

AN ORDINANCE OF THE COUNTY COMMISSIONER OF BARTOW COUNTY FOR THE PURPOSE OF **AMENDING THE CODE OF BARTOW COUNTY, APPENDIX A, THE BARTOW COUNTY ZONING ORDINANCE; AMENDING ARTICLE IV RELATING TO DISTRICTS; AMENDING ARTICLE VI RELATING TO USE OF PROPERTY; AMENDING ARTICLE VII RELATING TO PERMITTED AND CONDITIONAL USES IN A-1 AND I-1; AMENDING ARTICLE XI, RELATING TO SIGNS; AMENDING THE CODE OF BARTOW COUNTY, SECTION 14-13 and 14-17 RELATING TO LIVESTOCK; AND FOR OTHER PURPOSES** AT THE REGULAR MEETING OF THE COMMISSIONER OF BARTOW COUNTY HELD ON FEBRUARY 8, 2012.

WHEREAS, Bartow County has experienced considerable growth and development, and desires to regulate such growth and development in accordance with the police power, the best interests of the citizens, and to preserve the public health, safety and welfare; and

WHEREAS, the preexisting Bartow County Zoning Ordinance, as contained in Appendix A of the Code of Bartow County, having been amended and readopted from time to time, needs further changes and amendments to better serve the citizens of Bartow County; and

WHEREAS, it is the intent of this amendment to serve the public health, safety and welfare;

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

I. Section 4.1 is deleted and replaced with the following:

Sec. 4.1 DIVISION INTO DISTRICTS

For the purpose of this Ordinance, Bartow County is divided into zoning districts designated as follows:

- . A-1 Agricultural District
- . RE-1 Rural Estate District (conventional or industrialized single-family)
- . RE-2 Rural Estate District (conventional, manufactured or industrialized single-family)
- . R-1 Residential District (conventional or industrialized single-family)
- . R-2 Residential District (conventional, manufactured or industrialized duplexes, triplexes, or quadraplexes)
- . R-3 Residential District (multi-family conventional, manufactured, or industrialized housing)
- . R-4 Residential District (conventional, manufactured or industrialized single-Family)
- . R-6 Manufactured Housing Parks District

- . O/I Office and Institutional District
- . C-N Neighborhood Business District
- . C-1 General Business District
- . I-1 General Industrial District
- . I-2 Heavy Industrial District
- . M-1 Mining District
- . PUD Planned Unit Development District
- . BP Business Park District

Special Districts

- . Conservation Subdivision
- . Etowah Valley Historic District

Complete district regulations can be found in Article VII, and further applicable regulations can be found throughout this Ordinance.

II. Section 4.8 (G) is deleted and replaced with the following:

- (G) Industrial: I-1, I-2, BP

III. Section 6.11.3 is amended to delete the words “shipping container.”

IV. Section 7.1.8 (L) is deleted and replaced with the following:

- (L) Political or religious gatherings, limited to not more than 14 days in duration per year, provided sufficient space is available to provide a buffer of 500 feet from adjoining property owners and off-street parking.

V. Sec. 7.1.8 (P) is added as follows:

- (P) Special Events. Special events, for example, overland foot races, arts and crafts fairs, musical concerts, and other gatherings of a commercial nature (meaning admission is charged or goods or services are being sold) shall be permitted subject to the administrative approval of the zoning administrator. Special events under this subsection shall not exceed 72 hours in duration. The zoning administrator shall review the request under the following criteria: 1) whether the size and shape of the property sufficient to support the event; 2) whether the roads serving the property are adequate for the anticipated traffic; 3) whether the adjacent property owners and neighbors will be negatively impacted by the event; 4) whether the event is inconsistent with

the surrounding property and uses; 5) whether the event is inconsistent with the intent of the zoning ordinance; 6) whether the event would create a nuisance; 7) whether the event would be harmful to the environment; 8) whether the event is consistent with other applicable laws and ordinances. The applicant shall submit information as required by the zoning administrator to review the event in accordance with the above criteria and shall submit information as to the purpose; size and dates of event; size and location of property; anticipated crowds; anticipated vendors and other commercial activity; whether a special event alcohol license will be sought; plans for parking, traffic control, sanitation, public safety and security for the event; and other such information as may be required by the zoning administrator. The zoning administrator may require notice to adjacent property owners and to review their comments. Application should be made at least 45 days prior to the event to ensure the timeliness of an appeal. The decision of the zoning administrator may be appealed to the Commissioner.

VI. Sec. 7.1.8 (Q) is added as follows:

- (Q) Commercial Greenhouses, with a minimum lot size of five acres and the greenhouses are set back at least 25 feet from the property lines.

VII. Section 7.1.9 (V) is deleted and replaced with the following:

- (V) Dog arenas, horse tracks, steeplechase tracks, similar animal race facilities; rodeo facilities; kennel clubs, dog clubs and similar facilities; catteries, cat breeding facilities, and similar facilities. Minimum lot size required: 20 acres. Any race facility must be set back at least 200 feet from the property lines.

VIII. Section 7.1.9(BB) is deleted and replaced with the following:

- (BB) Solar power generation facilities not accessory to a residential structure. Any such facilities and associated apparatus shall be set back at least 50 feet from the property lines.

IX. Section 7.1.9 (CC) is added as follows:

- (CC) Special events not meeting the criteria of Sec. 7.1.8(P) – for example events seeking to exceed 72 hours in duration – may be sought as a special use permit. The applicant shall submit the information required for a review under Sec. 7.1.8(P) and the zoning administrator shall make a recommendation to the

Commissioner.

X. Sec. 7.12.7 (V) is deleted and replaced with the following:

- (V) Crematories. All structures must be set back at least fifty (50) feet from the property lines, and the property containing the crematory must be located at least one-thousand feet (1,000 ft) from the property line of any residentially-zoned or residentially-used property.

XI. Sections 11.7.5 and 11.7.7 are deleted and replaced with the following:

- 11.7.5 Mechanical signs, or signs with moving parts. This includes signs with mechanized or moving elements; “trivision”-type signs; signs with waiving elements, whether motorized or wind-powered; “multiple message signs” as defined in O.C.G.A. § 32-6-71; or similar moving signs. However, signs that do not move or change more than six times per day are permitted.
- 11.7.7 LED and electronic signs. This includes, but is not limited to, signs displaying moving pictures, images or animation; LED (light emitting diode) signs; LCD (liquid crystal display) signs; digital signs; “TV” type signs; EVMC (electronic variable message center) signs; signs that spell words or create images with numerous small lights or other internal illumination; and similar electronic or digital signs. A limited exception to this prohibition is permitted under Sec. 11.5.4 above. Externally illuminated, electronically controlled, segmented sign display elements are not prohibited.

XII. Section 7.1.9 (DD) is added as follows:

- (DD) *Agricultural Retail Sales.* The purpose of this conditional use is to permit agricultural operations to have a small retail outlet to sell their produce along with related items without the necessity of having to rezone a tract to General Commercial. On tracts of at least five (5) 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 (or portion of building devoted to retail sales) may not exceed 1,200 square feet. The building must be set back at least fifty feet from any side and rear property lines. The applicant must present a site plan showing the location of the building, access and parking, which shall become a zoning condition if the 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 twenty-five percent of the items sold must be agricultural products grown on the property. Up to seventy-five percent

may be items associated with the sale of agricultural products or agricultural products grown elsewhere.

XIII. Section 6.11.2 is deleted and replaced with the following:

6.11.2 All property, whether residential, commercial or industrial, containing a grass lawn (for example fescue, rye, bluegrass, bermuda, zoysia or similar grasses), landscaping strips, or other landscaping must be maintained so that the grass is kept cut below the height of 12 inches, and so that shrubbery, weeds and other landscaping is kept cut to the point where no windows or doors in a structure are obscured or blocked. This shall include landscaping on the right of way. Grass fields grown for grazing or other agricultural purposes and sod farms shall be exempt, except that in no event shall the front and side yards of a residentially-used structure be exempt. In order to prevent vacant and undeveloped lots from becoming a nuisance, all vegetation within the front yard setback area (that is, from the street to the setback line) of any vacant or undeveloped lot (whether residential, commercial or industrial), must be kept cut below a height of 12 inches, except for trees larger than 2” DBH which may be saved.

XIV. Section 7.12.7(U) is deleted and replaced with:

(U) Public utility service structures, including substations; solar power generation facilities.

XV. Section 7.13.7(Q) is deleted and replaced with:

(Q) Public or private utility generation facilities; power plants (except nuclear power which is not permitted); solar power generation facilities; wind power generation facilities; public utility service structures including substations.

XVI. Section 3.2 is amended to add the following sentence at the end of the existing definition of “Livestock”:

The term livestock or livestock animal shall include insects being used for food, food product or fiber production, including but not limited to, honey bees.

XVII. Section 14-13 of the Code of Bartow County is amended to add the following sentence at the end of the existing definition of “Livestock”:

The term livestock or livestock animal shall include insects being used for food, food product or fiber production, including but not limited to, honey bees.

XVIII. Section 14-17(d)(2) of the Code of Bartow County is deleted and replaced with the following:

(2) *Larger than two acres but equal to or less than ten acres.* On property that is larger than two acres but equal to or less than ten acres, limited numbers of livestock animals are permitted. No more than eight livestock animals total shall be permitted on property in this size range or no more than 20 chickens; if both chickens and other livestock animals are kept, no more than eight animals total shall be permitted. Further, either a single chicken coop, or a single minor livestock enclosure for up to eight animals, may be erected for housing livestock, but not both. For honey bees (or similar insects), a total of no more than eight hives shall be permitted.

SO ADOPTED this 8th day of February, 2012, to be effective immediately, the public health, safety, and welfare demanding.

ATTEST:

BARTOW COUNTY, GEORGIA

Kathy Gill, Clerk

Clarence Brown, Commissioner