

AN ORDINANCE OF THE COMMISSIONER OF BARTOW COUNTY FOR THE PURPOSE OF **AMENDING THE CODE OF BARTOW COUNTY, APPENDIX A, ZONING ORDINANCE, AS WELL AS CHAPTER 14, ANIMAL CONTROL;** AND FOR OTHER PURPOSES AT THE REGULAR MEETING OF THE BARTOW COUNTY COMMISSIONER HELD ON THE 9th DAY OF AUGUST 2023.

WHEREAS, BARTOW COUNTY submitted an application to amend the Bartow County Code of Ordinances, Appendix A, Zoning Ordinance, and Chapter 14, Animal Control, the same being A-2618-23; and

WHEREAS, Bartow County has had zoning in place for many years, and has most recently readopted the Zoning Ordinance on March 8, 2023; 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; and

WHEREAS, the Planning Commission considered the proposed amendment at its public meeting on July 24, 2023 and unanimously recommended approval of the proposed ordinance revisions; and

WHEREAS, public comment has been received, which has been considered; and

WHEREAS, County staff have made certain recommendations to adjust the language to better serve the public health, safety and welfare; and

WHEREAS, the Commissioner has determined that the proposed amendment to the Zoning Ordinance as stated herein 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, and Chapter 14, Animal Control, is amended as follows:

I. **Chapter 14, Section 14-17 (d) (3) Animal Control, Maximum number of animals permitted, Livestock, Equal to or less than two acres, is hereby deleted and replaced with the following:**

(3) Between one and two acres. On any lot that is single-family residential use and between one and two acres, a maximum of eight (8) hens (no roosters) shall be allowed. No other livestock animals are permitted. Hens shall be kept in an enclosure, whether fence, chicken coop, or other minor livestock enclosure, at least 25 ft from all property lines. The keeping of hens supports a local,

sustainable food system by providing an affordable, nutritious source of fresh eggs. However, at no time shall hens on such a small lot become a nuisance. Hens shall not be allowed to roam/range on the private property of nearby residences.

(4) Less than one acre. On any property that is less than one acre, it shall be unlawful to possess or keep any livestock.

II. Article III, Section 3.2 Definitions, Development, or “to develop”, is hereby deleted and replaced with the following:

Development, or "to develop": Subdividing a tract of land into three or more lots whether for sale or rental, whether for commercial, industrial, office or residential purposes, or some combination thereof. It shall also include redevelopment of existing development. It shall also include the construction of any commercial, industrial, multi-family or office building or structure, even if on a single lot, and shall include the construction of a manufactured house park. In order that the purposes of this ordinance shall not be evaded by piecemeal development or subdivision, subdividing a tract of land existing on December 5, 2012 into two tracts shall not be a development, but any further split of either tract shall be a development.

III. Article III, Section 3.2 Definitions, Home Occupation, is hereby deleted and replaced with the following:

Home occupation: Limited commercial use in a residentially-zoned district in which the use is secondary to the residence, does not constitute a nuisance to adjacent or adjoining properties, and is subject to the regulations of Section 6.2.

IV. Article V, Sections 5.6.2, 5.6.3, 5.6.4, 5.6.6, and 5.6.7 are hereby deleted and replaced with the following:

5.6.2 A-1. For existing tracts of land zoned A-1, and located on existing public roads, a minimum of 150 feet of road frontage is required. For new developments in A-1 with internal streets, a minimum of 100 feet of road frontage is required, 50 feet on cul-de-sacs. For new proposals to subdivide land, each lot shall have public road frontage where possible – a back lot, or landlocked lot, shall not be proposed if the parent lot/tract/parcel has adequate public road frontage to be subdivided in which each lot would have public road frontage. Example: a proposed subdivision of land with 300 ft or more of public road frontage would

have adequate road frontage for the parent lot/tract/parcel and the proposed sub-lot/tract/parcel.

5.6.3 R-1, R-2, R-3, R-4, R-7, R-8. For existing tracts of land zoned R-1, R-2, R-3, or R-4, and located on existing public roads, a minimum of 150 feet of road frontage is required. For new developments in R-1, R-3, and R-4 with internal streets, a minimum of 100 feet of road frontage is required, 25 feet on cul-de-sacs. For new developments in R-2 within internal streets, a minimum of 65 feet of road frontage for duplex is required; a minimum of 90 feet of road frontage for triplexes and/or quadplexes is required. For new developments in R-7, a minimum of 200 feet of road frontage is required. For new developments in R-8 with internal streets, a minimum of 50 feet of road frontage is required, 35 feet on cul-de-sacs. For new proposals to subdivide land, each lot shall have public road frontage where possible – a back lot, or landlocked lot, shall not be proposed if the parent lot/tract/parcel has adequate public road frontage to be subdivided in which each lot would have public road frontage. Example: a proposed subdivision of land with 300 ft or more of public road frontage would have adequate road frontage for the parent lot/tract/parcel and the proposed sub-lot/tract/parcel.

5.6.4 RE-1, RE-2. For existing tracts of land zoned RE-1 and RE-2, and located on existing public roads, a minimum of 150 feet of road frontage is required. For new developments in RE-1 and RE-2 with internal streets, a minimum of 100 feet of road frontage is required, 50 feet on cul-de-sacs. For new proposals to subdivide land, each lot shall have public road frontage where possible – a back lot, or landlocked lot, shall not be proposed if the parent lot/tract/parcel has adequate public road frontage to be subdivided in which each lot would have public road frontage. Example: a proposed subdivision of land with 300 ft or more of public road frontage would have adequate road frontage for the parent lot/tract/parcel and the proposed sub-lot/tract/parcel.

5.6.6 The Zoning Administrator has authority to administratively adjust the requirements in this Section under the procedures of Sec. 14.1, except that the maximum reduction granted may be up to 50% with the limitation that, where located on existing public roads, the maximum reduction could be from 150 ft to 100 ft by administrative adjustment.

5.6.7 Private Driveways and Easements. Multiple houses off private driveways and easements create public safety and road access problems. Therefore, no more than two lots or dwellings sharing one private easement or driveway shall be allowed. There shall only be one lot allowed to be subdivided from a parent parcel that does not have public road frontage, in which case this back lot, or landlocked tract, shall be a minimum of five (5) acres in size and shall have a minimum 30 feet in width access easement from the public road frontage property line to the back lot or landlocked tract. This easement shall be shown and noted on a proposed lot spit survey or subdivision plat. No further subdivision will be allowed unless a street is constructed to county standards, whether it remains private or dedicated to the county. Only one private easement is allowed per parent tract. Prior to full determination, the county engineer or his or her designee shall review the proposal based on the development regulations, which may apply and/or supersede the following standards. If the Board of Zoning Appeals grants additional lots in excess of two off of private easements or driveways, the following applies:

- a. The easement shall be at a minimum 30 feet in width, surfaced to a minimum of 6 inches of depth of crusher run stone, and the crusher run stone shall be at least 16 feet in width. The easement can be paved on top of the crusher run at the option of the applicant. The easement must meet this standard from the public street to the driveway of the newly created lot (however, if the driveway does not meet this standard, the Fire Department may not respond down the driveway). If the Board of Zoning Appeals grants additional lot(s) through approval of a variance, improvements shall be completed and inspected for approval by the

community development director or his or her designee before issuance of a building permit. If the existing easement between the public street and the newly created lot does not meet this standard, it must be improved along the entire length to the newly created lot; and

- b. Any bridges or culverts along the length of the easement must be certified by an engineer to meet weight limits specified by the Fire Department to hold responding fire engines; or alternatively, the applicant shall note on the plat that any bridges or culverts do not meet Fire Department standards, and that the Fire Department will not respond over such substandard bridges or culverts; and
- c. If the easement dead ends into a lot, a sufficient turnaround for emergency vehicles shall be required, as specified by the Fire Department; and
- d. The plat must note that the easement is privately owned and maintained, and will not be maintained by Bartow County.

The requirements in subsections (a), (b), (c) and (d) cannot be varied or reduced by the Zoning Administrator or the Board of Zoning Appeals. If the requirements cannot be met, no variance to create an additional lot shall be approved.

V. Article V, Section 5.7 is hereby deleted and replaced with the following:

A lot split is a tract of land divided into two lots. A lot split may be signed by the community development director or his or her designee, upon review as stated below. If, after December 5, 2012, either the parent parcel or the sub-parcel is proposed to be further split, this division shall follow the submittal process and requirements as found in appendix B (Development regulations).

A subdivision is a tract of land divided into three or more lots. A subdivision of land divided into three or more lots shall follow the submittal process and requirements as found in appendix B (Development regulations).

No plat proposing to subdivide/split, reconfigure, or combine a lot shall be recorded in the office of the clerk of superior court of Bartow County without a signature of approval on the following signature block:

This plat meets the requirements of the Bartow County Zoning Ordinance and Development Regulations and is authorized to be recorded.

Signature _____
Date

A boundary retracement survey that does not create a new lot and does not change existing property lines does not require review by community development staff.

Such signature block shall only be signed by the community development director or his or her designee, upon review that the lots shown on the proposed plat meet the requirements for road frontage, minimum lot size, and all other applicable requirements of the Bartow County Code of Ordinance, appendix A (Zoning ordinance) and appendix B (Development regulations). Any plat recorded after the effective date of this amendment without such signature block shall be an illegal plat and shall vest no rights in the property owner. The county reserves the right to take legal action to reverse illegal lot creations, illegal lot splits, or other actions in violation of this section, including creation of substandard-sized lots or remnants.

VI. Article VI, Sections 6.1.2 and 6.1.4, are hereby deleted and replaced with the following:

6.1.2 A non-conforming use or structure shall not be expanded, extended, or enlarged beyond the area of use, size of operation, and/or the size of the structures existing at the time the use became non-conforming unless an applicant first obtains conditional use approval per Article XVI if it is determined by the Commissioner of Bartow County that said use will not be detrimental to the neighboring properties and is not contrary to the intent of this chapter. A non-

conforming use cannot be expanded onto another parcel or tract of land. A non-conforming use on a portion of a single lot or tract of land may not be expanded even within that lot or tract of land to portions that were not in use at the time the use became non-conforming. For example, if a non-conforming junk yard (including all offices, junk cars, equipment and other piles of junk) was occupying 10 acres of a 50-acre tract of land when it became non-conforming, the use may not be expanded onto the other 40 acres. Similarly, no building containing a non-conforming use can be expanded or enlarged.

6.1.4 A non-conforming use or structure shall not be rebuilt, altered, or repaired except as provided herein:

(A) If the structure is altered or repaired, said alterations or repairs shall be in conformity with the building codes in force at the time of said alteration or repair; provided, however, that said alteration or repair shall not extend or enlarge the structure being altered or repaired except to bring the structure into conformity with the ordinance;

(B) If the structure is totally rebuilt or replaced, the replacement structure shall conform to all the requirements of this ordinance with the following exception: if a conventional site-built single-family house is proposed on an existing lot of record one acre or less in size in a similar location to the previously demolished residence within one year of demolition, the zoning administrator, after obtaining input from the building official, may allow the house to be built back within the current required setbacks.

VII. Article VI, Sections 6.2, 6.3, and 6.4, are hereby deleted and replaced with the following:

Sec. 6.2 HOME OCCUPATIONS

Unless specifically permitted as a use under the following provisions or other applicable provisions of Article VII, no business or commercial enterprise may operate in a residentially-zoned district, including A-1 and any R district (R-1, R-2, etc.). A home occupation must be a use that is clearly incidental and secondary to the use of the residentially-zoned property for residential uses and does not change the character thereof or reveal from the road or adjoining properties that the property is being used for non-residential use purposes. At no time shall a home occupation become a nuisance or hazard to the county, including specifically, but not limited to, adjacent and adjoining properties. Nuisances shall be abated under the provisions of Section 6.18.

The following provisions apply to home occupations:

- A. Dwelling. The occupation carried on within the dwelling unit shall not occupy an excess of 30 percent of the residence. The dwelling shall maintain its residential appearance. A home occupation must be a use that is clearly incidental and secondary to the use of the dwelling as a residence and does not change the character thereof or reveal from the exterior that the dwelling is being used in part for other than a residence.
- B. Accessory structure. If an accessory structure is used, the structure shall only be used for storage; an accessory structure on a residentially-zoned property is not authorized for commercial activities to occur within the structure.
- C. Employees. The occupation shall be conducted by full-time occupants of the residence and a maximum of one additional employee.
- D. External display and storage of products prohibited. There shall be no external display of products or storage of equipment or any other externally visible evidence of the occupation, business, or profession.
- E. Nuisance. There shall be no emission of smoke, dust, odor, fumes, glare, noise, vibration, electrical or electronic disturbance detectable at the lot line or beyond.
- F. Prohibited equipment and materials. There shall be no chemical, mechanical or electrical equipment on the premises other than that normally found in a

purely domestic residence. Chemical equipment shall also include any chemicals which are not normally found in a purely domestic residence.

- G. Parking and business-use/commercial vehicles. No on-street parking of business-use/commercial vehicles shall be permitted at any time. The number of business-use/commercial vehicles shall be limited to two. Examples of a business-use/commercial vehicle would include, but not be limited to, a heavy truck intended for the loading/hauling of materials; and a vehicle designed for towing semi-trailers (tractor-trailer trucks). A passenger vehicle such as a Ford F-150 truck; Honda Civic car; or Toyota RAV-4 sport utility vehicle would not count as a business-use/commercial vehicle.
- H. Allowable home occupations. The following uses are examples of allowable home occupations:
- 1) Arts and crafts.
 - 2) Attorneys, Accountants, Insurance agents, Real estate agents, and other office uses.
 - 3) Contractor offices (i.e., painting, cleaning, yard maintenance, building) but not including outside storage of equipment, materials, or vehicles.
 - 4) Counselors, psychological therapists, and similar uses.
 - 5) Home marketing (e.g., Amway, Mary Kay, Tupperware, etc.), mail order marketing of items, and similar uses.
 - 6) In-home childcare, but not more than six children at a time, including the caregiver's own preschool-aged children.
 - 7) In-home retail operations for sales (typically online) in which sales activity on a daily basis does not occur at the residence.
 - 8) Musician's and artist's studio.
 - 9) Tutoring of all types, but limited to four pupils at one time.
 - 10) Upholstery alterations and repair.
 - 11) Other similar uses as approved by the zoning administrator or his/her designee.
- I. Occupations which are not allowed (prohibited). The following uses are examples of home occupations which are not allowed:

- 1) Animal grooming and similar pet related businesses on lots less than five acres. Kennels require a minimum of 15 acres and require conditional use approval.
- 2) Automobile sales, service, auctions, detailing, paint and body, repair, tire shops or scrap tire processing operations, and similar automotive related uses.
- 3) Dentists, medical doctors, chiropractors, or any practice of physical and/or medical application.
- 4) Junk yards, including automobile junk yards, scrap yards, salvage yards or other salvage operations.
- 5) Manufacturing, fabrication, processing, welding, metal forging, machine shops, or similar operations.
- 6) Massage therapy or similar services.
- 7) Retail sales of goods and/or services in which purchases and/or exchange of goods between buyer and seller occur on a daily basis at the residence.
- 8) Other similar uses determined by the zoning administrator or his/her designee to be not allowed (prohibited) based on the provisions of this section.

Sec. 6.3 Reserved.

Sec. 6.4 Reserved.

VIII. Article VI, Sections 6.5, 6.7, and 6.12.1, are hereby deleted and replaced with the following:

Sec. 6.5 RESIDENTIAL LIVING ONLY PERMITTED IN PERMANENT STRUCTURES

No lot may be used for temporary or permanent residential living quarters unless a permanent dwelling unit has been lawfully erected on the lot, pursuant to the provisions of this Ordinance and applicable building and

safety codes. Indications that a property is being used as temporary or permanent residential living quarters include actions such as spending significant time at the location on more than one day; repeated eating and sleeping at the location; performing other life activities at the location repeatedly; activating electrical, water, septic, and/or other utilities to serve a structure not allowed (prohibited) for everyday living.

Tents, boats, RV campers, shipping containers, tiny houses, storage buildings, and other structures that are not permitted permanent dwelling units cannot be occupied either on a permanent or temporary basis on a residential lot, except that tents may be occupied for no more than three (3) days in any two-month period when erected in the rear yard of a permanent dwelling unit.

Sec. 6.7 RECREATIONAL VEHICLE PARKING

Recreational vehicles, including but not limited to campers, all-terrain vehicles, boats, and other watercraft such as jet skis parked in any residential zone or residentially-used area shall not be permitted to be parked in any required setback or buffer area, nor in any front-yard area.

Recreational vehicles on residential property shall only be parked in the side or rear yard, not within setbacks, although the Zoning Administrator may administratively vary this requirement if there is not sufficient room in or access to the rear or side yards. No more than two (2) recreational vehicles shall be parked on any single residential lot, although the Zoning Administrator may administratively vary this requirement if more than two (2) recreational vehicles may be parked in the side or rear yard of a lot in which the addition of more than two recreational vehicles does not create a public nuisance. Factors for consideration in determining whether more than two recreational vehicles may be acceptable include, but are not limited to, the size

of lot; shape of lot; topography; etc. Recreational vehicles cannot be parked on any lot without a primary structure.

6.12.1 No automobile, vehicle (including but not limited to motorcycles, all-terrain vehicles, and campers), watercraft (including but not limited to boats and jet skis), or trailer of any kind or type, without a valid license plate attached thereto, shall be parked or stand on any residentially-zoned property or other zoned property unless it shall be in a completely enclosed building or on property properly zoned as a junk yard, or on property zoned under Section 7.12.8 (C) of the Zoning Ordinance, except for such off-road vehicles which by law do not require a license plate, provided the same is in operating condition.

IX. Article VII, Section 7.1.8 (A) and (B) are hereby deleted and replaced with the following:

(A) Single-family dwellings (conventional, manufactured and/or industrialized houses) and customary accessory uses, including docks and boathouses on not less than a two (2) acre tract of land. For a substandard A-1 lot less than two (2) acres in size, manufactured homes are prohibited with the following exception: if a substandard A-1 lot is in a platted subdivision, the zoning administrator may determine if a non-conventional single-family residence (manufactured home) may be allowed. A determining factor for consideration is whether non-conventional single-family residences exist on at least eighty percent (80%) of the lots. See Sec. 10.3 for manufactured housing regulations. For a substandard A-1 residential use lot between one (1) and two (2) acres in size, a maximum of eight (8) hens (no roosters) shall be allowed. A single-family residence must first be on the lot. No other livestock animals are permitted. Hens shall be kept in an enclosure, whether fence, chicken coop, or other minor livestock enclosure, at least 25 ft from all property lines. The keeping of hens

supports a local, sustainable food system by providing an affordable, nutritious source of fresh eggs. However, at no time shall hens on such a small lot become a nuisance. Hens shall not be allowed to roam/range on the private property of nearby residences.

(B) Agricultural Uses subject to the following regulations:

- i. Fences. Any livestock shall not be able to roam off the property upon which it is kept, either being kept inside a properly fenced area (sufficient to restrain the animal) or kept contained in a livestock enclosure.
- ii. Livestock Enclosure Setback Provisions. Livestock enclosures (including but not limited to, cattle barns, stables, hog pens, and chicken houses or coops), and other buildings or structures which are intended for use or used for the housing or shelter of livestock animals, shall be located no closer than 50 feet from the property line on any parcel of less than or equal to 10 acres and no closer than 100 feet from the property line on any parcel of more than 10 acres.
- iii. Retail Sales. Retail selling of agricultural products shall be permissible provided that space necessary for the parking of customers' vehicles shall be provided off the public rights-of-way. Any structure constructed shall not exceed 1,500 square feet and must be at least 50 ft from all property lines.

X. Article VII, Section 7.1.9 (DD) is hereby deleted and replaced with the following:

(DD) Agricultural large-scale retail sales. The purpose of this conditional use is to permit agricultural operations to have large-scale retail sales in a structure larger than 1,500 square feet without the necessity of having to rezone a tract to commercial. On tracts of at least 10 acres, a property owner may apply to authorize construction or use of a building for sales of agricultural products grown

on the property. The building must be set back at least 100 ft from all property lines. The applicant must present a concept site plan for review by county department representatives prior to a zoning case showing the location of the building, access and parking, which shall become a zoning condition if the conditional use is approved. The development must conform to Bartow County Development Regulations for non-residential uses in terms of parking, stormwater and other matters as set forth therein. At least 25 percent of the items sold must be agricultural products grown on the property. Up to 75 percent may be items associated with the sale of agricultural products or agricultural products grown elsewhere.

XI. Article VII, Section 7.2.7 (B) is hereby deleted and replaced with the following:

(B) On lots three acres or larger, stables and horses are permitted so long as said horses are owned by the property owner and the number of horses does not exceed one per whole acre of property; provided further that any barn or structure used to house said horses is located at least 100 feet from the adjoining property line and at least 200 feet from any dwelling located on adjoining property. Commercial operations are not permitted. A maximum of eight (8) hens (no roosters) shall be allowed. A single-family residence must first be on the lot. No other livestock animals are permitted. Hens shall be kept in an enclosure, whether fence, chicken coop, or other minor livestock enclosure, at least 25 ft from all property lines. The keeping of hens supports a local, sustainable food system by providing an affordable, nutritious source of fresh eggs. However, at no time shall hens on such a small lot become a nuisance. Hens shall not be allowed to roam/range on the private property of nearby residences.

XII. Article VII, Section 7.4.7 (A) is hereby deleted and replaced with the following:

(A) Conventional or industrialized single-family dwellings. Manufactured homes shall not be permitted. On any lot that is single-family residential use and between one and two acres, a maximum of eight (8) hens (no roosters) shall be allowed. A single-family residence must first be on the lot. No other livestock animals are permitted. Hens shall be kept in an enclosure, whether fence, chicken coop, or other minor livestock enclosure, at least 25 ft from all property lines. The keeping of hens supports a local, sustainable food system by providing an affordable, nutritious source of fresh eggs. However, at no time shall hens on such a small lot become a nuisance. Hens shall not be allowed to roam/range on the private property of nearby residences.

XIII. Article VII, Section 7.4.9 (e) is hereby deleted and replaced with the following:

e. The developer shall provide a landscape plan as part of the civil plans which includes native species trees, shrubs, and/or bushes showing and noting the types of landscaping, including type of ground cover to be used, in common spaces such as the amenities area, mail kiosk area, development entrance, etc. There shall be a required minimum 25 feet wide landscape strip along all existing public road frontages that shall be separate from residential lots.

XIV. Article VII, Section 7.5.7 (4) is hereby deleted and replaced with the following:

4. The developer shall provide a landscape plan as part of the civil plans which includes native species trees, shrubs, and/or bushes showing and noting the types of landscaping, including type of ground cover to be used, in common spaces such as the amenities area, mail kiosk area, development entrance, etc. There shall be a required minimum 25 feet wide landscape strip

along all existing public road frontages that shall be separate from residential lots.

XV. Article VII, Section 7.5.8 (A) is hereby deleted and replaced with the following:

(A) Conventional, or industrialized duplexes, triplexes, and quadraplexes are permitted. Separate bath/toilet facilities and kitchen/dining areas shall be provided for each dwelling unit.

XVI. Article VII, Section 7.6.7 (4) is hereby deleted and replaced with the following:

4. The developer shall provide a landscape plan as part of the civil plans which includes native species trees, shrubs, and/or bushes showing and noting the types of landscaping, including type of ground cover to be used, in common spaces such as the amenities area, mail kiosk area, development entrance, etc. There shall be a required minimum 25 feet wide landscape strip along all existing public road frontages that shall be separate from residential lots.

XVII. Article VII, Section 7.6.8 is hereby deleted and replaced with the following:

7.6.8 Permitted uses in R-3 district.

Within the R-3 residential district, no building, structure, land, or water shall be used except with one or more of the following uses. A use not specifically named within a district is not permitted:

(A) Apartment developments. “Apartment” means a multi-family residential use of five or more attached dwelling units per building, which units are

leased or rented and no fee title is conveyed; the entire development must stay in common ownership, with all buildings owned by the same entity that owns the common space, amenities, drives and parking areas. Apartment developments which comply with the following standards are permitted:

- (i) Maximum density 16 dwelling units per acre. Each dwelling unit shall have separate bath/toilet and kitchen/dining areas.
- (ii) Buildings may have exterior access to apartments (i.e., garden-style) or internal access hallways.
- (iii) Internal setbacks. Buildings shall be spaced at least 20 feet apart. The front of one building shall not face the rear of another building on the site.
- (iv) External setbacks. All buildings must maintain a setback of 25 feet from all external property boundary lines and any rights-of-way.
- (v) No apartments shall be constructed on a lot or tract of land unless connected to public sewer.
- (vi) At least one refuse collection station shall be provided for each 30 families or fraction thereof which shall be located not more than 50 feet from any dwelling unit.

(B) Townhome developments. "Townhome" means a multi-family residential use consisting of three or more attached dwelling units for which fee simple title is conveyed and for which an incorporated mandatory homeowners' association is provided. Fee simple townhome developments which comply with the following standards are permitted:

- (i) Minimum lots 3,000 square feet on sewer. Septic not permitted.
- (ii) Two off-street parking spaces shall be provided on site for each dwelling unit.
- (iii) Each townhome shall have a minimum heated area of 1,100 square feet.

- (iv) Internal setbacks. Buildings shall be spaced at least 20 feet apart. The front of one building shall not face the rear of another building on the site.
- (v) External setbacks. All buildings must maintain a setback of 25 feet from all external property boundary lines and any rights-of-way.
- (vi) No townhomes shall be constructed on a lot or tract of land unless connected to public sewer.
- (vii) At least one refuse collection station shall be provided for each 30 families or fraction thereof which shall be located not more than 50 feet from any dwelling unit.
- (viii) A homeowners association shall be created for the development.

(C) Condo-style townhome developments. “Condo-style townhome” means a multifamily residential use consisting of three or more attached dwelling units for which fee simple title is conveyed and for which an incorporated mandatory homeowners’ association is provided with joint ownership of common areas of the grounds and/or buildings including but not limited to amenity structures. There is no minimum lot size, and the development does not necessarily meet the definition of condominium in the Georgia Condominium Act.

- (i) Maximum density 16 dwelling units per acre.
- (ii) Two off-street parking spaces shall be provided on site for each dwelling unit.
- (iii) Each townhome shall have a minimum heated area of 1,100 square feet.
- (iv) Internal setbacks. Buildings shall be spaced at least 20 feet apart. The front of one building shall not face the rear of another building on the site.
- (v) External setbacks. All buildings must maintain a setback of 25 feet from all external property boundary lines and any rights-of-way.

- (vi) No townhomes shall be constructed on a tract of land unless connected to public sewer.
- (vii) At least one refuse collection station shall be provided for each 30 families or fraction thereof which shall be located not more than 50 feet from any dwelling unit.
- (viii) A homeowners association shall be created for the development. Said association shall be responsible for private roads within the development, sidewalks, property maintenance, amenities, entrance areas, and other development features.

(D) Condominiums. “Condominium” means individual ownership units in a multifamily structure with joint ownership of common areas of the grounds and/or buildings, or otherwise meeting the definition of condominium in the Georgia Condominium Act, OCGA Title 44, Chapter 3, Article 3.

- (i) Maximum density 16 dwelling units per acre. Each dwelling unit shall have separate bath/toilet and kitchen/dining areas.
- (ii) Buildings may have exterior access to apartments (i.e., garden-style) or internal access hallways.
- (iii) Internal setbacks. Buildings shall be spaced at least 20 feet apart. The front of one building shall not face the rear of another building on the site.
- (iv) External setbacks. All buildings must maintain a setback of 25 feet from all external property boundary lines and any rights-of-way.
- (v) No condominiums shall be constructed on a lot or tract of land unless connected to public sewer.
- (vi) At least one refuse collection station shall be provided for each 30 families or fraction thereof which shall be located not more than 50 feet from any dwelling unit.

(E) Municipal, county, state, federal and other public uses, including parks and playgrounds; public utilities and service structures.

(F) In-home nursery schools (day cares) and kindergartens with no more than six children at any one time; provided that they shall have at least 35 square feet of indoor space provided for each child and at least 100 square feet of play area per child in the outdoor play area which shall be enclosed by a fence having a minimum height of six feet.

(G) Home occupations. See section 6.4.

(H) Group homes for persons with a disability (for up to six residents excluding resident staff), licensed by and in compliance with the applicable regulations of the state department of human resources.

(I) Churches, synagogues and similar places of worship. Accessory uses for churches and places of worship, such as schools, day cares, hospices, and similar facilities, are permitted. All such uses must meet off-street parking regulations, as required by the county development regulations. See subsection 7.6.5.

(J) A vacant lot zoned R-3 may be used for one conventional single-family residence. Manufactured homes are prohibited. Property shall not be rezoned to R-3 for this purpose.

XVIII. Article VII, Section 7.11.6 is hereby deleted and replaced with the following:

7.11.6 Building exterior finish

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 C-1 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. All commercial and retail operations in the C-1 district must occupy a structure of a minimum of 500 square feet.

XIX. Article VII, Section 7.11.9 (C) is hereby deleted and replaced with the following:

(C) Storage Facilities. “Storage facilities” shall mean mini-warehouses and storage yards, including building materials, timber and lumber, and shall include storage yards for boats, RVs, and self-service storage facilities. Commercial vehicle parking, including tractor-trailer parking, where there is no primary structure and parking is the primary use of the lot, is also classified as a storage facility.

Self-service storage facility is defined as a fully enclosed facility containing independent bays, which are leased to individuals exclusively for storage of goods or personal property. In addition to standard commercial buffers, a 40 foot landscaped strip fronting the right-of-way shall be required. If abutting a commercial or industrial zoned property, the property shall include a 20 foot landscaped strip in the side and rear lot. All landscape strips shall have one tree planted every 20 feet, at least 5-foot tall at time of planting. If abutting residential districts, the 50-foot buffer still applies and shall remain undisturbed, in addition to a six-foot fence to be installed at the buffer. Buildings may only take up 30 percent of the ground area of the lot.

When filing for the Conditional Use Permit, the applicant shall submit a site plan showing all standard buffers and proposed landscaping, including types of trees to be used. The Planning Commission or County Commissioner may condition the application to increase buffers, setbacks, landscaping or other items. Existing Storage Facilities are made nonconforming by this provision and therefore shall need to file a conditional use application to expand.

XX. Article VII, Section 7.12.7 is hereby amended by adding the following:

(CC) Indoor recreation facility.

XXI. Article VII, Section 7.15.12 (5) is hereby deleted and replaced with the following:

5. The developer shall provide a landscape plan as part of the civil plans which includes native species trees, shrubs, and/or bushes showing and noting the types of landscaping, including type of ground cover to be used, in common spaces such as the amenities area, mail kiosk area, development entrance, etc. There shall be a required minimum 25 feet wide landscape strip along all existing public road frontages that shall be separate from residential lots.

XXII. Article VII, Section 7.19.4 (4) is hereby deleted and replaced with the following:

4. The developer shall provide a landscape plan as part of the civil plans which includes native species trees, shrubs, and/or bushes showing and noting the types of landscaping, including type of ground cover to be used, in common spaces such as the amenities area, mail kiosk area, development entrance, etc. There shall be a required minimum 25 feet wide landscape strip along all existing public road frontages that shall be separate from residential lots.

XXIII. Article VII, Section 7.19.5 is hereby deleted and replaced with the following:

7.19.5 Permitted uses in R-7 district.

Within the R-7 district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section shall be prohibited.

- (A) Apartments or condominium development which comply with the following:
- i. Maximum density 40 dwelling units per acre. Each dwelling unit shall have separate bath/toilet and kitchen/dining areas.
 - ii. Buildings may not have exterior access to apartments (i.e., garden-style). Developments in this district shall have central entrance points and shall have internal access hallways for individual units.
 - iii. Internal setbacks. Buildings shall be spaced at least 20 feet apart. The front of one building shall not face the rear of another building on the site.
 - iv. External setbacks. All buildings must maintain a setback of 25 feet from all external property boundary lines and any rights-of-way.
 - v. No development shall be constructed on a lot or tract of land unless connected to public sewer.
 - vi. Signage shall be as permitted in the R-3 zoning district.
 - vii. Condominiums must meet the definition of condominium in the Georgia Condominium Act, OCGA Title 44, Chapter 3, Article 3

XXIV. Article VII, Section 7.20.2 is hereby deleted and replaced with the following:

7.20.2 Area, yard, height and buffer requirements.

The following requirements apply in the R-8 district:

Minimum development size: 3 acres

Minimum lot size: 7,000 square feet with sewer; septic not permitted. See section 5.5.

Minimum lot width at street R/W (in new development): 50 feet, 25 feet on cul-de-sac.

Front yard setback (from right-of-way): 20 feet.

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

Rear yard setback (from property line): 20 feet.

Maximum building and structure height: 50 feet.

Buffers. None.

Special agricultural setbacks. See subsection 8.2.3 for setbacks required for homes built adjacent to existing agricultural structures.

XXV. Article VII, Section 7.20.6 (4) is hereby deleted and replaced with the following:

4. The developer shall provide a landscape plan as part of the civil plans which includes native species trees, shrubs, and/or bushes showing and noting the types of landscaping, including type of ground cover to be used, in common spaces such as the amenities area, mail kiosk area, development entrance, etc. There shall be a required minimum 25 feet wide landscape strip along all existing public road frontages that shall be separate from residential lots.

XXVI. Article VII, Section 7.21.7 (E) is hereby deleted and replaced with the following:

(E) The following materials are prohibited for new main/primary/principle residential structures (including single-family homes, multi-family homes, modular homes and manufactured homes): vinyl siding, unfinished cinder blocks, metal siding, aluminum siding.

XXVII. Article VIII, Section 8.1.1 is hereby deleted and replaced with the following:

8.1.1 Table.

The following table summarizes area, yard and height requirements as stated in each individual zoning district in Article VII. In the event of a conflict, the requirements stated in Article VII shall control. All units in feet unless otherwise indicated. See the applicable zoning district regulations for further information. See Sec. 8.2 for transitional buffer requirements between dissimilar zoning districts. Notes: “Width at street R/W” refers to the width of the lot at the street right-of-way line; i.e., the frontage of the lot. Two values are given, one for lots on existing County roads, and one for lots in newly created developments or subdivisions. Cul-de-sacs are special, see footnote 1 to the table. “Front setback from R/W” means the front setback is measured from the right-of-way line, not the street or back of curb.

District	Area	Width at Street R/W (existing road / new devt)	Front setback (from property line)	Side setback	Rear setback	Max building height ²
A-1	2 acres	150 / 100 ¹	40	10	25	50
RE-1	3 acres ⁷	150 / 100 ¹	40	10	25	50
RE-2	3 acres ⁷	150 / 100 ¹	40	10	25	50
R-1	15,000 sqft ^{3,7}	150 / 75 ¹	25 ⁸	10	25 ⁸	50
R-2	15,000 sqft ^{3,7}	150 / Sec. 7.5.2	25	10	25	50
R-3	15,000 sqft ³	100 ¹	25	10	25	60
R-4	15,000 sqft ^{3,7}	150 / 100 ¹	25 ⁸	10	25 ⁸	50
R-6	10 acres ⁹	Sec. 7.8	25 ⁶	10 ⁶	25 ⁶	50
O/I	26,000 sqft	100	40	20	20	50
C-N	26,000 sqft	100	40	20	20	50
C-1	26,000 sqft	100	40	20	20	75
I-1	1 acre ⁵	100	40	20	20	75
I-2	1 acre ⁵	100	40	20	20	75
M-1	100 acres	200	150	50	50	75
PUD	NA ⁹	50	25	10	25	50
BPD	1 acre	50 ¹	40	15	20	75
R-7	3 acres	200	25	10	25	60
R-8	3 acres (7,000 sqft lots)	50 ¹	20	10	20	50

Footnotes for Table 8.1.1:

¹ Except on cul-de-sac lots; on such lots, the minimum width of frontage at the street

right-of-way line is 50 feet in A-1, RE-1 and RE-2, 25 feet in R-2, R-3 and R-4; and 25 feet in R-1, R-8, and Business Park District. Buildings on cul-de-sac lots must meet setbacks.

² Specific height requirements apply to signs, see Article XI. Special signage requirements apply to the Business Park District, see Sec. 7.18.8. The height limitations do not apply to structures such as unoccupied and inaccessible architectural features on commercial or institutional buildings (e.g., church spires, church belfries, cupolas and domes on commercial buildings), monuments, silos (in the A-1 district), government-owned observation towers, water towers, chimneys, smokestacks (in industrial districts), conveyors (in industrial districts), flag poles, masts, aerials, and similar structures, except that none of the above shall, within a three (3) mile radius of the Cartersville-Bartow County Airport, exceed a height above the “clear zone” required for a safe approach to said airport as set forth by the Federal Aviation Administration. Furthermore, any said structure containing a sign shall be subject to the height requirements of Article XI.

³ If the lots use sewer for waste disposal; if sewer is not available, the minimum shall be 26,000 square feet or as specified by the health department, whichever is greater.

⁴ When abutting a different district, a side & rear yard shall be provided as stated. When abutting an area zoned the same as the subject property, no side or rear yard shall be required, except that minimum fire code requirements shall in all cases be met.

⁵ If no transitional buffers (i.e., buffers between differing zoning districts) required. If transitional buffers (see Sec. 8.2) are required, the minimum lot size shall be an amount sufficient to accommodate all required buffers, plus one acre in Business Park, I-1 or I-2 properties, or plus 15,000 sq. ft. in C-1, C-N, and O/I parcels.

⁶ Setbacks apply to district in general; setbacks and yard areas for individual lots in R-6 governed by Section 7.8.

⁷ In Conservation Subdivisions (See Sec. 7.16), minimum lot size is 50% of the existing minimum lot size: R-1, R-2, and R-4 reduce to 7,500 sq. ft; RE-1 and RE-2 reduce to 1.5 acres. However, if sewer is not used, the minimum lot size is either 50% of the existing minimum, or the minimum amount required by the health department, whichever is greater.

⁸ In Conservation Subdivisions (Sec. 7.16), for “R” districts, the minimum front setback is reduced to 15 feet, the minimum rear setback is reduced to 20 feet, and the minimum width at the building line is reduced to 50 feet.

⁹ Minimum size for development; minimum lot size governed by Sec. 7.8 and 7.15 respectively.

XXVIII. Article XII, Sections 12.6.1 (D) and (E), are hereby deleted and replaced with the following:

(D) Notwithstanding any other provision of this Article, no tower or antenna shall be permitted in a residential neighborhood or within the distance of the height of the tower from any residential dwelling (example would be a 300 ft tall tower that could not be closer than 300 ft from any existing residence) unless the applicant can show that the denial of a permit in such a location will cause a significantly harmful and permanent degradation of service which cannot be overcome by any other means including planned or potential locations which would provide the same or similar coverage or capacity.

(E) The requirement of Section 12.6.1(D) (above) may be waived by the adjacent property owner(s). In such cases, the applicant shall submit a notarized affidavit from the adjacent owner(s), identifying the property owned, and affirming that he or she agrees that the tower can be erected at the proposed location, which shall be specifically described, including its distance from that owner's residential dwelling. The affidavit shall further specifically state that the affiant understands that he or she is waiving his or her rights under Section 12.6.1 of the Bartow County Zoning Ordinance.

XXIX. Article XIII, Section 13.3.1 is hereby deleted and replaced with the following:

13.3.1 Fine Schedule.

Fines assessed under this Ordinance shall be assessed according to the following mandatory schedule, whether assessed as a civil fine in superior court, or assessed as a criminal penalty upon conviction in magistrate court. The maximum permissible fine shall be \$1,000 per offense. In no event shall a fine be reduced below the mandatory minimum, as set forth below. Fines may be increased by mandatory add-ons under State law. As a deterrent to

violation, second and subsequent violations by the same offender of any provision of this Ordinance, whether violations of the same or different provisions of this Ordinance as the initial violation, and whether involving the same or different property, shall increase the fine owing. However, repeated citations for the same violation on a second and subsequent days shall not count as a subsequent violation, but shall rather be assessed at the same rate as the initial violation. Note: "Per vehicle" additions relate to violations such as junk vehicles, parking violations, and similar violations, where each vehicle is in violation of the Ordinance.

(A) First Violation:

For the first violation of any provision of this Ordinance by any violator (whether an individual or corporation), the fine shall be as follows, unless otherwise noted:

Violation of Article VI:	\$350 (plus \$75 per vehicle, if applicable)
Violation of any other Article:	\$300

(B) Second Violation:

For the second violation of any provision of this Ordinance (whether the same or different as the first violation) by the same violator (whether an individual or corporation), the fine shall be as follows, unless otherwise noted:

Violation of Article VI:	\$750 (plus \$100 per vehicle, if applicable)
Violation of any other Article:	\$500

(C) Third and Subsequent Violations:

For the third and subsequent violation of any provision of this Ordinance (whether the same or different as the prior two violations) by the same violator (whether an individual or corporation), the fine shall be as follows, unless otherwise noted.

Violation of Article VI:	\$1,000 (plus \$150 per vehicle, if applicable)
Violation of any other Article:	\$800

XXX. Article XIV, Section 14.1 is hereby deleted and replaced with the following:

Sec. 14.1. ADMINISTRATIVE ADJUSTMENT

If in the judgment of the Zoning Administrator, the application of any particular numeric criteria, standard or requirement of this Ordinance causes undue hardship on the applicant, the Zoning Administrator shall be empowered to grant an administrative adjustment to adjust said requirement by up to twenty (20) percent, if in doing so, the purposes of the ordinance are not impaired, and there is not a negative impact on the surrounding uses, properties, or neighbors. In granting an administrative adjustment, the Zoning Administrator may attach such conditions as the Zoning Administrator may deem advisable so that the purpose of this Ordinance will be served, public safety and welfare secured and substantial justice done. The Zoning Administrator shall not be authorized to grant a use in a district in which the use is prohibited. An administrative adjustment shall be granted or denied in writing. Notice of the grant of an administrative adjustment shall be sent to all adjoining property owners via first class mail by the applicant. The notice shall describe the adjustment granted and state that interested parties have 15 days in which to file an appeal of the decision. Only owners reflected on the records of the tax assessors as of the date of the application shall be entitled to notice. Proof of mailing, as described in Sec. 14.5.3, shall be submitted to the

Zoning Department within 10 days of grant of the adjustment. The 15 days shall be counted from the date of mailing of the notice. The purpose of the administrative adjustment is to address particular hardship situations of individual lots and parcels. The purpose is not to grant a wholesale adjustment for an entire subdivision. For any residential subdivision or development, no more than ten percent (10%) of the units can receive the same administrative adjustment. Any greater request must seek a variance under Sec. 14.4. For example, for a 150 lot R-8 subdivision, the front yard setback of no more than 15 lots can be reduced below 20 feet by administrative adjustment. Similarly in non-residential development, the administrative adjustment should be applied only when necessary for a hardship situation such as topography concerns.

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

SO ADOPTED this 9th day of August, 2023, to be effective immediately, the public health, safety, and general welfare demanding.

ATTEST:

BARTOW COUNTY, GEORGIA

Kathy Gill, Clerk

Steve Taylor, Commissioner