

AN ORDINANCE OF THE COMMISSIONER OF BARTOW COUNTY FOR THE PURPOSE OF AMENDING THE CODE OF BARTOW COUNTY, APPENDIX A, THE BARTOW COUNTY ZONING ORDINANCE, AMENDING ARTICLE III, RELATING TO DEFINITIONS, ARTICLE VI, RELATING TO PROPERTY, NUISANCES AND MOTHBALLING OF PROPERTY, ARTICLE VII, RELATING TO USES, ARTICLE X, RELATING TO SINGLE-FAMILY HOME REQUIREMENTS; ARTICLE XV, RELATING TO APPLICATIONS FOR AMENDMENTS; AND FOR OTHER PURPOSES AT THE REGULAR MEETING OF THE COMMISSIONER OF BARTOW COUNTY HELD ON THE 7th DAY OF AUGUST, 2013.

WHEREAS, Bartow County has had zoning in place for many years, and has most recently readopted the Zoning Ordinance on May 5, 2010, and amended it thereafter; and

WHEREAS, the Commissioner has determined it is in the best interests of the public health, safety and welfare to make further amendments to deal with blighted properties and to address other matters not properly regulated in the Zoning Ordinance including making changes to definitions and uses; and

WHEREAS, the Planning Commission considered the proposed amendment at its public meeting on August 5, 2013; 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 III, Section 3.2 is amended by adding or amending the following definitions:

Mining: The extraction of ore or minerals from the earth by various methods, including but not limited to blasting and excavating. For purposes of this ordinance, “mining” shall include all methods of drilling for oil, natural gas or other hydrocarbons, but not drilling for water.

Public Utility: A utility regulated by the Georgia Public Service Commission.

Zoning Administrator: The Community Development Director ~~zoning administrator~~ of Bartow County, or a duly authorized representative.

II. Article VII, Section 7.14.3(A) is amended by inserting the following underlined words to the existing provision:

(A) Mining involving blasting or using of explosives (e.g. granite and limestone quarrying), or drilling for oil or natural gas or other hydrocarbons, shall require a 1,000-foot buffer when abutting a different district. No drilling shall be conducted within 1,000 feet of a preexisting well supplying drinking water.

III. Article VII, Section 7.14.6(A) is amended by inserting the following underlined words to the existing provision

(A) Mining and quarrying; extraction of natural resources from the earth; drilling for oil, gas or other hydrocarbons.

IV. Article VII, Section 7.13.2 is amended by adding the following to the existing provisions:

Special Setbacks and Buffers: Due to the risk of explosion and damage to surrounding property, any chemical plant, petroleum refinery or petroleum processing plant, bulk storage tank farm, fertilizer plant or explosives plant, or similar use posing risk of explosion, shall be set back from the property line by at least 1,000 feet, including all structures and facilities except for parking areas, storm water and detention facilities, fencing and checkpoints, rail lines and related appurtenances. Any loading or unloading area must meet the setback. Any use specified in the paragraph shall require a 500 foot buffer for all adjacent property, no matter what the zoning district, and at least 200 feet of such buffer must be wooded, or planted with at least six rows of varying trees (tree plan to be approved by the zoning administrator to provide visual screening and some blast protection).

V. In Article VI, new section 6.17 is added as follows:

Sec. 6.17 Mothballing Vacant Structures

6.17.1 Purpose. In lieu of enforcement under other provisions of this Code, the owner(s) of a vacant structure may elect to close or “mothball” the structure if the structure is vacant and unfit for human habitation and occupancy, and it is not dilapidated, unsafe, unsanitary or in danger of structural collapse. Mothballing is defined as a method used to protect a vacant structure from weather damage and vandals while preserving the structure for future use. Prior to mothballing the property owner(s) must register the property with the zoning administrator and receive a permit to mothball. The property will be inspected for compliance upon completion. The mothballed property shall automatically have its certificate of occupancy revoked.

6.17.2 General procedures. The structure shall be required to have a weather-tight roof, with all missing shingles replaced. No tarps allowed. Windows and doors shall be covered on the exterior with high-grade plywood cut to fit within the window or door opening. Window or

door coverings must be attached with screws, and shall be painted a flat color, either dark gray, black or a color that matches the building. Water shall be turned off and pipes drained. Electricity shall be turned off. Exterior walls must be sound and complete.

6.17.3. Time and Terms. The owner(s) shall have no more than 30 days from receipt of a permit to complete securing of the structure. Mothballing shall only be permitted for a period of six months from the date of the permit. Upon the expiration of six months, the owner shall have 60 days to receive a certificate of occupancy. Reoccupancy shall require compliance with applicable building codes and require the issuance of a certificate of occupancy prior to anyone occupying the structure.

6.17.4 Violations. Failure to secure a certificate of occupancy within the time required shall be a violation of this ordinance. In addition, such property that has passed its term shall be a nuisance, and subject to an action to have it declared a public nuisance.

V. In Article VI, new section 6.18 is added as follows:

Sec. 6.18. - Nuisance abatement.

- (a) Any owner of property who permits the same to become or remain in a condition prohibited under this Article may be notified in writing by the code enforcement officer to remove or remedy the condition within 15 calendar days of the date of such notification.
- (b) Unless the condition complained of is removed, the county, at the expiration of such 15-calendar-day period shall be authorized to remove the condition or hire a private contractor to remove the condition.
- (c) The cost of removal and abatement of the nuisance will be charged against the property and the property owner thereof, and it shall constitute a lien on the property which shall be recorded in the deed records of the County.
- (d) In the event the costs of abating the nuisance are not paid, the lien recorded may be collected in the same manner as that provided by law for executions for ad valorem taxes due the county.
- (e) In addition, the creation of a nuisance shall be deemed unlawful.
- (f) The provisions of this section are cumulative and in addition to issuance of a citation, or other civil action to remedy a nuisance.

VI. In Article VII, Section 7.13.7(Q) is amended by deleting the existing paragraph and replacing it with “(Q) Public utility service structures including substations.”

VII. In Article VII, new Section 7.13.8(G) is added as follows:

- (G) 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.

VIII. Delete Section 7.1.8 (E) in its entirety.

IX. Add the following to Section 7.1.9:

(EE) 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 Bartow County Development Regulations. See subsection 7.1.5.

X. Delete Section 7.2.7 (D) in its entirety.

XI. Add the following to Section 7.2.8:

(B) 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 Bartow County Development Regulations. See subsection 7.2.5.

XII. Delete Section 7.3.7 (D) in its entirety.

XIII. Add the following to Section 7.3.8:

(B) 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 Bartow County Development Regulations. See subsection 7.3.5.

XIV. Delete Section 7.4.7 (B) in its entirety.

XV. Add the following to Section 7.4.8:

(B) 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 Bartow County Development Regulations. See subsection 7.4.5.

XVI. Delete Section 7.5.7 (D) in its entirety.

XVII. Add the following to Section 7.5.8:

(B) 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 Bartow County Development Regulations. See subsection 7.5.5.

XVIII. Delete Section 7.6.7 (E) in its entirety.

XIX. Add the following to Section 7.6.8:

(B) 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 Bartow County Development Regulations. See subsection 7.6.5.

XX. Delete Section 7.7.7 (B) in its entirety.

XXI. Add the following to Section 7.7.8:

(B) 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 Bartow County Development Regulations. See subsection 7.7.5.

XXII. Add the following language to Section 15.2.6:

(D) Existing and intermediate regional floodplain and structures, as shown on the Federal Emergency Management Agency FIRM rate maps for Bartow County, if any; and the Bartow County Regulatory Floodmaps.

* * *

(M) Applicants submitting an application to rezone property for residential development, or multi-family, commercial, mining or industrial zonings, are required to include a professional type rendering of structures to be placed on the site. The rendering shall depict the project in detail sufficient for the public and the commission to understand the dimensions, location, nature and scope of the proposed development. There is no requirement that the rendering be in color or be drawn to exact scale.

(N) A conceptual site plan depicting the proposed use of the property including:

- (1) A drawing of the subject district and immediate surrounding area, drawn to a scale of one inch equals 100 feet. The Zoning Administrator may allow a smaller scale if deemed to be legible.
- (2) A correct scale and north arrow.
- (3) The proposed land use, zoning, and building outline as it would appear should the zoning map amendment application be approved.
- (4) The present zoning classification of all adjacent parcels.
- (5) The building outline, and maximum proposed height of all buildings, and/or structures.
- (6) The proposed location of all drives, streets, off-street parking and loading areas, and entry/exit points for vehicular traffic, using arrows to depict direction of movement.
- (7) Required yard setbacks appropriately dimensioned.

- (8) The location and extent of required buffer areas, depicting extent of natural vegetation and type and location of additional vegetation if required.
 - (9) A location map showing all arterial and collector streets, and other significant landmarks, within two miles of the proposed district (no scale is required).
 - (10) Topography at 2-foot contour intervals including source of datum.
 - (11) Location and elevation of the 100-year floodplain and the Bartow County Regulatory Floodplain on the property subject of the proposed zoning.
 - (12) Location and acreage of all major utility easements greater than 20 feet in width, if applicable.
 - (13) Acreage of property and proposed number of residential lots or dwelling units, if applicable.
 - (14) Approximate location of septic and drain-field lines, replacement areas for septic system, stormwater detention structures, lakes, ponds, and any other improvements as required by the Zoning Department.
- (O) Conceptual site plans shall be required with any rezoning application in which the application is to establish or expand any zoning district. Within ten (10) working days of the receipt of such site plan, the Zoning Administrator shall determine its compliance with this ordinance, and shall either accept it as being "sufficient" or reject as being "insufficient." If it is so rejected, a sufficient plan must be submitted at least 5 working days prior to the Planning Commission hearing for the application to proceed.

XXIII. Delete Sec. 10.1.1 and replace with the following:

Any single-family dwelling shall contain not less than 1,100 square feet of heating living space, and shall comply with the applicable standards of the zoning district. The Bartow County Building Code Ordinance and the Bartow County Building Inspections Department should be consulted for other applicable regulations and codes. An existing structure may not include an addition to fulfill the minimum square footage.

XXIV. In Article X, new Sec. 10.1.3 is as follows

Any single-family dwelling shall have a minimum roof pitch of 5:12

XXV. In Article VII, new Sec. 7.19 is as follows

Sec. 7.19 R-7 RESIDENTIAL DISTRICT (Multi-Family Housing)

7.19.1 Purpose. The R-7 district is established primarily to encourage the development of multi-family housing such as apartments and townhomes in transitioning areas between medium to high-density residential areas and non-

residential areas, including redevelopment of existing manufactured-home parks. The R-7 district is a residential district.

7.19.2 Area, Yard, Height and Buffer Requirements. The following requirements apply to the R-7 District:

Minimum Lot Size: 15,000 square feet with sewer; septic not permitted. See Sec. 5.5

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

Min. Lot Width at Street R/W (in new development): 100 ft., 25 ft. on cul-de-sac.

Front Yard Setback (from right-of-way): 10 feet

Side Yard Setback (from property line): 10 feet

Rear Yard Setback (from property line): 25 feet

Internal Setback (minimum distance between buildings): 20 feet

Maximum Building and Structure Height: 50 feet

Buffers: 25 feet when adjacent to A-1, R-1, R-2, R-3, or R-4 zoning districts.

Special Agricultural Setbacks: See Sec. 8.2.3 for setbacks required for homes built adjacent to existing agricultural structures.

7.19.3 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). Apartment, Condominium or Townhouse Developments, with a maximum density of 14 units per gross acre, which comply with the following:

(i) Minimum heated floor area per unit.

- *3-bedroom*, 900 sq. ft.
- *2-bedroom*, 750 sq. ft.
- *1-bedroom*, 600 sq. ft.

(ii) Ten percent of gross acreage shall be set aside as open space and provisions shall be made for common areas within said open space for the use of residents of the development. Streets, parking areas, required yards, and required buffer zones shall not be counted as part of the minimum open space. Such area may serve as passive areas and/or developed for recreational purposes such as pools, playground equipment, walking trails, or basketball and tennis courts.

(iii) Application for rezoning to this zoning district shall require submission of a site plan as well as a parking and landscape plan.

Parking lot areas shall have planted landscape strips and at least one tree-planted island for every 12 parking spaces.

(iv) Signage shall be as permitted in the R-3 zoning district.

7.19.4 Other Regulations.

(A) Principle structures within the R-7 district shall have a minimum of fifty percent (50%) finish product on the exterior walls of the buildings consisting of brick, stone, hard-coat stucco, or fiber cement siding.

(B) A metal panel exterior finish product shall not be allowed on metal buildings exceeding 150 square feet in gross floor area constructed or placed on lots within the R-7 district.

(C) Gable or hip roofs shall have a minimum roof pitch of 5/12. Both gable and hip roofs shall provide overhanging eaves on all sides that extend a minimum of one foot beyond the building wall.

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 7th day of August, 2013, to be effective immediately, except items XXIII and XXIV shall be effective the 1st of October, 2013; the public health, safety, and general welfare demanding.

ATTEST:

BARTOW COUNTY, GEORGIA

Kathy Gill, County Clerk

Steve Taylor, Commissioner