Taylor, Commissioner