

AN ORDINANCE OF THE COMMISSIONER OF BARTOW COUNTY FOR THE PURPOSE OF **AMENDING THE CODE OF BARTOW COUNTY, APPENDIX A, ZONING ORDINANCE**; AND FOR OTHER PURPOSES AT THE REGULAR MEETING OF THE BARTOW COUNTY COMMISSIONER HELD ON THE 6th DAY OF DECEMBER, 2023.

WHEREAS, BARTOW COUNTY submitted an application to amend the Bartow County Code of Ordinances, Appendix A, Zoning Ordinance, the same being A-2656-23; and

WHEREAS, Bartow County has had zoning in place for many years, and has most recently readopted the Zoning Ordinance on October 4, 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 November 27, 2023 and 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, is amended as follows:

I. Article V, Section 5.3.3, is hereby deleted and replaced with the following:

5.3.3 Accessory buildings and structures in residential zoning districts as well as A-1 zoned properties are permitted only in the side or rear yard and shall not be less than ten (10) feet from the side and rear property lines, and shall also meet all buffer requirements, if applicable, with the following exception: an accessory building (not an accessory dwelling unit) may be allowed in the front yard if 100 ft or greater from the front property line. On lots having frontage on more than one street in any district, the front setback figure shall apply to each street. No part of an accessory structure may be built closer to the street than the existing

front building line of the principal structure unless the accessory structure is 100 ft or greater from the front property line. On lots of less than two (2) acres, there shall be no more than three (3) accessory buildings, including any detached garages. Accessory buildings are not permitted on residential lots or substandard (less than two acres in size) A-1 zoned properties without a primary structure. On lots less than two acres, no accessory structure shall exceed fifty (50) percent of the size of the principle building or structure. Variance applications to allow front yard accessory buildings are discouraged, and in all cases an accessory building, if proposed in front of a residence in the front yard, must be a minimum of 50 ft from the front property line – this setback cannot be varied.

II. Article VII, Section 7.1.4, is hereby deleted and replaced with the following:

7.1.4 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, 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, side and rear yard setbacks shall be a minimum of ten feet. Silos, granaries, and similar accessory agricultural structures, on lots 10 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, and similar accessory agricultural structures, on lots less than 10 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 Sec. 7.1.8(B)(ii). Accessory structures on vacant lots 2 acres or greater may be constructed/installed before a principle residence is present with the following limitations: minimum 100 ft front yard setback; side and rear yard setbacks shall be adhered to; and the structure cannot have living space/area. For vacant substandard A-1 lots less than 2 acres in size, a principal residence must be present on the property before an accessory structure may be constructed/installed. Variance applications to allow front yard accessory buildings are discouraged, and in all cases an accessory building, if proposed in front of a residence in the front yard, must be a minimum of 50 ft from the front property line – this setback cannot be varied.

III. Article VII, Section 7.12.8 (D) is hereby deleted.

IV. Article VII, Section 7.13.8 (C), is hereby deleted and replaced with the following:

Recovered Material Processing Facilities and Solid Waste Handling Facilities, including Indoor Trash Transfer Stations. See Sec. 9.5. for further regulations.

V. Article IX, Section 9.4.1 is hereby deleted and replaced with the following:

9.4.1 Permitted landfills/disposal facilities are classified into three types:

- 1) inert waste landfills;
- 2) construction and demolition (C & D) landfills; and
- 3) municipal solid waste (MSW) landfills.

Each type of landfill is defined below. Inert waste landfills are permitted as of right in the M-1 district, and permitted as conditional uses in the I-1 and I-2 districts. C&D and MSW landfills are only permitted as conditional uses in the I-2 district. Landfills that are not permitted in any district include hazardous waste landfills. In the event a solid waste disposal facility is sought to be constructed that is not covered specifically herein, the Zoning Administrator shall make a determination as to what use it is most closely related to and apply the relevant regulations. This Section incorporates by reference the definitions contained in O.C.G.A. § 12-8-22 and DNR Rule 391-3-4-.01.

Types of Disposal Facilities:

(A) “Inert Waste Landfill” means a disposal facility accepting only wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rocks, bricks, yard trimmings, stumps, limbs, and leaves. This definition excludes industrial and demolition waste not specifically listed above.

(B) “Construction/Demolition Waste Landfill” means a disposal facility accepting only waste building materials and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings and other structures. Such waste include, but are not limited to, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material, and other nonputrescible wastes which have a low potential for groundwater contamination.

(C) “Municipal Solid Waste Landfill” means any facility or location where the final deposition of any amount of municipal solid waste occurs, whether or not mixed with or including commercial or industrial solid waste, and includes, but is not limited to, municipal solid waste landfills and municipal solid waste thermal treatment technology facilities. “Municipal solid waste” means any solid waste derived from households, including garbage, trash, and sanitary waste in septic tanks and means solid waste from single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas. The term includes yard trimmings, construction or demolition waste, and commercial solid waste but does not include solid waste from mining, agricultural, or silvicultural operations or industrial processes or operations.

(D) “Hazardous Waste Disposal Facility.” Hazardous waste landfills are prohibited, and hazardous waste (which means any solid waste which has been defined as hazardous waste in regulations promulgated by the Board of Natural Resources, Chapter 391-3-11.) may not be disposed of in inert, construction/demolition, or solid waste landfills.

VI. Article IX, Section 9.5.3, is hereby deleted and replaced with the following:

9.5.3 Any Facility must be located on a minimum of 50 acres. The active waste handling area (that is, an area for handling, storing, collecting, processing, treating, etc. waste) must be in an enclosed structure.

VII. Article IX, Section 9.5.5, is hereby deleted and replaced with the following:

9.5.5 The standard I-2 buffers shall apply, although the Planning Commission and County Commissioner can increase buffers through zoning conditions if it is deemed appropriate. At least 100 feet of the buffer must be vegetated, even if plantings are required; the planting plan shall be approved by the Zoning Administrator. The buffer must also comply with all requirements and specifications of Sec. 8.2.5 which do not conflict with these requirements.

VIII. Article IX, Section 9.5.6, is hereby deleted and replaced with the following:

9.5.6 No waste handling area (as measured from the chain link fence boundary) may be located within two thousand (1,000) feet of any residential dwelling (so used at the time of the application). Waste handling areas may not be located within two-hundred fifty (250) feet of a wetland, groundwater recharge area, lake or other body of water, floodplain, stream or river.

IX. Article XV, Section 15.2.2, is hereby deleted and replaced with the following:

15.2.2 Maximum Number

A maximum of five (5) applications shall be accepted by the Zoning Administrator for consideration at any public hearing before the Planning Commission and/or the Commissioner. Of the maximum of five (5) total zoning applications per month, a maximum of two (2) residential development zoning applications that include 25 residential units or more (whether residential use only or mixed use) shall be accepted. Exception: if an application is initiated by the Bartow County staff, Planning Commission, or the Commissioner, it shall not count toward the maximum of five (5) applications.

X. Article XV, Section 15.2.6 (G), is hereby deleted and replaced with the following:

G. A utility availability and capacity letter from the water and sewer provider(s) must be filed with the application for rezoning. Sewer should be available immediately or estimated to be available within two (2) years of the date of the utility letter. In accordance with the Standards for Governing the Exercise of Zoning Power, the Planning Commission and Commissioner may consider

whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing utilities.

SO ADOPTED this 6th day of December, 2023, to be effective immediately, the public health, safety, and general welfare demanding.

ATTEST:

BARTOW COUNTY, GEORGIA

Kathy Gill, Clerk

Steve Taylor, Commissioner