

AN ORDINANCE OF THE COMMISSIONER OF BARTOW COUNTY **TO AMEND 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 3rd DAY OF SEPTEMBER, 2025.

WHEREAS, BARTOW COUNTY submitted an application to amend the Bartow County Code of Ordinances, Appendix A, Zoning Ordinance, the same being Z-25-00035; and

WHEREAS, Bartow County has had zoning in place for many years, and has most recently amended the Zoning Ordinance on January 8, 2025; 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 August 25, 2025 and recommended approval of the proposed ordinance revisions; and

WHEREAS, the proposed amendment was properly advertised and made available to the public; 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 amended to add the following:

On lots less than two acres, no accessory structure shall exceed ~~fifty (50) percent~~ 75 percent of the size of the principal building or structure.

II. Article V., Section 5.3.5 (A) is deleted and replaced with the following:

No more than one (1) accessory dwelling unit per lot. A single family principal dwelling unit must exist on the lot or have a building permit issued for a principal dwelling, which must have passed the Rough-in/Framing Inspection.

III. Article V, Section 5.3.5 (C) is deleted and replaced with the following:

Heated floor area shall not exceed fifty (50) percent of the heated floor area of the principal building, or one thousand (1,000) square feet, whichever is less on lots less than 1 acre. Lots greater than 1 acre but less than 10 acres are allowed 75 percent of the heated floor area of the principal building, or 1,500 square feet, whichever is less.

IV. Article V, Sec. 5.7 is deleted and replaced with the following:

Sec. 5.7 LOT SPLITS; SUBDIVISIONS; RECORDING OF PLATS

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). Existing subdivision lots that have been platted on a Final Plat in an existing common development, cannot be subdivided further.

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.

V. Article VII, Sec. 7.1.7 (B) is deleted and amended with the following:

Subdivision lot restrictions: 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). Any proposed further subdivision of an individual lot in an A-1 subdivision existing as of November 9, 2005, or created subsequent to that date, shall ~~require approval of an administrative adjustment~~ shall not be eligible to be further subdivided.

VI. Article VII, Sec. 7.1.9 (Conditional Uses) is amended by adding new paragraph (I.I.)

(I.I.) Data Centers, on a minimum of 200 acres. Data Centers must meet all development standards set forth in the Article III of this Ordinance (see Definitions, Sec 3.2 “Data Centers”). The data center must also maintain a 200-foot buffer, either undisturbed or improved as required by the Zoning Administrator to provide adequate visual screening for neighbors. Data Centers are unique developments that sometimes do not require a traditional Industrially-zoned property, as they do not create a high amount of traffic, and require power infrastructure that may not be found in developed industrial areas. Applicants must describe in their application why the property in question is better served by being issued a Conditional Use in the A-1 District than rezoning to I-1, I-2, or BPD. The applicant should provide a utility inventory showing the power line easements as part of their Concept Plan submittal that exhibits why the site is suitable for a Data Center. The Planning Commission will consider if the issuance of the Conditional Use Permit will have any negative impacts on the surrounding area. The Planning Commission can place additional requirements as conditions, including increased setbacks, buffers, noise and lighting restrictions to limit the impact of a Data Center on neighboring residents.

VII. Article VII, Sec. 7.1.10 is deleted and replaced with the following:

In the A-1 zoning district, a property owner with at least 5 acres may convey to his or her child, stepchild, grandchild, step grandchild, mother, mother-in-law, father, father-in-law, grandmother, grandfather, grandparent (in-law), step-parent, brother, sister, brother-in-law, sister-in-law, stepbrother, stepsister, aunt, uncle, niece or nephew a building lot of at least 1 acre without having to rezone. The tract shall have at least 100 feet of road frontage and shall not violate the county's easement and driveway restrictions. The tract may not be split from an existing A-1 subdivision lot. Only one lot shall be split under this exemption, future splits shall meet the required 2 acre minimum in the A-1 district or be rezoned. A plat or survey shall be prepared by a licensed land surveyor, with a note designating the tract is created under Sec. 7.1.10 of the Bartow County Zoning Ordinance. Only uses permitted in the R-1 district shall be allowed – as an example, manufactured homes are prohibited with newly created lots under the family exemption.

VIII. Article VII, Sec. 7.11.9 Paragraph C is deleted and replaced with the following:

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 75-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, a 75-foot buffer 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. In addition to a site plan, an artistic rendering of the landscape strip from ground view must be submitted. 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.

IX. Article X is amended by adding Sec. 10.2

Any lot zoned A-1 that is greater than 10 acres and has at least 100 feet of contiguous public road frontage is allowed to have an additional conventional single-family home.

X. Article X is amended by adding Sec. 10.4

When replacing an existing residential structure—whether conventional, industrialized, or manufactured—with a new residential structure, a building permit for the new structure may be issued prior to the demolition or removal of the existing structure, provided that the subject property is one (1) acre or larger in size. The existing residential structure must be fully removed prior to the final erosion control inspection.

All building permits issued pursuant to this provision shall be subject to the time limitations set forth in Section 18-168; must be completed within 12 months from the date of permit issuance.

XI. Article XVI is amended by deleting Sec. 16.5 and replacing with the following:

An application for a conditional use which was denied shall not be re submitted for a period of 12 months, counting from the date of denial to the date of renewed application. If an application is withdrawn after the Planning Commission's hearing, a new application may not be resubmitted for consideration for a period of six (6) months, counting from the date of renewed application. Unless withdrawn at the hearing, the withdrawal must be in writing, signed and dated by the applicant.

SO ADOPTED this 3rd day of September, 2025, to be effective immediately, the public health, safety, and general welfare demanding.

ATTEST:

BARTOW COUNTY, GEORGIA

Kathy Gill, County Clerk

Steve Taylor, Sole Commissioner