

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 VI, RELATING TO APPEARANCE OF PROPERTY; AMENDING ARTICLE X, RELATING TO SINGLE FAMILY DWELLINGS; AMENDING THE CODE OF BARTOW COUNTY, CHAPTER 18, RELATING TO MANUFACTURED HOMES;** AND FOR OTHER PURPOSES AT THE REGULAR MEETING OF THE COMMISSIONER OF BARTOW COUNTY HELD ON THE 13<sup>TH</sup> DAY OF DECEMBER, 2017.

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**WHEREAS**, upon recommendation of the Community Development Department staff, the Commissioner of Bartow County wishes to amend the County's Code of Ordinances regulating single-family dwellings and manufactured homes; and

**WHEREAS**, the Commissioner of Bartow County finds that such amendments will improve the quality of Bartow County's housing stock, better protect the residents of Bartow County, protect and increase property values in the County, reduce blight and criminal activity, and be in the best interests of the public health and welfare and economy of Bartow County; and that therefore these regulations are necessary to protect the health, safety, and public welfare of the County and its citizens; and

**WHEREAS**, the Commissioner of Bartow County also wishes to make various updates to the zoning ordinance which will better protect the citizens of Bartow County; and

**WHEREAS**, the Commissioner of Bartow County has conducted a duly-noticed public hearing on December 13, 2017 to hear public comment and concerns; and

**WHEREAS**, the Commissioner deems it to be in the best interest of the citizens of Bartow County to adopt the zoning amendments as recommended by the Community Development Director and staff.

**NOW THEREFORE THE SOLE COMMISSIONER OF BARTOW COUNTY HEREBY ORDAINS AS FOLLOWS:**

**SECTION ONE. ZONING ORDINANCE AMENDMENTS**

The Code of Bartow County, Appendix A (The Zoning Ordinance) shall be amended as follows:

I. Section 6.12.7 of the Zoning Ordinance, pertaining to enforcement of the regulations pertaining to junk vehicles, shall be amended to replace references to the superior court to references to a court of competent jurisdiction, and shall be restated as follows:

6.12.7 In all instances where the owner of any junk, inoperative, unregistered, or abandoned motor vehicle and/or trailer refuses to remove, enclose or register (or, if

requested, refuses to give consent for the county to remove) any such vehicle or trailer currently in violation of this ordinance, the county shall be empowered to seek an order from a court of competent jurisdiction authorizing the county to remove and dispose of such vehicle or trailer. In addition, if the vehicle or trailer is determined to be a health hazard or a nuisance, the county shall be empowered to seek an order from a court of competent jurisdiction authorizing the county to remove and dispose of such vehicle. Such orders shall be authorized if the vehicle has been in violation of this ordinance for more than 20 days.

- II. Paragraph (C) of Section 7.1.8 of the Zoning Ordinance, providing for Single-family tenant dwellings in the A-1 Zoning District, shall be deleted and marked “Reserved.”
- III. Article X of the Bartow County Zoning Ordinance shall be amended and restated as follows:

**Sec. 10.1. - Individual detached single-family dwellings.**

10.1.1 These provisions shall apply evenly to all individual single-family detached dwellings, including conventional, industrialized and manufactured homes.

10.1.2 Any single-family dwelling shall contain not less than 1,200 square feet of heated living space, and shall comply with the applicable standards of the zoning district. The county building code ordinance and the 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.

10.1.3 Any dwelling which is damaged beyond repair by fire or natural or manmade disaster shall be removed and disposed of within a time period not to exceed 60 days after said damage occurred. An extension of this time may be approved by the zoning administrator.

10.1.4 Any single-family dwelling shall have a minimum roof pitch of 5:12. Minimum roof pitch does not apply to architectural features such as porches, bay windows, etc.

10.1.5 Any single-family dwelling shall have porches or landings on at least two sides, within a minimum size of 5 feet by 5 feet.

**Sec. 10.2. – Reserved. ~~Placement of one additional home.~~**

~~10.2.1 One home (conventional, industrial or manufactured) in addition to the primary structure may be allowed in the A-1 zoning district on lots of at least two acres. The home must be of a type permitted in the district, and to be placed must meet all setback requirements of the district, as well as all other applicable requirements of the district, except minimum lot size. The same person or entity must own both homes and the property.~~

~~10.2.2 A permit must be obtained from the zoning administrator to place a second home. To obtain permission from the zoning administrator, the property owner must first submit a plat showing the location of the primary structure and the location of the proposed home. Such additional home will not be permitted if it violates covenants or deed restrictions applicable to the property; this determination is the responsibility of the property owner, not the county.~~

~~10.2.3 An additional home's septic system may not tie onto the main structure's system.~~

~~10.2.4 The lot may not be split, nor the two homes sold separately, unless both lots will meet all setback, area and other requirements of the A-1 district (including specifically the minimum lot size, for each lot). If all such requirements are met, such lots may then be split and the new plat must be recorded prior to sale.~~

~~10.2.5 The county reserves the right to take legal action to reverse illegal lot splits, or other actions in violation of this section, including creation of substandard-sized lots.~~

### **Sec. 10.3. - Manufactured houses.**

Any dwelling that is classified as a manufactured house by the definitions stated in this ordinance shall be subject to the following additional provisions of this ordinance:

10.3.1 *Decal.* A location decal application shall be required to be filed for a manufactured house in the office of the tax commissioner annually for each manufactured house that is henceforth located on an individual lot, in a manufactured house park, or subdivision in the county.

10.3.2 *Permanent placement.* Any manufacture home used as a single-family dwelling shall be permanently affixed to the ground.

10.3.3 *Use for storage prohibited.* Manufactured house units (or mobile homes) may not be used for storage buildings. Manufactured houses may only be placed in compliance with the terms of this ordinance and used as dwelling units.

10.3.4 *Improper placement.* It is not permitted to place or store a manufactured house on a residential lot without compliance with this ordinance and without first obtaining an installation permit from the Building Official. Manufactured houses may not be placed or erected in the front yard of a dwelling, or in the public right-of-way, or in any setback or buffer area. An administrative variance to these provisions may be granted by the zoning administrator in hardship situations, but in no case for occupancy.

10.3.5 *Additional regulations.* See the Chapter 18 of the Code of Bartow County (the Building Code) for additional regulations regarding installation of manufactured homes where permitted.

### **Sec. 10.4. -Reserved Temporary placement of a manufactured house.**

~~10.4.1 Other than in a residential subdivision development, the owner of a lot upon which a single family dwelling is being constructed may, upon first obtaining a temporary permit from the zoning administrator, temporarily place a manufactured house on said lot for use as a temporary dwelling for a period of 12 months or until construction of the dwelling is completed, whichever shall first occur.~~

~~10.4.2 The application for a temporary permit shall have attached thereto a separate statement of the applicant that he acknowledges and agrees that the permit, if granted, is valid only for the time specified and that upon completion of the dwelling or the expiration of the permit, as the case may be, he shall cause the removal of said manufactured house, and his failure to do so grants to the county the right to remove the same from the lot at applicant's expense.~~

IV. Article XV is amended by deleting Sec. 15.2.6(J) and replaced with the following:

Applicants submitting an application to rezone property for residential development, or multi-family, commercial, mining or industrial zonings, as well as Conditional Use permits, 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 scale.

## SECTION TWO. BUILDING CODE AMENDMENTS

The Code of Bartow County Chapter 18, the Building Code, shall be amended as follows:

**A. Section 18-120(4) is deleted and replaced with the following:**

- (4) *Fees.* A permit and inspection fee shall be charged to the application to cover the cost to the County to process the permit application and inspect the pre-owned manufactured home once installed. Such fee shall cover the initial inspection and one follow-up inspection. The applicant shall be charged a fee for each additional follow up inspection that may be necessary. A \$250 penalty will be added to permits where the mobile home was brought on the lot before an installation permit was obtained.

**B. Section 18-121(11) is deleted and replaced with the following:**

**Sec. 18-121. - Minimum health and safety standards for manufactured homes.**

- (11) *Square footage and roof pitch.* Manufactured homes installed in the county shall contain not less than 1,200 square feet of heated living space with a

minimum roof pitch of 5:12. An existing structure may not include an addition to fulfill the minimum square footage.

**Sec. 18-122. - Installation of manufactured homes.**

**C. Existing Section 18-122(1) is deleted and replaced with the following:**

- (1) *Installation requirements.* Manufactured homes must be installed with O.C.G.A. §8-2-160 and the regulations promulgated thereunder. Installation shall be finalized within 120 days of obtaining an installation permit.
- (5) *Underpinning.* Except as otherwise provided herein, any manufactured house, whether on an individual lot or in a manufactured house subdivision, shall be required to be underpinned prior to occupancy.
  - a. The underpinning shall consist of one of the following: masonry (for example, brick, stone, rock, concrete block) or such other material as may be approved by the building official prior to installation. The following types of materials are not permitted to be used, including, but not limited to, tin, wood, plastic sheeting or gypsum board (black board), vinyl siding/panels or aluminum siding/panels.
  - b. The underpinning must be adequately secured to the manufactured house and where necessary for stability, secured to the ground. Two access doors are required to be installed in a manner which will provide adequate access for inspections and maintenance. Provisions must be made for proper ventilation for the crawl space underneath the manufactured house. The axels and towing tongue must be removed.

**SECTION THREE. LEGAL STATUS PROVISIONS**

- I. Any ordinance in conflict with these provisions is hereby repealed.
- II. In the event that any section of this ordinance is found to be unlawful, invalid, unconstitutional or overbroad, it is the intent of the Commissioner that it be severed, and the remaining portions remain in full effect as if they had been adopted independently of the severed section.

**SO ADOPTED** this 13<sup>th</sup> day of December, 2017, to be effective immediately, the public health, safety, and general welfare demanding.

ATTEST:

BARTOW COUNTY, GEORGIA

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Kathy Gill, Clerk

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Steve Taylor, Sole Commissioner