

# CITY OF CARTERSVILLE

## ZONING ORDINANCE

ADOPTED NOVEMBER 7, 1996

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CITY OF CARTERSVILLE  
PLANNING & DEVELOPMENT DEPARTMENT

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ZONING ORDINANCE OF THE  
CITY OF CARTERSVILLE, GEORGIA  
ORDINANCE NO. 27-10

PREAMBLE

AN ORDINANCE REGULATING WITHIN THE CITY OF CARTERSVILLE THE LOCATION, HEIGHT, BULK, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES; THE SIZES OF YARDS, COURTS, AND OTHER OPEN SPACES; THE DENSITY AND DISTRIBUTION OF POPULATION; THE USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY, RESIDENCE, RECREATION, AGRICULTURE, FORESTRY, CONSERVATION, SANITATION, PROTECTION AGAINST FLOODS, PUBLIC ACTIVITIES, AND OTHER PURPOSES; CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT; DEFINING THE POWERS AND DUTIES OF THE PLANNING COMMISSION AND BOARD OF APPEALS; PROVIDING PENALTIES FOR VIOLATIONS; REPEALING CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

Footnotes:

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**Editor's note**— Ord. No. 2710, adopted Sept. 17, 2010, deleted and replaced ch. 26, Zoning, in its entirety to read as herein set out. Former ch. 26 derived from Ord. No. 50-96, adopted Nov. 7, 1996, the amendatory history for which can be found in the Code Comparative Table at the back of this volume.

ARTICLE I. - ENACTMENT, SHORT TITLE, JURISDICTION, PURPOSE

Sec. 1.1. - Enactment clause.

The Mayor and Council of the City of Cartersville, under the authority of the General Planning and Zoning Enabling Act Article IX, Section 2, paragraph 4 of the 1983 Constitution of the State of Georgia and amendments thereto, hereby ordains and enacts into law the following articles and sections:

Sec. 1.2. - Short title.

These regulations shall be known and may be cited as "The Zoning Ordinance for the City of Cartersville."

Sec. 1.3. - Jurisdiction.

These regulations shall govern the use of all land and the developments thereof within the corporate limits of the City of Cartersville.

Sec. 1.4. - Purpose and relationship to the Comprehensive Plan.

The City of Cartersville Zoning Ordinance is designed to implement the provisions of the Comprehensive Plan for the development and use of land. The purpose of these regulations shall be to:

1. Promote the health, safety, morals, order, prosperity, and general welfare of the City;
2. Promote desirable living conditions and the sustained stability of neighborhoods;
3. Promote the proper location, height, bulk, number of stories, and size of buildings and other structures;
4. Promote the proper sizes of yards, courts, and other open spaces;

5. Protect property against blight and depreciation;
6. Lessen congestion on streets;
7. Secure safety from fire, panic, and other dangers;
8. Provide adequate light and air and preventing the overcrowding of land;
9. Avoid undue concentration of population;
10. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
11. Promote a balance of residential, commercial, and industrial uses throughout the community;
12. Discourage urban sprawl;
13. Encourage the use of ecodevelopment, green building, sustainable development, and LEED (Leadership in Energy and Environmental Design) practices, as defined herein; and
14. Promote the most appropriate use of land, buildings, and structures throughout the city in accordance with the Comprehensive Plan.

## ARTICLE II. - INTERPRETATIONS AND DEFINITIONS

### Sec. 2.1. - Interpretation of certain terms and words.

Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

The word "person" includes a firm, co-partnership, company, corporation, or association.

The word "lot" includes the word "plot" or "parcel."

The word "building" includes the word "structure."

The word "shall" is always mandatory, and not merely directory.

The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

The word "district" shall mean "zoning district" for the purposes of this chapter.

The word "map" or "zoning map" shall mean "Official Zoning Map of the City of Cartersville" for the purposes of this chapter.

### Sec. 2.2. - Definitions.

For the purposes of this chapter, certain terms or words used herein shall be defined as follows:

#### 2.2.1. **A**

*Accessory structure.* A structure on the same lot with, and of a size and nature customarily incidental and subordinate to, the principal structure. Examples of accessory structures include, but are not limited to, the following: detached garages and/or carports; storage structures and/or barns; freestanding greenhouses; aboveground swimming pools and pool houses; tennis courts; freestanding workshops; freestanding decks and gazebos; and freestanding ATM bank machines.

*Accessory use.* A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use.

*Acre.* For the purpose of this chapter, a measure of land consisting of 43,560 square feet.

*Acreage.* Acres collectively in a tract of land.

*Acreage, gross and/or acre, gross.* The collective number of acres in an undeveloped, unimproved tract of land.

*Acreage, net.* The collective number of acres in a tract of land less the amount of area improved by public streets and roads.

*Administrator, zoning.* The director of the department of planning and development or his/her designee.

*Adolescent treatment facility.* A facility established for the treatment and counseling of emotionally disturbed or "troubled" adolescent boys or girls in a highly structured environment which may include housing for a temporary period of time.

*Adult entertainment establishments.* Any commercial establishment, which has as its primary purpose or business the offer for sale of any book, publication or film/video which depicts nudity, or sexual conduct or engages in services such as bath houses, massage parlors, wrestling parlors or like activity including a nightclub, cabaret, lounge or other establishment which features adult entertainment.

*Adult entertainment.* Performances by topless and/or bottomless dancers, strippers or similar entertainers, where such performances are characterized by the display or exposure of specific anatomical areas; any book, publication or film/video which depicts nudity, or sexual conduct, and bath houses, massage parlors, wrestling parlors or like activity including a nightclub, cabaret, lounge or other establishment which features adult entertainment.

*Agriculture.* Agriculture shall be considered to mean the raising of soil crops and livestock in a customary manner on tracts of land at least five (5) acres in size and shall include all associated activities. Selling of products raised on the premises shall be considered a permissible activity provided that space necessary for the parking of customers' vehicles shall be provided off the public rights-of-way.

*Alley.* A private or public thoroughfare which affords a secondary means of access to abutting property and not intended for general traffic circulation.

*Amenity.* Aesthetic or other characteristics that increase a development's desirability to a community or its marketability to the public. Amenities may differ from development to development but may include such things as recreational facilities, pedestrian plazas, views, streetscape improvements, special landscaping, water features, or attractive site design.

*Apartment.* A dwelling unit for lease or rent within an apartment building or other similar building for occupancy for an extended period of time.

*Apartment, accessory.* An accessory dwelling which is subordinate to a principal structure or use which may be rented by persons not related to the owner of the property.

*Apartment building.* A residential building containing three (3) or more dwelling units exclusive of a townhouse building or unit.

*Apartments, garden.* A multifamily dwelling development consisting of residential buildings two (2) to three (3) stories in height with generous landscaping and recreational areas.

*Automotive garage.* A use primarily for the repair, replacement, modification, adjustment, or servicing of the power plant or drive-train or major components of automobiles and motorized vehicles. The repair of heavy trucks, equipment, and automobile body work shall not be included in this use. The outside storage of unlicensed and unregistered vehicles is prohibited as part of this use (see "Automotive specialty shop and service station").

*Automotive minor repair.* Automotive maintenance functions including, but not limited to, the replacement, installation or repair of tires, mufflers, batteries, brakes and master cylinders, shock absorbers, electrical instruments and minor tune-ups involving the changing of spark plugs, points or condenser, and engine block oil changes for passenger cars, vans, and light trucks only.

*Automotive specialty shop.* A use which provides one (1) or more specialized minor repair, sales and/or maintenance functions such as the sale, replacement, installation or repair of tires, mufflers, batteries, brakes and master cylinders, shock absorbers, instruments (such as speedometers and



tachometers), radios and sound systems or upholstery for passenger cars, vans, and light trucks only. No use authorized herein shall permit any private or commercial activity which involves the painting, repair, or alteration of the auto body; nor shall any repair, replacement, modification, adjustment, or servicing of the power plant or drive-train or cooling system be permitted, except that minor tune-up involving the changing of spark plugs, points or condenser, including engine block oil changes, are permitted.

2.2.2. **B**

*Bed and breakfast inn.* A facility, residential in nature, in which overnight accommodations are provided to visitors for compensation, frequently with a morning meal. A bed and breakfast inn may include an afternoon and/or evening meal for guests. The operators of the facility live on the premises. A bed and breakfast inn does not include retail uses, public bar, or conference center.

*Berm.* An earthen mound or embankment, usually two (2) to six (6) feet in height, designed to screen views, reduce noise, or fulfill other such purposes.

*Brewery.* An establishment that manufactures malt beverages.

*Brewpub.* Any restaurant in which beer or malt beverages are manufactured or brewed, subject to the requirements of O.C.G.A. §§ 3-5-35—3-5-38, except package sales do not count towards the required point of alcohol sales at said restaurant.

*Buffer.* A barrier which is created by use of trees or other acceptable plant or vegetative material alone or in combination with berms, fencing, or walls used to physically separate or screen one (1) use or property from another so as to visually shield or block noise, lights, and/or dissimilar uses. A buffer, when required by this chapter, is in addition to the amount of area required by a setback unless otherwise stated. Buffer areas shall be required along all property lines, including those which abut along a public right-of-way as indicated in this chapter.

*Buffer, natural/undisturbed.* An existing natural barrier which contains a stand of evergreen trees or other acceptable vegetative material with a density or intensity which in the opinion of the planning staff meets the intent of the definition of a buffer.

*Buffer, planted/landscaped.* A planted natural barrier which contains a stand of evergreen trees or other acceptable vegetative material with a density or intensity which in the opinion of the city planning staff meets the intent of the definition of a buffer.

*Buildable area.* The portion of a lot remaining and available for construction of a structure after required setbacks, yards, and buffers have been provided. Buildable area cannot contain any setback areas, easements, and similar building restrictions, and cannot contain any land that is identified as floodplain areas, riparian buffer areas, except as otherwise provided in this chapter.

*Building.* Any structure which has a roof and which is for the shelter, support or enclosure of persons, animals, or property of any kind.

*Building, accessory.* A detached, subordinate structure, the use of which is clearly incidental to, customarily associated with, and related to the principal structure or use of the land, and which is located on the same lot as the principal structure or use.

*Building, principal.* The building containing or to contain the principal use of a lot.

*Building height.* The vertical distance of a building measured from the average elevation of the finished lot grade along the front of the building to the highest point of the building.

*Building line.* A building line is one which is no closer to a lot line than the minimum yard setback requirements. (also referred to as yard line)

*Building type.* The arrangement of structures and their placement next to, above, or below each other. "Single-family detached" and "multifamily attached" are examples of residential building types.

*Bumper blocks.* Raised concrete wheel stops placed at the head of a parking space to keep a vehicle from encroaching into an adjoining parking space or landscape buffer.

2.2.3. **C**

*Car wash, principal.* A primary or main use which provides space for cleaning vehicles.

*Car wash, accessory.* A customarily incidental use of an attached or detached bay for cleaning vehicles.

*Carport.* A partially enclosed structure used for the housing of motor vehicles, the property of, and for use only by the occupants of the lot upon which such structure is located. For purposes of zoning, a carport attached to a principal structure shall be regarded as part of that principal structure and not as an accessory structure. A detached carport shall be classified as an accessory structure.

*Cemetery, human.* The use of property as a burial place for human remains. Such a property may contain a mausoleum.

*Cemetery, pet.* The use of property as a burial place for the remains of pets. Such a property may contain a mausoleum.

*Club or lodge, noncommercial.* An incorporated or unincorporated association for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities, operated for the benefit of its members and not open to the general public.

*Cluster development.* A development design technique that concentrates buildings on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

*Commercial vehicle.* A school bus, commercial bus, or church bus, tractor trailer, tandem rig, or any other vehicle driven for hire or utilized in conducting business affairs, such as transportation of equipment, freight, goods, or individuals.

*Communication tower.* A structure that is intended to send and/or receive radio, television, or cellular communications. This term does not include noncommercial shortwave radio towers.

*Condominium.* A building containing three (3) or more individually owned dwelling units and related, jointly owned, common areas as defined by the laws of the State of Georgia.

*Construction vehicle.* Any vehicle (other than passenger vehicle, pick-up or panel truck) having a primary purpose of land clearing or grading, hauling, and use in building construction, including, but not limited to, earth moving equipment such as bulldozers, loaders, backhoes, bobcats, trenching machines and dump trucks.

*Consumer fireworks retail sales facility* means a permanent or temporary building or structure, stand, tent, canopy or membrane structure that is used primarily for the retail display and sale of consumer fireworks to the public. Said definition shall not apply to facilities or stores where the consumer fireworks are in packages in which the total quantity of fireworks on hand does not exceed one hundred twenty-five (125) pounds (net) [56.8 kilograms] of pyrotechnic composition or, in a building protected throughout with an approved automatic sprinkler system installed in accordance with National Fire Protection Association (NFPA) 13, Standard for the Installation of Sprinkler Systems, not to exceed two hundred fifty (250) pounds (net) [113.6 kilograms] of pyrotechnic composition.

*Convenience store.* A use offering a limited variety of groceries, household goods, freshly prepared foods, and personal care items, always in association with the dispensing of motor fuels as an accessory use, but in all cases excluding vehicle service, maintenance, and repair.

*Crematory.* A facility authorized by the State of Georgia Department of Human Resources, other than a hospital, clinic, or laboratory, in which cremation is performed.

#### 2.2.4. **D**

*Day care facility.* Any place operated by a person, society, agency, corporation, institution or group, and licensed or registered by the State of Georgia as a group day care home or day care center, wherein are received for pay for group supervision and care, for fewer than twenty-four (24) hours per day, seven (7) or more persons.

*Density.* The number of families, individuals, dwelling units, or housing structures per unit of land. The standard for density in single-family attached and multifamily districts shall be gross density which includes all land within the boundaries of the area excluding floodplain areas and standing bodies of water.

*Development.* The subdividing of land into two (2) or more lots; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

*Dimension stone.* Natural stone or rock that has been selected and fabricated (i.e., trimmed, cut, drilled, ground, or other) to specific sizes or shapes.

*Distillery.* An establishment that manufactures distilled spirits.

*Dwelling, duplex.* A building containing two (2) single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof.

*Dwelling, multifamily.* A building containing three (3) or more dwelling units, with each dwelling unit having a common wall or common floor connecting it to at least one (1) other dwelling unit in the building.

*Dwelling, patio house.* A single-family detached dwelling designed around an open court within the interior of the lot, around which rooms are located and oriented (also known as an atrium house).

*Dwelling, single-family attached.* One (1) of a series of two (2) or more single-family dwelling units on separate lots attached to another dwelling unit on an adjoining lot by a common party wall.

*Dwelling, single-family detached.* A building containing one (1) dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards.

*Dwelling, townhouse.* One (1) of a group of three (3) or more single-family attached dwelling units under fee simple or condominium or cooperative ownership, as defined by the laws of the State of Georgia, in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more vertical common fire-resistant walls. For the purposes of this chapter the term "townhouse dwelling" shall not include a single-story attached dwelling unit.

*Dwelling unit.* An enclosure of one (1) or more rooms in addition to kitchen and bathroom facilities, but excluding closets, designed or constructed as a unit for residential occupancy by one (1) family.

#### 2.2.5. E

*EarthCraft House certification.* A green building program that addresses energy efficiency, durability, indoor air quality, resource efficiency, waste management, and water conservation.

*Easement.* A grant by a property owner of the use of land for a specific purpose or purposes by the general public, a corporation, or a certain person or persons.

*Ecodevelopment.* A proactive development approach, whereby actions such as incorporating natural topography, landscaping with native plant species, creating natural stormwater management systems, and decreasing impervious cover are implemented in order to improve water quality, reduce infrastructure needs, and to minimize the negative secondary effects on ecology caused by land development.

*Equipment, heavy duty.* Includes, but is not limited to, bulldozers, loaders, backhoes, bobcats, farming equipment, or other similar machinery.

*Extended-stay occupancy.* Temporary lodging at an establishment providing dwelling units for occupancy for a period of time consisting of thirty (30) consecutive days or longer.

#### 2.2.6. F

*Family.* A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability in a permanent and long-term relationship as opposed to one that is short-term or transient.

*Family day care.* A home occupation in which shelter, care, and supervision are provided for six (6) or fewer persons on a regular basis. A family day care may provide basic educational instruction.

*Floor area, gross.* The total number of square feet of floor area in a building determined by horizontal measurements between the exterior faces of walls, excluding basement areas, porches, carports, and garages.

*Floor area, net.* The sum of all floors of a structure as measured to the outside surfaces of exterior walls, excluding halls, stairways, restrooms, elevator shafts, spaces devoted exclusively to permanent mechanical systems, permanent storage areas, attached and detached garages, porches, balconies, attics with less than seven (7) feet of head room, basements, patios, and decks.

*Funeral home.* A building used for human funeral services. Such building may contain a chapel and space and facilities for embalming and the performance of other services used in the preparation of the dead for burial or cremation, the performance of autopsies and other surgical procedures, the indoor storage of caskets, funeral urns, and other related funeral supplies, and the indoor storage of funeral vehicles. Cremation of the dead may occur within the building.

#### 2.2.7. **G**

*Green building.* A method of building which includes protecting existing trees and natural landscape by clearing only the amount of area needed to construct the building, recycling job site waste, installing high-efficiency water heaters and appliances, using engineered lumber products, recycled building materials and nontoxic building materials, constructing energy-efficient buildings with highly insulated walls and ceilings and double pane windows and installing water conserving landscaping and plumbing, such as the use of native, drought-tolerant plants and low-flow water fixtures, and utilizing fly ash concrete in foundations.

*Group home.* A dwelling shared by twelve (12) or less persons, excluding resident staff, who live together as a single housekeeping unit and in a relatively permanent, family-like environment in which staff persons provide assisted living care and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible. This use shall apply to homes for the handicapped. As used herein, the term "handicapped" shall mean having:

- (1) A physical disability that substantially limits one (1) or more of such person's major life activities so that such person is incapable of living independently;
- (2) A record of having such disability; or
- (3) Being regarded as having such a disability.

However, "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home" shall not include the following uses:

- (1) Alcoholism or drug treatment center;
- (2) Work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration;
- (3) Medical or psychological treatment center;
- (4) Homeless shelter or hospice.

*Guest house.* A detached accessory dwelling unit located on the same lot with a single-family dwelling unit. The square foot area of a guest house may not exceed fifty (50) percent of the heated and finished floor area of the principal building on the lot or one thousand (1,000) square feet in floor area, whichever is less, and may be used only by family members, guests, or family employees without payment or consideration.

#### 2.2.8. **H**

*Halfway house.* A less permanent and less family-like living arrangement established to help people recovering from drug or alcohol addictions adjust to a drug-free lifestyle. A halfway house may also be used to provide a structured living environment for persons learning to adjust to society after being imprisoned.

*Heated floor area.* The finished area within a building or structure that is heated by the main central heating system installed to serve said building or structure. For example, the floor area of an unfinished basement of a residential dwelling or an attached garage to a residential dwelling is not included in determining the amount of heated floor area of a residential dwelling. ("Heated floor area" and "living area" shall have the same meaning.)

*Home occupation.* An occupation for gain or support customarily conducted on the premises by a person or family residing thereon. The term "home occupation" shall not be deemed to include a bed and breakfast inn.

*Homeless shelter.* Charitable, nonprofit, short-term housing and/or room and board accommodations for the homeless for which there is no charge, monetary or other, to the person being provided such temporary housing.

*Hospice.* A home-like facility for the care of terminally ill persons in which food, shelter and nursing care is provided.

*Hospital.* Any institution receiving in-patients, or a public institution receiving out-patients, and authorized under Georgia law to render medical, surgical and/or obstetrical care. The term "hospital" shall include a sanitarium for the treatment and care of senile psychotics or drug addicts, but shall not include office facilities for the private practice of medicine or dentistry.

*Hotel.* A facility offering transient lodging accommodations to the general public at a daily rate or weekly rate for a period of continuous guest occupancy not to exceed thirty (30) days, and providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities. Guest quarters are accessible through a main entrance and by hallways. Only ten (10) percent shall be allowed for extended stay occupancy, unless such guest quarters are paid for by a corporate entity with a federal tax I.D. number.

#### 2.2.9. I

*Impervious surface.* Any material or surface that prevents absorption of stormwater into the ground. Includes, but is not limited to, buildings, asphalt and concrete surfaced streets, parking lots, and sidewalks.

*Impervious surface, non.* All that area of a lot which is not covered by buildings, asphalt or concrete surfaced streets, parking lots, or sidewalks or any other impervious surface.

*Industrialized building.* A factory-fabricated dwelling or commercial unit built in one (1) or more sections designed to fit together on a permanent foundation but which usually does not originally have wheels for movement and which is constructed in accordance with the Georgia Industrialized Building Act and which bears the seal of approval issued by the commissioner of community affairs (includes the term "modular building").

*Infill Development.* New construction or redevelopment that occurs on vacant lots or lots having remaining buildable area in otherwise developed locations. Infill projects can take several forms, such as a single-lot development or multi-parcel projects.

#### 2.2.10. J

#### 2.2.11. K

*Kennel.* An establishment in which dogs or other domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.

#### 2.2.12. L

*Leadership in Energy and Environmental Design (LEED).* Green building certification system, developed by the U.S. Green Building Council, that provides third-party verification that a building or community was designed and built using strategies aimed at improving performance in energy savings, water efficiency, carbon dioxide emissions reduction, improved indoor environmental quality, and stewardship of resources and sensitivity to their impacts.

*Livestock.* Domestic animals raised for use and/or sale.

*Lot.* A lot of record, or any combination of lots of record, held in a single ownership by one (1) person, or in common ownership by more than one (1), which has both lot area and lot dimensions equal to or greater than the lot width and lot area requirements established by this chapter for the zoning district in which such tract of land is located and for the use proposed for the tract of land.

*Lot, corner.* A lot having frontage on two (2) or more public streets at their intersection.

*Lot coverage.* That portion of the lot that is covered by buildings. Lot coverage excludes paved walkways, drives, and parking areas.

*Lot depth.* The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

*Lot frontage.* The shortest lot line adjoining a street right-of-way. A lot line adjoining a stub street shall not be considered as frontage unless it is proposed for access or is the only street frontage. Front yard requirements shall be measured from this lot line. In situations where a multiple frontage lot has equal distance on street frontages, the zoning administrator shall determine the legal lot frontage.

*Lot line.* A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

*Lot line, front.* The lot line separating a lot from a street right-of-way.

*Lot line, rear.* The lot line most opposite and most distant from the front lot line.

*Lot line, side.* Any lot line other than a front or rear lot line.

*Lot of record.* A lot that exists as shown or described on a plat or deed in the records of the Office of the Clerk of the Superior Court of Bartow County.

*Lot of record, substandard.* A parcel of land that has less than the minimum area or minimum dimensions required in the zone in which the lot is located.

*Lot, through.* A lot that fronts upon two (2) parallel streets or that fronts upon two (2) streets that do not intersect at the boundaries of the lot.

*Lot width.* The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required setback line.

#### 2.2.13. **M**

*Manufactured home.* A structure transportable in one (1) or more sections and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. Such dwelling is regulated by the manufactured home construction and safety standards, of the most recently adopted HUD Code.

*Microbrewery.* An establishment in which not more than fifteen thousand (15,000) barrels of beer or malt beverages are manufactured or brewed on the licensed premises in a calendar year and in which such manufactured or brewed beer or malt beverages may be sold for consumption on the premises and consumption off premises, subject to the limitations prescribed in O.C.G.A. § 3-5-24.1. As used in this definition, the term "barrel" shall be defined as set forth in O.C.G.A. § 3-5-1.

*Mineral extraction.* Severance and/or removal of sand, stone, gravel, topsoil, and other mineral resources whenever such severance and/or removal is not conducted in conjunction with a permitted development activity.

*Mining, surface.* Any activity constituting all or part of a process for the removal of minerals, ores, and other solid matter for sale or for processing or for consumption in the regular operation of a business. Tunnels, shafts, borrow pits of less than 1.1 disturbed acres, and dimension stone quarries, in which building stone is quarried and prepared in regularly shaped blocks, shall not be considered to be surface mining.

*Mobile home.* Any trailer, vehicles, or similar portable structure mounted on wheels, or designed for mounting on wheels, intended for dwelling purposes, including structural additions, except camping type trailers parked and unoccupied. Such unit shall be considered a mobile home whether or not the wheels have been removed and whether or not on a permanent foundation.

*Mobile home park.* A parcel of land which has been planned and improved for the placement of manufactured and mobile homes for nontransient use on leased sites and which may include other facilities such as a grocery store and laundromat established to specifically serve the mobile home park.

*Modular structure.* A factory-fabricated, transportable structure consisting of units designated to be incorporated at a structure site on a permanent foundation into a structure.

*Motel.* A facility offering transient lodging accommodations to the general public at a daily rate or weekly rate for a period of guest occupancy and it may provide additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities. Guest quarters are accessible through a main entrance and by internal hallways. Only ten (10) percent shall be allowed for extended stay occupancy, unless such guest quarters are paid for by a corporate entity with a federal tax I.D. number.

*Motel apartment.* A facility offering transient lodging accommodations to the general public for extended stay occupancy which may provide additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities. Guest quarters are accessible through a main entrance and by internal hallways. Such use shall meet the development standards of the MF-14 zoning district.

#### 2.2.14. **N**

*Nonconforming use.* A lawful use of, or vested right to use any building, structure or land existing at the time of the adoption of this chapter or the adoption of any amendment thereto.

*Nonsubdivided.* Any lot having more than one (1) zoning district applicable to said lot.

*Nursing home facility.* Housing for elderly, chronically, or terminally ill persons in which food, shelter and nursing care is provided for compensation.

#### 2.2.15. **O**

*Office, professional.* Includes, but is not limited to, offices of accounting, auditing, bookkeeping, engineering, architectural, finance, real estate, and insurance professions.

*Office, temporary.* A trailer, mobile home, manufactured, or modular building which is used as a sales office, on-site construction management office or related functions.

*Official zoning map.* A legally adopted map that conclusively shows the location and boundaries of zoned districts existing at the time of adoption of said map and any adoption of amendments thereto.

*Open space.* Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, or for the preservation and protection of environmentally sensitive land areas or natural land features. Excludes streets, drives and yards.

*Ordinance.* This chapter and all amendments thereto including the Official Zoning Map of the City of Cartersville adopted in conjunction with this chapter.

*Organic architecture.* A building or structure design that is suitable to, and in the nature of the site or the environment, the use, the building materials and the construction process. The local climate, vistas, site topography, the positioning of the sun, and the functional needs of the building and client are all considered in the design of the project, and native building materials are used naturally in the construction of the building.

*Outdoor display.* The displaying of goods or merchandise outdoors on the property with the intent to advertise for sale said goods.

*Outdoor play structure.* For the purposes of this chapter, an outdoor play structure shall mean any structure (except pools) erected on a lot for the purpose of recreational use. Includes, but is not limited to, slides, swings, climbing equipment, and play houses. Outdoor play structures shall be considered accessory structures.

*Outdoor storage.* The keeping, in an unenclosed area, of any goods, salvage, material, merchandise, storage trailers, or vehicles outdoors on the property for more than twenty-four (24) hours. The term "outdoor storage" shall not include the keeping of vehicles or manufactured housing structures on sales lots in districts which allow such sales lots.

*Outparcel.* A portion of a larger parcel of land generally designed as a site for a separate structure and business from the larger tract. An outparcel may or may not be a subdivision of a larger parcel. To be recognized as an outparcel, the portion must be identified on a site plan approved for the larger parcel.

*Owner(s).* If a sole proprietorship, the proprietor; if a partnership, all partners (general and limited); if a corporation, all officers, directors and persons holding at least ten (10) percent of the outstanding shares.

#### 2.2.16. P

*Permanent makeup* is synonymous with cosmetic tattooing and includes the application of permanent eyeliner, eyebrows, full lip color, re-pigmentation or camouflage using tattooing techniques of placing pigments under the skin. Camouflage, a method of disguising or concealing permanently blotchy or irregularly pigmented skin, acne scarring or other permanent skin irregularities by the use of blending pigments into the skin, is allowed. Tattoo camouflage, using tattooing methods to cover up, mask, or alter an existing tattoo so that it is either rendered less noticeable or takes on a different design, thereby obliterating the original design, is prohibited.

*Permitted use.* Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

*Personal care home.* A use in which care is provided for elderly nonfamily members who are typically provided with food, shelter and care. This use may include adult day care facilities which do not provide domiciliary care. This use shall not include hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the physically sick or injured or mentally ill or disturbed.

*Personal service establishment.* A facility engaged in the provision of services to persons and their apparel, including, but not limited to, barber and beauty shops, coin-operated and full service laundries and dry cleaners, photographic studios, shoe repair and shoeshine shops, and travel agencies, unless already defined.

*Piercing parlor* is any place in which a fee is charged for the act of penetrating the skin to make a hole, mark, or scar, generally permanent in nature. Does not include the use of a mechanized, pre-sterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both.

*Places of assembly.* A building, or part of a building, in which facilities are provided for such purposes as meetings for civic, educational, political, or social purposes and may include a banquet hall, private club, or fraternal organization.

*Planned development.* A tract of land developed under a single ownership or control based on a plan which allows for flexibility of design not available under normal zoning district requirements.

*Planned shopping development.* Two (2) or more commercial establishments with a total gross floor area of at least forty thousand (40,000) square feet, planned and managed as a single unit with off-street parking and loading facilities provided on the property.

*Plat.* A map, plan, or layout of a county, city, town, lot, section, subdivision, or development certified by a registered surveyor indicating the location and boundaries of a property or properties.



*Prefabricated structure.* A structure manufactured at an offsite location and brought to a site as fully assembled for installation.

2.2.17. **Q**

2.2.18. **R**

*Recreational vehicle.* Boat trailers and any type of portable structure without a permanent foundation, which can be towed, hauled or driven or designed for temporary living accommodations for recreational, camping, and travel use, including, but not limited to, travel trailers, truck campers (on or off the truck), camping trailers and self-propelled motor homes.

*Recycling center, collecting.* Any facility utilized for the purpose of collecting materials to be recycled including, but not limited to, plastics, glass, paper, and aluminum materials. Such use may be principal or accessory to a nonresidential use on nonresidentially zoned property.

*Recycling center, processing.* Any facility utilized for the purpose of collecting, sorting, and processing materials to be recycled including, but not limited to, plastics, glass, paper, and aluminum materials whenever.

*Repair garage, automobile.* A use which may provide a full-range of automotive repairs and services including, but not limited to, major overhauls, engine and transmission repair, rebuilding, and replacement and may include paint and body shops. The outside storage of unlicensed and unregistered vehicles is prohibited as a part of this use.

*Repair garage, heavy equipment.* A use which may provide a full-range of repairs and services including, but not limited to, major overhauls, engine repair, rebuilding, and replacement on heavy duty trucks and equipment and may include paint and body shops. The outside storage of unlicensed and unregistered vehicles is prohibited as a part of this use.

*Religious institution.* A building in which persons regularly assemble for religious worship intended primarily for purposes connected with such worship, or for teaching a particular form of religious belief. Excludes a religious bookstore or similar establishment.

*Residential.* Pertaining to the use of land, means premises such as single-family detached and attached homes, patio homes, townhouses, mobile homes, duplexes, condominiums, or apartment complexes which contain habitable rooms for nontransient occupancy and which are designed primarily for living, sleeping, cooking, and eating therein.

*Retail business.* A business consisting primarily of buying merchandise or articles in gross and selling to general consumers in small quantities or broken lots or parcels and not in bulk and not for resale.

*Retirement center.* A residential housing development consisting of building(s) or individual housing units designed for senior adults. This development may include, but not be limited to, transportation, medical care, food preparation, and the like. Restrictions on this development based on age, declarations, bylaws, homeowners' association, and the like shall not be enforced by the City of Cartersville.

*Right-of-way line.* The dividing line between a lot, tract or parcel of land and a contiguous right-of-way.

2.2.19. **S**

*Salvage yard.* Use of property for outdoor storage, keeping, abandonment, sale, or resale of salvage including scrap metal, used lumber, salvaged house wrecking and structural steel materials and equipment, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof.

*School.* A facility where persons regularly assemble for the purpose of instruction or education including any playgrounds, stadiums, or other structures and grounds used in conjunction therewith. The term "school" shall include, but is not limited to, public and private schools used for pre-kindergarten, primary, secondary, or post-secondary education.

*Setback.* The required minimum distance between the structure, whether principal or accessory, and any lot line.

*Setback line.* That line that is the required minimum distance of a structure from any lot line and that establishes the area within which the principal structure must be erected or placed.

*Service station.* A use which provides for the sale of motor vehicle fuels and automotive accessories, and which may provide minor repair and maintenance services. A service station shall be limited to two (2) bays.

*Sign, freestanding.* A self-contained sign structure of a permanent nature which is wholly independent of any building or other structure.

*Special use.* A use approved by the board of zoning appeals, in accordance with a public hearing, which authorizes such use which must meet certain standards which may exceed the requirements of the district as a whole.

*Street, alley.* A street having a minimum right-of-way of twenty (20) feet and which is used primarily as a service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

*Street, arterial.* A street having a minimum right-of-way of one hundred (100) feet and which is used primarily for fast and heavy traffic flow, is of considerable continuity, and is used as a traffic artery for inter-transportation between large areas.

*Street, local.* A street having a minimum right-of-way of sixty (60) feet and which is used primarily in residential subdivisions for access to abutting properties as opposed to the collection and disbursement of traffic.

*Street, major collector.* A street having a minimum right-of-way of eighty (80) feet and which carries traffic from activity centers and minor collector streets to arterial streets.

*Street, minor collector.* A street having a minimum right-of-way of sixty (60) feet and which is primarily used as a link between local streets and major collectors or arterial streets.

*Street, public.* Right-of-way dedicated to the city or owned by the city, or any other state or county public right-of-way.

*Street connectivity.* The quantity and quality of connections in the street network. The design of the street network determines how direct or indirect the connections are and governs the number of paths that connect two (2) places.

*Structure.* Anything constructed, erected, or placed with a fixed location on or in the ground, or attached to something having a fixed location on the ground. The term "structure" shall include, but is not limited to, buildings, mobile homes, billboards, freestanding signs, swimming pools, fall-out shelters, and truck or van trailers or bodies if detached from the cab of the vehicle and placed on the property to be used as a storage facility. For the purposes of this chapter, privacy walls and/or fences shall not be considered structures.

*Structure, accessory.* A subordinate structure, customarily incidental to a principal structure or use and is located on the same lot. Examples of accessory structures in residential districts shall include, but is not limited to, tool sheds, guest houses, detached garages, and play sets. Examples of accessory structures in nonresidential districts shall include, but is not limited to, storage buildings, freestanding signs, play sets, and detached carwashes.

*Structure, principal.* A structure in which the principal use or purpose on a property occurs, and to which all other structures on the property are subordinate. Principal shall be synonymous with main and primary.

*Subdivision.* Any division of a tract or parcel of land into two (2) or more lots, building sites, or other parts for the purpose of immediate or future sale, legacy, or building development. The term includes resubdivision and any division of land involving a new street, existing street, or a change in existing streets, and, as appropriate to the context, relates to the process of subdividing or to the land or area

subdivided. The term does not include the combination or recombination of portions of previously platted lots, where the total number of lots is not increased and the resultant lots meet the standards of the city, or the division of land into parcels of five (5) acres or more, where no new streets or new utility services are involved.

*Subdivision design, conventional.* Residential developments where all the land is divided into house lots and streets.

*Subdivision design, open space.* Residential developments where a percentage of the buildable land area is designated as common undivided, permanent open space.

*Surface, all-weather.* Any surface treatment, including gravel, which is applied to and maintained so as to prevent erosion, and to prevent vehicle wheels from making direct contact with soil, sod or mud; and which effectively prevents the depositing of soil, sod or mud onto streets from areas required to be so treated.

*Sustainable development.* A pattern of resource use that aims to meet human needs while ensuring that future needs may be met.

#### 2.2.20. **T**

*Tattoo parlor* is any place in which is offered or practiced the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin, excluding permanent makeup (also known as cosmetic tattooing), by the aid of needles or any other instrument designed to touch or puncture the skin.

*Townhouse.* A multi-living unit structure in which each living unit and lot is owned in fee simple. Individual dwelling units within a townhouse are separated by a firewall.

*Travel trailer.* A vehicular portable structure whether self-propelled or pulled by a power unit, designed for temporary occupancy for travel, recreation, or vacation uses. See also "recreational vehicle".

*Truck, heavy duty.* A vehicle designed for hauling supplies, materials, or other vehicles and which has a weight of four (4) tons or greater empty weight or having a carrying capacity of more than one and one-half (1½) tons.

*Truck terminal.* A primary use of property where trucks/trailers are temporarily stored, maintained, or based. Trucks/trailers shall have current registration and license plates with decal.

#### 2.2.21. **U**

*Use, accessory.* A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

*Use, principal.* The principal purpose for which a lot or the main building thereon is designed, arranged, or intended, and for which it is or may be used, occupied, or maintained.

#### 2.2.22. **V**

*Variance.* A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

#### 2.2.23. **W**

*Wholesale business.* A business primarily engaged in the selling of goods or articles in gross to retailers or jobbers for resale and not to the ultimate consumer.

*Wildlife conservation park.* A place where animals are kept, often in combination of indoor and outdoor spaces, and are viewed by the public.

#### 2.2.24. **X**

2.2.25. **Y**

*Yard.* An open space that lies between the principal building or buildings and the nearest line. The minimum required yard as set forth in this chapter is unoccupied and unobstructed from the ground upward except as may be specifically provided in this chapter.

*Yard, front.* A space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.

*Yard, rear.* A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.

*Yard, required.* The open space between a lot line and the yard line within which no structure shall be located except as provided in this chapter.

*Yard, side.* A space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

*Yard line.* A line drawn parallel to a lot line at a distance therefrom equal to the depth of the required yard. Also referred to as a building line.

2.2.26. **Z**

*Zoning.* The power of local governments to provide within their respective territorial boundaries for the zoning or districting of property for various uses and the prohibition of other or different uses within such zones or districts and for the regulation of development and the improvement of real estate within such zones or districts in accordance with the uses of property for which such zones or districts were established.

(Ord. No. 01-13, § 1, 1-3-13; Ord. No. 06-13, §§ 1, 2, 4-4-13; Ord. No. 23-15, § 1, 7-2-15; Ord. No. 02-18, § 1, 1-18-18; Ord. No. 24-18, § 1, 12-6-18)

ARTICLE III. - ESTABLISHMENT OF ZONING DISTRICTS

Sec. 3.1. - Zoning districts.

In order that the purposes of this chapter as defined in Article I may be accomplished, there are hereby established within the City of Cartersville, the zoning districts identified as follows:

- 3.1.1. *AG Agricultural:* The purpose of this district is to encourage the retention and development of suitable areas for common farm practices and various compatible nonfarm uses, preservation of open space, the conservation and management of soil, water, air, game, and other natural resources and amenities, and to discourage the creation or continuation of conditions which could detract from the function, operation, and appearance of areas to provide food supplies and to prevent or minimize conflicts between common farm practices and nonfarm uses.
- 3.1.2. *R-20 Single-family residential:* The purpose of this district is to provide low density residential areas for single-family detached dwellings with minimum lot sizes of twenty thousand (20,000) square feet.
- 3.1.3. *R-15 Single-family residential:* The purpose of this district is to provide low density residential areas for single-family detached dwellings with minimum lot sizes of fifteen thousand (15,000) square feet.
- 3.1.4. *R-10 Single-family residential:* The purpose of this district is to provide medium density residential areas for single-family detached dwellings with minimum lot sizes of ten thousand (10,000) square feet.

- 3.1.5. *R-10A Manufactured, industrialized, modular, and prefabricated residential*: The purpose of this district is to provide orderly development of residential areas for single-family detached dwellings of manufactured and industrialized housing, modular dwellings, and prefabricated dwellings.
- 3.1.6. *R-7 Single-family residential*: The purpose of this district is to conserve the higher density residential areas in and adjacent to the historic downtown for single-family detached dwellings with minimum lot sizes of seven thousand (7,000) square feet.
- 3.1.7. *R-D Single-family duplex residential*: The purpose of this district is to provide higher density residential areas in downtown sections of the city for single-family duplex dwellings with minimum lot sizes of seven thousand (7,000) square feet per dwelling unit and open space as required.
- 3.1.8. *RA-12 Single-family residential*: The purpose of this district is to provide orderly development of high density residential areas for single-family attached and detached dwellings not to exceed twelve (12) dwelling units per gross acre.
- 3.1.9. *RSL Residential senior living*: The purpose of this district is to provide locations for the development of appropriate housing for the population age fifty-five (55) and older.
- 3.1.10. *MF-14 Multifamily residential*: The purpose of this district is to provide orderly development of high density residential areas for multifamily residential uses not to exceed fourteen (14) dwelling units per gross acre.
- 3.1.11. *P-D Planned development*: The purpose of this district is to provide suitable areas for development of planned communities at a density that allows a full range of residential uses and housing types; neighborhood retail, service, and office uses; and open space. The residential area may include single-family detached dwellings and/or attached dwellings such as patio homes, condominiums, or townhouses, and apartments.
- 3.1.12. *PC-D Planned commercial development*: The purpose of this district is to provide suitable areas for development and redevelopment of commercial properties with the flexibility to allow a full range of uses and designs for retail, service, and/or office centers; outparcels; infill buildings; and open space.
- 3.1.13. *MHP Mobile home park residential*: The purpose of this district is to provide orderly development of higher density areas specifically and exclusively for mobile homes and manufactured homes and to ensure adequate facilities and amenities are provided for a planned development.
- 3.1.14. *P-S Professional services*: The purpose of this district is to provide suitable areas for professional business and service uses and related activities with a minimum of interference from traffic and conflicting uses.
- 3.1.15. *M-U Multiple use*: The purpose of this district is to provide orderly development of areas in which residential, professional, commercial retail and services, financial, educational, and institutional uses can be compatibly mixed while maintaining a healthy living environment for the residents of the district.
- 3.1.16. *N-C Neighborhood commercial*: The purpose of this district is to provide suitable areas for limited commercial uses, including retail, service, and offices, in close proximity to residential neighborhoods.
- 3.1.17. *DBD Downtown business district*: The purpose of this district is to enhance and preserve the historic downtown business district of the city while providing for a wide variety of sales and services and professional offices and also providing for residential dwellings within existing commercial and office buildings in the district.
- 3.1.18. *O-C Office/commercial*: The purpose of this district is to provide and protect convenient areas for community shopping facilities consisting of a wide variety of retail, services, and professional offices.

- 3.1.19. *G-C General commercial*: The purpose of this district is to provide for and encourage the proper grouping and development of roadside uses which include a wide variety of sales and services that will accommodate the needs of the city and the traveling public in order to reduce highway traffic congestion, traffic hazards, and blight along the public streets of the city.
- 3.1.20. *L-I Light industrial*: The purpose of this district is to provide and protect areas for those industrial uses which do not create noise, odor, smoke, dust or other emissions and which do not possess other objectionable characteristics which might be detrimental to surrounding neighborhoods or other uses permitted in the district, and provide areas for other uses as permitted.
- 3.1.21. *H-I Heavy industrial*: The purpose of this district is to provide and protect areas for those industrial uses which cannot comply with the regulations of the L-I district but do comply with all state and federal guidelines for emissions and discharge of effluents into the air, water, and soil, and to provide areas for other uses as permitted.
- 3.1.22. *MN Mining*: The purpose of this district is to provide areas for mining and related activities exclusive from any other industrial uses; promote the orderly development and reclamation of mined areas; provide a proper relationship between mining areas and adjoining land uses; assure minimum area, safety and service requirements; provide for the extraction of minerals, ores and other solid matter for sale or for processing or for consumption, in compliance with the Georgia Surface Mining Act of 1968, as amended or to be amended, rules and regulations pursuant thereto and in compliance with all applicable federal laws and regulations.
- 3.1.23. *P-I Public/institutional*: The purpose of this district is to provide areas for public land, parks, governmental buildings and facilities, cemeteries, crematories, and educational and institutional uses.
- 3.1.24. *FG Fair ground*: The purpose of this district is to provide areas for carnivals, fairs, and related activities exclusive from any other institutional and/or commercial uses.

Sec. 3.2. - Zoning map.

The boundaries of each district are shown on a map entitled "Official Zoning Map of the City of Cartersville, Georgia", dated and certified by the mayor and city clerk. Said map and all explanatory matter thereon accompanies and is hereby made a part of this chapter and the original official zoning map of the City of Cartersville shall be kept in the recorded minutes in the city clerk's office.

Accurate copies of the official zoning map of the City of Cartersville, Georgia shall be on file, in hard copy or in a digital format, in the office of the zoning administrator at all times. Said map shall accurately show all map amendments made in accordance with the provisions of this chapter, and the date when said amendments became effective. It shall be the duty of the zoning administrator to see to it that the zoning map, whether displayed in his/her office in hard copy or available in digital format, is kept up-to-date and accurately shows all amendments.

Sec. 3.3. - Interpretation of zoning district boundaries.

When uncertainty exists with respect to the location of boundaries of any zoning district as shown on the official zoning map of the City of Cartersville, Georgia, the following rules shall apply:

- 3.3.1. Unless otherwise specifically indicated, where district boundaries are indicated on the zoning map as approximately following the centerline of a street, highway, railroad right-of-way line, stream bed or river bed; such centerline shall be construed to be such district boundaries.
- 3.3.2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- 3.3.3. Where district boundaries are indicated on the zoning map as approximately following the corporate limit line of the city, such corporate limit lines shall be construed to be such district boundaries.

3.3.4. Where district boundaries are indicated on the zoning map as being set back from a street, road, highway, railroad, stream, or river, and parallel thereto, then such district boundaries unless otherwise specifically indicated, shall be construed as being at the scaled distance from the centerline of such street, road, highway, railroad, stream, or river and as being parallel thereto.

3.3.5. Where a public road, street, alley, or other right-of-way is officially vacated or abandoned, the zoning applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street, alley, or right-of-way.

3.3.6. Where a district boundary divides a lot existing on or before November 7, 1996, the location of such boundaries, unless same are indicated by dimensions, shall be determined by use of the scale appearing on such maps. Property owners may request the city rezone the entire property to one (1) of the existing zonings or subdivide the property along the district boundary provided all lot standards are achieved for each newly created lot.

#### ARTICLE IV. - GENERAL PROVISIONS

##### Sec. 4.1. - Interpretation and application.

In interpreting and applying these regulations, the requirements contained herein are declared to be the minimum requirements necessary to carry out the purpose of these regulations. Except as hereinafter provided, these regulations shall not be deemed to interfere with, abolish, annul, or otherwise affect in any manner whatsoever any easements, covenants, or other agreements between parties. Whenever the provisions of these regulations impose greater restrictions upon the use of land, buildings, or structures, or upon the height of buildings, or structures, or require a larger percentage of lot to be left unoccupied than the provisions of other ordinances, rules, regulations, permits, or any easements, covenants, or other agreements between parties, the provisions of these regulations shall govern.

##### Sec. 4.2. - Zoning affects all land and buildings.

No buildings, structures, or land shall be used or occupied; and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, enlarged, or structurally altered unless in conformity with the regulations of this chapter.

##### Sec. 4.3. - Every use must be upon a lot.

No building or structure may be erected or use established unless upon a lot as defined by this chapter unless otherwise noted.

##### Sec. 4.4. - Only one principal building per lot.

Except as herein after provided, there shall be no more than one (1) principal building or structure upon any lot in a single-family residential district.

##### Sec. 4.5. - Open space not to be encroached upon.

No open spaces shall be encroached upon or reduced in any manner except in conformity to the yard, setback, off-street parking spaces, and such other regulations required by this chapter for the district in which such building is located. Shrubbery, driveways, retaining walls, fences, curbs, and planted buffer strips shall be construed not to be encroachments of yards. Refer to section 4.20 of this chapter.

##### Sec. 4.6. - Required open space may not be used by another building.

No part of any yard, other open space, or off-street parking or loading space required or in connection with any building, structure or use by this chapter shall be considered to be part of a required yard, or other open space, or off-street parking or loading space for any other building structure or use unless otherwise noted.

Sec. 4.7. - Reduction of yards or lot area.

Except as provided in section 4.18 of this chapter, no lot existing as of November 7, 1996, shall be reduced, divided, or changed so as to produce a tract of land which does not comply with the minimum dimension or area requirements of this chapter for the district in which it is located unless said reduction or division is necessary to provide land that is needed and accepted for public use.

Sec. 4.8. - Encroachment on public rights-of-way.

No privately owned structures other than driveways, access walkways, and mailboxes shall be permitted within a public right-of-way. Signs and other structures belonging to the State of Georgia, Bartow County, and the City of Cartersville, or for the purposes of railroad or private utility use are exempt from this provision.

Sec. 4.9. - Accessory uses, buildings or structures.

Accessory uses, buildings, or structures on residential lots shall be located within a rear yard only and be a minimum of five (5) feet from all property lines which do not abut a street right-of-way. A detached garage or carport may be allowed in a side yard of a residential lot and, if so placed, shall comply with the side yard setback requirements of the district. In the case of a residential corner lot, in which a lot abuts or adjoins the intersection of two (2) or more streets other than an alley, an accessory structure may be allowed in a side yard and, if so placed, shall comply with the side yard setback requirements of the district.

Accessory uses, buildings, or structures on nonresidential lots shall not be allowed in the front yard and must comply with side and rear yard requirements established for the zoning district in which such accessory buildings or uses are located. The following accessory uses, buildings, or structures on nonresidential lots may be allowed in a front yard of a nonresidential lot and, if so placed, shall comply with the front yard setback requirements of the district: ATMs (automated teller machines) and service stations.

All accessory uses, buildings, or structures in all zoning districts shall be subordinate to the principal structure. An accessory building's floor area shall be no larger than fifty (50) percent of the principal structure floor area. Accessory structures shall not exceed the height of the most prevalent roof top of the principal building on the property.

Outdoor play structures or play sets in commercial districts, commonly associated with fast-food eating establishments, shall be located in a side or rear yard only and shall comply with the required yard setbacks of the district.

All site plans for multifamily, commercial, and industrial buildings shall include a solid waste container pad that has easy and safe access for a front-end loader. Solid waste containers shall be screened from all streets and adjoining properties with a solid, opaque fence or wall which shall be a minimum of six (6) inches taller than the container.

An amenity, as defined by this chapter, shall not be considered an accessory structure.

Sec. 4.10. - Every lot shall abut a street.

No building shall be erected on a lot which does not have immediate frontage on at least one (1) public street or private street as allowed by the Cartersville development regulations, for a distance of not less than the minimum allowed frontage for said lot as described in the development standards section of the applicable zoning district, except as provided for in planned developments.

Sec. 4.11. - Lots with multiple frontages.

Front yard setback requirements shall apply to all yards having road frontage.

Sec. 4.12. - Visibility at intersections.



On corner lots within all zoning districts (except the DBD district) no fence, shrubbery or other obstruction to the traffic sight vision, except utility poles or light or sign standards, shall exceed a height of three (3) feet within a triangular area formed by the intersection of the right-of-way lines of two (2) streets or a street intersection with a railroad right-of-way line, and a diagonal line which intersects the right-of-way lines at two (2) points, each twenty (20) feet distance from the intersection of the right-of-way lines, or, in the case of a rounded corner, from the point of intersection of their tangents; provided, however, signs, lights, or similar objects which are totally located at least ten (10) feet above the finished grade shall be permitted.

Sec. 4.13. - Uses prohibited.

If either a use or class of use is not specifically indicated as being permitted in a district, either as a matter of right, or as a special use, then such use, class of use, or structures for such uses, shall be prohibited in such district.

Sec. 4.14. - Zoning of annexed areas.

Areas annexed to the City of Cartersville subsequent to the adoption of this chapter shall be zoned R-20, unless other zoning is formally requested and approved with the annexation petition. Initial zoning of annexed property shall be charged the required fee for zoning amendments as stated herein.

Sec. 4.15. - Emergency shelters.

Emergency shelters for the purpose of protecting individuals from life-threatening weather storms or other emergencies shall be permitted as an accessory structure in all zoning districts and shall meet the setback requirements of such structures in the district.

Sec. 4.16. - Fences and walls.

No fence or wall shall constitute an obstruction to the vision for or create a hazard to vehicular traffic. In all residential zoning districts, fences and/or walls shall not exceed four (4) feet in height in a front yard and shall not exceed eight (8) feet in height in a side or rear yard. In all commercial zoning districts, fences and/or walls shall not exceed eight (8) feet in height in a side or rear yard.

In all residential and commercial zoning districts, any fence or wall which extends into the front yard shall be ornamental or decorative, and shall not be opaque. Any such fence or wall may be constructed of brick, stone, wood, wrought iron, split rail, or other decorative material as approved by the zoning administrator; provided that no fence or wall shall be constructed of exposed concrete block, tires, junk or other discarded materials, with the following exceptions:

1. Chain-link fencing material may be used with prior approval of a variance by the board of zoning appeals.
2. For a corner lot or double frontage lot in a residential zoning district, a screening or opaque fence may be installed to the rear of the principal structure at a maximum of eight (8) feet in height provided that the fence shall be located behind the required front yard setback and shall not be located adjacent to or abutting a collector or arterial street.
3. The fencing standards as stated in this section shall not apply to fencing for detention ponds.

In all residential and commercial districts, razor wire (ribbon) shall be prohibited. In all residential and commercial districts, no retaining wall shall be constructed of exposed concrete block.

Sec. 4.17. - Buffer and screening requirements.

Buffers or screening as required by this chapter are subject to review and approval by the zoning administrator. The following are required standards for buffers and shall be utilized by the zoning administrator in reviewing development plans:

1. Buffers shall be designated on the site plan and required plats as permanent buffer strip or area.

2. Buffers shall be natural/undisturbed areas of existing mature trees, which meet the intent of the definition of buffer. Where substantially devoid of existing trees, or where it is necessary to disturb the existing natural area, a planted/landscaped buffer shall be established in accordance with this section.
3. Buffers shall be established and maintained along required adjoining property to meet the minimum width requirements as stated within the individual zoning district development standards.
4. Buffers shall provide year-round visual screening from the ground to a height of at least six (6) feet.
5. Buffers that utilize trees and/or other vegetation shall be installed not only to provide visual screening, but to allow for proper plan growth and maintenance.
6. Buffer design shall be integrated with the overall design concept of the project.
7. Existing tree cover and natural vegetation shall be undisturbed for areas designated as natural/undisturbed except for the addition of supplemental plantings or other approved screening, devices, or for the provision of required access or utility crossings as approved by the zoning administrator. Where a buffer is substantially devoid of trees and shrubbery, or where a planted/landscaped buffer is proposed by the developer, grading may be allowed within the buffer area prior to replanting or the provision of other screening devices as required.
8. All plantings, with exception of infill plantings as may be approved by the zoning administrator, shall be in staggered rows, with vegetation spaced fifteen (15) feet apart (measured trunk to trunk) with a minimum of two (2) staggered rows of plantings for buffers designated to be fifteen (15) feet or smaller in width. Planting, maintenance, and removal shall be in accordance with the Cartersville landscaping ordinance.

Sec. 4.18. - Substandard lots of record.

Any lot of record existing as of November 7, 1996, which has an area or a width which is less than required by this chapter shall be allowed to be developed providing the setbacks of the district are maintained.

Sec. 4.19. - Structures permitted above the height limit.

For nonresidential districts, the height limits of these regulations shall not apply to a church spire, belfry, cupola, dome, or ornamental tower not intended for human occupancy, historical monument, water tower, observation tower, power line tower, chimney, flagpole, mast or aerial and parapet walls not extending more than four (4) feet above the roof line of the building, and necessary mechanical appurtenances.

Sec. 4.20. - Permitted encroachments of yards and setbacks.

Architectural features such as cornices, eaves, steps, gutters, and fire escapes may project not more than three (3) feet beyond any required setback line, except where such projections would obstruct driveways which are or may be used for access and service and/or emergency vehicles or where such projections may interfere with utilities. An unenclosed front or side porch, portico, or stoop facing a street fronting yard on a single-family residential structure shall be allowed to project not more than three (3) feet beyond the required front yard setback line.

Sec. 4.21. - Outdoor lighting.

Parking lot outdoor lighting shall be directed away and shielded from abutting residential districts. All freestanding outdoor lighting fixtures erected on private nonresidential properties shall have a maximum height of forty-five (45) feet. Freestanding outdoor lighting fixtures erected on private residential properties and freestanding public street lighting fixtures in residential subdivisions and neighborhoods shall have a maximum height of thirty-five (35) feet.

Sec. 4.22. - Keeping of horses.

One (1) horse or other member of the horse (equine) family per fenced acre, with a minimum two (2) acre lot size, shall be allowed in association with a single-family dwelling or in single-family dwelling districts. Such uses shall comply with the following conditions:

1. All structures used for the shelter of such animals shall be a minimum of seventy-five (75) feet from all property lines;
2. Shall be located within the rear yard. In the case of a residential corner lot, in which a lot abuts or adjoins the intersection of two (2) or more streets other than an alley, a structure may be allowed in a side yard; and
3. Be no larger than fifty (50) percent of the principal building heated floor area.
4. All such animals shall be maintained at least twenty-five (25) feet from all property lines.
5. All areas used by the animals shall be maintained and shall not be allowed to become overgrown with weeds or other vegetation exceeding a height of twenty-four (24) inches.

Sec. 4.23. - Home occupations.

A home occupation as defined by this chapter shall be governed by the following requirements:

1. Only residents of the dwelling may be engaged in the home occupation.
2. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the building.
3. There shall be no display, stock in trade, or commodity sold on the premises, and no mechanical equipment used except such as is commonly used for purely domestic household purposes.
4. Reserved.
5. Use of the building for a home occupation shall not exceed thirty (30) percent of one (1) floor of the principal building (excludes a family day care use).
6. No alterations inconsistent with the residential use of the building shall be permitted.
7. The occupation shall not constitute a nuisance in the neighborhood.
8. No accessory buildings or outside storage shall be used in connection with the occupation.
9. Instructions in music shall not create sound at an audible level which may be a nuisance to neighboring properties.
10. Vehicles used primarily as passenger vehicles only shall be permitted in connection with the conduct of the home occupation.
11. No commercial equipment such as landscaping equipment or machinery associated with construction, grading, or hauling shall be allowed to be stored or parked on the property.
12. The following and similar uses shall be considered customary home occupations: art instruction, beauty shop (with no more than one (1) stylist), doctor's office, drafting, dressmaking, insurance agency, manufacturing agent, music instruction, notary public, photography, real estate agency, tax consultant, or any other home office consisting of a personal computer, FAX machine, phone, or any other accessory office equipment typically used to establish a home office.
13. All home occupations must have an occupational tax certificate.

Sec. 4.24. - Temporary office trailers or modular buildings.

The use of trailers or modular buildings for construction offices shall be allowed on a construction site only and must be removed within thirty (30) days of the issuance of a certificate of occupancy; the use of trailers or modular buildings for on-site real estate sales offices shall be allowed on a site for a period not to exceed thirty-six (36) months; the use of trailers or modular buildings for any other office use or commercial venture shall be allowed with the following condition:

- A. Temporary office trailers or modular buildings shall be allowed on a lot for a period not to exceed twelve (12) months. Upon expiration of the twelve-month period, the trailer or modular building must comply with section 4.25 of this chapter and the property on which the trailer or modular building is placed shall fully comply with the City of Cartersville landscaping ordinance, or said trailer or building must be removed from the property.

Sec. 4.25. - Outdoor storage.

Outdoor storage shall be allowed in G-C, L-I, and H-I districts only. In G-C and L-I districts, outdoor storage must be located in a side or rear yard and screened from all rights-of-way, and residential districts that abut the outdoor storage area. Such storage shall be screened in accordance with the requirements under section 4.17 of this chapter. In G-C and L-I districts, the use of trucks, truck bodies, enclosed containers, campers, recreational vehicles, or other types of motor vehicles for storage is prohibited. This section does not apply to incidental outside storage on properties in residential districts.

In the G-C district, neither vehicles (whether operable or inoperable) nor trailers (whether on or off their axles) may be used as storage buildings. This shall apply to all vehicles and trailers, including commercial vehicles, recreational vehicles, panel vans, tractor-trailer rigs, railroad box-cars, etc. The storage of new or used tires on any G-C district property is prohibited unless the same are stored within an enclosed building or garage. It is illegal to discard or abandon tires on any property other than a lawful landfill.

In the M-U district, outdoor storage of landscape supplies and materials may be permitted per the requirements in section 9.2.3, development standards.

(Ord. No. 11-18, § 1, 5-17-18)

Sec. 4.26. - Outdoor displays and yard sales.

The displaying of goods or merchandise for sale outdoors on the property shall be allowed for goods or merchandise normally used in the outdoors. Merchandise allowed to be displayed outdoors includes, but is not limited to, lawnmowers, wheelbarrows, lawn furniture, barbecue grills, play sets, and manufactured out buildings. The keeping of goods or merchandise outdoors on the property, longer than a twenty-four-hour period shall be considered outdoor storage and shall comply with outdoor storage requirements in section 4.26 of this chapter. This section shall not apply to vehicle or manufactured housing sales lots.

Yard sales and garage sales (or carport sales) shall be permitted on any residential lot no more frequently than once per calendar quarter. Such sale may not continue for more than seventy-two (72) hours.

Yard sales shall not be permitted on any commercial or industrial use lot. Such activity shall constitute a flea market use and shall be allowed only in the Fair Ground (FG) district.

Sec. 4.27. - Movable modular storage units.

Movable modular storage units, also known as storage pods, are permissible temporary structures, provided that such structures are located in compliance with the following standards:

1. The duration shall be limited to twenty-eight (28) days per calendar year.

2. The storage pod may be placed on a paved or unpaved surface. When the location of the storage pod is on an unpaved surface, the permit shall be conditioned upon the requirement that grass, sod, or landscaping shall be restored after removal of the storage pod.
3. The storage pod may be placed in a front, side, or rear yard.
4. The storage pod shall be placed at least five (5) feet from any property line.
5. The storage pod shall not be placed within an easement, stormwater area, or required buffer.
6. The storage pod shall not obstruct pedestrian access.

Sec. 4.28. - Ground-based direct broadcast satellite dishes.

Ground-based direct broadcast satellite dishes shall be considered accessory structures and shall not be placed within a road right-of-way. Ground-based direct broadcast satellite dishes greater than one (1) meter (39.37 inches) in diameter shall be placed in a side or rear yard only and shall be a minimum of five (5) feet from all property lines.

Sec. 4.29. - Standards for communication towers.

4.29.1. *General requirements.*

- A. The height limitations set forth in this chapter applicable to buildings and structures shall not apply to communication towers which shall be governed by this section.
- B. A variance shall be approved by the board of zoning appeals for the construction of all new communication towers within the city excluding such towers erected in the AG, L-I, H-I, or MN zoning districts. In addition to standards required in this chapter, the following standards shall be considered by the board of zoning appeals prior to the approval of a variance for a communication tower:
  1. Height of the proposed tower.
  2. Proximity of the tower to residential structures and residential zoning districts, historical districts, parks, and designated nature preserve areas.
  3. Nature of the uses on adjacent and nearby properties.
  4. Surrounding topography.
  5. Surrounding tree coverage and foliage.
  6. Design of the tower structure, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
  7. Impact upon the Cartersville/Bartow County airport.
  8. Availability of suitable existing towers and other structures for co-location as defined in this chapter.
- C. All new communication towers or antennas shall obtain a building permit prior to the construction or placement of such structures or facilities. A building permit shall not be approved for such towers without prior approval of a special use if so required by this section. Excludes noncommercial amateur radio antennas, towers, and supporting structures.
- D. The application for a communication tower shall include, but not be limited to, the following information:
  1. A survey site plan drawn to scale showing all property lines with dimensions, location of existing buildings and other structures, topography, location of setback lines or other dimensional requirements, proposed tower location, tower height, location of accessory structures to the tower, proposed landscaping, neighboring uses, north arrow, and property street number;

2. The coverage zone of the proposed tower;
  3. A report, documented by the submission of a certification by a qualified engineer, showing evidence of an engineering nature which demonstrates that no existing tower or structure can accommodate the proposed antenna(s). Said report shall include, but not be limited to, the following information:
    - a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements;
    - b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements;
    - c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment;
    - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;
    - e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable (costs exceeding new tower development are considered to be unreasonable); or
    - f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable; and
  4. A report explaining the process by which the subject site was chosen.
- E. Shared usage of communication towers and antenna facilities is encouraged, and towers shall be designed to accommodate at least one (1) other entity to co-locate on such towers.
  - F. Accessory structures shall be limited to such structures associated with the operation of a communication tower.
  - G. All self-supporting communication towers shall be equipped with an anti-climbing device to prevent unauthorized access and such towers and related equipment and buildings shall be enclosed by security fencing not less than six (6) feet in height.
  - H. All communication towers must meet or exceed current codes, rules, standards, and regulations of the Federal Aviation Administration, the Federal Communications Commission or such governing agency guidelines as may be established from time to time. All such towers must be updated and brought into conformity with such standards and regulations within six (6) months of their adoption or as required by code if less than six (6) months. The failure to comply with this provision shall be grounds for the city to require repermitting or removal of the tower at the owner's expense.
  - I. At the time of application for a building permit, the plans for the construction of a communication tower shall be certified by an independent registered structural engineer as meeting all current safety and design standards of all applicable codes.
  - J. Communication towers are encouraged to locate in nonresidential areas where possible. Self-supporting towers shall not be permitted within a single-family residential zoning district unless the applicant can show that the denial of a permit in such a location will cause a significantly harmful and permanent degradation of service which cannot be overcome by any other means including planned or potential locations which would provide the same or similar coverage or capacity. Such towers shall not be permitted in any platted residential subdivision.
  - K. Self-supporting communication towers shall not be permitted in the DBD zoning district or the Etowah Valley Historic District.
  - L. Lattice and guy tower structures shall be permitted only within the L-I H-I, or MN zoning district.

- M. Communication towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration, Federal Communications Commission, or other applicable federal or state agency, be painted a neutral color or painted to match the existing structure so as to reduce visual obtrusiveness.
- N. Communication towers shall not be artificially lighted unless required by the Federal Aviation Administration, Federal Communications Commission or other state or federal agency of competent jurisdiction. If lighting is required, the city may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
- O. Communication towers shall not exceed a height above the "clear zone" required for a safe approach to the Cartersville/Bartow County Airport as set forth by the Federal Aviation Administration if within a three-mile radius of said airport.
- P. Any communication tower approved under the provisions of this section which is not utilized by any communications service provider for any communications related purpose for a period of twelve (12) consecutive months shall be considered abandoned and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the city. If such antenna or tower is not removed within said ninety (90) days, the city may remove such antenna or tower at the owner's expense.

4.29.2. *Self-supporting communication tower setback, height, and separation.*

- A. Self-supporting towers erected in the AG, L-I, H-I, or MN zoning district shall be set back a distance equal to one-third (  $1/3$  ) the height of the tower from all adjoining property lines where such lines do not adjoin a residential zoning district and a distance of twice (  $\times 2$  ) the height of the tower from all property lines which adjoin a residential zoning district.
- B. Self-supporting towers erected in a nonresidential zoning district, excluding the AG, L-I, H-I, or MN zoning districts, except where otherwise stated in section 4.31.2.A. of this chapter, shall be set back a distance equal to the full vertical height of the tower from all adjoining property lines of a nonresidential zoning district and a distance of twice (  $\times 2$  ) the height of the tower from all property lines which adjoin a residential zoning district.
- C. Self-supporting towers erected in a residential zoning district shall be set back a distance equal to the full height of the tower from any nonresidential zoning district and a distance of twice (  $\times 2$  ) the height of the tower from all property lines which adjoin a residential zoning district or any residential structure.
- D. Self-supporting towers shall be limited to a height of two hundred (200) feet in a AG, H-I, or MN zoning district, one hundred fifty (150) feet in a L-I or G-C zoning district, and one hundred twenty (120) feet in a P-D, M-U, P-S, O-C, or P-I zoning district or any residential zoning district.
- E. Self-supporting towers shall be separated a distance equal to one-quarter (  $1/4$  ) of a mile. (Excludes such towers erected in the H-I or MN zoning district.)
- F. For purposes of determining whether the installation of a self-supporting tower complies with setback requirements, the dimensions of the entire lot shall control, even though the tower may be located on leased parcels within such lots.

4.29.3. *Landscaping requirements.* Where adequate existing vegetation is not present, as determined by the city, communication towers located in all zoning districts other than H-I or MN shall have the base of the tower and any accessory structures to the tower screened on all sides with a landscaped area having a minimum width of fifteen (15) feet. Said area shall be included in the setback and shall be planted with trees of an evergreen species capable of achieving a minimum height of twenty (20) feet at maturity so as to provide a visual barrier. Required plantings shall be a minimum of five (5) feet in height at the time of planting and placed outside of any required security fencing and shall be regularly maintained by the property owner(s) to ensure that the above objectives and standards are met.

4.29.4. *Nonconforming structures.* Any communication tower existing on the date of the adoption of this section of this chapter shall be considered a nonconforming structure and shall be required to follow the standards set forth in Article XIX of this chapter.

4.29.5. *Exemptions.*

- A. A single tower seventy-five (75) feet in height or less owned and operated by a federally licensed amateur radio station operator shall be exempt from these requirements. However, the owner or operator of such antenna shall be required to comply with all applicable city, state, and federal building codes and with section 4.30 of this chapter.
- B. Antenna facilities attached to existing nonresidential structures are exempt from these requirements except that such antennas shall meet or exceed Federal Aviation Administration and Federal Communications Commission standards and shall be limited to ten (10) feet in height above an existing structure in the historic DBD zoning district and twenty (20) feet in height above an existing structure in all other zoning districts. Such nonresidential structures shall include buildings, light poles, water towers, church steeples, and other similar structures. Such antennas shall not be attached to freestanding sign structures. Prior to placement, a building permit shall be obtained. Placement of antennas or other communications equipment on any nonconforming use shall provide no vested right for continued use of the site should the nonconforming use cease.
- C. Attachment of additional antennas or transmission equipment to existing permitted communication towers shall be exempt from these requirements so long as the height of said tower is not increased; such equipment meets or exceeds Federal Aviation Administration and Federal Communications Commission standards; and a building permit is obtained prior to such attachment.
- D. A monopole communication tower up to ninety (90) feet in height placed on nonresidential zoned sites shall be exempt from these requirements except that such towers shall be set back from all property lines a distance of one-third (  $1/3$  ) the height of the tower except when abutting a residential property whereby the minimum setback distance shall be equal to twice (  $\times 2$  ) the height of the tower. Such towers shall be no closer than one-quarter (  $1/4$  ) mile to any other self-supporting communication tower unless within the H-I or MN zoning district and must obtain a building permit prior to construction.
- E. Alternative communication tower structures such as manmade trees, clock towers, bell steeples, flagpoles, light poles, and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers shall be exempt from these requirements. Such towers shall obtain a building permit prior to construction.
- F. Communication towers constructed on the governing authority's properties, facilities, or structures shall be exempt from these requirements. Private facilities and structures placed upon the governing authority's property shall be governed by a lease agreement between the governing authority and the provider.

4.29.6. *Variances.* Variances from this section may be applied for and granted in the same procedural manner as required by Article XXII of this chapter.

4.29.7. *Appeals.* Appeals regarding the requirements of this section shall follow the procedures as set forth in Article XXII of this chapter.

Sec. 4.30. - Amateur radio tower.

*Definitions.* The following definitions shall apply in the interpretation and enforcement of this section of the City of Cartersville zoning ordinance.

1. *Antenna.* For the purposes of this section, an antenna shall mean the arrangement of wires and metal rods used in the sending and receiving of electromagnetic waves (radio waves).



2. *Antenna support structure.* For the purposes of this section, an antenna support structure shall mean any structure, mast, pole tripod, or tower utilized for the purpose of supporting an antenna or antennas for the purpose of transmission or reception of electromagnetic waves. Buildings and associated roof-mounted equipment shall not be considered as antenna support structures.
3. *Amateur radio station.* For the purposes of this section, an amateur radio station shall mean a station operated in the amateur radio service, consisting of the apparatus necessary for carrying on radio communications, under a license by the Federal Communication Commission (FCC) pursuant to 47 C.F.R. part 97.

*Permanently installed amateur radio towers and antennas* shall be allowed in all zoning districts, excluding the RA-12 and MF-14 districts, and shall comply with the following standards:

1. Mobile home parks with lots less than 0.25 acres shall be limited to pole or mast supported vertical antennas only. The maximum height of the supporting structure shall not exceed twenty (20) feet above the apex of the roofline of the dwelling.
2. Permanently installed towers shall be allowed in the rear and side yard only; however, wire antennas may extend into the front yard. The Cartersville Board of Zoning Appeals may approve the location of supporting structures in the front yard if the occupant demonstrates that there is a compelling communications need for such location or if there are limiting characteristics of the subject property, based on topography, that necessitate the location of supporting structures in the front yard.
3. Manmade ground-mounted antenna support structures, including guy wire anchors, may be erected, constructed, or installed only in the rear or side yards and must be located within the allowable setback of the district in which the subject property is located. However, guy wire anchors may be installed within five (5) feet of the rear or side property lines.
4. The maximum height of towers shall be seventy-five (75) feet, unless approved by the board of zoning appeals.
5. Towers shall be set back from all property lines a distance of one-third ( 1/3 ) the height of the tower.
6. Towers shall be located a distance equal to or greater than the antenna height from the nearest residential dwelling, excluding the owners primary dwelling.
7. Towers shall not be lighted, except as required by FAA regulations.

*Discontinuance.* Within one hundred eighty (180) days of the date of discontinuance, the owner of the property on which an antenna structure is located shall remove the structure from the property in the event licensed amateur radio communications will be discontinued at the property due to change in ownership from a licensed amateur radio operator to a person not licensed to engage in licensed amateur communications, the death of the licensee, or loss or surrender of the FCC license authorizing these communications.

#### Sec. 4.31. - Zoning of nonsubdivided property.

A nonsubdivided lot under single ownership may have more than one (1) zoning district applicable to said lot, provided that the following conditions are met:

- 4.31.1. No zoning districts can overlap.
- 4.31.2. In addition to required buffers and setbacks from the property lines additional buffer and setbacks and other development standards shall be required from the zoning district line pursuant to the development standards for all adjacent zoning districts, as if said zoning district line is a property line, and said lot be in compliance with said development standards.
- 4.31.3. Prior to any building permits being issued the lot must be subdivided in accordance to the requirement of the City of Cartersville Code of Ordinances including the City of Cartersville development regulations.

4.31.4. All property regardless of zoning must have the required minimum frontage pursuant to the requirements of each zoning district which affects any lot.

#### ARTICLE V. - AGRICULTURAL DISTRICT REGULATIONS

##### Sec. 5.1. - AG Agricultural district.

5.1.1. *AG district scope and intent.* Regulations set forth in this section are the AG district regulations. The AG district is intended to encompass lands devoted to a wide range of agricultural and closely related uses as further described in section 3.1.1 of this chapter.

5.1.2. *Use regulations.* Within the AG district, land and structures shall be used in accordance with the standards herein. Any use not specifically designated as permitted shall be prohibited.

A. *Permitted uses.* Structures and land may be used for only the following purposes:

- Agriculture.
- Amateur radio transmitter.
- Amenities (as defined by this chapter).
- Bed and breakfast inn (SU).\*
- Clubs or lodges (noncommercial) (SU).\*
- Community fairs.
- Dairy farming.
- Family day care.
- Farming, general and specialized.
- Golf courses.
- Greenhouses.
- Group homes (SU).\*
- Guest houses (SU).\*
- Home occupations.
- Horticulture.
- Hospital or clinic, animal.
- Kennels.
- Livestock raising.
- Parks, private.
- Places of assembly (SU).\*
- Plant nurseries.
- Poultry raising.
- Public utility facilities.
- Radio and television broadcasting stations.
- Radio, television and communication towers.
- Religious institutions (SU).\*
- Riding stables.

- Roadside stands (produce sales).
  - Single-family detached dwellings.
  - Wildlife conservation park (SU).\*
- \* Special use approval required.

B. *Accessory uses.* A building or land may be used for uses customarily incidental to any permitted use.

5.1.3. *Development standards.*

- A. *Height regulations.* No buildings or structures (except silos, granaries, windmills, barns, commercial antennas or towers, amateur radio antennas, or other structures related to the operation of an agricultural enterprise) may exceed a height of thirty-five (35) feet or two and one-half (2½) stories, whichever is higher.
- B. *Front yard setback:* Forty (40) feet.
- C. *Side yard setback:* Twenty (20) feet.
- D. *Rear yard setback:* Forty (40) feet.
- E. *Minimum development area:* Five (5) acres.
- F. *Minimum lot width at the building line:* One hundred (100) feet.
- G. *Minimum lot frontage:* Thirty-five (35) feet adjoining a street.
- H. *Minimum heated floor area:* One thousand one hundred (1,100) square feet for single-family detached dwellings.
- I. *Accessory use, building and structure requirements.* Accessory uses, buildings, and structures which are not intended for use or used for the housing of livestock or poultry and are subordinate to the residential dwelling shall be located in a side or rear yard and shall meet the required setbacks of the district.
- J. *Other required standards.*
1. *Buildings and structures.* Buildings and structures which are intended for use or used for the housing or shelter of livestock or poultry and silos, granaries, windmills, barns, and similar structures which are related to the operation of an agricultural enterprise shall observe a minimum setback of one hundred (100) feet from any property line and be spaced a minimum of five hundred (500) feet from any residence on an adjoining property.
  2. *Kennel, veterinary hospital or clinic.* All structures and outdoor activity areas associated with a kennel, veterinary hospital, or clinic shall be a minimum of one hundred (100) feet from any property zoned or used for residential purposes.
  3. *Riding stables.* A minimum of ten (10) acres shall be required. If such use adjoins a residential district, all stable structures shall be a minimum of five hundred (500) feet from any residence on an adjoining property. Such stables shall be a minimum of one hundred (100) feet from all property lines.

5.1.4. *Other regulations.* The headings below contains additional, but not necessarily all, provisions applicable to the AG district.

- City of Cartersville Landscaping Ordinance.
- City of Cartersville Sign Ordinance.

ARTICLE VI. - SINGLE-FAMILY DWELLING DISTRICT REGULATIONS

Sec. 6.1. - R-20 Single-family dwelling district.

6.1.1. *R-20 district scope and intent.* Regulations set forth in this section are the R-20 district regulations. The R-20 district encompasses lands devoted to low density residential areas and closely related uses as further described in section 3.1.2 of this chapter.

6.1.2. *Use regulations.* Within the R-20 district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as permitted shall be prohibited.

A. *Permitted uses.* Structures and land may be used for only the following purposes:

- Accessory buildings or uses.
- Accessory apartments (SU).\*
- Amateur radio transmitter.
- Amenities (as defined by this chapter).
- Bed and breakfast inn (SU).\*
- Clubs or lodges (noncommercial) (SU).\*
- College and universities.
- Day care facilities (SU).\*
- Family day care.
- Golf courses.
- Group homes (SU).\*
- Guest house.
- Home occupations.
- Parks, private.
- Personal care homes (SU).\*
- Places of assembly (SU).\*
- Public utility facilities.
- Religious institutions (SU).\*
- Schools, private (SU).\*
- Single-family detached dwellings.

\* Special use approval required.

6.1.3. *Development standards.*

- A. *Height regulations.* Buildings shall not exceed a height of thirty-five (35) feet or two and one-half (2½) stories, whichever is higher.
- B. *Front yard setback:* Twenty (20) feet.
- C. *Side yard setback:* Ten (10) feet.
- D. *Rear yard setback:* Twenty (20) feet.
- E. *Minimum lot area:* Twenty thousand (20,000) square feet.
- F. *Minimum lot width at the building line on noncul-de-sac lots:* One hundred (100) feet.
- G. *Minimum lot frontage:* Thirty-five (35) feet adjoining a street.
- H. *Minimum heated floor area:* One thousand three hundred (1,300) square feet.

- I. *Metal building exterior finish materials.* A metal panel exterior finish product shall not be allowed on metal buildings exceeding one hundred fifty (150) square feet in gross floor area constructed or placed on lots within the R-20 district.
- J. *Accessory use, building, and structure requirements.* [See section 4.9 of this chapter.]
- K. *Optional density bonus.* Proposed developments may contain lots with minimum areas of seventeen thousand (17,000) square feet if one (1) of the following items is met:
  1. Submittal of an affidavit certifying that all units will meet certification standards of the EarthCraft House certification program or will be LEED certified homes.
  2. Submittal of an affidavit certifying that all units will be clad with exterior finishes of brick, stone, or hard-coat stucco on sixty-seven (67) percent or more of wall surfaces and one hundred (100) percent architectural roofing shingles.
  3. A donation of land to the City of Cartersville for one (1) of the following: community greenway facility including surface trails if directly accessible from the development, or a neighborhood park with public access. In either case, the minimum total area to be donated shall be ten (10) percent of the total acreage of the property. All legally necessary documents, including, but not limited to, a property deed to convey land to the City of Cartersville, shall be completed at time of approval of any final plats.

[L. *Reserved.* ]

- M. *Guest house.* In addition to standards required in this chapter, the following standards shall be met for a guest house:
  1. No more than one (1) guest house structure per lot.
  2. A minimum lot size of fifteen thousand (15,000) square feet shall be required.
  3. A guest house shall be occupied by relatives, employees that work on the property, or guests only.
  4. Heated floor area shall not exceed fifty (50) percent of the heated floor area of the principal building.
  5. A guest house structure shall comply with the principal setbacks of the district.
  6. A guest house shall not be allowed in the front yard.
  7. A guest house shall not exceed the height of the principal building on the lot.
  8. Requires owner-occupancy of the principal building on the lot.

6.1.4. *Other regulations.* The headings below contains additional, but not necessarily all, provisions applicable to uses allowed in the R-20 district.

- City of Cartersville Landscaping Ordinance.
- City of Cartersville Sign Ordinance.

Sec. 6.2. - R-15 Single-family dwelling district.

6.2.1. *R-15 district scope and intent.* Regulations set forth in this section are the R-15 district regulations. The R-15 district encompasses lands devoted to low density residential areas and closely related uses as further described in section 3.1.3 of this chapter.

6.2.2. *Use regulations.* Within the R-15 district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as permitted shall be prohibited.

- A. *Permitted uses.* Structures and land may be used for only the following purposes:
  - Accessory buildings or uses.
  - Accessory apartments (SU).\*

- Amateur radio transmitter.
- Amenities (as defined by this chapter).
- Bed and breakfast inn (SU).\*
- Clubs or lodges (noncommercial) (SU).\*
- College and universities.
- Day care facilities (SU).\*
- Family day care.
- Golf courses.
- Group homes (SU).\*
- Guest house.
- Home occupations.
- Parks, private.
- Personal care homes (SU).\*
- Places of assembly (SU).\*
- Public utility facilities.
- Religious institutions (SU).\*
- Schools, private (SU).\*
- Single-family detached dwellings.

\* Special use approval required.

6.2.3. *Development standards.*

- A. *Height regulations.* Buildings shall not exceed a height of thirty-five (35) feet or two and one-half (2½) stories, whichever is higher.
- B. *Front yard setback:* Twenty (20) feet.
- C. *Side yard setback:* Ten (10) feet.
- D. *Rear yard setback:* Twenty (20) feet.
- E. *Minimum lot area:* Fifteen thousand (15,000) square feet.
- F. *Minimum lot width at the building line on noncul-de-sac lots:* One hundred (100) feet.
- G. *Minimum lot frontage:* Thirty-five (35) feet adjoining a street.
- H. *Minimum heated floor area:* One thousand three hundred (1,300) square feet.
- I. *Metal building exterior finish materials.* A metal panel exterior finish product shall not be allowed on metal buildings exceeding one hundred fifty (150) square feet in gross floor area constructed or placed on lots within the R-15 district.
- J. *Accessory use, building, and structure requirements.* See section 4.9 of this chapter.
- K. *Optional density bonus.* Proposed developments may contain lots with minimum areas of twelve thousand (12,000) square feet if one (1) of the following items is met:
  - 1. Submittal of an affidavit certifying that all units will meet certification standards of the EarthCraft House certification program or will be LEED certified homes.

2. Submittal of an affidavit certifying that all units will be clad with exterior finishes of brick, stone, or hard-coat stucco on sixty-seven (67) percent or more of wall surfaces and one hundred (100) percent architectural roofing shingles.
3. A donation of land to the City of Cartersville for one (1) of the following: community greenway facility including surface trails if directly accessible from the development, or a neighborhood park with public access. In either case, the minimum total area to be donated shall be ten (10) percent of the total acreage of the property. All legally necessary documents, including, but not limited to, a property deed to convey land to the City of Cartersville, shall be completed at time of approval of any final plats.

L. *Guest house.* In addition to standards required in this chapter, the following standards shall be met for a guest house:

1. No more than one (1) guest house structure per lot.
2. A minimum lot size of fifteen thousand (15,000) square feet shall be required.
3. A guest house shall be occupied by relatives, employees that work on the property, or guests only.
4. Heated floor area shall not exceed fifty (50) percent of the heated floor area of the principal building.
5. A guest house structure shall comply with the principal setbacks of the district.
6. A guest house shall not be allowed in the front yard.
7. A guest house shall not exceed the height of the principal building on the lot.
8. Requires owner-occupancy of the principal building on the lot.

6.2.4. *Other regulations.* The headings below contains additional, but not necessarily all, provisions applicable to uses allowed in the R-15 district.

- City of Cartersville Landscaping Ordinance.
- City of Cartersville Sign Ordinance.

Sec. 6.3. - R-10 Single-family dwelling district.

6.3.1. *R-10 district scope and intent.* Regulations set forth in this section are the R-10 district regulations. The R-10 district encompasses lands devoted to medium density and cluster developed residential areas and closely related uses, and provides a transition from higher density residential areas to lower density residential areas as further described in section 3.1.4 of this chapter.

6.3.2. *Use regulations.* Within the R-10 district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as permitted shall be prohibited.

A. *Permitted uses.* Structures and land may be used for only the following purposes:

- Accessory apartments (SU).\*
- Accessory buildings or uses.
- Amateur radio transmitter.
- Amenities (as defined by this chapter).
- Bed and breakfast inn (SU).\*
- Clubs or lodges (noncommercial) (SU).\*
- College and universities.
- Day care facilities (SU).\*
- Family day care.

- Guest house.
- Golf courses.
- Group homes (SU).\*
- Home occupations.
- Parks, private.
- Personal care homes (SU).\*
- Places of assembly (SU).\*
- Public utility facilities.
- Religious institutions (SU).\*
- Schools, private (SU).\*
- Single-family detached dwellings.

\* Special use approval required.

6.3.3. *Development standards.*

- A. *Height regulations.* Buildings shall not exceed a height of thirty-five (35) feet or two and one-half (2½) stories, whichever is higher.
- B. *Front yard setback:* Twenty (20) feet.
- C. *Side yard setback:* Ten (10) feet.
- D. *Rear yard setback:* Twenty (20) feet.
- E. *Minimum lot area:* Ten thousand (10,000) square feet.
- F. *Minimum lot width at the building line on noncul-de-sac lots:* Eighty (80) feet.
- G. *Minimum lot frontage:* Thirty-five (35) feet adjoining a street.
- H. *Minimum heated floor area:* One thousand two hundred (1,200) square feet.
- I. *Metal building exterior finish materials.* A metal panel exterior finish product shall not be allowed on metal buildings exceeding one hundred fifty (150) square feet in gross floor area constructed or placed on lots within the R-10 district.
- J. *Accessory use, building, and structure requirements.* See section 4.9 of this chapter.
- K. *Optional density bonus.* Proposed developments may contain lots with minimum areas of eight thousand (8,000) square feet if one (1) of the following items is met:
  - 1. Submittal of an affidavit certifying that all units will meet certification standards of the EarthCraft House certification program or will be LEED certified homes.
  - 2. Submittal of an affidavit certifying that all units will be clad with exterior finishes of brick, stone, or hard-coat stucco on sixty-seven (67) percent or more of wall surfaces and one hundred (100) percent architectural roofing shingles.
  - 3. A donation of land to the City of Cartersville for one (1) of the following: community greenway facility including surface trails if directly accessible from the development, or a neighborhood park with public access. In either case, the minimum total area to be donated shall be ten (10) percent of the total acreage of the property. All legally necessary documents, including, but not limited to, a property deed to convey land to the City of Cartersville, shall be completed at time of approval of any final plats.
- L. *Guest house.* In addition to standards required in this chapter, the following standards shall be met for a guest house:



1. No more than one (1) guest house structure per lot.
2. A minimum lot size of fifteen thousand (15,000) square feet shall be required.
3. A guest house shall be occupied by relatives, employees that work on the property, or guests only.
4. Heated floor area shall not exceed fifty (50) percent of the heated floor area of the principal building.
5. A guest house structure shall comply with the principal setbacks of the district.
6. A guest house shall not be allowed in the front yard.
7. A guest house shall not exceed the height of the principal building on the lot.
8. Requires owner-occupancy of the principal building on the lot.

6.3.4. *Other regulations.* The headings below contains additional, but not necessarily all, provisions applicable to uses allowed in the R-10 district.

- City of Cartersville Landscaping Ordinance.
- City of Cartersville Sign Ordinance.

Sec. 6.4. - R-10A Single-family dwelling district.

6.4.1. *Scope and intent.* Regulations set forth in this section are the R-10A district regulations. The R-10A district provides minimum design standards for manufactured, modular, industrialized, and prefabricated housing developments, as further described in section 3.1.5 of this chapter.

6.4.2. *Use regulations.* Within the R-10A 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. *Permitted uses.* Structures and land may be used for only the following purposes:

- Accessory buildings or uses.
  - Amateur radio transmitter.
  - Amenities (as defined by this chapter).
  - Day care facilities (SU).\*
  - Family day care.
  - Golf courses.
  - Group homes (SU).\*
  - Home occupations.
  - Manufactured single-family detached dwellings.
  - Parks, private.
  - Personal care homes (SU).\*
  - Public utility facilities.
  - Schools, private (SU).\*
- \* Special use approval required.

6.4.3. *Development standards.*

A. *Height regulations.* Buildings shall not exceed a height of thirty-five (35) feet or two and one-half (2½) stories, whichever is higher.

B. *Minimum yard dimensions:*

- *Front yard setback:* Twenty (20) feet.
- *Side yard setback:* Ten (10) feet.
- *Rear yard setback:* Twenty (20) feet.

C. *Minimum lot area:* Ten thousand (10,000) square feet.

D. *Minimum lot width at the building line on noncul-de-sac lots:* Eighty (80) feet if the lot is less than fifteen thousand (15,000) square feet in area; one hundred (100) feet if the lot is fifteen thousand (15,000) square feet or greater in area.

E. *Minimum lot frontage:* Thirty-five (35) feet adjoining a street.

F. *Minimum heated floor area:* One thousand two hundred (1,200) square feet.

G. *Accessory use, building, and structure requirements.* See section 4.9 of this chapter.

H. *Other required standards.*

1. All single-family units shall be constructed in conformity with the requirements of the U.S. Department of Housing and Urban Development (HUD).
2. All manufactured home installations must meet manufacturer's specifications and/or the specifications of this chapter whichever is stricter before permanent utilities may be installed. Utility connections prior to the final inspection of the installation will be considered temporary and will be approved only when arrangements for complete installations have been made.
3. A manufactured home in a manufactured home subdivision shall be placed on a permanent foundation. The foundation shall consist of a masonry product including, but not limited to, brick or standard gray concrete block. If standard gray block is used in the foundation, such block shall be finished on the exterior with a veneer of brick or stucco.
4. Two (2) access doors are required to be installed in a manner which will provide adequate access for inspections and maintenance. Provisions must be made for adequate ventilation for the crawl space underneath the manufactured house.
5. All manufactured home installations shall provide an adequate means of entry (steps).
6. Industrialized homes shall be erected on a permanent foundation, be constructed in accordance with the Georgia Industrialized Building Act and shall bear the seal of approval issued by the commissioner of the department of community affairs.

I. *Minimum buffer requirements.* In addition to required setbacks, a fifteen-foot wide buffer shall be required along all property lines which abut a single-family residential district or use to provide a visual screen in accordance with section 4.17 of this chapter.

6.4.5. *Other regulations.* The heading below contains additional, but not necessarily all, provisions applicable to the R-10A district.

- City of Cartersville Sign Ordinance.

Sec. 6.5. - R-7 Single-family dwelling district.

6.5.1. *R-7 district scope and intent.* Regulations set forth in this section are the R-7 district regulations. The R-7 district encompasses lands devoted to higher density residential areas downtown, cluster developments adjacent to downtown, and closely related uses as further described in section 3.1.6 of this chapter.

6.5.2. *Use regulations.* Within the R-7 district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as permitted shall be prohibited.

A. *Permitted uses.* Structures and land may be used for only the following purposes:

- Accessory apartments (SU).\*
- Accessory buildings or uses.
- Amateur radio transmitter.
- Amenities (as defined by this chapter).
- Bed and breakfast inn (SU).\*
- Clubs or lodges (noncommercial) (SU).\*
- College and universities.
- Day care facilities (SU).\*
- Family day care.
- Group homes (SU).\*
- Guest house.
- Home occupations.
- Nursing home facilities (SU).\*
- Parks, private.
- Personal care homes (SU).\*
- Places of assembly (SU).\*
- Public utility facilities.
- Religious institutions (SU).\*
- Retirement centers (SU).\*
- Schools, private (SU).\*
- Single-family detached dwellings.

\* Special use approval required.

6.5.3. *Development standards.*

- A. *Height regulations.* Buildings shall not exceed a height of thirty-five (35) feet or two and one-half (2½) stories, whichever is higher.
- B. *Front yard setback:* Twenty (20) feet.
- C. *Side yard setback:* Eight (8) feet.
- D. *Rear yard setback:* Twenty (20) feet.
- E. *Minimum lot area:* Seven thousand (7,000) square feet.
- F. *Minimum lot width at building line on noncul-de-sac lots:* Sixty (60) feet.
- G. *Minimum lot frontage:* Thirty-five (35) feet adjoining a street.
- H. *Minimum heated floor area:* Nine hundred (900) square feet.
- I. *[Metal panel exterior.]* A metal panel exterior finish product shall not be allowed on metal buildings exceeding one hundred fifty (150) square feet in gross floor area constructed or placed on lots within the R-7 district.
- J. *[Gable or hip roofs.]* Gable or hip roofs shall have a minimum roof pitch of 6/12. Both gable and hip roofs shall provide overhanging eaves on all sides that extend a minimum of one (1) foot beyond the building wall.

- K. *[Front building facade.]* The front building facade of all principal buildings shall be oriented toward street fronts or adjacent arterial street fronts.
- L. *Minimum open space requirements.* Proposed developments consisting of more than five (5) acres shall reserve a minimum of twenty (20) percent of the gross acreage of the site as open space with common areas provided.
- M. *Accessory use, building, and structure requirements.* See section 4.9 of this chapter.
- N. *Optional density bonus.* Proposed developments may contain lots with minimum areas of five thousand (5,000) square feet if one (1) of the following items is met:
1. Submittal of an affidavit certifying that all units will meet certification standards of the EarthCraft House certification program or will be LEED certified homes.
  2. Submittal of an affidavit certifying that all units will be clad with exterior finishes of brick, stone, or hard-coat stucco on sixty-seven (67) percent or more of wall surfaces and one hundred (100) percent architectural roofing shingles.
  3. A donation of land to the City of Cartersville for one (1) of the following: community greenway facility including surface trails if directly accessible from the development, or a neighborhood park with public access. In either case, the minimum total area to be donated shall be ten (10) percent of the total acreage of the property. All legally necessary documents, including, but not limited to, a property deed to convey land to the City of Cartersville, shall be completed at time of approval of any final plats.
- O. *Guest house.* In addition to standards required in this chapter, the following standards shall be met for a guest house:
1. No more than one (1) guest house structure per lot.
  2. A minimum lot size of fifteen thousand (15,000) square feet shall be required.
  3. A guest house shall be occupied by relatives, employees that work on the property, or guests only.
  4. Heated floor area shall not exceed fifty (50) percent of the heated floor area of the principal building.
  5. A guest house structure shall comply with the principal setbacks of the district.
  6. A guest house shall not be allowed in the front yard.
  7. A guest house shall not exceed the height of the principal building on the lot.
  8. Requires owner-occupancy of the principal building on the lot.
- 6.5.4. *Other regulations.* The headings below contains additional, but not necessarily all, provisions applicable to uses allowed in the R-7 district.
- City of Cartersville Landscaping Ordinance.
  - City of Cartersville Sign Ordinance.

(Ord. No. 01-13, § 3, 1-3-13)

Sec. 6.6. - R-D Single-family duplex dwelling district.

- 6.6.1. *R-D district scope and intent.* Regulations set forth in this section are the R-D district regulations. The R-D district is intended to provide land areas devoted to higher density dwelling uses as further described in section 3.1.7 of this chapter. Land areas zoned R-D are also intended to provide a transition between medium and high density residential areas.

6.6.2. *Use regulations.* Within the R-D 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. *Permitted uses.* Structures and land may be used for only the following purposes:

- Single-family detached dwellings.
- Accessory buildings or uses.
- Bed and breakfast inn (SU).\*
- Clubs or lodges (noncommercial) (SU).\*
- College and universities.
- Day care facilities (SU).\*
- Duplex dwellings.
- Family day care.
- Group homes (SU).\*
- Home occupations.
- Nursing home facilities (SU).\*
- Parks, private.
- Personal care homes (SU).\*
- Places of assembly (SU).\*
- Public utility facilities.
- Religious institutions (SU).\*
- Retirement centers (SU).\*
- Schools, private (SU).\*

\* Special use approval required.

6.6.3. *Development standards.*

- A. *Height regulations.* Buildings shall not exceed a height of thirty-five (35) feet or two and one-half (2½) stories, whichever is higher.
- B. *Front yard setback:* Twenty (20) feet.
- C. *Side yard setback:*
- Eight (8) feet (each noncommon wall).
  - Zero (0) feet (common wall).
- D. *Rear yard setback:* Twenty (20) feet.
- E. *Minimum lot area:* Seven thousand (7,000) square feet per dwelling unit.
- F. *Minimum lot width at the building line on noncul-de-sac lots:*
- Single-family detached shall be sixty (60) feet;
  - Single-family duplex (per dwelling unit) shall be fifty (50) feet.
- G. *Minimum lot frontage:* Thirty-five (35) feet adjoining a street.
- H. *Minimum heated floor area, per unit:* Nine hundred (900) square feet.

- I. *Minimum open space requirements.* Proposed developments consisting of more than five (5) acres shall reserve a minimum of twenty (20) percent of the gross acreage of the site as open space with common areas provided.
- J. *Accessory use, building and structure requirements.* See section 4.9 of this chapter.
- K. *Minimum buffer requirements.* In addition to required setbacks, a fifteen-foot wide buffer shall be required along all property lines which abut a single-family residential district or use to provide a visual screen in accordance with section 4.17 of this chapter.
- L. *Optional redevelopment density bonus.* Proposed developments, applicable to single-family detached dwellings in the R-D district, may contain lots with minimum areas of four thousand (4,000) square feet, front yard setback of ten (10) feet, and lot width of fifty (50) feet at the building line if one (1) of the following items is met:
  1. Submittal of an affidavit certifying that all units will meet certification standards of the EarthCraft House certification program or will be LEED certified homes.
  2. Submittal of an affidavit certifying that all units will be clad with exterior finishes of brick, stone, hard-coat stucco, or fiber cement siding on sixty-seven (67) percent or more of wall surfaces and one hundred (100) percent architectural roofing shingles.
  3. A donation of land to the City of Cartersville for one (1) of the following: community greenway facility including surface trails if directly accessible from the development, or a neighborhood park with public access. In either case, the minimum total area to be donated shall be ten (10) percent of the total acreage of the property. All legally necessary documents, including, but not limited to, a property deed to convey land to the City of Cartersville, shall be completed at time of approval of any final plats.

6.6.4. *Other regulations.* The headings below contain additional, but not necessarily all, provisions applicable to the R-D district.

- City of Cartersville Sign Ordinance.
- City of Cartersville Landscaping Ordinance.

(Ord. No. 01-13, § 4, 1-3-13)

Sec. 6.7. - RA-12 Single-family dwelling district.

6.7.1. *RA-12 district scope and intent.* Regulations set forth in this section are the RA-12 district regulations. The RA-12 district is intended to provide land areas devoted to high density uses consisting of single-family dwellings as further described in section 3.1.8 of this chapter. Land areas zoned RA-12 are also intended to provide a transition between medium density single-family residential areas and higher density multifamily residential areas or between medium density residential areas and nonresidential areas. The RA-12 district is intended to encourage home ownership.

6.7.2. *Use regulations.* Within the RA-12 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. *Permitted uses.* Structures and land may be used for only the following purposes:
- Amenities (as defined by this chapter).
  - Condominium dwellings.
  - Day care facilities (SU).\*
  - Family day care.
  - Golf courses.

- Group homes (SU).\*
- Home occupations.
- Parks, private.
- Public utility facilities.
- Religious institutions (SU).\*
- Retirement centers (SU).\*
- Schools, private (SU).\*
- Single-family attached dwellings.
- Single-family detached dwellings.
- Townhouse dwellings.

\* Special use approval required.

6.7.3. *Development standards.*

- A. *Height regulations.* Buildings shall not exceed a height of thirty-five (35) feet or two and one-half (2½) stories, whichever is higher.
- B. *Minimum lot area per dwelling unit:* Two thousand (2,000) square feet.
- C. *Maximum density:* Twelve (12) units per gross acre.
- D. *Minimum lot width:* Twenty (20) feet.
- E. *Minimum lot frontage:*
  - *Single-family detached units:* Thirty-five (35) feet.
  - *All other uses:* Twenty (20) feet.
- F. *Minimum lot depth:* One hundred (100) feet.
- G. *Minimum development area:* One-half (0.5) acres.
- H. *Minimum heated floor area:* One thousand (1,000) square feet.
- I. *Setbacks:*
  - *Front yard:* Ten (10) feet.
  - *Side yard:* Ten (10) feet (each end of row).
  - *Rear yard:* Twenty (20) feet.
- J. *[Gable or hip roofs.]* Gable or hip roofs shall have a minimum roof pitch of 6/12. Both gable and hip roofs shall provide overhanging eaves on all sides that extend a minimum of one (1) foot beyond the building wall.
- K. *Accessory use, building and structure requirements.* See section 4.9 of this chapter.
- L. *Minimum buffer requirements.* In addition to required setbacks, a fifteen-foot wide buffer is required along all property lines which abut a single-family district or use to provide a visual screen in accordance with section 4.17 of this chapter.
- M. *Other required standards.*
  1. No fewer than three (3) dwelling units in a row shall be allowed.
  2. Alley or private drive access required.
  3. Required parking shall be allowed in the rear yard only.

4. Principal buildings shall front a private drive or public right-of-way.
5. Principal structures on lots within the RA-12 district shall have a minimum of fifty (50) percent finish product on the exterior walls of the buildings consisting of brick, stone, hard-coat stucco, or fiber cement siding.
6. A metal panel exterior finish product shall not be allowed on metal buildings exceeding one hundred fifty (150) square feet in gross floor area constructed or placed on lots within the RA-12 district.

6.7.4. *Other regulations.* The headings below contains additional, but not necessarily all, provisions applicable to the RA-12 district.

- City of Cartersville Landscaping Ordinance.
- City of Cartersville Sign Ordinance.

Sec. 6.8. - RSL Residential senior living district.

6.8.1. *RSL district scope and intent.* The RSL district is established to provide locations for the development of appropriate housing for the population ages fifty-five (55) and older, as further described in section 3.1.9 of this chapter. In order to ensure that older Bartow County residents can live in housing appropriate to their specific needs, the following regulations are designed to facilitate development which addresses the decreasing mobility, changing health, and distinct consumer preferences of the older adult market. These uses shall not be established as a precedent for any other residential or nonresidential district.

6.8.2. *Definitions.*

- A. *Housing facility* means individual housing units designed for senior adults ages fifty-five (55) and older which may or may not include or provide any type of supportive services such as transportation, medical care, food preparation, and the like. Said housing facility may include, but not be limited to, fee simple condominium, townhouse, patio home, and the like.

6.8.3. *Use regulations.* Within the RSL 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. *Permitted uses.* Structures and land may be used for only the following purposes:
  1. Housing facility, as defined herein.

6.8.4. *Application requirements.* A concept plan shall be submitted with the application for rezoning to the RSL district, which shall include, but not be limited to, parking, utility location, and setback design for the proposed development. The concept plan shall be subject to the development regulations of the City of Cartersville. The zoning administrator shall have the discretion to vary any and all development standards set forth in section 6.8.5 below up to a maximum of thirty (30) percent.

6.8.5. *Development standards.*

- A. *Height regulations.* Single-family residential detached buildings shall not exceed a height of thirty-five (35) feet or two and one-half (2½) stories, whichever is higher; single-family residential attached buildings shall not exceed a height of forty-five (45) feet or three and one-half (3½) stories, whichever is higher.
- B. *Minimum lot area per dwelling unit:*
  1. *Single-family detached:* Three thousand (3,000) square feet.
  2. *Single-family attached:* One thousand six hundred (1,600) square feet.
- C. *Maximum density:*
  1. *Single-family detached:* Six (6) units per gross acre.



2. *Single-family attached*: Ten (10) units per gross acre.
- D. *Minimum lot frontage*. Thirty-five (35) feet for single-family detached, except for cul-de-sac lots, which shall be twenty (20) feet. All other uses shall be twenty (20) feet.
  - E. *Minimum lot width*. Thirty-five (35) feet for single-family detached, except for cul-de-sac lots which shall be twenty (20) feet. All other uses shall be twenty (20) feet.
  - F. *Minimum lot depth*: Eighty (80) feet.
  - G. *Minimum development area*: Five (5) acres.
  - H. *Minimum heated floor area*: One thousand (1,000) square feet.
  - I. *Setbacks*:
    1. *Front yard setback*: Ten (10) feet.
    2. *Side yard setback*: Ten (10) feet for single-family attached as measured from the end of each row, and two and one-half (2½) feet for single-family detached, as measured from any part of the structure (including any over-hang).
    3. *Rear yard setback*: Twenty (20) feet.
  - J. *Landscape buffer requirement*. A ten-foot wide buffer is required along property lines as designated common space which abuts a single-family district or use to provide a visual screen in accordance with section 4.17 of this chapter.
  - K. *Accessory use, building and structure requirements*. See section 4.9 of this chapter.
  - L. *Other required standards*.
    1. A mandatory owners association must be formed and incorporated which provides for building and grounds maintenance and repair, insurance and working capital. Said association must also include a declaration and bylaws, including rules and regulations. The declarations and bylaws shall not be enforced by the city. The declarations and bylaws shall, at a minimum, regulate and control the following: private roads, animals, signs, exterior items such as fences, lawn ornaments and restrictions or removal of landscape areas and buffers, building improvements, outside storage, overnight parking of vehicles, decorations, trash collection, restrictions on all units being occupied by persons aged fifty-five (55) and older as defined by the Fair Housing Act as may be amended from time to time and accessory buildings and structures, or the like. It shall be the responsibility of the homeowners' association to enforce the Declaration of Covenants, Conditions and Restrictions, rules, and regulations.
    2. Principal structures on lots within the RSL district shall have a minimum of fifty (50) percent finish product on the exterior walls of the buildings consisting of brick, stone, hard-coat stucco, or fiber cement siding.
    3. A metal panel exterior finish product shall not be allowed on metal buildings exceeding one hundred fifty (150) square feet in gross floor area constructed or placed on lots within the RSL district.
    4. No more than six (6) units may be attached side by side.
    5. Required buffers may be included within required setbacks, however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and/or access drives may be allowed through, over or across a landscaped border.
    6. No fewer than three (3) dwelling units in a row shall be allowed.
    7. Required parking shall be two (2) spaces per dwelling unit. Parking in driveways shall be allowed to count as one (1) space towards the parking requirement.

8. Building lots shall have frontage on a private drive, public right-of-way, or common driveway. A common driveway shall be used to access a maximum of four (4) lots or six (6) units. A common drive shall be placed in a minimum of a twenty-four-foot unobstructed corridor.

9. A minimum ten (10) percent of overall property shall be set aside for open space.

6.8.6. *Other regulations.* The headings below contain additional, but not necessarily all, provisions applicable to the RSL district.

- Fair Housing Act in 42 U.S.C. 3601-3631.
- City of Cartersville Landscaping Ordinance.
- City of Cartersville Sign Ordinance.

#### ARTICLE VII. - MULTIFAMILY DWELLING DISTRICT REGULATIONS

Sec. 7.1. - MF-14 Multifamily dwelling district.

7.1.1. *MF-14 district scope and intent.* Regulations set forth in this section are the MF-14 district regulations. The MF-14 district is intended to provide land areas for high density apartment dwellings as further described in section 3.1.10 of this chapter which will:

- A. Encourage attractive apartment development;
- B. Encourage the provision of recreation areas and facilities;
- C. Be located in areas of intense development near or adjacent to downtown, retail shopping, arterial, and major collector streets; and
- D. Be located so as to provide a transition between medium to high density residential areas and nonresidential areas.

7.1.2. *Use regulations.* Within the MF-14 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. *Permitted uses.* Structures and land may be used for only the following purposes:

- Accessory buildings and uses.
- Amenities (as defined by this chapter).
- Clubs or lodges (noncommercial) (SU).\*
- Condominium dwellings.
- Day care facilities (SU).\*
- Duplex dwellings.
- Family day care.
- Golf courses.
- Group homes (SU).\*
- Home occupations.
- Multifamily dwellings.
- Parks, private.
- Personal care homes (SU).\*
- Public utility facilities.

- Religious institutions (SU).\*
  - Retirement centers (SU).\*
  - Schools, private (SU).\*
- \* Special use approval required.

7.1.3. *Development standards.*

- A. *Height regulations.* Buildings shall not exceed a height of forty-five (45) feet or three and one-half (3½) stories, whichever is higher.
- B. *Front yard setback:* Ten (10) feet.
- C. *Side yard setback:* Ten (10) feet (adjacent to interior lot line or street).
- D. *Rear yard setback:* Twenty-five (25) feet.
- E. *Minimum lot width:* One hundred (100) feet (throughout depth from front to rear lot line).
- F. *Minimum lot frontage:* One hundred (100) feet adjoining a street.
- G. *Maximum density:* Fourteen (14) units per gross acre.
- H. *Minimum heated floor area per unit.*
  - *3-bedroom and duplex dwellings:* Nine hundred (900) square feet.
  - *2-bedroom:* Seven hundred fifty (750) square feet.
  - *1-bedroom:* Six hundred (600) square feet.
  - *Studio/loft (in existing buildings):* Four hundred fifty (450) square feet.
- I. *Accessory use, building and structure requirements.* See section 4.9 of this chapter.
- J. *Minimum building separation.* The minimum distances between buildings shall be as follows:
  1. *Front to front:* Fifty (50) feet.
  2. *Front or rear to side:* Fifty (50) feet.
  3. *Side to side:* Twenty (20) feet.
- K. *Minimum buffer requirements.* In addition to required setbacks, a twenty-five-foot wide buffer shall be required along all property lines which abut a single-family district or use to provide a visual screen in accordance with section 4.17 of this chapter and a ten-foot buffer adjacent to all other districts other than MF-14.
- L. *Minimum open space requirements.* Twenty (20) 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.
- M. *[Gable or hip roofs.]* Gable or hip roofs shall have a minimum roof pitch of 6/12. Both gable and hip roofs shall provide overhanging eaves on all sides that extend a minimum of one (1) foot beyond the building wall.
- N. *Other required standards.*
  1. Principal structures within the MF-14 district shall have a minimum of fifty (50) percent finish product on the exterior walls of the buildings consisting of brick, stone, hard-coat stucco, or fiber cement siding.

2. A metal panel exterior finish product shall not be allowed on metal buildings exceeding one hundred fifty (150) square feet in gross floor area constructed or placed on lots within the MF-14 district.

7.1.4. *Other regulations.* The headings below contain additional, but not necessarily all, provisions applicable to the MF-14 district.

- City of Cartersville Landscaping Ordinance.
- City of Cartersville Sign Ordinance.

#### ARTICLE VIII. - PLANNED UNIT DISTRICT REGULATIONS

Sec. 8.1. - P-D Planned development district.

8.1.1. *P-D district scope and intent.* Regulations in this section are the P-D district regulations. The P-D district identifies land areas for a variety of housing types in a multiple use district of offices and commercial services within a planned community setting as further described in section 3.1.11 of this chapter. The P-D district is intended to:

- A. Encourage the development of large tracts of land as planned communities;
- B. Encourage flexible and creative concepts in site planning;
- C. Preserve the natural amenities of the land by encouraging scenic and functional open space areas;
- D. Provide for an efficient use of land; and
- E. Provide a stable residential environment compatible with surrounding residential areas.

8.1.2. *Master plan.* A preliminary master plan of the planned development shall be submitted to the zoning administrator at the time of filing for rezoning to the P-D zoning district. The preliminary master plan shall contain a list of the proposed uses. Any use not specifically designated as a permitted use shall be prohibited. The plan shall represent an overall land use concept which is in keeping with the spirit and intent of the P-D district as described in subsection 8.1.1 of this article. Said plan shall be prepared by an architect, landscape architect, engineer, or land surveyor whose state registration is current and valid and the plan shall exhibit such seal or other to validate such. The plan shall become a condition of the rezoning and any variations to said plan after rezoning approval that would increase the area of a specific land use proposed in the development shall require approval of the planning commission and city council.

8.1.3. *Use regulations.* Within the P-D district, land and structures shall be used in accordance with the list of proposed uses as submitted in the master plan (see section 8.1.2). Any use not specifically designated as a permitted use shall be prohibited.

8.1.4. *Development standards.*

- A. *Height regulations.* Single-family residential buildings shall not exceed a height of thirty-five (35) feet or two and one-half (2½) stories, whichever is higher; multifamily and nonresidential use buildings shall not exceed a height of forty-five (45) feet or three and one-half (3½) stories, whichever is higher.
- B. *Minimum lot area per dwelling unit.*
  - *Single-family detached:* As specified in conditions of zoning.
  - *Townhouse/attached:* Two thousand (2,000) square feet.
- C. *Maximum density.*
  - *Multifamily:* Fourteen (14) units per gross acre.
  - *Townhouse/attached:* Twelve (12) units per gross acre.

- D. *Minimum heated floor area per unit.*
- *Multifamily:*
    - ▲ *3-bedroom:* Nine hundred (900) square feet.
    - ▲ *2-bedroom:* Seven hundred fifty (750) square feet.
    - ▲ *1-bedroom:* Six hundred (600) square feet.
    - ▲ *Studio/loft (in existing buildings):* Four hundred fifty (450) square feet.
  - *Townhouse/attached:*
    - ▲ One thousand (1,000) square feet.
- E. *Minimum lot width:* As specified in conditions of zoning.
- F. *Minimum P-D development frontage:* Sixty (60) feet.
- G. *Minimum lot frontage:* As specified in conditions of zoning.
- H. *[Metal panels, metal sheathing, standard gray concrete block.]* The use of metal panels or metal sheathing and/or standard gray concrete block on the exterior walls of any building or structure shall be prohibited with the exception that such materials may be used if finished with a product consisting of brick, stone, hard-coat stucco, or fiber cement siding.
- I. *[Gable or hip roofs.]* Gable or hip roofs shall have a minimum roof pitch of 6/12. Both gable and hip roofs shall provide overhanging eaves on all sides that extend a minimum of one (1) foot beyond the building wall.
- J. *Perimeter setback entire P-D development.* As specified in conditions of zoning.
- K. *Interior setbacks.* As specified in conditions of zoning.
- L. *Accessory structure requirements.* See section 4.9 of this chapter.
- M. *Minimum building separation multifamily.*
1. *Front to front:* Fifty (50) feet.
  2. *Front or rear to side:* Fifty (50) feet.
  3. *Side to side:* Twenty (20) feet.
- N. *Minimum buffer requirements.* As specified in conditions of zoning.
- O. *Minimum open space requirements.* As specified in conditions of zoning.
- P. *[Air conditioning units and HVAC systems.]* Air conditioning units and HVAC systems shall be thoroughly screened from view from the public right-of-way and from adjacent properties by using walls, fencing, roof elements, or landscaping on multifamily and nonresidential properties.
- Q. *[Front building facade.]* The front building facade of all principal nonresidential buildings shall be oriented toward street fronts or adjacent arterial street fronts.
- R. *[Refuse areas.]* Refuse areas (dumpsters) shall be placed in the least visible location from public streets, and shall be enclosed on three (3) sides with opaque walls, with the fourth side being an opaque closing gate. Height of an opaque wall shall be at least twelve (12) inches higher than the receptacle.
- S. *[Light fixture poles.]* Light fixture poles cannot exceed forty (40) feet in height. All site lighting shall be directed onto the site.
- T. *[Chain link fences.]* Chain link fences are not allowed in the front yards. Where allowed, all chain link fences shall not be taller than five (5) feet in height and shall be vinyl coated, with one (1) of the following colors: hunter green or black.

U. *Building massing.* Street fronting building facades greater than one hundred fifty (150) feet in length shall be modulated with breaks in wall surfaces and materials at intervals not to exceed one hundred fifty (150) feet, measured parallel to the street. For buildings that are three (3) stories or less in height, each floor shall be delineated through windows, belt courses, cornices lines, or similar architectural detailing.

V. *Color.* Fluorescent colors shall not be employed except as accent colors.

W. *Other required standards.*

1. The number of multifamily units shall not exceed twenty-five (25) percent of the total number of dwelling units in a P-D.
2. All multifamily units shall have a minimum of fifty (50) percent finish product on the exterior walls of the buildings consisting of brick, stone, hard-coat stucco, or fiber cement siding.
3. The number of single-family detached residential lots consisting of less than ten thousand (10,000) square feet in lot area shall be as specified in conditions of zoning.

8.1.5. *Other regulations.* The headings below contain additional, but not necessarily all, provisions applicable to the P-D district.

- City of Cartersville Landscaping Ordinance.
- City of Cartersville Sign Ordinance.

Sec. 8.2. - PC-D Planned commercial development district.

8.2.1. *Regulations in this section are the PC-D district regulations.* The PC-D district identifies land areas for a variety of commercial types within a planned design as further described in section 3.1.12 of this chapter. The PC-D district is intended to:

- A. Encourage new development of greenfield, brownfield, and other infill areas for planned designs;
- B. Encourage redevelopment of existing commercial sites for their highest and best use;
- B. Encourage flexible and creative concepts in site planning;
- C. Encourage functional open space areas to improve both the site and the community in general;
- D. Provide for an efficient use of land; and
- E. Provide a stable commercial environment compatible with surrounding residential areas.

The purpose of this district is to provide suitable areas for development and redevelopment of commercial properties with the flexibility to allow a full range of uses and designs for retail centers, outparcels, infill buildings, and open space.

8.2.2. *Master plan.* A preliminary master plan of the planned commercial development shall be submitted to the department of planning and development at the time of filing for rezoning to the PC-D district. The preliminary master plan shall contain a list of permitted uses, setbacks, and other information as required by the zoning administrator. Any use not specifically designated as a permitted use shall be prohibited. Said plan shall be prepared by an architect, landscape architect, engineer, and/or land surveyor whose state registration is current and valid and the plan shall exhibit such seal or other to validate such. The plan shall become a condition of the rezoning.

8.2.3. *Use regulations.* Within the PC-D district, land and structures shall be used in accordance with the list of proposed uses as submitted in the master plan (see section 8.2.2). Any use not specifically designated as a permitted use shall be prohibited.

8.2.4. *Development standards.*

- A. *Height regulations.* Buildings shall not exceed a height of forty-five (45) feet or three and one-half (3½) stories, whichever is higher.

- B. *Minimum lot width.* As specified in conditions of zoning.
  - C. *Minimum development frontage:* Sixty (60) feet.
  - D. *Minimum lot frontage.* As specified in conditions of zoning.
  - E. *Minimum perimeter setback of entire development.* As specified in conditions of zoning.
  - F. *Minimum interior setbacks.* As specified in conditions of zoning.
  - G. *Accessory structure requirements.* See section 4.9 of this chapter.
  - H. *[Metal panels, metal sheathing, standard gray concrete block.]* The use of metal panels or metal sheathing and/or standard gray concrete block on the exterior walls of any building or structure shall be prohibited with the exception that such materials may be used if finished with a product consisting of brick, stone, or hard-coat stucco.
  - I. *[Gable or hip roofs.]* Gable or hip roofs shall have a minimum roof pitch of 6/12. Both gable and hip roofs shall provide overhanging eaves on all sides that extend a minimum of one (1) foot beyond the building wall.
  - J. *Minimum buffer requirements.* In addition to required setbacks, all uses within the PC-D district which abut a single-family residential district or use shall provide a minimum fifteen-foot wide buffer, five (5) feet of which can be within required setback, to provide a visual screen in accordance with section 4.17 of this chapter.
  - K. *[Air conditioning units and HVAC systems.]* Air conditioning units and HVAC systems shall be thoroughly screened from view from the public right-of-way and from adjacent properties by using walls, fencing, roof elements, or landscaping on multifamily and nonresidential properties.
  - L. *[Front building facade.]* The front building facade of all principal buildings shall be oriented toward street fronts or adjacent arterial street fronts.
  - M. *[Refuse areas.]* Refuse areas (dumpsters) shall be placed in the least visible location from public streets, and shall be enclosed on three (3) sides with opaque walls, with the fourth side being an opaque closing gate. Height of an opaque wall shall be at least twelve (12) inches higher than the receptacle.
  - N. *[Light fixture poles.]* Light fixture poles cannot exceed forty (40) feet in height. All site lighting shall be directed onto the site.
  - O. *[Chain link fences.]* Chain link fences are not allowed in the front yards. Where allowed, all chain link fences shall not be taller than five (5) feet in height and shall be vinyl coated, with one (1) of the following colors: hunter green or black.
  - P. *Building massing.* Street fronting building facades greater than one hundred fifty (150) feet in length shall be modulated with breaks in wall surfaces and materials at intervals not to exceed one hundred fifty (150) feet, measured parallel to the street. For buildings that are three (3) stories or less in height, each floor shall be delineated through windows, belt courses, cornices lines, or similar architectural detailing.
  - Q. *Color.* Fluorescent colors shall not be employed except as accent colors.
- 8.2.5. *Other regulations.* The headings below contain additional, but not necessarily all, provisions applicable to the PC-D district.
- City of Cartersville Landscaping Ordinance.
  - City of Cartersville Sign Ordinance.

Sec. 8.3. - MHP Mobile home park district.

- 8.3.1. *Scope and intent.* Regulations set forth in this section are the MHP district regulations. The MHP district provides minimum design standards for mobile home parks as further described in section 3.1.13 of this chapter. The MHP district is intended to:

- A. Provide a desirable living environment;
- B. Require the provision of usable open space and recreational areas; and
- C. Be located in areas which are served by public sanitary sewer.

8.3.2. *Use regulations.* Within the MHP 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. *Permitted uses.* Structures and land may be used only for the following purposes:

- Amenities (as defined by this chapter).
- Day care facilities (SU).\*
- Grocery stores with a maximum of two thousand five hundred (2,500) square feet in floor area when approved as part of the development.
- Home occupations.
- Laundromats and coin-operated dry cleaning when approved as part of the development plan.
- Mobile homes and manufactured homes.
- Public utility facilities.

[\* Special use approval required.]

B. *Accessory uses.* A structure or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.

8.3.3. *Application.* Applications for rezoning to MHP shall, in addition to the required submittal required by the planning and development department be supported by:

- A. A copy of the rules and regulations of the proposed mobile home park;
- B. A copy of any proposed covenants; and
- C. A proposed maintenance plan for lawns, shrubbery, trees, recreation areas, and other natural areas.

8.3.4. *Development plan.* The development plan shall be the zoning control document for features depicted graphically. The site plan requirement applicable to rezoning requests shall be adhered to for MHP rezoning requests. A site plan shall become the development plan if the request to rezone is approved without changes or additions. A site plan or development plan shall not substitute for plans which are required as a prerequisite for applying for development related permits. The location of all proposed structures (excluding mobile, industrialized, and manufactured homes) shall be as shown on the development plan, adopted at the time of zoning approval, and actual location on the ground shall be as shown on the development plan.

8.3.5. *Development standards.*

- A. *Height regulations.* Buildings shall not exceed a height of thirty-five (35) feet or two and one-half (2½) stories, whichever is higher.
- B. *Minimum development area:* Ten (10) contiguous acres.
- C. *Minimum site/lot width:* Fifty (50) feet.
- D. *Minimum site area/lot size per unit:* Five thousand (5,000) square feet.
- E. *Minimum yard dimensions:*
  - *Front yard setback:* Twenty (20) feet.
  - *Side yard setback:* Ten (10) feet.



- *Rear yard setback:* Twenty (20) feet.

- F. *Minimum buffer requirements.* In addition to required setbacks, a forty-foot wide buffer shall be located adjacent to each exterior property line of the mobile home park to provide a visual screen in accordance with section 4.17 of this chapter.
- G. *Other required standards.* Within thirty (30) days of being located in a mobile home park, the undercarriage shall be screened from view. Such underpinning materials shall not consist of tin, wood (unless of a natural decay resistance type such as cedar), plastic sheeting, or gypsum board (black board).

8.3.6. *Minimum improvements required.*

- A. *Walkways.* All-weather surfaced pedestrian walks shall be provided throughout a mobile home park.
- B. *Construction standards.* Streets and drainage structures shall be constructed in accordance with the minimum standards required by the City of Cartersville.
- C. *Underground utilities required.* All utilities shall be placed underground.
- D. *Lighting.* Streets and walkways shall be lighted.
- E. *Water and wastewater.* Each unit shall be served by public water and sanitary sewer.
- F. *Landscaping.* Each mobile home park shall be landscaped with shade trees, shrubs and grass. Landscaping shall be in accordance with a landscaping plan which has been approved by the zoning administrator.
- G. *Recreation facilities.* At a minimum, ten (10) percent of the gross acreage of a mobile home park shall be provided for open space and recreation for the residents of the mobile home park. Twenty-five (25) percent of the required open space shall be a centralized common area for recreational purposes.

8.3.7. *Other regulations.* The headings below contain additional, but not necessarily all, provisions applicable to the MHP district.

- Special uses.
- Off-street parking and loading requirements.

- City of Cartersville Sign Ordinance.

ARTICLE IX. - COMMERCIAL DISTRICT REGULATIONS

Sec. 9.1. - P-S Professional services district.

9.1.1. *P-S district scope and intent.* Regulations in this section are the P-S district regulations. The P-S district is intended to provide land areas for professional offices and related community oriented service activities as further described in section 3.1.14 of this chapter.

9.1.2. *Use regulations.* Within the P-S 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. *Permitted uses.* Structures and land may be used for only the following purposes:

- Accessory apartments (SU).\*
- Amateur radio transmitter.
- Amenities (as defined by this chapter).
- Apartments and condominiums, above, below, or behind commercial and office uses in the same building (SU).\*

- Bed and breakfast inn (SU)\*.
  - Clinics (excludes veterinary).
  - Clubs or lodges (noncommercial) (SU)\*.
  - Colleges and universities.
  - Construction contractors:
    - ▲ General building contractors (provided there is no exterior storage of equipment, materials, and construction vehicles).
    - ▲ Heavy equipment and contractors (provided there is no exterior storage of equipment, materials, and construction vehicles).
    - ▲ Special trade contractors; including, but not limited to, construction subcontractors, engineers, architects, and land surveyors (provided there is no exterior storage of equipment, materials, or construction vehicles).
  - Day care facilities.
  - Financial establishments.
  - Hospices (SU).\*
  - Institutions of higher learning, business colleges, music conservatories, and similar institutions.
  - Medical offices (excludes veterinary).
  - Nursing home facilities (SU).\*
  - Offices, professional.
  - Personal care homes (SU).\*
  - Public utility facilities.
  - Religious institutions (SU).\*
  - Retirement centers (SU).\*
  - Schools, private (SU).\*
- \* Special use approval required.

B. *Accessory uses.* Structures and land may be used for uses customarily incidental to any permitted use.

9.1.3. *Development standards.*

- A. *Height regulations.* Buildings shall not exceed a height of forty-five (45) feet or three and one-half (3½) stories, whichever is higher.
- B. *Front yard setback:* Twenty (20) feet.
- C. *Side yard setback:* Ten (10) feet.
- D. *Rear yard setback:* Twenty (20) feet.
- E. *Minimum lot frontage:* One hundred ten (110) feet adjoining a street.
- F. *Minimum lot width at building line:* One hundred (100) feet.
- G. *Minimum heated floor area per unit.*
  - *3-bedroom:* Nine hundred (900) square feet.
  - *2-bedroom:* Seven hundred fifty (750) square feet.

- *1-bedroom*: Six hundred (600) square feet.
  - *Studio/loft (in existing buildings)*: Four hundred fifty (450) square feet.
- H. *Minimum buffer requirements.* In addition to required setbacks, a minimum fifteen-foot wide buffer, five (5) feet of which can be within required setback, shall be required along all property lines which abut a residential district or use to provide a visual screen in accordance with section 4.17 of this chapter.
- I. *Accessory structure requirements.* See section 4.9 of this chapter.
- J. *[Metal panels, metal sheathing, standard gray concrete block.]* The use of metal panels or metal sheathing and/or standard gray concrete block on the exterior walls of any building or structure shall be prohibited with the exception that such materials may be used if finished with a product consisting of brick, stone, or hard-coat stucco.
- K. *[Air conditioning units and HVAC systems.]* Air conditioning units and HVAC systems shall be thoroughly screened from view from the public right-of-way and from adjacent properties by using walls, fencing, roof elements, or landscaping on multifamily and nonresidential properties.
- L. *[Gable or hip roofs.]* Gable or hip roofs shall have a minimum roof pitch of 6/12. Both gable and hip roofs shall provide overhanging eaves on all sides that extend a minimum of one (1) foot beyond the building wall.
- M. *[Front building facade.]* The front building facade of all principal buildings shall be oriented toward street fronts or adjacent arterial street fronts.
- N. *Maximum commercial building floor area:* ten thousand (10,000) square feet.
- 9.1.4. *Other regulations.* The headings below contain additional, but not necessarily all, provisions applicable to the P-S district.
- City of Cartersville Landscaping Ordinance.
  - City of Cartersville Sign Ordinance.

(Ord. No. 01-13, § 5, 1-3-13)

Sec. 9.2. - M-U Multiple use district.

- 9.2.1. *M-U district scope and intent.* Regulations in this section are the M-U district regulations. The M-U district is intended to provide land areas for medium to high density residential land uses and commercial uses complimentary to office and institutional uses as further described in section 3.1.15 of this chapter and where existing and projected traffic patterns encourage such development. The M-U district is intended to:
- A. Encourage the development of tracts of land in the community;
  - B. Encourage flexible, innovative, and creative concepts in site planning;
  - C. Encourage efficient use of land;
  - D. Provide a stable multiple use environment compatible with surrounding uses; and
  - E. Protect neighboring residential properties by locating less intense uses adjacent to residential developments or by locating buffers between nonresidential and residential uses.
- 9.2.2. *Use regulations.* Within the M-U 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. *Permitted uses.* Structures and land may be used for only the following purposes:
- Accessory apartments (SU).\*

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- Amateur radio transmitter.
- Amenities (as defined by this chapter).
- Amusement, indoor.
- Apartments and condominiums, above, below, or behind commercial uses in the same building (SU).\*
- Art galleries.
- Assembly halls.
- Automotive and light truck rental facility (allowed on properties fronting an arterial or major collector street only).
- Automotive specialty shops (allowed on properties fronting an arterial or major collector street only and shall be limited to four (4) bays).
- Barber shops.
- Beauty salons.
- Bed and breakfast inn (SU).\*
- Brewpub.
- Catering, carry out, delivery.
- Clinics (excludes veterinary).
- Clubs or lodges (noncommercial) (SU).\*
- Colleges and universities.
- Community center buildings.
- Condominiums.
- Construction contractors:
  - ▲ General building contractors (provided there is no exterior storage of equipment, materials, and construction vehicles).
  - ▲ Heavy equipment contractors (provided there is no exterior storage of equipment, materials, and construction vehicles).
  - ▲ Special trade contractors; including but not limited to, construction subcontractors, engineers, architects, and land surveyors (provided there is no exterior storage of equipment, materials, or construction vehicles).
- Convenience stores.
- Dancing schools.
- Day care facilities.
- Delicatessens.
- Distillery (SU).\*
- Dry cleaners.
- Duplex dwellings.
- Family day care.
- Financial establishments.

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- Funeral homes (allowed on properties fronting an arterial or major collector street only) (crematories may be allowed in conjunction with a funeral home with approval of a special use).\*
- Group homes (SU).\*
- Guest house.
- Gymnasiums/health clubs.
- Home occupations.
- Homeless shelters (SU).\*
- Hospices (SU).\*
- Hotels (allowed on properties fronting an arterial or major collector street only).
- Institutions of higher learning including business colleges, music conservatories, and similar institutions.
- Laboratories (medical and dental).
- Laundromats.
- Libraries.
- Medical offices (excludes veterinary).
- Microbreweries (SU).\*
- Multifamily dwellings.
- Museums.
- Nursing home facilities.
- Offices, general.
- Parking lots.
- Parks, private.
- Patio homes.
- Pawn shops and/or title pawn (SU).\*
- Pet grooming.
- Personal care homes (SU).\*
- Places of assembly (SU).\*
- Printing establishments.
- Pubs and taverns.
- Public utility facilities.
- Radio and television broadcast stations.
- Radio, television, or other communication towers.
- Religious institutions (SU).\*
- Repair services, light (shoes, small appliances or similar).
- Restaurants (drive-thru restaurants as SU).\*
- Retail, general.

- Retail package stores (including liquor and malt beverages and/or wine sales only in a multi-tenant shopping center development consisting of a minimum of seven (7) business suites and additionally, that detached, stand alone, retail package stores shall not be permitted).
  - Retirement centers (SU).\*
  - Reupholstery shops.
  - Schools, private (SU).\*
  - Service stations (allowed on properties fronting an arterial or major collector street only).
  - Single-family attached dwellings.
  - Single-family detached dwellings.
  - Stadiums (allowed on properties fronting an arterial or major collector street only).
  - Storage, warehouse (allowed on properties fronting an arterial or major collector street only).
  - Theaters.
  - Townhouses.
  - Wholesale sales office.
- \* Special use approval required.

B. *Accessory uses.* Structures and land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.

9.2.3. *Development standards.*

- A. *Height regulations.* Single-family residential buildings shall not exceed a height of thirty-five (35) feet or two and one-half (2½) stories, whichever is higher; multifamily and nonresidential buildings shall not exceed a height of forty-five (45) feet or three and one-half (3½) stories, whichever is higher.
- B. *Front yard setback:* Ten (10) feet.
- C. *Side yard setback:* Ten (10) feet.
- If single-family attached, ten (10) feet end of each row.
- D. *Rear yard setback:*
- *Office/institutional/commercial:* Twenty (20) feet.
  - *Multifamily:* Twenty-five (25) feet.
  - *Townhouse:* Twenty (20) feet.
  - *Single-family attached:* Twenty (20) feet.
  - *Single-family detached:* Twenty (20) feet.
  - *Duplex dwellings:* Twenty (20) feet.
- E. *Minimum lot area.*
- *Townhouse/attached:* Two thousand (2,000) square feet.
  - *Single-family detached and duplex dwellings:* Seven thousand (7,000) square feet.
- F. *Maximum density.*
- *Multifamily:* Fourteen (14) dwelling units per acre.
  - *Townhouse/attached:* Twelve (12) dwelling units per acre.

- G. *Minimum lot width at building line.*
- *Office/institutional/commercial:* One hundred ten (110) feet per lot.
  - *Multifamily:* One hundred ten (110) feet.
  - *Townhouse:* Twenty (20) feet per lot.
  - *Single-family attached:* Fifty (50) feet per lot.
  - *Single-family detached:* Sixty (60) feet per lot.
  - *Duplex dwellings:* Fifty (50) feet per lot.
- H. *Minimum lot frontage.*
- *Office/institutional/commercial:* One hundred ten (110) feet per lot.
  - *Multifamily:* One hundred ten (110) feet per lot.
  - *Townhouse:* Twenty (20) feet per lot.
  - *Single-family attached:* Fifty (50) feet per lot.
  - *Single-family detached:* Sixty (60) feet per lot.
  - *Duplex dwellings:* Thirty-five (35) feet per lot.
- I. *Minimum heated floor area per dwelling unit.*
- *Multifamily:*
    - ▲ *3-bedroom:* Nine hundred (900) square feet.
    - ▲ *2-bedroom:* Seven hundred fifty (750) square feet.
    - ▲ *1-bedroom:* Six hundred (600) square feet.
    - ▲ *Studio/loft (in existing buildings):* Four hundred fifty (450) square feet.
  - *Townhouse/attached:* One thousand (1,000) square feet.
  - *Single-family detached:* One thousand (1,000) square feet.
  - *Duplex:* Nine hundred (900) square feet.
- J. *[Metal panels, metal sheathing, standard gray concrete block.]* The use of metal panels or metal sheathing and/or standard gray concrete block on the exterior walls of any building or structure shall be prohibited with the exception that such materials may be used if finished with a product consisting of brick, stone, hard-coat stucco, or fiber cement siding.
- K. *[Air conditioning units and HVAC systems.]* Air conditioning units and HVAC systems shall be thoroughly screened from view from the public right-of-way and from adjacent properties by using walls, fencing, roof elements, or landscaping on multifamily and nonresidential properties.
- L. *[Gable or hip roofs.]* Gable or hip roofs shall have a minimum roof pitch of 6/12. Both gable and hip roofs shall provide overhanging eaves on all sides that extend a minimum of one (1) foot beyond the building wall.
- M. *[Front building facade.]* The front building facade of all principal buildings shall be oriented toward street fronts or adjacent arterial street fronts.
- N. *Minimum buffer requirements.* In addition to required setbacks, all nonresidential and/or multifamily property uses within the M-U district which abut a single-family residential district or use shall provide a minimum fifteen-foot wide buffer, five (5) feet of which can be within required setback, to provide a visual screen in accordance with section 4.17 of this chapter.

- O. *Minimum open space.* Multifamily developments shall have a minimum twenty (20) percent of gross acreage set aside as open space and shall provide recreational areas within said open space.
- P. *Maximum commercial building floor area:* Twenty thousand (20,000) square feet.
- Q. *Accessory structure requirements.* See section 4.9 of this chapter.
- R. *Other standards.*
  - 1. Townhouse developments shall have a minimum development area of one-half (½) acre. In addition to required setbacks, a fifteen-foot wide buffer is required along all property lines which abut a single-family district or use to provide a visual screen in accordance with section 4.17 of this chapter.
    - (a) Minimum lot depth: one hundred (100) feet.
    - (b) No fewer than three (3) dwelling units in a row shall be allowed.
    - (c) Alley or private drive access required.
    - (d) Required parking shall be allowed in the rear yard only.
    - (e) Principal buildings shall front a private drive or public right-of-way.
  - 2. Multifamily developments shall comply with section 7.1.3.K. and N. of this chapter.
  - 3. Outdoor storage of landscape supplies and materials may be allowed in the side and rear yards of a non-residential land use with a special use (SU) permit.
- S. *Guest house.* In addition to standards required in this chapter, the following standards shall be met for a guest house:
  - 1. No more than one (1) guest house structure per lot.
  - 2. A minimum lot size of fifteen thousand (15,000) square feet shall be required.
  - 3. A guest house shall be occupied by relatives, employees that work on the property, or guests only.
  - 4. Heated floor area shall not exceed fifty (50) percent of the heated floor area of the principal building.
  - 5. A guest house structure shall comply with the principal setbacks of the district.
  - 6. A guest house shall not be allowed in the front yard.
  - 7. A guest house shall not exceed the height of the principal building on the lot.
  - 8. Requires owner-occupancy of the principal building on the lot.

9.2.4. *Other regulations.* The headings below contain additional, but not necessarily all, provisions applicable to the M-U district.

- City of Cartersville Landscaping Ordinance.
- City of Cartersville Sign Ordinance.

(Ord. No. 69-12, § 2, 12-6-12; Ord. No. 01-13, § 6, 1-3-13; Ord. No. 11-13, § 1, 7-1-13; Ord. No. 02-18, § 2, 1-18-18; Ord. No. 09-18, § 1, 4-19-18; Ord. No. 11-18, § 2, 5-17-18; Ord. No. 34A-18, § 1, 12-6-18; Ord. No. 30-19, § 1, 8-1-19)

Sec. 9.3. - N-C Neighborhood commercial district.



9.3.1. *N-C district scope and intent.* Regulations in this section are the N-C district regulations. The N-C district is intended to provide suitable areas for limited commercial services and goods in close proximity to residential neighborhoods as further described in section 3.1.16 of this chapter.

9.3.2. *Use regulations.* Within the N-C 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. *Permitted uses.* Structures and land may be used for only the following purposes:

- Antique shops.
- Amenities (as defined by this chapter).
- Apartments and condominiums, above, below, or behind commercial and office uses in the same building (SU).\*
- Art galleries.
- Bakeries.
- Barber/beauty shops.
- Bed and breakfast inn (SU).\*
- Butcher shops.
- Catering, carry-out and delivery.
- Clothing/shoe retail.
- Clubs or lodges (noncommercial) (SU).\*
- China/pottery shops.
- Dance studios.
- Day care facilities.
- Delicatessens.
- Distillery (SU).\*
- Film developing/printing.
- Financial establishments.
- Grocery stores/markets.
- Gymnasiums/health clubs.
- Hobby shops.
- Hospices (SU).\*
- Jewelry shops.
- Laundry and dry cleaning shops.
- Medical offices (excludes veterinary).
- Microbreweries (SU).\*
- Nursing home facilities (SU).\*
- Offices, professional.
- Personal care homes (SU).\*
- Pharmacies.
- Places of assembly (SU).\*

- Religious institutions (SU).\*
- Repair shops (small appliance, shoe, tailor, or similar).
- Restaurants (excludes drive-thru).
- Retirement centers (SU).\*
- School, private (SU).\*

[\* Special use approval required.]

- B. *Accessory uses.* Structures and land may be used for uses customarily incidental to any permitted use.

9.3.3. *Development standards.*

- A. *Height regulations.* Buildings shall not exceed a height of forty-five (45) feet or three and one half (3½) stories, whichever is higher.
- B. *Front yard setback:* Twenty (20) feet.
- C. *Side yard setback:* Ten (10) feet.
- D. *Rear yard setback:* Twenty (20) feet.
- E. *Minimum lot area.* None.
- F. *Minimum lot frontage:* One hundred ten (110) feet adjoining a street.
- G. *Minimum lot width at the building line:* One hundred ten (110) feet.
- H. *Minimum heated floor area per dwelling unit.*
- *3-bedroom:* Nine hundred (900) square feet.
  - *2-bedroom:* Seven hundred fifty (750) square feet.
  - *1-bedroom:* Six hundred (600) square feet.
  - *Studio/loft (in existing buildings):* Four hundred fifty (450) square feet.
- I. *Minimum buffer requirements.* In addition to required setbacks, a minimum fifteen-foot wide buffer, five (5) feet of which can be within required setback, shall be required along all property lines which abut a residential district or use to provide a visual screen in accordance with section 4.17 of this chapter.
- J. *[Metal panels, metal sheathing, standard gray concrete block.]* The use of metal panels or metal sheathing and/or standard gray concrete block on the exterior walls of any building or structure shall be prohibited with the exception that such materials may be used if finished with a product consisting of brick, stone, or hard-coat stucco.
- K. *[Air conditioning units and HVAC systems.]* Air conditioning units and HVAC systems shall be thoroughly screened from view from the public right-of-way and from adjacent properties by using walls, fencing, roof elements, or landscaping on multifamily and nonresidential properties.
- L. *[Gable or hip roofs.]* Gable or hip roofs shall have a minimum roof pitch of 6/12. Both gable and hip roofs shall provide overhanging eaves on all sides that extend a minimum of one (1) foot beyond the building wall.
- M. *[Front building facade.]* The front building facade of all principal buildings shall be oriented toward street fronts or adjacent arterial street fronts.
- N. *[Refuse areas.]* Refuse areas (dumpsters) shall be placed in the least visible location from public streets, and shall be enclosed on three (3) sides with opaque walls, with the fourth side being an opaque closing gate. Height of an opaque wall shall be at least twelve (12) inches higher than the receptacle.

- O. *[Light fixture poles.]* Light fixture poles cannot exceed forty (40) feet in height. All site lighting shall be directed onto the site.
  - P. *[Chain link fences.]* Chain link fences are not allowed in the front yards. Where allowed, all chain link fences shall not be taller than five (5) feet in height and shall be vinyl coated, with one (1) of the following colors: hunter green or black.
  - Q. *Building massing.* Street fronting building facades greater than one hundred fifty (150) feet in length shall be modulated with breaks in wall surfaces and materials at intervals not to exceed one hundred fifty (150) feet, measured parallel to the street. For buildings that are three (3) stories or less in height, each floor shall be delineated through windows, belt courses, cornices lines, or similar architectural detailing.
  - R. *Color.* Fluorescent colors shall not be employed except as accent colors.
  - S. *Off-street parking.*
    - 1. *Minimum number of off-street parking spaces:* One (1) space per four hundred (400) square feet of gross floor area.
    - 2. *Maximum number of off-street parking spaces:* One (1) space per two hundred (200) square feet of gross floor area.
  - T. *Maximum commercial building floor area:* Fifteen thousand (15,000) square feet.
  - U. *Accessory structure requirements.* See section 4.9 of this chapter.
- 9.3.4 *Other regulations.* The headings below contain additional, but not necessarily all provisions applicable to the N-C district.
- City of Cartersville Landscaping Ordinance.
  - City of Cartersville Sign Ordinance.

(Ord. No. 01-13, §§ 7, 8, 1-3-13; Ord. No. 34A-18, § 2, 12-6-18)

Sec. 9.4. - DBD Downtown business district.

- 9.4.1. *DBD district scope and intent.* Regulations set forth in this section are the DBD district regulations. The DBD district is intended to provide locations in which neighborhood and community-oriented retail and service activities and residential uses can be established in the downtown business sector of the city as further described in section 3.1.17 of this chapter while preserving the historic character of the downtown buildings.
- 9.4.2. *Use regulations.* Within the DBD district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as permitted shall be prohibited.
- A. *Permitted uses.* Structures and land may be used for only the following purposes:
- Amateur radio transmitter.
  - Amenities (as defined by this chapter).
  - Amusement, indoor.
  - Apartments and condominiums, above, below, or behind commercial and office uses in the same building (SU).\*
  - Apartments and condominiums (without having to be above, below, or behind commercial uses in the same building) along Noble Street and Thompson Street.
  - Art galleries.
  - Assembly halls.

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- Barber shops.
- Beauty salons.
- Bed and breakfast inn.
- Brewpub.
- Catering, carry-out and delivery.
- Clinics (excludes veterinary clinic).
- Clubs or lodges (noncommercial) (SU).\*
- Condominium dwellings.
- Construction contractors:
  - ▲ General building contractors (provided there is no exterior storage of equipment, materials, and construction vehicles).
  - ▲ Heavy equipment contractors (provided there is no exterior storage of equipment, materials, and construction vehicles).
  - ▲ Special trade contractors; including, but not limited to, construction subcontractors, engineers, architects, and land surveyors (provided there is no exterior storage of equipment, materials, or construction vehicles).
- Day care facilities.
- Delicatessens.
- Distillery (SU).\*
- Financial establishments.
- Gymnasiums/health clubs.
- Hospices (SU).\*
- Hotels.
- Laundromats.
- Laundry and dry cleaning shops.
- Libraries.
- Medical offices (excludes veterinary).
- Microbreweries (SU).\*
- Museums.
- Nursing home facilities (SU).\*
- Offices, general.
- Parking lots.
- Parks, public and private.
- Personal services.
- Places of assembly (SU).\*
- Printing shops, convenience.
- Public utility facilities.
- Pubs and taverns.

- Religious institutions (SU).\*
  - Repair shops (small appliance, shoe repair or similar).
  - Restaurants (drive-thru restaurants as a special use).
  - Retail, general (excluding retail package stores (liquor), or other businesses having primarily sales of package beer and/or wine).
  - Retirement centers (SU).\*
  - Schools, private (SU).\*
  - Schools of business, dance, music, or similar.
  - Theaters.
  - Townhouse dwellings.
- \* Special use approval required.

B. *Accessory uses.* Structures and land may be used for uses customarily incidental to any permitted use.

9.4.3. *Development standards.*

- A. *Height regulations.* Buildings shall not exceed a height of forty-five (45) feet or three and one-half (3½) stories, whichever is higher.
- B. *Front yard setback:* None.
- C. *Side yard setback:* None.
- D. *Rear yard setback:* None.
- E. *Minimum lot frontage:* None.
- F. *Minimum heated floor area per dwelling unit.*
- *Multifamily:*
    - ▲ *3-bedroom:* Nine hundred (900) square feet.
    - ▲ *2-bedroom:* Seven hundred fifty (750) square feet.
    - ▲ *1-bedroom:* Six hundred (600) square feet.
    - ▲ *Studio/loft (in existing buildings):* Four hundred fifty (450) square feet.
  - *Townhouse/attached:* One thousand (1,000) square feet.
- G. *Accessory structure requirements.* See section 4.9 of this chapter.
- H. *[Metal panels, metal sheathing, standard gray concrete block.]* The use of metal panels or metal sheathing and/or standard gray concrete block on the exterior walls of any building or structure shall be prohibited with the exception that such materials may be used if finished with a product consisting of brick, stone, or hard-coat stucco.
- I. *[Residential living space.]* Consideration for approval of any residential living space in the DBD district is subject to a parking plan for the proposed use approved by the zoning administrator. The zoning administrator shall give due consideration to available public or private parking in the downtown area.
- J. *[Air conditioning units and HVAC systems.]* Air conditioning units and HVAC systems shall be thoroughly screened from view from the public right-of-way and from adjacent properties by using walls, fencing, roof elements, or landscaping on multifamily and nonresidential properties.

- K. *[Gable or hip roofs.]* Gable or hip roofs shall have a minimum roof pitch of 6/12. Both gable and hip roofs shall provide overhanging eaves on all sides that extend a minimum of one (1) foot beyond the building wall.
- L. *[Front building facade.]* The front building facade of all principal buildings shall be oriented toward street fronts or adjacent arterial street fronts.

9.4.4. *Other regulations.* The headings below contain additional, but not necessarily all provisions applicable to the DBD district.

- City of Cartersville Landscaping Ordinance.
- City of Cartersville Sign Ordinance.

(Ord. No. 01-13, § 9, 1-3-13; Ord. No. 24-16, § 1, 11-17-16; Ord. No. 02-18, § 3, 1-18-18; Ord. No. 34A-18, § 3, 12-6-18)

Sec. 9.5. - O-C Office/commercial district.

9.5.1. *O-C district scope and intent.* Regulations in this section are the O-C district regulations. The O-C district is intended to provide land areas for office and community oriented retail and service activities which compliment a transition into more intense activity areas as further described in section 3.1.18 of this chapter.

9.5.2. *Use regulations.* Within the O-C 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. *Permitted uses.* Structures and land may be used for only the following purposes:

- Adolescent treatment facilities.
- Amateur radio transmitter.
- Amenities (as defined by this chapter).
- Amusement, indoor.
- Apartments and condominiums, above, below, or behind commercial and office uses in the same building (SU).\*
- Art galleries.
- Assembly halls.
- Automotive and truck sales or rental (properties fronting an arterial or major collector street only) (SU).\*
- Automotive specialty shops.
- Barber shops.
- Beauty salons.
- Brewpub.
- Catering, carry-out and delivery.
- Clinics (excludes veterinary clinic).
- Clubs or lodges (noncommercial) (SU).\*
- Construction contractors:
  - ▲ General building contractors (provided there is no exterior storage of equipment, materials, and construction vehicles).

- ▲ Heavy equipment contractors (provided there is no exterior storage of equipment, materials, and construction vehicles).
- ▲ Special trade contractors; including, but not limited to, construction subcontractors, engineers, architects, and land surveyors (provided there is no exterior storage of equipment, materials, or construction vehicles).
- Colleges and universities.
- Convenience stores.
- Dancing schools.
- Day care facilities.
- Delicatessens.
- Distillery (SU).\*
- Financial establishments.
- Funeral homes (crematories may be allowed in conjunction with a funeral home with approval of a special use).\*
- Group homes (SU).\*
- Gymnasiums/health clubs.
- Halfway houses.
- Homeless shelters (SU).\*
- Hospices.
- Hospitals.
- Hotels.
- Institutions of higher learning, business colleges, music conservatories, and similar institutions.
- Laboratories (medical and dental).
- Laundromats.
- Laundry/dry cleaning pick-up stations.
- Libraries.
- Medical offices (excludes veterinary).
- Microbreweries (SU).\*
- Museums.
- Nursing home facilities.
- Offices, general.
- Office parks.
- Outdoor golf driving ranges.
- Parking garages.
- Parking lots.
- Pet grooming.
- Personal care homes (SU).\*
- Places of assembly (SU).\*

- Plant nurseries.
  - Printing establishments.
  - Public utility facilities.
  - Pubs or taverns.
  - Radio and television broadcast stations.
  - Radio, television, or other communication towers.
  - Religious institutions (SU).\*
  - Research laboratories.
  - Restaurants.
  - Retail, general.
  - Retail package stores (including liquor and malt beverages and/or wine sales) only in a multi-tenant shopping center development consisting of a minimum of five (5) business suites and additionally, that detached, stand alone, retail package stores shall not be permitted.
  - Retirement centers (SU).\*
  - Reupholstery shop.
  - Schools, private (SU).\*
  - Service stations.
  - Stadiums.
  - Theaters.
  - Wholesale sales office.
- \* Special use approval required.

B. *Accessory uses.* Structures and land may be used for uses customarily incidental to any permitted use.

9.5.3. *Development standards.*

- A. *Height regulations.* Buildings shall not exceed a height of forty-five (45) feet or three and one-half (3½) stories, whichever is higher.
- B. *Front yard setback:* Twenty (20) feet.
- C. *Side yard setback:* Ten (10) feet.
- D. *Rear yard setback:* Twenty (20) feet.
- E. *Minimum lot frontage:* One hundred ten (110) feet adjoining a street.
- F. *Minimum lot width at the building line:* One hundred ten (110) feet.
- G. *Minimum heated floor area per dwelling unit.*
  - *3-bedroom:* Nine hundred (900) square feet.
  - *2-bedroom:* Seven hundred fifty (750) square feet.
  - *1-bedroom:* Six hundred (600) square feet.
  - *Studio/loft (in existing buildings):* Four hundred fifty (450) square feet.
- H. *Minimum buffer requirements.* In addition to required setbacks, a minimum twenty-foot wide buffer, five (5) feet of which can be within required setback, shall be required along all property



lines which abut a residential district or use to provide a visual screen in accordance with section 4.17 of this chapter.

- I. *Accessory structure requirements.* See section 4.9 of this chapter.
  - J. *[Metal panel exterior.]* A metal panel exterior finish product shall not be allowed on metal buildings exceeding one hundred fifty (150) square feet in gross floor area constructed or placed on lots within the O-C district with the exception that such materials may be used if finished with a product consisting of brick, stone, or hard-coat stucco.
  - K. *[Air conditioning units and HVAC systems.]* Air conditioning units and HVAC systems shall be thoroughly screened from view from the public right-of-way and from adjacent properties by using walls, fencing, roof elements, or landscaping on multifamily and nonresidential properties.
  - L. *[Gable or hip roofs.]* Gable or hip roofs shall have a minimum roof pitch of 6/12. Both gable and hip roofs shall provide overhanging eaves on all sides that extend a minimum of one (1) foot beyond the building wall.
  - M. *[Front building facade.]* The front building facade of all principal buildings shall be oriented toward street fronts or adjacent arterial street fronts.
- 9.5.4. *Other regulations.* The headings below contain additional, but not necessarily all, provisions applicable to the O-C district.
- City of Cartersville Landscaping Ordinance.
  - City of Cartersville Sign Ordinance.

(Ord. No. 01-13, § 10, 1-3-13; Ord. No. 02-18, § 4, 1-18-18; Ord. No. 34A-18, § 4, 12-6-18)

Sec. 9.6. - G-C General commercial district.

- 9.6.1. *G-C district scope and intent.* Regulations set forth in this section are the G-C district regulations. The G-C district is intended to provide locations in which community and regionally-oriented retail and service activities can be established so as to best serve the community and traveling public as further described in section 3.1.19 of this chapter.
- 9.6.2. *Use regulations.* Within the G-C district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as permitted shall be prohibited.
- A. *Permitted uses.* Structures and land may be used for only the following purposes:
- Adolescent treatment facilities.
  - Amateur radio transmitter.
  - Amenities (as defined by this chapter).
  - Amusement, indoor.
  - Apartments and condominiums, above, below, or behind commercial and office uses in the same building (SU).\*
  - Art galleries.
  - Assembly halls.
  - Automotive garages.
  - Automotive and truck sales or rental.
  - Automotive specialty shops.
  - Automotive storage yards and wrecker service.
  - Barber shops and beauty salons.

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- Boat sales and service.
- Bowling alleys.
- Brewpub.
- Building supply companies.
- Bus stations.
- Car washes.
- Catering, carry-out and delivery.
- Check cashing stores.
- Clinics (excludes veterinary clinic).
- Clinic or hospital, animal.
- Clubs or lodges (noncommercial) (SU).\*
- Colleges and universities.
- Construction contractors:
  - ▲ General building contractors (provided there is no exterior storage of equipment, materials, and construction vehicles).
  - ▲ Heavy equipment contractors (provided there is no exterior storage of equipment, materials, and construction vehicles).
  - ▲ Special trade contractors, including, but not limited to, construction subcontractors, engineers, architects, and land surveyors (provided there is no exterior storage of equipment, materials, or construction vehicles).
- Consumer fireworks retail sales facility.
- Convenience stores.
- Dancing schools.
- Day care facilities.
- Delicatessens.
- Distillery (SU).\*
- Distribution centers, (not including processing, fabrication or manufacturing).
- Drive-in theaters.
- Dry cleaners.
- Farm equipment and supplies stores.
- Financial establishments.
- Fortunetellers.
- Funeral homes (crematories may be allowed in conjunction with a funeral home).
- Gymnasiums/health clubs.
- Halfway houses.
- Homeless shelters (SU).\*
- Hospices.
- Hospitals.

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- Hotels.
- Indoor firing range.
- Institutions of higher learning, business colleges, music conservatories, and similar institutions.
- Kennels.
- Laboratories.
- Landscaping businesses.
- Laundromats.
- Laundry/dry cleaning pick-up stations.
- Libraries.
- Medical offices.
- Manufactured home sales.
- Microbreweries (SU).\*
- Motels.
- Museums.
- Nightclubs.
- Nursing home facilities.
- Offices, general.
- Office parks.
- Outdoor golf driving ranges.
- Other consumer goods and services.
- Parking garages.
- Parking lots.
- Pawn shops and/or title pawn.
- Pet grooming.
- Personal care homes (SU).\*
- Places of assembly (SU).\*
- Planned shopping developments.
- Plant nurseries.
- Plumbing shops (associated with retail sales).
- Printing establishments.
- Public utility facilities.
- Pubs or taverns.
- Radio and television broadcast stations.
- Radio, television, or other communication towers.
- Religious institutions (SU).\*
- Repair garages, automotive.

- Repair garages, heavy equipment.
  - Repair services, heavy (large appliances and similar).
  - Research laboratories.
  - Restaurants.
  - Retail, general.
  - Retail package stores (liquor).
  - Retirement centers (SU).\*
  - Reupholstery and furniture repair shops.
  - Schools, private (SU).\*
  - Self service storage facilities (mini-warehouses).
  - Service establishments.
  - Service stations.
  - Skating rinks.
  - Stadiums.
  - Storage, general.
  - Taxi stands.
  - Theaters.
  - Truck stops.
  - Wholesale sales office.
  - Wholesale trade and distribution.
  - Wildlife conservation park (SU).
- \* Special use approval required.

B. *Accessory uses.* Structures and land may be used for uses customarily incidental to any permitted use.

9.6.3. *Development standards.*

- A. *Height regulations.* Building shall not exceed a height of sixty (60) feet or four (4) stories, whichever is higher.
- B. *Front yard setback:* Twenty (20) feet.
- C. *Side yard setback:* Ten (10) feet.
- D. *Rear yard setback:* Twenty (20) feet.
- E. *Minimum lot area:* None.
- F. *Minimum heated floor area per dwelling unit.*
- *3-bedroom:* Nine hundred (900) square feet.
  - *2-bedroom:* Seven hundred fifty (750) square feet.
  - *1-bedroom:* Six hundred (600) square feet.
  - *Studio/loft (in existing buildings):* Four hundred fifty (450) square feet.
- G. *Minimum buffer requirements.* In addition to required setbacks, a minimum twenty-five-foot wide buffer, ten (10) feet of which can be within required setback, shall be required along all property

lines which abut a residential district or use to provide a visual screen in accordance with section 4.17 of this chapter.

- H. *Minimum lot frontage*: One hundred ten (110) feet adjoining a street.
- I. *Minimum lot width at the building line*: One hundred (100) feet.
- J. *[Metal panel exterior.]* A metal panel exterior finish product shall not be allowed on metal buildings exceeding one hundred fifty (150) square feet in gross floor area constructed or placed on lots within the G-C district, unless finished with a product consisting of brick, stone, or hard-coat stucco, with the following exception:
  - 1. The rear wall of a metal building may be allowed to be finished with a metal panel.
- K. *Accessory structure requirements*. See section 4.9 of this chapter.
- L. *Other required standards*.
  - 1. All structures associated with a kennel, or veterinary clinic shall be a minimum of one hundred (100) feet from all property lines which abut a residential district.

9.6.4. *Other regulations*. The headings below contain additional, but not necessarily all provisions applicable to the G-C district.

- City of Cartersville Landscaping Ordinance.
- City of Cartersville Sign Ordinance.

(Ord. No. 01-13, § 11, 1-3-13; Ord. No. 23-15, § 2, 7-2-15; Ord. No. 09-16(Corrected), § 1, 4-7-16; Ord. No. 02-18, § 5, 1-18-18; Ord. No. 34A-18, § 5, 12-6-18)

## ARTICLE X. - INDUSTRIAL DISTRICT REGULATIONS

### Sec. 10.1. - L-I Light industrial district.

10.1.1. *L-I district scope and intent*. Regulations in this section are the L-I district regulations. The L-I district is intended to provide locations and land areas for the development of industrial and business parks and uses which meet the needs of processing, manufacturing, fabricating, and warehousing, research, related office uses, and other uses as further described in section 3.1.20 of this chapter.

Light manufacturing establishments shall consist of any manufacturing establishment which does not use water in the manufacturing operation either for processing, cooling, or heating and which shall emit no smoke, noise, odor, dust, vibrations, or fumes beyond the walls of the building in which housed.

Manufacturing establishments which use limited water in the manufacturing operation either for processing, cooling, or heating; or which emit smoke, noise, odor, dust, vibrations, or fumes beyond the walls of the building in which housed shall not be allowed, except with approval of a special use in accordance with standards further described in section 16.4.9.

10.1.2. *Use regulations*. Within the L-I district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as allowed shall not be permitted.

A. *Permitted uses*. Structures and land may be used for only the following purposes:

- Adult entertainment establishments (SU).\*
- Amateur radio transmitter.
- Automotive storage yards and wrecker service.
- Aviation airports.
- Bus stations.

- Brewery (SU if accessory tasting room is included).\*
  - Brewpub.
  - Cheerleading/gymnastics facilities and indoor athletic training facilities.
  - Clinic or hospital, animal.
  - Clubs or lodges (noncommercial) (SU).\*
  - Construction contractors: general contractors, heavy equipment contractors, and special trade contractors (including, but not limited to, construction subcontractors, engineers, architects, and land surveyors).
  - Distillery (SU if accessory tasting room is included).\*
  - Distribution.
  - Indoor firing range.
  - Indoor recreation facilities.
  - Manufacturing.
  - Microbreweries (SU).\*
  - Offices.
  - Outdoor golf driving ranges.
  - Parking lots.
  - Processing.
  - Public utility facilities.
  - Radio, television, or other communication towers.
  - Religious institutions (SU).\*
  - Repair garage, automotive (no outdoor storage of inoperable and/or dismantled vehicles).
  - Repair garage, heavy equipment (no outdoor storage of inoperable and/or dismantled trucks and equipment).
  - Research facilities.
  - Schools, private (SU).\*
  - Tattoo/body piercing parlors (SU).\*
  - Taxi stands.
  - Truck terminals.
  - Warehousing.
  - Wholesale trade and distribution.
- \* Special use approval required.

B. *Accessory uses.* Structures and land may be used for uses customarily incidental to any permitted use.

10.1.3. *Development standards.*

A. *Height regulations.* Buildings shall not exceed a height of forty-five (45) feet or three and one-half (3½) stories, whichever is higher.

B. *Front yard setback:* Twenty (20) feet.

- C. *Side yard setback*: Fifteen (15) feet.
  - D. *Rear yard setback*: Twenty (20) feet.
  - E. *Minimum lot area*: None.
  - F. *Minimum lot frontage*: One hundred ten (110) feet adjoining a street.
  - G. *Minimum lot width at the building line*: One hundred (100) feet.
  - H. *Rail access*. Railroad spurs and service rails in industrial parks shall be permitted only within the side and rear yards.
  - I. *[Front facade.]* The front facade of metal buildings constructed or placed in the L-I district, and all portions of the building that face public road right-of-way, shall be finished with brick, stone, or hard-coat stucco.
  - J. *Minimum buffer requirements*. In addition to required setbacks, a minimum thirty-five-foot wide buffer, ten (10) feet of which can be within required setback, and a fifteen-foot wide buffer adjacent to all other districts other than residential, L-I and H-I, shall be required along all property lines which abut a residential district or use to provide a visual screen in accordance with section 4.17 of this chapter.
  - K. *Accessory structure requirements*. See section 4.9 of this chapter.
- 10.1.4. *Other regulations*. The headings below contain additional, but not necessarily all provisions applicable to the L-I district.
- City of Cartersville Landscaping Ordinance.
  - City of Cartersville Sign Ordinance.

(Ord. No. 01-13, § 12, 1-3-13; Ord. No. 29-13, § 1, 12-5-13; Ord. No. 09-16, § 1, 4-7-16; Ord. No. 09-16(Corrected), § 1, 4-7-16; Ord. No. 02-18, § 6, 1-18-18; Ord. No. 34A-18, § 6, 12-6-18)

Sec. 10.2. - H-I Heavy industrial district.

- 10.2.1. *H-I district scope and intent*. Regulations in this section are the H-I district regulations. The H-I district is intended to provide locations for a full range of manufacturing, processing, terminal and warehousing uses, salvage yards, closely related activities, and other uses as further described in section 3.1.21 of this chapter.
- 10.2.2. *Use regulations*. Within the H-I district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as allowed shall not be permitted.
- A. *Permitted uses*. Structures and land may be used for only the following purposes:
- Amateur radio transmitter.
  - Aviation airports.
  - Brewery (SU if accessory tasting room is included).\*
  - Brewpub.
  - Bus stations.
  - Clinic or hospital, animal.
  - Construction contractors: general contractors, heavy equipment contractors, and special trade contractors (including, but not limited to, construction subcontractors, engineers, architects, and land surveyors).
  - Distillery (SU if accessory tasting room is included).\*

- Distribution.
- Manufacturing, processing, warehousing, distribution, and research facilities.
- Microbreweries (SU).\*
- Offices.
- Parking lots.
- Public utilities facilities.
- Radio, television, or other communication towers.
- Research facilities.
- Salvage yards (SU).\*
- Trash transfer stations (SU).\*
- Truck terminals.
- Wholesale trade and distribution.

[\* Special use approval required.]

- B. *Accessory uses.* Structures and land may be used for uses customarily incidental to any permitted use.

10.2.3. *Development standards.*

- A. *Height regulations.* No structure shall exceed fifty (50) feet in height.
- B. *Front yard setback:* Twenty (20) feet.
- C. *Side yard setback:* Fifteen (15) feet.
- D. *Rear yard setback:* Twenty (20) feet.
- E. *Minimum lot area:* None.
- F. *Minimum lot frontage:* One hundred seventy-five (175) feet adjoining a street.
- G. *Minimum lot width at the building line:* One hundred (100) feet.
- H. *Minimum buffer requirements.* In addition to required setbacks (except where abutting a railroad right of way) there shall be a fifty-foot wide buffer along all property lines which abut a residential district or use and a fifteen-foot wide buffer shall be required along all property lines abutting a nonresidential district other than the H-I district. Said buffers shall provide a visual screen in accordance with section 4.17 of this chapter. (Salvage yards see section 10.2.3.K. of this chapter.)
- I. *Accessory structure requirements.* See section 4.9 of this chapter.
- J. *Other required standards.*
1. No use shall be allowed that exceeds state and federal guidelines for allowable emissions and discharge of effluents into the air, water and soil.
  2. No use shall be allowed that creates unabated noise creating a nuisance as defined under Georgia law.

10.2.4. *Other regulations.* The headings below contain additional, but not necessarily all provisions applicable to uses allowed in the H-I district.

- City of Cartersville Landscaping Ordinance.
- City of Cartersville Sign Ordinance.



(Ord. No. 01-13, § 13, 1-3-13; Ord. No. 02-18, § 7, 1-18-18; Ord. No. 34A-18, § 7, 12-6-18)

Sec. 10.3. - MN Mining district.

10.3.1. *MN district scope and intent.* Regulations in this section are the MN district regulations. The MN district is intended to provide locations for mining/extraction and closely related activities as further described in section 3.1.22 of this chapter.

10.3.2. *Use regulations.* Within the MN district, land and structures shall be used in accordance with the standards herein. Any use not specifically designated as allowed shall be prohibited.

A. *Permitted uses.* Structures and land may be used for only the following purposes:

- Amateur radio transmitter.
- Milling.
- Mining/extraction.
- Public utility facilities.
- Quarrying.
- Radio, television and other communication towers.
- Surface mining.

B. *Accessory uses.* Structures and land may be used for uses customarily incidental to any permitted use.

10.3.3. *Development regulations.*

A. The removal area shall be completely enclosed with a fence not less than six (6) feet in height where necessary for safety.

B. Drainage plans and a plan for the site when the extraction is completed shall be submitted with the application for a development permit.

C. Quarrying shall be established only on a site of not less than fifty (50) acres.

D. When abutting any other district, a five hundred-foot undisturbed buffer shall be required, unless activity is limited to surface mining as defined by this chapter. When abutting any other district, a one hundred fifty-foot undisturbed buffer shall be required for surface mining.

10.3.4. *Other regulations.* The headings below contain additional, but not necessarily all, provisions applicable to uses allowed in the MN district.

- City of Cartersville Landscaping Ordinance.
- City of Cartersville Sign Ordinance.

ARTICLE XI. - PUBLIC INSTITUTIONAL DISTRICT

Sec. 11.1. - P-I Public/institutional district.

11.1.1. *P-I district scope and intent.* The P-I district encompasses lands devoted to uses which may be privately owned or owned by the state or local government as further described in section 3.1.23 of this chapter.

11.1.2. *Use regulations.* Within the P-I district, land and structures shall be used in accordance with the standards herein. Any use not specifically designated as allowed shall be prohibited.

A. *Permitted uses.* Structures and land may be used for only the following purposes:

- Amateur radio transmitter.

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- Cemeteries (human).
- Cemeteries (pet).
- Clubs or lodges (noncommercial).
- Colleges and universities.
- Day care facilities.
- Funeral homes (crematories may be allowed in conjunction with a funeral home with approval of a special use).
- Governmental buildings.
- Governmental facilities.
- Hospice.
- Hospitals.
- Institutions of higher learning, business colleges, music conservatories, and similar institutions.
- Mausoleums.
- Medical offices, clinic.
- Nursing home.
- Parks, public or private.
- Radio, television, or other communication towers.
- Recreation centers or facilities.
- Religious institutions.
- Retirement center.
- Schools, public and private.

11.1.3. *Development standards.*

- A. Height regulations. Buildings shall not exceed a height of forty-five (45) feet or three and one-half (3½) stories, whichever is higher.
- B. *Minimum development area.*
  - Fifteen (15) acres (cemeteries for humans).
  - Five (5) acres (cemeteries for pets).
- C. *Front yard setback:*
  - *Structures other than cemeteries:* Twenty (20) feet.
  - *Cemeteries:* Fifty (50) feet.
- D. *Side yard setback:*
  - *Structures other than cemeteries:* Ten (10) feet.
  - *Cemeteries:* One hundred (100) feet.
- E. *Rear yard setback:*
  - *Structures other than cemeteries:* Twenty (20) feet.
  - *Cemeteries:* One hundred (100) feet.
- F. *Setback for graves:* Fifty (50) feet from all property lines.

- G. *Minimum lot frontage*: One hundred ten (110) feet adjoining a street.
  - H. *Minimum lot width at the building line*: One hundred (100) feet.
  - I. *Minimum buffer requirements*. In addition to required setbacks, a minimum fifteen-foot wide buffer shall be required along all property lines which abut a residential district or use to provide a visual screen in accordance with section 4.17 of this chapter.
  - J. *Outdoor storage*. Outside storage and parking of maintenance equipment shall be screened from all adjoining properties and streets in accordance with section 4.17 of this chapter.
  - K. *Accessory structure requirements*. See section 4.9 of this chapter.
  - L. *Additional requirements*.
    - 1. Cemetery uses shall be perpetual care and must meet all applicable state regulations pertaining to cemetery developments.
    - 2. A solid opaque fence or masonry wall with a minimum height of six (6) feet and/or fifteen-foot buffer in accordance with section 4.17 of this chapter shall be required along all property lines abutting a residential district.
- 11.1.4. *Other regulations*. The headings below contain additional, but not necessarily all, provisions applicable to uses allowed in the P-I district.
- City of Cartersville Landscaping Ordinance.
  - City of Cartersville Sign Ordinance.

(Ord. No. 25-16, § 1, 11-17-16)

## ARTICLE XII. - FAIR GROUND DISTRICT REGULATIONS

### Sec. 12.1. - District scope and intent.

Regulations set forth in this section are fair ground district regulations. The FG district is intended to provide locations in which the annual Bartow County Fair and other uses can be established so as best to serve the community, as further described in section 3.1.24 of this chapter.

### Sec. 12.2. - Use regulations.

Within the FG district, land structures shall be used in accordance with standards herein. Any use not specifically designated as permitted shall be prohibited.

- A. *Permitted uses*. Structures and land may be used for only the following purposes:
- Amusement, outdoor.
  - Carnivals.
  - Clubs or lodges (noncommercial).
  - Fairs, annual Bartow County.
  - Flea markets.
  - Fund raising events held to benefit 501(c) nonprofit organizations, lasting no more than two (2) weeks.
  - Operation of nonprofit 501(c) organizations, including office space and meeting rooms.
  - Patriotic events and memorial events.
  - Recreation, outdoor.

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- Tent revivals for religious purposes, lasting no more than two (2) weeks.

B. *Accessory uses.* Structures and land may be used for uses customarily incidental to any permitted use.

Sec. 12.3. - Development standards.

A. *Height regulations.* Buildings shall not exceed a height of forty-five (45) feet or three and one-half (3½) stories, whichever is higher.

B. *Front yard setback.* None.

C. *Side yard setback.* None.

D. *Rear yard setback.* None.

E. *Minimum lot area.* Fourteen (14) acres.

F. *Minimum lot frontage.* Seven hundred (700) feet adjoining at street.

G. *Minimum buffer requirements.* A minimum fifteen-foot wide buffer shall be required along all property lines which abut a residential district or use to provide a visual screen in accordance with section 4.17 of this chapter. Additionally, an eight-foot wooden fence may be substituted in lieu of vegetation, in which case the buffer requirement would be reduced to five (5) feet.

H. *Accessory structure requirements.* Accessory structures shall be in compliance with section 4.9 of this chapter.

I. *Other required standards.*

1. Adequate sanitary facilities shall be provided on site, but no temporary/portable facilities shall be located within one hundred (100) feet of a property line that abuts a residential district.
2. Off-street parking shall be provided at one and one-half (1½) spaces per flea market booth, stall or vendor.
3. A driveway access and circulation plan and parking plan must be approved by the city engineer to ensure adequate ingress and egress, and safety. parking areas shall only be accessible by driveways meeting the city's standards for driveways, with the exception of any requirement that such areas be paved and/or graveled.
4. For flea markets only, no outdoor storage of items is permitted on the premises except between the hours of 7:00 a.m. Friday and 7:00 p.m. Sunday.
5. The owner or operator of a flea market at said facilities shall comply with all licensing and permitting requirements of the City of Cartersville.
6. Hours and days of operation during which a flea market shall be allowed to operate are as follows:
  - Friday to Sunday: 7:00 a.m. to 5:00 p.m. (During daylight savings hour period, closing time shall be 7:00 p.m.)
  - "Hours of operation" means the hours the flea market is open to the public.

Sec. 12.4. - Other regulations.

A. Other regulations that are specifically NOT applicable:

- Off-street parking and loading requirements.
- City of Cartersville Landscaping Ordinance.
- City of Cartersville Development Regulations.

• City of Cartersville Sign Ordinance.

ARTICLE XIII. - MAIN STREET OVERLAY DISTRICT REGULATIONS

Sec. 13.1. - Declaration of purpose, scope and intent.

The Cartersville City Council finds that as a matter of public policy that the aesthetic, economic and functional qualities of the City of Cartersville are worthy of enhancement, preservation, and protection and are essential to the promotion of the health, prosperity, safety, and general welfare of the existing and future residents of the City of Cartersville. Included within the scope are the site, buildings and other structures, parking, landscape and screening, signs, utilities and lighting. The following standards shall control building materials, site lighting, parking, landscaping and commercial signs in conjunction with other ordinances of the City of Cartersville. These standards shall apply to all construction within the main street overlay district in the City of Cartersville and only to property within the city limits of the City of Cartersville. The purpose and intent of the Main Street overlay architectural design standards shall be:

- A. To foster civic pride; to raise the level of community understanding and expectation for quality in the built environment; and, to promote attention to accepted design principals in areas of new development and redevelopment;
- B. To implement the comprehensive plan;
- C. To guide certain aspects of development such as the appearance of buildings and open spaces as they contribute to the attractiveness, function, economy and character of an area;
- D. To protect and enhance the visual qualities and character of an area;
- E. To provide guidance to design professionals, property and business owners undertaking construction in the district;
- F. To prevent functional and visual disunity in an area;
- G. To protect property against blight and depreciation;
- H. To encourage the most appropriate development of land; and
- I. To provide an attractive gateway to the community.

Sec. 13.2. - Definitions.

Words not defined herein shall be construed to have the meaning given in Article II of the zoning ordinance of the City of Cartersville, or, by Webster's Ninth New Collegiate Dictionary. The words "shall" and "must" are mandatory, and the words "may" and "should" are permissive. As used in this article, the following terms shall be defined as follows:

*Appearance.* The outward aspect that is visible to the public.

*Appropriate.* Fitting to the context of a site, neighborhood or community.

*Appurtenances.* The visible, functional, or ornamental objects accessory to and part of buildings.

*Architectural concept.* The basic aesthetic idea of a structure, or group of structures, including the site, signs, building and landscape development that produces the architectural character.

*Architectural feature.* A significant element of a structure or site.

*Attractive.* Having qualities that give satisfaction to numerous, but not necessarily all, observers.

*Building.* A building is a structure created to shelter any form of human activity, including, but not limited to, a house, store, barn, church, and hotel.

*Building massing.* The visual and physical mass of a building.

*Directory signs.* A freestanding sign containing a directory for multiple commercial businesses.

*External design feature.* The general arrangement of any portion of structures or landscaping, including the type, and texture of the materials, the type of roof, windows, doors, lights, signs and fixtures of portions which are open to the public view.

*Exterior architectural features.* The architectural style, general design and general arrangement of the exterior of a structure and site, including, but not limited to, the kind or texture of the building material and the type and style of all windows, doors, signs, facade, landscaping and other architectural fixtures, features, details, or elements relative thereto.

*Harmony.* A quality that represent an attractive arrangement of parts, as in an arrangement of various architectural elements.

*Landscape.* Plant materials, topography and other physical elements combined in relation to one another and to structures including pavement.

*Logic of design.* Widely accepted principals and criteria in the solution of design problems.

*Main Street overlay district.* The boundaries of this overlay district include the areas outlined in Exhibit "A" in Article XXV.

*Material change in appearance.* A change in a structure or a parking lot within said districts that exceed ordinary maintenance or repair or requires either a sign permit, building permit or land disturbance permit such as, but not limited to: the erection, alteration, restoration, addition, or removal of any structure, sign or parking lot.

*Monument sign.* A freestanding sign supported by an internal structure framework or integrated into landscaping or other solid structural features other than support poles.

*Ordinary maintenance or repair.* Exempt from inclusion in "material change in appearance" defined above. Ordinary maintenance or repair of any exterior of any structure, parking lot or sign in or on an overlay district property to correct deterioration, decay, damage, or to sustain the existing form, and that does not involve a material change in outer design, material or appearance thereof. Painting, reroofing, resurfacing, replacement or a broken sign face and other similar types of ordinary maintenance shall be deemed ordinary maintenance and repair.

*Overlay district.* A geographically definable area, possessing a significant concentration or linkage of sites, buildings, structures, object of landscapes, including the adjacent area necessary for the property treatment thereof, united by plan and/or physical development. An overlay district shall further mean an area designated as such by the mayor and city council of the City of Cartersville.

*Proportion.* Balanced relationship of parts of a building, signs and other structures, and landscape to each other and to the whole.

*Scale.* Proportional relationships of the size of parts to one another and to humans.

*Street hardware.* Objects other than buildings that are part of the streetscape. Examples are: street light fixtures, utility poles, traffic lights and their fixtures, benches, litter containers, planting containers, fire hydrants, etc.

*Underlying zoning.* The zoning category established with respect to a parcel of property by the mayor and city council of the City of Cartersville.

Where any existing zoning within the overlay district allows for mining use or any other specific use, such allowed use shall continue until such time as the owner of the real property applies to change the zoning and then the only portion of the real property that will change its existing zoning use will be the specific portion of any real property that is included within any approved application.

### Sec. 13.3. - Maintenance of properties—Building code and zoning provisions.

- A. *Ordinary maintenance or repair.* Ordinary maintenance or repair of any exterior feature visible from a public street in or on any overlay district property to correct deterioration, decay or damage, or to

sustain the existing form, and that does not involve a material change in design, material or outer appearance thereof, does not require a building, sign, or land disturbance permit.

- B. *Affirmation of existing building codes and zoning.* Nothing in this article shall be construed to exempt property and business owners from complying with other existing city regulations whenever this article does not apply. This article is an amendment to the zoning ordinance, the underlying zoning classification of property and all other provisions of the zoning ordinance shall remain in effect unless provisions in the overlay district conflict with the other provisions of the zoning ordinance, in which case, the stricter provisions of the overlay district shall apply.

Sec. 13.4. - Scope.

These Main Street overlay architectural design standards shall control (1) architectural design including building scale, massing, type, siting and building materials; (2) site lighting; (3) landscaping, (4) utility design and placement; and (5) commercial signs in conjunction with other ordinances of the City of Cartersville. Where any part of this article conflicts with other city ordinances, the more restrictive standard shall apply. All new construction and/or site construction or any alteration of currently existing buildings or developed sites having an estimated construction, installation and/or fabrication costs (as referenced in building and land disturbance permit applications) equal to or exceeding sixty (60) percent of said existing site development or building valuation shall conform to the standards set forth in this article. Every application for a building permit for construction of a new building, modification or addition to an existing building within the district, shall be submitted together with plans, elevations and specifications. Alterations and repairs not affecting the exterior appearance of existing buildings are specifically exempted from the provision of this article. However, all fire safety and Standard Building Code of Southern Building Code Congress International (SBCCI) as amended, and other relevant interior codes and standards shall continue in full force and effect.

Sec. 13.5. - Design standards.

In addition to development standards required elsewhere by the City of Cartersville zoning ordinance and other ordinances, the following standards shall apply to all development and redevelopment within the Main Street overlay district.

- A. Gable, hip, mansard, or pyramid roofs, when visible from adjoining streets (public or private) or any other adjoining property within the overlay district, shall have a minimum roof pitch of 6:12.
- B. Gable, hip, mansard, or pyramid roofs, when visible from adjoining streets (public or private) or any other adjoining property within the overlay district, shall have a minimum overhanging eave on all sides that will extend a minimum of one (1) foot beyond the exterior building wall of the building.
- C. Flat roofs shall not be allowed on buildings having exterior walls of twenty-five (25) feet or less in height. For purposes of this paragraph, parapet walls may be included in determining height of an exterior building wall. Shed roofs are prohibited as a primary roof design.
- D. Permitted exterior building materials shall be brick, stucco, stone, wood, glass, vinyl, concrete fiberboard, architectural metal, or architectural block. Vinyl is only allowed as accents on nonresidential structures.
- E. Exposed standard concrete block is not allowed, even if it is painted.
- F. Where more than one (1) adjoining property is developed as part of an overall planned development, side and rear setbacks may be modified or waived to encourage creativity and efficiency in site design, in the discretion of and with approval of the zoning administrator.
- G. In order to foster greater harmony and more appropriate community image, individual site developers are encouraged to coordinate site design elements such as pedestrian interconnections, shared driveways and signage, with adjacent site developers. Shared parking is encouraged to reduce impervious surface areas.

- H. Placement of air-conditioning units and satellite dishes shall be accomplished without detracting from the architectural integrity of the building or site. Generally, such equipment must be installed to the rear of the building or on the side, provided the equipment is screened from view from the public right-of-way and adjoining properties. Accessory structures located on the roof shall be located to the rear, and shall be screened by a parapet or other architectural features.
- I. Color: Primary or fluorescent colors shall not be employed except as accent colors.
- J. Utilities: All utility lines within this overlay district are required to be placed underground, including city-owned utilities.

Sec. 13.6. - Additional design regulations.

- A. The primary building entrance with public or private street frontage shall face and/or be visible from the public or private street and sidewalk when located adjacent to such street. The primary building entrance may face and/or be visible from Main Street if the site is located adjacent to, but not on, this arterial corridor.
- B. Building massing. Street fronting building facades greater than one hundred fifty (150) feet in length shall be modulated with breaks in wall surfaces and materials at intervals not to exceed one hundred fifty (150) feet, measured parallel to the street. For buildings that are three (3) stories or less in height, each floor shall be delineated through windows, belt courses, cornices lines, or similar architectural detailing.
- C. Location of vehicle facilities and services. Drive-through service windows, drive-in facilities and associated vehicular services such as air pumps and car washes, (excluding gasoline fuel dispenser structures) shall not be located between the principal structure and Main Street without an intervening building. Such shall be located to the side or rear of the principal structure.
- D. Parking and driveways. Unless topography, public utilities, or storm drainage make it prohibitive, surface parking and related parking facilities between the principal structure and Main Street right-of-way shall be limited to two (2) rows of parking in front of the principal structure. All other surface parking shall be located to the side or rear of the principal structure, except as stated hereinabove.

Sec. 13.7. - Screening and fencing.

Shall be required as follows:

- A. Refuse areas (dumpster) shall be placed in the least visible location from public streets, and shall be enclosed on three (3) sides with brick or stone opaque walls, with the fourth side being an opaque closing gate. Height of an opaque wall shall be at least twelve (12) inches higher than the receptacle.
- B. Chain link fences are not allowed in the front yards. Where allowed, all chain link fences shall be vinyl coated, hunter green, brown or black.
- C. Opaque fences are prohibited adjacent to a public street.
- D. All loading areas shall be screened from view of any public street by either a minimum six-foot high opaque fence matching the material of the building, or a fifteen-foot wide landscape strip planted with a continuous hedge of evergreen shrubs. Shrubs shall be moderately growing, be a minimum height of three and one-half (3½) feet to four (4) feet at time of planting, and reach a height of six (6) feet within two (2) years of planting.
- E. All detention ponds shall have a minimum ten-foot wide landscape strip with plantings based on a plan submitted to and approved by the zoning administrator.

Sec. 13.8. - Landscaping.

Landscape standards must be in accordance with City of Cartersville Code, Chapter 17, Article IV, Minimum Landscape Requirements, with the following modifications:



- A. Impervious surface areas shall not be allowed to cover more than seventy (70) percent of the lot. The area to be landscaped shall be devoted to vegetative landscaping which includes, but is not limited to, grass, shrubs, vines, and trees.
- B. All trees required to be planted by this section shall be increased to: (a) Shade trees shall be a minimum of two and one-half (2½) inch caliper; (b) Flowering trees shall be at least eight (8) feet minimum height.
- C. Building perimeter landscaping. This subsection is modified to require a minimum of eight (8) feet landscape area or sidewalk around the perimeter of each building, instead of the five (5) feet stated therein.
- D. Border landscaping. This subsection is modified to require at least one (1) tree planted per fifty (50) feet along any border areas, instead of each seventy-five (75) feet as stated therein.

Sec. 13.9. - Lighting.

Proposed developments shall submit for approval a lighting plan that meets the following specifications prior to the issuance of a land disturbance or building permit.

- A. The maximum to minimum foot-candle level shall not exceed a twelve to one (12:1) ratio.
- B. Light fixture poles cannot exceed forty (40) feet in height.
- C. All site lighting shall be directed onto the site and strive for "dark sky" objectives.
- D. All building entrances, walks and vehicular access shall be lit.

Sec. 13.10. - Reserved.

**Editor's note**— Section 13.10, formerly entitled "Commercial signs", was deleted by Ord. No. 01-13, § 14, adopted Jan. 3, 2013.

Sec. 13.11. - Uses not allowed in the Main Street Overlay District.

Notwithstanding the uses allowed by the underlying zoning classifications of the properties within this overlay district, the following uses shall not be allowed therein:

- A. Accessory apartments.
- B. Adolescent treatment facilities.
- C. Adult entertainment establishments.
- D. Adult video shops.
- E. Amateur radio transmission.
- F. Amusement, outdoor.
- G. Automotive garages, unless in conjunction with new automotive and truck sales or rental.
- H. Automotive storage yards and wrecker service.
- I. Check cashing services.
- J. Drive-in theaters.
- K. Farm equipment and supplies stores.
- L. Fortunetellers.
- M. Group homes.
- N. Guest house.

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- O. Halfway houses.
- P. Homeless shelters.
- Q. Hospices.
- R. Itinerant merchants.
- S. Kennels.
- T. Massage parlors.
- U. Manufactured home sales.
- V. Mini warehouse facilities.
- W. Heavy equipment sales and rental.
- X. Outdoor golf driving ranges.
- Y. Patio houses.
- Z. Pawn shops.
- AA. Quarrying.
- BB. Radio, television broadcast stations.
- CC. Radio, television or other communication towers.
- DD. Recycling centers, collecting.
- EE. Recreational vehicles sales/service/rental/repair facility.
- FF. Repair garages, automotive, unless in conjunction with new automotive and truck sales or rental.
- GG. Repair garages, heavy equipment.
- HH. Repair services, heavy (large appliances and similar).
- II. Salvage lots.
- JJ. Scrap yards.
- KK. Self-service storage facilities.
- LL. Single-family detached dwellings.
- MM. Stadiums.
- NN. Tattoo/body piercing parlors.
- OO. Taxi stands.
- PP. Transmission shops.
- QQ. Truck stops.
- RR. Truck terminals.
- SS. Used automotive, heavy equipment and truck sales or rental unless in conjunction with new automotive and truck sales or rental.
- TT. Used tire sales/repair shops.
- UU. Vehicle body and paint shops, unless in conjunction with new automotive and truck sales or rental.
- VV. Vehicle engine repair and rebuilding shops, unless in conjunction with new automotive and truck sales or rental.

Sec. 13.12. - Severability.

The sections, paragraphs, sentences, clauses, and phrases of this article are severable, and if any phase, and if any phase, clause, sentence, paragraph, or section of this chapter be declared unconstitutional or invalid, it shall not affect, any of the remaining phrases, clauses, sentence, paragraphs, and sections of this article.

ARTICLE XIV. - BUSINESS PARK OVERLAY DISTRICT

Sec. 14.1. - Purpose.

The purpose of the Business Park Overlay District is to provide uniform regulations for a joint City of Cartersville-Bartow County industrial/business park, a portion of which is located in each jurisdiction. To provide consistency for property owners and future uses, and to benefit the public health, safety and welfare, the city and county have adopted identical regulations as follows. The Business Park Overlay District, where applied via amendment to the official zoning maps of the participating government, shall control over inconsistent regulations contained in other ordinances and the Code of Ordinances of each jurisdiction, whether or not the provisions herein are stronger or weaker restrictions.

Sec. 14.2. - Boundary map.

The boundaries of the portion of the business park located within the city limits of Cartersville are shown in the boundary map included as Exhibit "B" in Article XXV, which is hereby incorporated into and made part of this article by reference.

Sec. 14.3. - General area, height and setback regulations.

*Minimum lot size:* One (1) acre.

*Maximum lot coverage (impervious surface limitation):* Seventy-five (75) percent.

*Required lot width at street right of way (internal street):* Forty (40) feet (twenty-five (25) feet in cul-de-sac).

*Front setback:* Forty (40) feet.

*Side setback:* Fifteen (15) feet.

*Rear setback:* Twenty (20) feet.

*Maximum building height (see below):* Fifty (50) feet.

*Buffers (see below):* Fifty (50) feet except as noted.

- A. The zoning administrator may grant an administrative variance of up to twenty (20) percent to any of the general area, height and setback regulations listed above. Additionally, he or she may grant an administrative variance on the undisturbed buffer requirements, if the proposed landscaping and screening in the buffer enhances the screening of the adjacent property.
- B. Building height. With the approval of the zoning administrator, maximum height may be increased by variance. Building height limitations shall not apply to accessory structures such as water towers, conveyer belts, smokestacks and other incidental and uninhabited parts of industrial uses.
- C. Buffers. A fifty-foot buffer shall apply adjacent to all land uses, except that no buffers shall be required from industrial to industrial. Further, there shall be a two hundred-foot buffer required where shown on the overlay district map adjacent to existing residential uses as of the date of adoption of the overlay district. When any of the existing residential uses are rezoned to a nonresidential zoning classification, the buffer adjacent to that property shall be reduced to fifty (50) feet, unless it is a similar zoning classification, in which case the buffer requirement shall not apply. Buffers shall be undisturbed, except that, if the buffer is adjacent to a residential use,

and is insufficiently dense to be opaque to vision year-round, the zoning administrator may require that the buffer shall be planted with sufficient vegetation so that it is opaque year-round, to a depth of at least twenty-five (25) feet. Buffers may be used for perpendicular crossing by access roads and utilities, but not for lateral roads or parking. Buffers may be used for detention ponds, provided that vegetative screening remains or is planted between the pond and the property line. The zoning administrator shall approve buffer plans and plantings.

- D. Setbacks shall be measured from the property or lot line. As setback exceptions, the following may intrude into the setback zone: unsupported roof overhangs, steps, walkways and access roads, landscaping and irrigation systems, planters, architectural fences and walls not exceeding forty-two (42) inches, and underground utilities and sewers.

#### Sec. 14.4. - Permitted uses.

The following uses are permitted in the Business Park Overlay District. Any use not specifically listed is prohibited, except as permitted by section 14.5.

- Business offices.
- Call center.
- Data center.
- Distribution facilities.
- Education and training facilities.
- Light industrial uses which may include manufacturing, fabricating, procession or assembling of product and equipment which are housed within a building.
- Manufactured or portable building manufacturers.
- Manufacturing, except explosives or fireworks.
- Outdoor storage (as an accessory use).
- Public utility facilities.
- Radio, TV and other communication towers.
- Research and development facilities.
- Research laboratories and biomedical laboratories.
- Retail or services uses.
- Telecommunication structures.
- Warehousing.
- Wholesale trade and distribution.

#### Sec. 14.5. - Conditional industrial uses.

Any industrial use not listed above, and otherwise permitted either as a permitted or conditional use in the Bartow County General Industrial District or the Bartow County Heavy Industrial District (for Bartow County's portion of the district) or permitted either as a permitted or conditional use in the City of Cartersville H-I district at Chapter 26, section 10.2.2.A.2. of the City of Cartersville Zoning Ordinance (for Cartersville's portion of the district), may be permitted in the respective jurisdiction, upon grant of a conditional use permit. The applicant shall submit an application for a conditional use subject to the standards, regulations and criteria contained in the applicable underlying zoning ordinance and the application shall proceed as a conditional use permit pursuant to the applicable underlying zoning ordinance. The local government considering the permit application shall be empowered to impose conditions on the approval to ameliorate any negative impacts of the proposed use, including restrictions

on noise, vibration, light or glare, hours of operation, additional buffering and any other appropriate condition.

Sec. 14.6. - Prohibited uses.

Notwithstanding the foregoing, any uses listed herein shall be prohibited and may not be approved for the district, even as a conditional use.

- Airports and landing fields;
- Coal burning facilities;
- Paper and pulp manufacturers;
- Explosives, including fire works manufacture or storage in bulk quantities;
- Garbage, offal, dead animal reduction or dumping;
- Mining and related activity;
- Quarrying and related activity;
- Stock yards, commercial;
- Conversion of energy by nuclear fusion or fission;
- Blasting.

Sec. 14.7. - Landscaping requirements.

All developments shall comply with the following minimum landscape requirements:

*Border landscaping—Building:* Five (5) feet wide (none between building and truck courts).

*Border landscaping—Vehicular use area:* Five (5) feet wide.

*Trees along vehicular use area:* One (1) per seventy-five (75) feet.

*Border landscaping—Road ROW:* One (1) per thirty (30) feet, ten (10) feet wide.

*Parking lot landscaping islands:* One hundred sixty (160) square feet, required at end of each row; i.e., three hundred twenty (320) square feet for double row.

*Parking lot landscaping—Trees:* One (1) tree per island.

*Parking lot landscaping—Spaces:* One (1) island per twelve (12) spaces.

*New plant materials—Trees:* Eight (8) feet in height at planting, fifteen (15) feet at maturity.

- A. *Parking lot terminal island design.* Each single and double row of parking spaces shall be terminated by landscaped islands, no less than nine (9) feet in width and no less than fifteen (15) feet in length and shall include at least one (1) tree having no branches maintained below five (5) feet in height for visibility. The remainder of the island shall be adequately landscaped with shrubs and ground cover with a height of no more than three (3) feet at maturity. Islands may contain no curbs, elevated curbs or depressed curbs.
- B. *Parking lot interior island design.* A minimum of one (1) interior island shall be provided for every fifteen (15) parking spaces or fraction thereof. One (1) tree required per island having no branches maintained below five (5) feet in height for visibility. The remainder of the island shall be adequately landscaped with shrubs and ground cover with a height of no more than three (3) feet at maturity. Islands may contain no curbs, elevated curbs or depressed curbs.
- C. *New plant materials.*

1. *Trees.* A tree shall attain an average crown spread over fifteen (15) feet at maturity. Trees having an average crown spread of less than fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of a fifteen-foot crown spread. All trees shall be of a species which can be maintained with a minimum of five (5) feet of trunk height. New trees shall have a minimum of two and one-half (2.5) inches diameter at breast height (DBH) measured four and one-half (4.5) feet above ground and shall be a minimum of eight (8) feet in overall height immediately after planting.
2. *Shrubs.* Shrubs shall be a minimum of one (1) foot in height when measured at the time of planting.

Sec. 14.8. - Street design standards.

Streets in this overlay district shall be paved to minimum twenty-eight-foot width, with a section of eight-inch GAB, three-inch binder and one and one-half-inch surface course.

Sec. 14.9. - Reserved.

**Editor's note**— Section 14.9, formerly entitled "Signs", was deleted by Ord. No. 01-13, § 15, adopted Jan. 3, 2013.

ARTICLE XV. - CONSERVATION SUBDIVISION/OPEN SPACE DEVELOPMENT

Sec. 15.1. - Purposes.

- A. To provide for the preservation of greenspace as a nonstructural stormwater runoff and watershed protection measure.
- B. To provide a residential zoning district that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land.
- C. To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands, and wildlife habitat.
- D. To permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
- E. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
- F. To promote interconnected greenways and corridors throughout the community.
- G. To promote contiguous greenspace with adjacent jurisdictions.
- H. To encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood.
- I. To encourage street designs that reduce traffic speeds and reliance on main arteries.
- J. To promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles.
- K. To conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space.
- L. To preserve important historic and archaeological sites.

Sec. 15.2. - General regulations.

- A. *Applicability of regulations.* This conservation subdivision option is available in the R-20, R-15, R-10, and R-7 districts as a use by right. Applicant shall comply with all other provisions of the zoning code and all other applicable laws, except those that are incompatible with the provisions contained herein.
- B. *Ownership of development site.* The tract of land to be subdivided may be held in single and separate ownership or in multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.
- C. *Housing density determination.* The maximum number of lots in the conservation subdivision shall be determined by either of the following two (2) methods:
  - 1. *Calculation:* The maximum number of lots is determined by dividing the area of the tract of land by the minimum lot size specified in the underlying zoning. In making this calculation, the following shall not be included in the total area of the parcel:
    - a. Slopes over twenty-five (25) percent of at least five thousand (5,000) square feet contiguous area;
    - b. The 100-year floodplain;
    - c. Bodies of open water over five thousand (5,000) square feet contiguous area;
    - d. Wetlands that meet the definition of the Army Corps of Engineers pursuant to the Clean Water Act; or
    - e. Anticipated right-of-way needs for roads and utilities.
  - 2. *Yield plan:* The maximum number of lots is based on a conventional subdivision design plan, prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible. The plan does not have to meet formal requirements for a site design plan, but the design must be capable of being constructed given site features and all applicable regulations.

Sec. 15.3. - Application requirements.

- A. *Site analysis map required.* Concurrent with the submission of a site concept plan, applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed open space will meet the requirements of this article. The preliminary site plan shall include the following features:
  - 1. Property boundaries;
  - 2. All streams, rivers, lakes, wetlands, and other hydrologic features;
  - 3. Topographic contours of no less than ten-foot intervals;
  - 4. All primary and secondary conservation areas labeled by type, as described in section 15.4 of this article;
  - 5. General vegetation characteristics;
  - 6. General soil types;
  - 7. The planned location of protected open space;
  - 8. Existing roads and structures; and
  - 9. Potential connections with existing greenspace and trails.
- B. *Open space management plan required.* An open space management plan, as described in section 16.4, shall be prepared and submitted prior to the issuance of a land disturbance permit.

- C. *Instrument of permanent protection required.* An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as described in section 15.4, shall be placed on the open space concurrent with the issuance of a land disturbance permit.
- D. *Other requirements.* The applicant shall adhere to all other applicable requirements of the underlying zoning and the Code of Ordinances of the City of Cartersville.

Sec. 15.4. - Open space.

- A. *Definition.* Open space is the portion of the conservation subdivision that has been set aside for permanent protection. Activities with the open space are restricted in perpetuity through the use of an approved legal instrument.
- B. *Standards to determine open space.*
  - 1. The minimum restricted open space shall comprise at least forty (40) percent gross tract area.
  - 2. The following are considered primary conservation areas and are required to be included with the open space, unless the applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article:
    - a. The regulatory 100[-year] floodplain;
    - b. Buffer zones of at least seventy-five (75) feet width along all perennial and intermittent streams;
    - c. Slopes above twenty-five (25) percent of at least five thousand (5,000) square feet contiguous area;
    - d. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act;
    - e. Populations of endangered or threatened species, or habitat for such species; and
    - f. Archaeological sites, cemeteries and burial grounds.
  - 3. The following are considered secondary conservation areas and should be included with the open space to the maximum extent feasible:
    - a. Important historic sites;
    - b. Existing healthy, native forests of at least one (1) acre contiguous areas;
    - c. Individual existing healthy trees greater than eight (8) inches caliper, as measured from their outermost drip line;
    - d. Other significant natural features and scenic viewsheds such as ridge lines, peaks, and rock outcroppings, particularly those that can be seen from public roads;
    - e. Prime agricultural lands of at least five (5) acres contiguous area; and
    - f. Existing trails that connect the tract to neighboring areas.
  - 4. Above ground utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the forty (40) percent minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the open space.
  - 5. At least seventy-five (75) percent of the open space shall be in a contiguous tract. The open space should adjoin any neighboring areas of open space, other protected areas, and nonprotected natural areas that would be candidates for inclusion as part of a future area of protected open space.
  - 6. The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Nonadjoining lots shall be provided with safe, convenient access to the open space.



C. *Permitted uses of open space.* Uses of open space may include the following:

1. Conservation of natural, archeological or historical resources;
2. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
3. Walking or bicycle trails, provided they are constructed of porous paving materials;
4. Passive recreation areas;
5. Active recreation areas, provided that they are limited to no more than ten (10) percent of the total open space and are not located within primary conservation areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected open space;
6. Agriculture, horticulture, silviculture, or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within primary conservation areas;
7. Nonstructural stormwater management practices;
8. Easements for drainage, access, and underground utility lines; or
9. Other conservation-oriented uses compatible with the purposes of this article.

D. *Prohibited uses of open space.*

1. Golf courses;
2. Roads, parking lots, and impervious surfaces, except as specifically authorized in the previous sections;
3. Agricultural and forestry activities not conducted according to accepted best management practices; and
4. Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.

E. *Ownership and management of open space.*

1. *Ownership of open space.* The applicant must identify the owner of the open space who is responsible for maintaining the open space and facilities located thereon. If a homeowners' association is the owner, membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. If a homeowners' association is the owner, the homeowners' association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the open space and any facilities located thereon shall be borne by the owner.
2. *Management plan.* Applicant shall submit a plan for management of open space and common facilities plan that:
  - a. Allocates responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
  - b. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and outlines the means by which such funding will be obtained or provided;
  - c. Provides that any changes to the plan be approved by the mayor and city council; and
  - d. Provides for enforcement of the plan.
3. In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, [the jurisdiction] may assume responsibility for its

maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner, homeowner's association, or to the individual property owners that make up the homeowner's association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

F. *Legal instrument for permanent protection.*

1. The open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one (1) of the following:
  - a. A permanent conservation easement in favor of either:
    - (i) A land trust or similar conservation-oriented nonprofit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
    - (ii) A governmental entity with an interest in pursuing goals compatible with the purposes of this chapter. If the entity accepting the easement is not the City of Cartersville, then a third right of enforcement favoring the city shall be included in the easement.
  - b. A permanent restrictive covenant for conservation purposes in favor of a governmental entity; or
  - c. An equivalent legal tool that provides permanent protection, if approved by the mayor and council.
2. The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the applicant chooses to place on the use of the open space.

ARTICLE XVI. - SPECIAL USES

Sec. 16.1. - Scope and intent.

- A. This article specifies uses which are not classified as permitted uses as a matter of right in zoning districts, and are therefore only allowed through the approval of a special use. The standards which apply to each use are enumerated and must be met in order for an application to be granted.
- B. In granting a special use, conditions may be attached as are deemed necessary in the particular case for the protection or benefit of neighbors in order to assimilate the proposed development or use into the neighborhood with minimal impact.

(Ord. No. 01-13, § 16, 1-3-13)

Sec. 16.2. - Application of regulations and approval.

Uses allowable with a special use and the minimum standards for such uses are listed in section 16.4 of this article.

Uses in the districts enumerated herein may be authorized by special use only. The regulations contained in this article shall not apply to any permitted use as a matter of right in any zoning district.

Any use which may be authorized by special use shall be approved by the mayor and council in accordance with section 16.1, scope and intent, provided:

- A. The standards for the special use as specified herein can be met;
- B. Recommendations have been received from the planning and development staff and other appropriate city departments;

- C. A public hearing has been held in relation to the special use before the planning commission in conformance with the advertising standards outlined in article XXIV of this chapter. The planning commission shall make recommendations to the mayor and council regarding the application for a special use; and
- D. A public hearing has been held in relation to the special use before the mayor and council in conformance with the advertising standards outlined in article XXIV of this chapter.

Sec. 16.3. - Additional restrictions.

- A. In the interest of the public health, safety and welfare, the mayor and council may exercise limited discretion in evaluating the site proposed for a use which requires a special use. In exercising such discretion pertaining to the subject use, the mayor and council may consider the following, which shall be stated in writing by the applicant and submitted to the department of planning and development to initiate an application for a special use:
  - 1. The effect of the proposed activity on traffic flow along adjoining streets;
  - 2. The availability, number and location of off-street parking;
  - 3. Protective screening;
  - 4. Hours and manner of operation of the proposed use;
  - 5. Outdoor lighting;
  - 6. Ingress and egress to the property; and
  - 7. Compatibility with surrounding land use.
- B. Any use which may be authorized by special use shall comply with all other city regulations, zoning district regulations and other regulations contained herein, and conditions of zoning approval if applicable. Whenever a standard contained in this section is in conflict with another provision of this chapter, the more restrictive provision shall prevail.

(Ord. No. 01-13, § 17, 1-3-13)

Sec. 16.4. - Minimum special use standards.

16.4.1. *Adult entertainment establishments.*

- A. *Allowable districts:* L-I and H-I.
- B. *Standards:*

- 1. The standards required shall be those standards and regulations stated in the City of Cartersville Code of Ordinances, chapter 10, article IX, Adult Entertainment Establishments.

16.4.2. *Apartment, above, below, or behind commercial and office uses in the same building.*

- A. *Allowable districts:* DBD, M-U, P-D, O-C, and G-C.
- B. *Standards:*

- 1. The dwelling unit shall comply with all applicable City of Cartersville building and fire codes.
- 2. Minimum floor area requirements for a dwelling unit shall be the following:
  - *3-bedroom:* Nine hundred (900) square feet.
  - *2-bedroom:* Seven hundred fifty (750) square feet.
  - *1-bedroom:* Six hundred (600) square feet.

- *Studio/loft (in existing buildings)*: Four hundred fifty (450) square feet.
3. Minimum number of parking spaces: Two (2) spaces for each dwelling unit plus three (3) spaces for each one thousand (1,000) square feet of commercial use.
  4. Parking lot outdoor lighting shall be directed away and shielded from residential above or behind commercial use and from abutting residential districts or use. Freestanding street lighting fixtures shall have a maximum height of thirty-five (35) feet.
  5. Reserved.
  6. Sound-deadening construction materials and techniques should be used and bedrooms should be oriented away from noise sources.
- 16.4.3. *Apartment, accessory.*
- A. *Allowable districts*: R-20, R-15, R-10, R-7, P-D, P-S, and M-U.
  - B. *Standards*:
    1. No more than one (1) accessory apartment per lot shall be allowed.
    2. A minimum lot size of ten thousand (10,000) square feet shall be required.
    3. An accessory apartment shall not exceed six hundred fifty (650) square feet in gross floor area.
    4. Kitchen facilities shall be allowed.
    5. The detached garage structure accommodating such apartment shall not exceed the height of the principal building on the lot.
    6. The detached garage structure accommodating such apartment shall meet the principal setbacks of the district.
    7. All parking areas shall be surfaced with an all-weather surface material.
    8. Requires owner-occupancy of the principal building on the lot.
- 16.4.4. *Bed and breakfast inn.*
- A. *Allowable districts*: AG, R-20, R-15, R-10, R-7, R-D, and M-U.
  - B. *Standards*:
    1. Bed and breakfast inns shall be limited to existing structures built for single-family use and no exterior modifications to the existing structure to accommodate the bed and breakfast inn shall be allowed.
    2. A minimum of twenty five hundred (2,500) square feet of heated living area in the home to be used as the inn shall be required.
    3. A minimum of two (2) guest rooms shall be permitted.
    4. The bed and breakfast inn shall be operator occupied.
    5. Parking requirements shall be one (1) space per guest room in addition to a required two (2) spaces for single-family residential use.
    6. Parking spaces shall be screened from all adjoining residential properties with a solid fence, of a minimum of five (5) feet in height, or evergreen trees and shrubs densely planted which will provide a visual screen height of five (5) feet within two (2) years of planting.
    7. Parking in the front yard shall be prohibited.
    8. One (1) identification sign having a maximum size of six (6) square feet in area and a maximum height of five (5) feet shall be allowed on each street frontage.

9. No meals except breakfast may be served to any guest.
10. All bed and breakfast operations shall be subject to the hotel/motel tax of the city. Required registration and reporting forms must be obtained from the city clerk's office.

16.4.5. *Day care facility.*

- A. *Allowable districts:* All except AG, FG, H-I, L-I, MN, R-10A, and RSL.
- B. *Standards:*
  1. Facilities shall be for seven (7) or more persons.
  2. If located adjacent to a single-family dwelling district, in addition to the required setbacks, a minimum fifteen-foot wide buffer shall be required to provide a visual screen in accordance with section 4.17 of this chapter.
  3. Buildings and play areas shall be a minimum of fifty (50) feet from all adjoining residential property lines.

16.4.6. *Group home.*

- A. *Allowable districts:* A group home with no more than six (6) residents, excluding resident staff, shall be allowed in all zoning districts which allow a residential use. A group home accommodating seven (7) to twelve (12) residents, excluding staff, shall be allowed in all zoning districts which allow a multifamily residential use. This use shall apply to homes for the handicapped as defined in this chapter.
- B. *Standards:*
  1. Parking must be on an all-weather surface.
  2. Such use shall be a minimum of five hundred (500) feet from any other group home or similar use if located in a single-family residential zoning district. (Said distance shall be measured from property lines).
  3. If located in a residential zoning district, the design and or maintenance of the structure used for the group home must be residential in appearance and in keeping with neighboring homes.
  4. Such use shall comply with all applicable city building, housing, and fire codes and shall fully comply with O.C.G.A. § 30-3-1 et seq., before a certificate of occupancy can be issued.
  5. The operator of the group home must be licensed by the State of Georgia Department of Human Resources.
  6. Evidence shall be made available to the city annually that the group home maintains and is in compliance with state licensing requirements.
  7. It shall be within the city's discretion to require the group home to enter into a memo of understanding with the appropriate local agencies such as schools or hospitals or other crises intervention agencies for provision of emergency services, including, where applicable, twenty-four-hour crises intervention.

16.4.7. *Height to exceed district maximum.*

- A. *Allowable districts:* All districts.
- B. *Standards:*
  1. A site plan shall be submitted along with an elevation plan.
  2. Adequate open space and off-street parking shall be provided.
  3. Any additional height shall be approved by the City of Cartersville Fire Department.

16.4.8. *Homeless shelter.*

A. *Allowable districts:* M-U, O-C and G-C.

B. *Standards:*

1. In addition to required setbacks, a minimum twenty-five-foot wide buffer shall be required along all property lines which abut a residential district or use to provide a visual screen in accordance with section 4.17 of this chapter.
2. Such use shall be a minimum of one thousand (1,000) feet from any other shelter for the homeless. (Required minimum distances shall be measured from property lines.)
3. There shall be no use on the property other than the shelter for the homeless.
4. Adequate shower and restroom facilities must be provided at the location to meet the needs of the overnight guests.
5. Beds must be provided for all overnight guests excluding staff and volunteer workers.
6. Such shelters shall comply with all applicable city building, housing, and fire codes and shall fully comply with O.C.G.A. § 30-3-1 et seq., before a certificate of occupancy can be issued.

16.4.9. *Manufacturing establishments* which use limited water in the manufacturing operation either for processing, cooling or heating; or which emit smoke, noise, odor, dust, vibrations, or fumes beyond the walls of the building in which housed.

A. *Allowable district:* L-I.

B. *Standards:*

1. All uses shall be so designed, constructed and operated as not to be injurious or offensive to the occupants of adjacent premises by reason of emission of smoke, odors, dust, or other particulate matter, or by creation of noise, vibration, electrical disturbance, toxic or noxious waste materials, glare, fire or explosive hazard.
2. Industrial processes. There shall be no manufacturing, retailing, or other activity associated with manufacturing or retailing on the site which is not entirely conducted within a building except for outdoor storage.
3. Glare. Glare or light from any operation and all lighting for parking areas or for the external illumination of buildings or grounds shall be directed or located in a manner such that direct or indirect illumination from the source of light shall not exceed one-half footcandle measured at any residential lot line. Outside lights for nonresidential properties/uses must be made up of a light source and reflector so that acting together the light beam is controlled and not directed across an adjacent property. It is the intent of this section to prevent light from spilling over to adjacent properties in amounts that can create a nuisance under Georgia law.
4. Noise. Noise levels shall not exceed with the following:

Noise Levels (dB) Measured at Property Line	
Adjacent to Residential Property Line	Adjacent to Nonresidential Property Line

70	80
----	----

Noise levels are measured as constant, consistent sounds and not intermittent noise. All measurements shall be taken at property lines. It is the intent of this section to regulate noise in a manner to prohibit it from exceeding levels of sound that could become a nuisance to adjacent property under Georgia law.

5. Odor. No use shall be operated so as to produce the emission of objectionable or offensive odors in such concentration as to be readily perceptible at any point along the lot line of the property on which the use is located. It is the intent of this section to regulate odor in a manner to prohibit it from exceeding levels that would become a nuisance to adjacent property under Georgia law.
6. Water. If the following water threshold in the manufacturing operation either for processing, cooling or heating is exceeded, the use is not allowed in L-I:  
Usage exceeding ten thousand (10,000) GPD (gallons per day).  
(The above figure is not to be used for fire protection flow rates.)
7. Wastewater. If the following wastewater threshold in the manufacturing operation either for processing, cooling or heating is exceeded, the use is not allowed in L-I:  
Usage exceeding ten thousand (10,000) GPD (gallons per day).
8. Emissions and smoke. No use shall be permitted in an L-I district that has levels of visible emissions that equate to twenty (20) percent opacity level from the source of emission based on the EPA Method 9 (Code of Federal Regulations 40 Part 60, Standards of Performance of New Stationary Sources Appendix A, Method 9 - Visual determination of the opacity of emissions from stationary sources). Upon the request of the City of Cartersville Planning and Development department, a manufacturer shall provide the city opacity level testing results for the L-I site in question using the EPA Method 9 described herein. No use shall be permitted in an L-I district that has levels of emissions into the water or soil that requires a permit for discharge.
9. Dust, dirt and fly ash. Every use shall be so operated as to prevent the emission into the air of dust, dirt, fly ash, or any other solid matter, other than in vapor form, which may cause physical damage to property.
10. Vibration. Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible without instruments at any point on any boundary line of the lot on which the use is located.
11. No use shall be permitted which creates a nuisance beyond the premises.

16.4.10. *Personal care home.*

A. *Allowable districts:* R-20, R-15, R-10, R-10A, R-7, MF-14, P-D, M-U, and O-C.

B. *Standards:*

1. In a single-family dwelling district, a minimum site area of one (1) acre shall be provided.
2. If located in or adjacent to a single-family dwelling district, in addition to required setbacks, a minimum fifteen-foot wide buffer shall be required along all property lines to provide a visual screen in accordance with section 4.17 of this chapter.

3. If located in a single-family dwelling district, the design and maintenance of the structure used for the personal care home must be residential in appearance and in keeping with neighboring homes.
4. Such use shall comply with all applicable city building, housing, and fire codes, and shall fully comply with O.C.G.A. § 30-3-1 et seq., before a certificate of occupancy can be issued.
5. The operator of the personal care home shall be licensed by the State of Georgia Department of Human Resources.
6. Evidence shall be made available to the city annually that the personal care home maintains and is in compliance with state licensing requirements.

16.4.11. *Places of assembly.*

A. *Allowable districts:* AG, R-20, R-15, R-10, R-7, DBD, G-C, M-U, O-C, P-D, and P-S.

B. *Standards:*

1. The principal structure to be used shall be a minimum of two thousand five hundred (2,500) square feet of heated area.
2. Parking requirements shall be one (1) space per three (3) seats for every person lawfully permitted within the assembly hall at one (1) time.
3. Parking spaces located on the property tract shall be screened from all adjoining residential properties with a solid fence, of a minimum of five (5) feet in height, or evergreen trees and shrubs densely planted which will provide a visual screen height of five (5) feet within two (2) years of planting.
4. One (1) identification sign having a maximum size of six (6) square feet in area and a maximum height of five (5) feet shall be allowed on each street frontage in residential districts.
5. In residential districts, the facility shall be operator occupied.

16.4.12. *Religious institution.*

A. *Allowable districts:* AG, R-20, R-15, R-10, R-7, R-D, RA-12, P-S, M-U, N-C, DBD, O-C, G-C, L-I.

B. *Standards:*

1. In addition to required setbacks, a minimum fifteen-foot wide buffer shall be required along all property lines adjoining a residential district or use to provide a visual screen in accordance with section 4.17 of this chapter.
2. A cemetery use in conjunction with a religious institution in a residential district shall not be allowed.
3. Noise levels in decibels measured at the property line adjacent to single-family residential uses shall not exceed seventy (70) decibels. Noise levels are measured as constant, consistent sounds and not intermittent noise. All measurements shall be taken at property lines. It is the intent of this section to regulate noise in a manner to prohibit it from exceeding levels of sound that could become a nuisance to adjacent property under Georgia law.

16.4.13. *Retirement centers.*

A. *Allowable districts:* RA-12, MF-14, P-D, M-U, O-C, G-C, P-S, N-C, DBD.

B. *Standards:*

1. Minimum lot area shall be five (5) acres.



2. A minimum fifteen-foot wide buffer, five (5) of which may be within the required setback, shall be required along all property lines abutting a single-family residential district or use to provide a visual screen in accordance with section 4.17 of this chapter.
3. Homes/buildings shall be constructed with no less than fifty (50) percent brick or stone materials.
4. A preliminary master plan of the retirement center shall be submitted to the department of planning and development at the time of filing for a special use. Such plan shall be prepared by an architect, engineer, or land surveyor whose state registration is current and valid and the plan shall exhibit such seal or other to validate such. The plan shall become a condition of the special use. If future proposed changes to such plan increase the overall density, the applicant must obtain approval from the planning commission.

16.4.14. *Salvage yards.*

A. *Allowable district:* H-I.

B. *Standards:*

1. Salvage yards shall have a minimum fifty-foot wide buffer along all abutting nonresidential property lines and a one hundred-foot wide buffer along all abutting residential property lines to provide a visual screen in accordance with section 4.17 of this chapter.
2. Salvage yards shall not stack vehicles or salvage material so as to be visible from any adjoining property or street.
3. Salvage yards shall have a minimum lot size of twenty (20) acres.

16.4.15. *School, private.*

A. *Allowable districts:* All.

B. *Standards:*

1. Minimum lot area shall be one (1) acre.
2. In addition to required setbacks, a minimum fifteen-foot wide buffer shall be required along all property lines abutting a residential district to provide a visual screen in accordance with section 4.17 of this chapter.
3. Delivery service areas shall not be located within one hundred (100) feet of an adjoining residential district or use and shall be screened in accordance with section 4.17 of this chapter.
4. Active outdoor recreation areas shall not be located within one hundred (100) feet of an adjoining residential district or use.
5. Parking areas shall not be located within fifty (50) feet of an adjoining residential district or use.
6. Student drop-off and vehicular turn-around areas shall be provided on the site so that vehicles may re-enter the public street in a forward manner.

16.4.16. *Tattoo/body piercing parlors.*

A. *Allowable district:* L-I.

B. *Standards:*

1. Only allowed on property fronting an arterial or major collector street.
2. Only allowed on properties not adjacent to residentially zoned properties.
3. Special use only valid for listed applicant. Transfer of ownership or operation or change in application data will require approval of new special use application in accordance with application requirements.

16.4.17. *Wildlife conservation park.*

A. *Allowable districts:* AG and G-C.

B. *Standards:*

1. A minimum of ten (10) acres shall be required for the facility.
2. All structures for the shelter of animals shall be a minimum of two hundred (200) feet from the lot line of any adjoining residential property.
3. In addition to required setbacks, a minimum fifty-foot wide buffer shall be required along all property lines abutting a residential district or use to provide a visual screen in accordance with section 4.17 of this chapter.
4. The facility shall be enclosed by a fence not less than six (6) feet in height.
5. The facility shall be so designed to recreate the animal's natural habitat in the outdoors, where possible, and the facility shall provide adequate open space to enhance the surroundings of the use.

16.4.18. *Brew pubs.*

A. Production shall be in a wholly-enclosed building.

B. Production space shall be limited subject to state law.

16.4.19. *Breweries.*

Breweries, including accessory tasting rooms.

A. Production shall be in a wholly-enclosed building.

B. Any building or structure established in connection with such use shall be set back not less than fifty (50) feet from any residentially zoned property.

16.4.20. *Distilleries.*

Distilleries, including accessory tasting rooms.

A. Production shall be in a wholly-enclosed building.

B. Any building or structure established in connection with such use shall be set back not less than fifty (50) feet from any residentially zoned property.

(Ord. No. 20-11, §§ 1, 2, 11-3-11; Ord. No. 01-13, §§ 18, 19, 1-3-13; Ord. No. 35-18, §§ 1—3, 12-6-18; Ord. No. 30-19, § 2, 8-1-19)

ARTICLE XVII. - OFF-STREET PARKING AND SERVICE REQUIREMENTS

Sec. 17.1. - Scope of provisions.

Except as provided in this section, no application for a building permit shall be approved unless there is included with the plan for such building, improvements, or use, a plat plan showing the required space reserved for off-street parking and service purposes. Occupancy shall not be allowed unless the required off-street parking and service facilities have been provided in accordance with those shown on the approved plan. These provisions shall not apply to the DBD district.

Sec. 17.2. - Drainage, construction, and maintenance.

In nonsingle-family districts, all off-street parking, loading, and service areas shall be drained so as to prevent damage to abutting properties and/or public streets and shall be paved with a material such as concrete, asphalt or pavers which will assure a surface resistant to erosion. Outdoor storage yards and

less traveled interior drives in commercial and industrial areas may be surfaced with gravel; the use of impervious surface materials such as concrete or asphalt is discouraged on outdoor storage yards and less traveled interior drives because of increased stormwater runoff associated with such paving materials. Driveways and parking spaces for all single-family uses shall be surfaced with an all-weather surface material (e.g., gravel, pavers, concrete, or asphalt); when gravel is used as a surface material on driveways serving single-family uses, a concrete or asphalt paved apron shall be required to meet the road; said apron shall have a minimum length of five (5) feet. All such areas shall be at all times maintained at the expense of the owners thereof, in a clean, orderly, and dust-free condition.

Sec. 17.3. - Separation from walkways, sidewalks, and landscaped areas.

All off-street parking, loading, and service areas shall be separated from walkways, sidewalks and landscaped areas by concrete curbing or bumper blocks. Curbing located in parking areas shall be constructed a minimum of five (5) feet from private and/or public property lines.

Sec. 17.4. - Joint parking facilities.

Two (2) or more neighboring uses, of the same or different types, may provide joint facilities, provided that the number of off-street parking spaces are not less than the sum of the individual requirements.

Sec. 17.5. - Pavement markings and signs.

Each off-street parking space shall be clearly marked, and directional arrows or signs shall be provided whenever necessary. Markers, directional arrows, and signs shall be properly maintained so as to ensure their maximum efficiency (excludes required parking spaces for single-family uses).

Sec. 17.6. - Number of parking spaces.

In order to ensure a proper and uniform development of public parking areas throughout the area of jurisdiction of this chapter, to relieve traffic congestion on the streets, to lessen the amount of impervious surface in the city, and to minimize any detrimental effects on adjacent properties, off-street parking space shall be provided and maintained as called for in the following sections. For any use or class of use not mentioned in this section, the requirements shall be the same as similar use as mentioned herein.

Any decrease in the number of parking spaces required by this section must be approved by either the zoning administrator under the administrative variance procedures or by the board of zoning appeals under the variance procedures set forth by this chapter.

Parking requirements for additions to existing uses shall be based upon the new addition even if the existing use is deficient. (These regulations shall apply to all districts except the DBD.)

17.6.1. *Apartment and multifamily dwelling.* Two (2) spaces for each dwelling unit

17.6.2. *Auditorium, stadium, assembly hall, gymnasium, theater, community recreation center, religious institution.* One (1) space per four (4) fixed seats in largest assembly room or area, or one (1) space for each fifty (50) square feet of floor area available for the accommodation of movable seats in the largest assembly room.

17.6.3. *Automobile fueling station.* One (1) space (in addition to service area) for each pump and grease rack, but not less than six (6) spaces.

17.6.4. *Automobile, truck, recreational vehicle sales and service.* One (1) space for each five hundred (500) square feet of gross floor area.

17.6.5. *Automotive, truck, recreational vehicle repair and service.* One (1) space for each five hundred (500) square feet of gross floor area or two (2) spaces per bay.

17.6.6. *Billiards and pool halls.* Two (2) spaces per pool table.

- 17.6.7. *Bowling alley.* Two (2) spaces per alley plus requirements for any other use associated with the establishment such as a restaurant, etc.
- 17.6.8. *Club or lodge.* One (1) space for each two hundred (200) square feet of gross floor area within the main assembly area.
- 17.6.9. *Combined uses.* Parking spaces shall be the total of the space required for each separate use established by this schedule.
- 17.6.10. *Convenience food stores with self-service fueling pumps.* One (1) space per two hundred (200) square feet of gross floor space.
- 17.6.11. *Dance school.* One (1) space per two hundred (200) square feet of gross floor area plus safe and convenient loading and unloading of students.
- 17.6.12. *Dormitory, fraternity or sorority.* Three (3) spaces for each four (4) occupants.
- 17.6.13. *Golf course.* Four (4) spaces for each hole, plus requirements for any other use associated with the golf course.
- 17.6.14. *High schools, trade schools, colleges, and universities.* One (1) space for each two (2) teachers, employees and administrative personnel plus five (5) spaces for each classroom.
- 17.6.15. *Hospital or care home.* One (1) space for each two (2) beds.
- 17.6.16. *Hotel/motel.* One (1) space for each guest room, suite, or unit.
- 17.6.17. *Indoor and outdoor recreational areas (commercial) YMCA, and similar uses.* One (1) space for each one hundred fifty (150) square feet of gross floor, building, ground area, or combination devoted to such use.
- 17.6.18. *Industrial or manufacturing establishment or warehouse.* One (1) parking space for each one thousand (1,000) square feet of gross floor area.
- 17.6.19. *Kindergarten and nursery schools.* One (1) space for each employee plus safe and convenient loading of students.
- 17.6.20. *Mobile home park.* One (1) space for each mobile home site.
- 17.6.21. *Office, professional building, or similar use.* One (1) space for each four hundred (400) square feet of gross floor area.
- 17.6.22. *Personal service establishment.* One (1) space for each four hundred (400) square feet of gross floor area.
- 17.6.23. *Restaurant or place dispensing food, drink, or refreshments which provides seating indoors.* One (1) space for each four (4) seats provided for patron use.
- 17.6.24. *Restaurant, drive-thru, with no provision for seating indoors.* One (1) space per one hundred (100) square feet of gross floor area, but not less than ten (10) spaces.
- 17.6.25. *Retail stores of all.* One (1) space for each four hundred (400) square feet of gross floor area.
- 17.6.26. *Schools, elementary.* Three (3) spaces for each classroom, plus safe and convenient loading and unloading of students.
- 17.6.27. *Shopping center.* One (1) space for each four hundred (400) square feet of gross floor area.
- 17.6.28. *Single-family dwelling.* Two (2) spaces per each unit. (A driveway shall not be considered a parking space when determining required parking for a single-family dwelling).
- 17.6.29. *Wholesale establishment.* One (1) parking space for each one thousand (1,000) square feet of gross floor area.

Sec. 17.7. - Required loading spaces.

Industrial, wholesale, and retail operations shall provide loading space as follows:

- 17.7.1. *Spaces appropriate to functions.* Off-street loading spaces shall be provided as appropriate to the functions and scope of operation of individual or groups of buildings and uses.
- 17.7.2. *Design of loading spaces.* Off-street loading spaces shall be designed and constructed so that all maneuvering to park and un-park vehicles for loading and unloading can take place entirely within the property lines of the premises. Loading spaces shall be provided so as not to interfere with the free normal movement of vehicles and pedestrians on public rights-of-way.
- 17.7.3. *Ingress and egress.* Ingress and egress to off-street loading spaces shall conform to driveway entrance regulations as required by the state department of transportation or the City of Cartersville.
- 17.7.4. *Screening of loading and service areas.* Any service area, loading area, or refuse area between a principal building and a public street being visible from said street in an M-U, P-D, P-S, P-I, O-C, or G-C district shall be screened from view from said public street as specified in section 4.17 of this chapter. All loading and service areas shall be screened from adjoining residential properties in accordance with section 4.17 of this chapter.

Sec. 17.8. - Parking of business vehicles in a residential district or use.

The parking of a business vehicle in a residential zoning district or use shall be allowed under the following conditions:

- A. Business vehicles of four (4) tons or greater empty weight or having a carrying capacity of more than one and one-half (1½) tons shall not be stored or parked in any residential district overnight or on Saturdays or Sundays (excludes all twenty-four-hour on-call emergency tow trucks, except tandem rig type tow trucks).
- B. Twenty-four-hour on-call emergency tow trucks (excluding tandem rig type tow trucks) shall be allowed to be parked in residential districts provided such vehicles are parked in a side or rear yard only, on an all-weather surface, the operator does not unload vehicles on the property, the tow truck does not have a vehicle in tow while parked, and the presence of the tow truck does not create a nuisance to neighboring residential properties.
- C. No more than two (2) commercial vehicles shall be parked on any single residential lot, or on any lot in any residentially zoned lot. Commercial vehicles may not be parked on any residential lot without an occupied single-family dwelling, and may not be parked on vacant residential lots.

Sec. 17.9. - Parking of construction vehicles or equipment on property used for residential purposes.

The parking of construction vehicles or equipment on property used for residential purposes shall be prohibited with the exception that construction equipment being parked or stored on residential property during the development of such property shall be permitted and must be removed within ten (10) days of the issuance of a certificate of occupancy or upon the expiration of the building permit for the site, whichever occurs first.

Sec. 17.10. - Parking of recreational vehicles on property used for residential purposes.

Recreational vehicles parked in any residential zone or residentially-used area shall not be permitted to be parked in any required buffer area, nor in any front yard area. Recreational vehicles on residential property shall only be parked in the side or rear yard, on an all-weather surface material, and a minimum of five (5) feet from all property lines. No more than three (3) recreational vehicles shall be parked on any single residential lot.

(Ord. No. 01-13, § 20, 1-3-13)

Sec. 17.11. - Parking of vehicles in the front yard in a residential district.

Required parking spaces shall not be allowed in the front yard between a principal building and a street (public or private) or in front of the front entrance to a building on any property used for residential purposes, with the exception that in single-family residential districts (excluding townhouse developments) vehicles may park in front of the principal building on a driveway leading to a garage, carport or side yard parking space as required. Additional parking may be allowed in front of the principal building on a public or private street with the approval of the City of Cartersville Public Works Department and such parking shall be designed as parallel parking spaces only.

#### ARTICLE XVIII. - NONCONFORMANCES

##### Sec. 18.1. - Nonconforming lots.

Any lot for which a plat or legal description has been recorded in the Clerk of Superior Court of Bartow County as of November 7, 1996, which fails to comply with the dimensional requirements for the district in which it is located may, if vacant, be used for any of the uses permitted within the district by this chapter or, if occupied by a structure containing a conforming use, may have the structure improved, enlarged, or extended; provided that in either case:

- A. Minimum requirements of the district for front, side, and rear yard, height, and floor area shall be complied with; and
- B. The lot may be used for duplexes or multifamily dwellings when allowed within the district only if the lot meets the minimum lot area requirements for those uses in the district.

No plat of a land subdivision within the City of Cartersville shall be entitled to be recorded in the Clerk of Superior Court of Bartow County unless it has the approval of the zoning administrator or his/her designated representative inscribed thereon. Any plat of a land subdivision which, as of November 7, 1996, has been recorded without the written approval of the zoning administrator, shall not be recognized by the City of Cartersville.

##### Sec. 18.2. - Nonconforming open uses of land.

Nonconforming uses consisting of lots used for storage yards, used car lots, auto salvage yards, golf driving ranges, miniature golf and similar open uses where the only buildings on the lot are incidental and accessory to the open use of the lot and where such use of the land is not permitted to be established hereafter under this chapter in the district in which it is located, shall be governed by the following restrictions in addition to the other requirements in this chapter:

- A. When a nonconforming open use of land has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.
- B. A nonconforming open use of land shall not be enlarged to cover more land than was occupied by that use when it became nonconforming.
- C. When any nonconforming open use of land is discontinued or abandoned, regardless of intent, for a period in excess of twelve (12) months, any future use of the land shall be limited to those uses permitted in that district under the provisions of this chapter. Vacancy and/or nonuse of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

##### Sec. 18.3. - Nonconforming use of structures.

Nonconforming uses consisting of structures and/or land or appurtenances used in conjunction with the primary purpose of the structure, at the time of the passage of this chapter, for purposes not permitted in the district in which they are located shall in addition to the other requirements of this chapter be governed by the following restrictions:

- A. An existing nonconforming use of a structure and/or land or appurtenances used in conjunction with the primary purpose of the structure may be changed to another nonconforming use that is

similar in its operation and effect on surrounding properties or may be changed to a conforming use.

- B. An existing nonconforming use of a structure and/or land or appurtenances used in conjunction with the primary purpose of the structure shall not be changed to another nonconforming use that generates more automobile or truck traffic, creates more noise, vibration, smoke, dust or fumes, is a more intensive use of structures than the existing nonconforming use, and is in any way a greater nuisance to the adjoining properties than the existing nonconforming use.
- C. A nonconforming use of a structure and/or land or appurtenances used in conjunction with the primary purpose of the structure shall not be extended or enlarged except into portions of the structure which at the time the use became nonconforming were already erected and arranged or designed for such nonconforming use. No structural alterations shall be made in any structure occupied by a nonconforming use, which would in any way increase the floor space, area, or volume of space occupied by the use, except that the mayor and council may, after a public hearing and review of the proposed plan, grant a special use if it is determined that said use will not be detrimental to the neighboring properties and is not contrary to the intent of this chapter.
- D. When any nonconforming use of a structure and/or land or appurtenances used in conjunction with the primary purpose of the structure is discontinued for a period in excess of twelve (12) months, any future use of the structure shall be limited to those uses permitted in that district unless otherwise approved by the mayor and council. Vacancy and/or nonuse of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

(Ord. No. 02-15, § 1, 3-5-15)

Sec. 18.4. - Reconstruction of nonconforming structures.

When a nonconforming structure or a structure containing a nonconforming use is razed or damaged by fire, flood, wind, or act of nature, such structure may be reconstructed as a nonconforming use only if the damage totals less than seventy-five (75) percent of the value of the structure; however, this provision shall not apply to owner-occupied dwellings. Structures which do not conform to the yard requirements of this chapter shall also be governed by this provision.

Sec. 18.5. - Intended nonconforming use.

Any intended nonconforming use for which a vested right was acquired prior to the adoption of this chapter or the adoption of an amendment thereto shall be prohibited unless such is actually commenced within twelve (12) months of the adoption of this chapter or the adoption of an amendment thereto regardless of the intent or expectation to commence or abandon such nonconforming use.

Sec. 18.6. - Changes in zoning.

Any nonconformances created by a change in district boundaries or ordinance regulations after the date of passage of this chapter shall also be governed by the provisions of this section.

Sec. 18-7. - Expansion of existing nonconforming uses requiring special use permits.

No nonconforming use, building, structure and/or land or appurtenances used in conjunction with the primary purpose of the structure, requiring a special use permit under the terms of this chapter, including any use, building or structure that was authorized as of right prior to the adoption of this chapter but would require a special use permit upon the adoption of this chapter, shall be enlarged, expanded, moved, or otherwise altered in any manner except after application for and approval of a special use permit. Normal repair and maintenance of buildings and structures is authorized without the need for special use permits. No such use, building or structure which has been discontinued for a continuous period of six (6) months

shall be re-established unless such cessation is a direct result of governmental action impeding access to the property.

(Ord. No. 02-15, § 2, 3-5-15)

#### ARTICLE XIX. - INTERPRETATION, ADMINISTRATIVE ACTION, AND ENFORCEMENT

##### Sec. 19.1. - Interpretation.

The zoning administrator shall interpret the provisions of this chapter, and may utilize opinions of the city attorney and others in arriving at interpretations. Appeals from an interpretation of the zoning administrator shall be in accordance with the provisions of Article XXI of this chapter.

##### Sec. 19.2. - Administrative variance.

The zoning administrator is authorized by this chapter to consider an appeal for an administrative variance to reduce development standards and/or parking requirements by up to and including thirty (30) percent. In rendering his or her decision, the director shall consider preexisting topographic, geological, hydrological, lot layout, or environmental factors.

To initiate an application for an administrative variance, an application must be submitted to the department of planning and development which shall include the following:

1. An application form supplied by the department of planning and development must be completed by the applicant.
2. A nonrefundable fee as indicated on the fee schedule referenced in City of Cartersville Code, section 17-86.
3. A written narrative explaining and justifying the request.
4. A plat drawn to scale showing all property lines with dimensions, location of buildings and other structures, north arrow, street numbers, lot and/or parcel number from the Bartow County tax sheet, locations of setback lines or other dimensional requirements from which the administrative variance is sought.
5. The signatures of the property owner, or his or her authorized representative, and the applicant.

*Notification to adjacent property owners.* The applicant for said administrative variance shall also give notice of the administrative variance to all property owners adjoining the property for which said administrative variance is sought. Said notice shall be given to each adjoining property owner by first class mail, with proof of mailing obtained from the Post Office. Proof of mailing means either a first class "certificate of mailing" or a first class "certified mail" receipt; a proof of delivery is not required. Only owners reflected on the records of the tax assessors as of the January 1 of the year the application is filed shall be entitled to notice. In determining the adjoining property owners, road, street, or railroad rights-of-way shall be disregarded. Proof of mailing for each recipient shall be provided to the zoning administrator before a decision is rendered. Said notice must be mailed at least seven (7) days prior to the decision of the zoning administrator.

*Information in notice to adjacent property owners.* The notice required to be served upon adjacent property owners shall contain the following information:

1. Name and address of the applicant;
2. Address and location of the property for which the administrative variance is sought;
3. Current zoning of the property for which the administrative variance is sought;
4. The administrative variance requested and the reason for the requested administrative variance;
5. The application file number; and



6. Contact information for the department of planning and development.

*Review for completeness.* The planning and development department shall review the application for completeness within seven (7) calendar days of submission. Incomplete or improper applications will be returned to the applicant.

*Decision.* In rendering a decision on an administrative variance application, the zoning administrator shall consider all information supplied by the applicant. Within fourteen (14) calendar days of receipt of a completed application for an administrative variance, the zoning administrator shall:

1. Approve the application as submitted;
2. Approve the application with conditions; or
3. Deny the application.

Such administrative variance may be granted in an individual case upon a finding by the zoning administrator that one (1) or more of the following exists:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; and
2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and
3. Such conditions are peculiar to the particular piece of property involved; and
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this chapter; and
5. A literal interpretation of this chapter would deprive the applicant of any rights that others in the same district are allowed.

*Remedy.* Appeals from a decision by the zoning administrator shall be in accordance with the provisions of Article XXI of this chapter.

*Records.* The zoning administrator shall keep public records of all administrative variances applied for and granted pursuant to this chapter.

#### Sec. 19.3. - Conflict.

This chapter shall supersede any other zoning regulations previously adopted or issued that are in conflict with any of the provisions of this chapter. This chapter shall not abolish any easements, covenants or other agreements between parties; provided, however, that whenever this chapter imposes a greater restriction upon the use of buildings or land than are imposed by such easements, covenants or agreements, the provisions of the chapter shall control.

#### Sec. 19.4. - Zoning enforcement officer; appeals.

The provisions of this chapter shall be administered and enforced by the zoning administrator, and/or his/her designee. Requests for an administrative variance from the requirements of this chapter shall be heard and decided by the zoning administrator in accordance with the guidelines set forth in this section. Decisions of the zoning administrator may be appealed in accordance with the provisions of this article. Requests for a variance other than an administrative variance shall be heard and decided by the board of appeals in accordance with the guidelines set forth in Article XXI.

#### Sec. 19.5. - Remedies.

In case any building is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building or land is used in violation of this chapter, the zoning administrator, or any other appropriate city authority or any other person who would be damaged by such violation, in addition

to other remedies, may seek injunctive, mandamus or other appropriate relief to prevent the violation in the case of each building or use of land.

Sec. 19.6. - Permits in effect.

Nothing herein shall require any change in the plans, construction, size or designated use of any land, building, structure or part thereof for which a building permit or land disturbance permit was issued or vested right established prior to the effective date of this chapter or amendment thereto.

Sec. 19.7. - Periodic review of zoning ordinance.

As needed, but at intervals of not more than four (4) years, the planning commission shall re-examine the provisions of this chapter and the location of district boundary lines and shall submit a report to the mayor and city council recommending such changes or amendments, if any, which may be desirable in the interest of public safety, health, convenience, necessity, or general welfare.

Sec. 19.8. - Enforcement actions.

19.8.1. *Enforcement options.* Enforcement of this chapter may be through criminal prosecution, civil fines, or other civil proceedings. Any person, firm, partnership, corporation or other legal entity who shall do anything prohibited by this chapter as the same exists or as it may hereafter be amended or which shall fail to do anything required by this chapter as the same exists or as it may hereafter be amended shall be subject to an enforcement action.

- A. Representatives of the city shall have the power to conduct such investigations as may reasonably be deemed necessary to assure or compel compliance with the requirements and provisions of this chapter, and for this purpose to enter at reasonable times upon any property for the purpose of investigation and inspection, as permitted by law. Officers and officials may seek inspection warrants or search warrants on probable cause of a violation occurring inside a structure. No warrant shall be required to investigate visible and open violations or uses.
- B. No person shall obstruct, hamper or interfere with any city representative while in the process of carrying out his official duties in the enforcement of this chapter.

19.8.2. *Persons who may be cited.* Owners are ultimately responsible for the condition of their property and ensuring that their property and all activity occurring on such property is in compliance with this chapter. For any violation, both the owner of the property and/or the individual agent, tenant or invitee of the owner responsible for the violation may be cited, where appropriate. Agents of the owner would include, but not be limited to, developers, builders, contractors, and subcontractors. Tenants and invitees would include, but not be limited to, any renter, leaseholder, owner of any vehicle or structure on the property, or other person conducting an activity on the property who is not a trespasser. Corporations and companies responsible for the work may be cited in lieu of or in addition to citations issued to the actual individuals on-site committing violations.

19.8.3. *Daily violations.* Each day during which the violation or failure or refusal to comply continues shall constitute a separate violation, subjecting the offender to a new citation, or other civil or criminal proceeding.

19.8.4. *Multiple violations.* Each separate action, omission, or occurrence relating to any specific provision of this chapter shall be a separate violation, subjecting the offender to a separate citation. Multiple junk cars count as one (1) violation, but the fee increases as shown in section 13.3 below.

19.8.5. *Criminal prosecution.* The zoning administrator, or designated code enforcement personnel, or other authorized personnel, may issue criminal citations for violations of this chapter, or violation of any stop work order.

- A. Criminal prosecutions for violation of this chapter shall be commenced by the completion, signing, and service of a citation by an authorized city official or zoning enforcement officer. No warning need be issued prior to a citation being issued. The original of the citation shall be personally served upon the accused, his or her authorized representative or, if a corporation, an

officer of the corporation or its on-site representative or the person or persons in charge of the activity on the property; a copy shall be promptly filed with the magistrate court. A stop work order may be issued in conjunction with a citation.

- B. Each citation shall state the time and place at which the accused is to appear for trial in municipal court, shall identify the offense with which the accused is charged, shall have an identifying number by which it shall be filed with the court, shall indicate the identity of the accused and the date of service, and shall be signed by the police officer, code enforcement officer, or other authorized officer who completes and serves it.
- C. Any defendant who fails to appear for trial shall thereafter be arrested on the warrant of the municipal court judge and required to post a bond for his or her future appearance.
- D. The city attorney, or another attorney designated by City of Cartersville may act as prosecuting attorney for violations of this chapter.
- E. Fines shall be assessed in accordance with section 20.2.

19.8.6. *Civil fines and proceedings.* In addition to or in lieu of any other remedy, the city may seek injunctive, mandamus or other appropriate relief in municipal court as appropriate or the superior court of Bartow County to enjoin or prevent a violation of any provision of this chapter. Such action may also seek civil fines at the mandatory rates specified in section 20.2 for violation of this chapter, and may additionally seek the costs of restitution, and any other costs associated with the action to enjoin or prevent any violation of any provision of this chapter. The city shall be entitled to its reasonable attorney's fees and costs for bringing an action in municipal court or superior court wherein any relief is granted or fine assessed.

19.8.7. *Stop work orders.* Upon notice from the zoning administrator, designated code enforcement officers, or other authorized personnel, work on any project that is being done contrary to the provisions of this chapter shall be immediately stopped.

- A. Stop work orders shall affect all work being done on a project or development (which may include work done on other lots in the subdivision owned by the same violator). Stop work orders stop not only the work in violation, but all other work by contractors or subcontractors on the same property. Only work to remedy the deficiency shall be allowed until the stop work order is lifted.
- B. A stop work order shall be in writing and shall be given to the owner of the property, his authorized agent or the person or persons in charge of the activity on the property, and shall state the conditions under which work may be resumed. Where an emergency or other exigent circumstances exist, no written notice shall be required, and a verbal stop work order may be issued, with a written order to be provided within three (3) working days.
- C. Stop work orders may be issued on their own, or in conjunction with criminal citations, or civil proceedings in municipal court or superior court.
- D. Issuance of a stop work order may be appealed to the board of appeals.

Sec. 19.9. - Records.

The zoning department shall keep records of violators, whether corporate or individual, in order to determine when second or subsequent violations occur.

## ARTICLE XX. - VIOLATIONS AND PENALTIES

Sec. 20.1. - Violation.

Any person, partnership or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor. Each day's continuance of a violation shall be considered a separate offense. The owner of any buildings or premises or parts thereof, where anything in violation of the chapter shall be placed or shall exist, and any builder, contractor, or agent of the owner who may have assisted in the

commission of any such violation shall be guilty of a separate offense. Said violations will be prosecuted in the Municipal Court of the City of Cartersville unless the Superior Court of Bartow County has original jurisdiction.

Sec. 20.2. - Penalty.

Except as otherwise provided, a person convicted of a violation of this chapter shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), imprisonment for a term not exceeding six (6) months, or both. With respect to violations of this chapter that are continuous with respect to time, each day the violation continues is a separate offense.

ARTICLE XXI. - APPEALS

Sec. 21.1. - Establishment of board of zoning appeals.

21.1.1. The board of zoning appeals, also referred to as the board of appeals, was established by previous version of this chapter, and remains authorized under this chapter. Existing board members shall continue in their current terms unaffected by the adoption of this chapter. The board consists of seven (7) members appointed by the mayor and city council for staggered terms of four (4) years; except the mayor's appointee, who has a two-year term. Each successive appointment shall be for staggered terms of four (4) years; except the mayor's appointee, who has a two-year term.

21.1.2. Each board member shall receive compensation for his/her service as established by the mayor and city council and shall be reimbursed for any expenses incurred while representing the board. Any vacancy in the membership of the board of appeals shall be filled for the unexpired term in the same manner as the initial appointment. Members shall be removable for cause by the mayor and city council upon written charges and after public hearing. The board of appeals previously appointed under the authority of the prior zoning ordinance shall continue without change as if appointed under this chapter. After expiration of their term, members shall continue to serve until, either reappointed or a successor appointed by the mayor and city council.

21.1.3. A quorum of the board of zoning appeals shall consist of four (4) members.

Sec. 21.2. - Proceedings of the board of zoning appeals.

21.2.1. The board of appeals shall elect a chair and a vice chair from its members who shall serve for one (1) year or until reelected or until their successors are elected. The board shall appoint a secretary, who shall be the city clerk and the deputy city clerk shall serve as the alternate. In the event that neither is available, the board of appeals may appoint a city employee or a member of the board to serve in said capacity. The board shall adopt such rules and bylaws as they deem appropriate. The board shall meet every month or on such schedule as it chooses to adopt, providing there are matters to consider. If there are no agenda items, the regularly scheduled meeting may be cancelled by the chair.

21.2.2. Meetings of the board shall be held at the call of the chair or in his absence the vice chair and at such other times as the board may determine. The chair, or in his absence, the vice chair, or attorney for the city may administer oaths to witnesses.

21.2.3. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and may be a public record.

21.2.4. All meetings of the board of appeals shall be open to the public.

Sec. 21.3. - Powers and duties of the board of zoning appeals.

The board of zoning appeals shall have the following powers and duties:

- 21.3.1. *Appeals.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this chapter. Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board, or agency of the City of Cartersville affected by any decision of the zoning administrator. Such appeal shall be taken within thirty (30) days of said decision by filing with the zoning administrator a written notice of appeal specifying the grounds thereof. Decisions on appeals shall be issued in writing within ten (10) business days of the hearing on the appeal.
- 21.3.2. *Continuance of a nonconforming use.* The board of zoning appeals may allow a nonconforming use to be reestablished after discontinuance for twelve (12) consecutive months. The procedure for the request shall be the same as if it was a variance. If it is deemed by the board of zoning appeals that one (1) or more of the following apply, the board may grant said request.
- A. The design, construction, and character of the building is not suitable for uses permitted in the district in which the nonconforming use is situated; and
  - B. Undue hardships to the property owner would result in not allowing the building to be reopened for a nonconforming use; and
  - C. Adjacent property would not be unduly damaged by such use of the building; and
  - D. The use is to be identical or similar to the prior nonconforming use of the building.
- 21.3.3. *Variations.* The board of appeals has the power to hear requests for variances from the provisions of this chapter. Variance may be granted only if the board finds all of the following to exist:
- A. That one (1) of the following is true, through no action or fault of the property owner or predecessor:
    - 1. The property is exceptionally narrow, shallow or unusually shaped;
    - 2. The property contains exceptional topographic conditions;
    - 3. The property contains other extraordinary or exceptional conditions; or
    - 4. There are existing other extraordinary or exceptional circumstances; and
  - B. That the strict application of the requirements of this chapter would result in practical difficulties to, or undue hardship upon, the owner of this property; and
  - C. That the requested variance relief may be granted without substantially impairing the intent and purpose of this chapter.
- Variance decisions shall be issued in writing within ten (10) business days of the hearing.
- 21.3.4. *Conditions.* In granting a variance, the board of appeals may attach such conditions regarding the location, character and other features of the proposed building, structure, property, development standards or use as it may deem advisable so that the purpose of this chapter will be served, public safety and welfare secured and substantial justice done.
- 21.3.5. *Limitations on variances; improper variance requests.* Variances cannot be given to totally remove a requirement or to exempt a property or applicant entirely from a requirement. If a variance is being sought that is, in the judgment of the zoning administrator, a request that would constitute a text amendment, then the application shall not be accepted. The applicant shall instead be directed to file for a text amendment. Furthermore, the board of appeals shall not be authorized to grant a density variance or a use variance to permit a use in a district in which the use is prohibited. A variance application shall not be accepted if the variance seeks something that cannot be varied. A variance application shall not be accepted if the variance is contradictory to the ordinance.

21.3.6. *Self-inflicted hardship.* The board shall not grant variances when the hardship was created by the property owner or his predecessor, and shall not grant hardship variances based on shape or topography for lots of record not existing prior to November 7, 1996. Configuring a subdivision to create lots that are difficult to build is an example of a hardship created by the property owner or predecessor, that does not justify a variance.

21.3.7. *Place of worship.* In compliance with federal law, if the variance is requested by a place of worship or church, in connection with the exercise of religion, the board shall additionally consider whether the regulation imposes a substantial burden on the exercise of religion, whether the regulation serves a compelling governmental interest, whether the denial is the least restrictive means to serve that interest, or whether the variance can be granted without harming that interest.

21.3.8. *Group homes.* If the variance is related to a group home for persons with a disability, the board shall additionally consider what reasonable accommodations in this chapter can be made to provide persons with a disability equal opportunities to use and enjoy dwellings, while not abrogating the purposes of this chapter. Any reasonable accommodation should only relate to the disability.

Sec. 21.4. - Applications, hearing and notice.

21.4.1. *Applications.* Applications for appeals or variances must be filed in accordance with the schedule set out by the zoning administrator. The contents of the application shall be determined by the zoning administrator. The filing requirements for information are mandatory unless the requirement is deleted by the zoning administrator. The zoning administrator shall forthwith transmit to the board all documents constituting the record upon which the action appealed from was taken. Variances may be sought by filing an application on forms provided by the zoning administrator. At a minimum, the application shall include the following:

- A. The subject property location.
- B. A legal survey plat showing the metes and bounds of the tract which metes the zoning district development standards and the access requirements of the City of Cartersville Development Regulations; with the exception as follows:
  1. If the variance is for a development standard for the property's then zoning district or access requirements of the City of Cartersville development regulations, then said variance shall be indicated on the survey as being requested for the variance being applied for.
- C. The zoning classification of the property.
- D. A brief description of the variance request.
- E. A plat drawn to scale showing all property lines with dimensions, location of buildings and other structures, north arrow, street numbers, lot and/or parcel number from the Bartow County tax sheet, locations of setback lines or other dimensional requirements from which the variance is sought.
- F. A list of all current owners of records for properties located immediately adjacent to or directly across a public street or railroad right-of-way from the subject property as indicated on the records of the Bartow County tax assessor's office as of January 1 of the year of the filing of the application.
- G. A letter of appeal stating the hardship or purpose of the appeal.
- H. The signature of the property owner, authorized representative and applicant.
- I. An initiating party shall also file any other information or supporting materials that are required by the board and/or zoning administrator.

21.4.2. *Published notice.* Due notice of the public hearings pursuant to this article shall be published in the legal organ of Bartow County. Notice advertising the hearing on the appeal or variance and

indicating date, time, place and purpose of the public hearing shall be published at least fifteen (15) days but not more than forty-five (45) days prior to the date of the hearing. The cost of the advertisement shall be borne by the applicant. For variances, the zoning administrator shall post, at least fifteen (15) days prior to the board of appeals' public hearing, in a conspicuous place in the public right-of-way fronting the property or on the property for which an application has been submitted, a sign or signs containing information as to the application number, date, time and place of the public hearing. The board may require the applicant to re-advertise at the applicant's expense or the board's expense, if a request is tabled.

21.4.3. *Letters to adjacent property owners.* The applicant for said appeal or variance shall also give notice of the appeal or variance and the public hearing thereon to all property owners adjoining the property for which said appeal or variance is made or sought. Said notice shall be given to each adjoining property owner by first class mail, with proof of mailing obtained from the Post Office. Proof of mailing means either a first class "certificate of mailing" or a first class "certified mail" receipt; a proof of delivery is not required. Only owners reflected on the records of the tax assessors as of the January 1 of the year the application is filed shall be entitled to notice. In determining the adjoining property owners, road, street or railroad rights-of-way shall be disregarded. Proof of mailing for each recipient shall be provided to the zoning administrator before the public hearing. Said notice must be mailed at least fifteen (15) days prior to the date of said scheduled public hearing. In the event a hearing is tabled, the applicant is required at their expense to resend notices of the new date and time for the hearing.

21.4.4. *Information in notice.* The notice required herein to be published and to be served upon adjacent property owners shall contain the following information:

- A. Name and address of the applicant;
- B. Address and location of the property for which the appeal or variance is sought;
- C. Current zoning of the property for which the appeal or variance is sought;
- D. The variance requested or the subject matter of the appeal and the reason for the requested variance or the appeal; and
- E. The date, time and place of the public hearing on said requested appeal or variance.
- F. The application file number.

21.4.5. *Recording hearing.* The applicant may arrange for and provide a certified court reporter to transcribe the hearing before the board of appeals, at the expense of the applicant. Upon an appeal of the decision of the board of appeals, said transcript shall be made part of the record for review.

21.4.6. *Fee.* Along with the application, a nonrefundable application fee is to be submitted at the time the application is submitted, pursuant to the fee schedule as adopted by the City of Cartersville at section 17-86 of the Code of Ordinances, City of Cartersville, Georgia. A fee shall not be charged for applications initiated by the zoning staff, mayor and city council or planning commission.

#### Sec. 21.5. - Stay of proceedings.

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the board of appeals after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a stay granted by the board of appeals or by a restraining order issued by a court of record on application, on notice to the zoning administrator, and for due cause shown.

#### Sec. 21.6. - Action by the board of appeals.

21.6.1. In exercising its powers, the board of appeals may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, table or may modify the variance, appeal, order,

requirements, decision, or determination, and to that end shall have all the powers of the zoning administrator.

21.6.2. The concurring four (4) votes of members of the board shall be necessary to reverse any order, requirement, decision or determination of the zoning administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to affect any variation of this chapter.

21.6.3. The board shall have the power to table incomplete applications, or to seek more time for further information to be submitted. The action by the board to table the application shall include a statement of the date and time of the next meeting at which the application will be considered, which statement shall constitute public notice of the hearing on the application; and no further notice, such as that required by section 21.4.2, is required. The application can be tabled for up to three (3) months at a time to obtain necessary information or for other reasons of the board. The application can be tabled more than once if necessary, extending the duration the application remains on the table.

21.6.4. On all appeals, applications and other matters brought before the board of appeals, said board shall inform, in writing, all the parties involved of its decisions and the reasons therefor. Such written decision shall be prepared by the zoning staff or city attorney and signed by the chair and secretary.

Sec. 21.7. - Conduct of the board of appeals hearing.

21.7.1. *Sign up.* All persons who wish to address the board of appeals at a hearing concerning an appeal or variance under consideration by the board of appeals shall first sign up on a form to be provided by the city prior to the commencement of the hearing.

21.7.2. *Matter presented.* The chair of the board of appeals will read the proposed appeal or variance under consideration in the order determined by the zoning administrator. The zoning administrator, or his designee, shall then present the basis of the appeal or variance, along with the pertinent departmental reviews, if any, prior to receiving public input on the proposed appeal or variance. Any appeal or variance that has not complied with all notice and other requirements of this chapter shall be deemed out of order and shall not be considered at that hearing. It shall be tabled until the next meeting, and if it is still out of order at the next meeting, the application shall be deemed denied.

21.7.3. *Speakers.* The chair of the board of appeals shall call each person who has signed up to speak on the appeal or variance then before the board of appeals in the order in which the persons have signed up to speak, except the applicant who will always speak first. Prior to speaking, the speaker will identify himself or herself and state his/her current address. Only those persons who signed up to speak prior to the commencement of the hearing shall be entitled to speak, unless a majority of the members of the board of appeals present at the hearing allow the person to speak to the appeal or variance, notwithstanding the failure of the person to sign up prior to the hearing.

21.7.4. *Time limits.* The applicant or appellant and those in favor of the variance or appeal shall have fifteen (15) minutes to speak, total. Those opposed to the application or appeal shall have fifteen (15) minutes to speak, total. The board may extend these times upon majority vote. In the event of multiple speakers on a side, the time shall be divided equally between all registered speakers, who may reserve their remaining balance of time for rebuttal, except that the applicant may use as much of the fifteen (15) minutes as is desired by them. The applicant may reserve time for rebuttal. Upon vote of a majority of the board, either side may be granted additional time in any amount the board desires, but in such event, the other side shall be granted the same additional time.

21.7.5. *Evidence, cross-examination.* Each side shall have the opportunity to present evidence and witnesses which shall be entered into the record. Cross-examination of opposing witnesses shall be allowed by the chair, but decorum shall be maintained. The board may require the applicant and opponents to designate one (1) person to conduct any desired cross-examination.

21.7.6. *Decorum and order.* Each speaker shall speak only to the merits of the proposed appeal or variance under consideration and shall address his/her remarks only to the members of the board of appeals. Each speaker shall refrain from personal attacks on any other speaker or the discussion of



facts or opinions irrelevant to the proposed appeal under consideration. The chair may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this subsection. Nothing contained herein shall be construed as prohibiting the chair from conducting the hearing in an orderly and decorous manner to assure that the public hearing on the appeal or variance is conducted in a fair and orderly manner.

Sec. 21.8. - Withdrawal.

The applicant may withdraw their appeal without prejudice prior to a vote by the board of zoning appeals either in writing prior to the hearing or verbally at said hearing.

Sec. 21.9. - Appeals.

21.9.1. *Appeal to court.* Recourse from a decision of the board of zoning appeals shall be to a court of competent jurisdiction by the filing of an appeal within thirty (30) days. Appeals shall be on the record.

ARTICLE XXII. - AMENDMENTS

Sec. 22.1. - Initiation of amendments.

22.1.1. *Text amendment.* An application to amend the text of this chapter may be initiated by the planning commission or be submitted to the planning commission by the mayor and city council, zoning staff, or by any person having an interest in the city.

22.1.2. *Map amendment.* An application to amend the official zoning map may be initiated by the planning commission or be submitted to the planning commission by the mayor and city council or zoning staff, property owner or agent of the owner. Unless initiated by the mayor and city council, the planning commission or zoning staff, all applications to amend the official zoning map must be submitted by an owner of the affected property or an authorized agent of an owner, following procedures set forth in sections 22.2 and 22.3. If submitted by an agent of the owner, such authorization shall be notarized and attached to the application. If a property has multiple owners, only one (1) owner need file the application, and it will be assumed that the other owners consent; however, if any owner does not consent to the application (or otherwise objects), the rezoning application will not go forward. If owned by a corporation or other entity, the application must be filed by a person with proper corporate or entity authority, and the zoning administrator may require documentation to support a claim of authority.

22.1.3. *Resubmission after denial.* In the event an application for an amendment to the zoning map has been denied, another rezoning application affecting the same property shall not be submitted nor accepted until twelve (12) months have passed from the date of the final decision by the mayor and city council. The mayor and city council may either waive or reduce the twelve-month time interval by resolution, to a minimum of six (6) months.

22.1.4. *Alter conditions.* An application to alter conditions of rezoning may be submitted at any time after the final decision of the mayor and city council. The applicant must show a change in circumstances or additional information not available to the applicant at the time of the original decision by the mayor and city council to impose the condition. Another application to alter the same condition shall not be submitted more than once every twelve (12) months, such interval to begin on the date of the final decision by the mayor and city council on said application to amend the condition.

22.1.5. *Withdrawal.* An application may be withdrawn without prejudice at any time prior to 6:00 p.m. on the day of the planning commission hearing. The planning commission may give permission for a withdrawal without prejudice at its hearing. Withdrawal after the planning commission's hearing shall mean such application may not be resubmitted for consideration for a period of six (6) months, counting from the date of withdrawal to the date of renewed application. Unless withdrawn at the hearing, the withdrawal must be in writing, signed and dated by the applicant.

- 22.1.6. *Reduced requirements for city applications.* The requirements of section 23.2 do not apply to any application for amendment initiated by the zoning department staff, the planning commission or the mayor and city council, and such applications shall only contain such information as is required by the zoning administrator. City initiated map changes do not require that the city send letters to property owners or post signs on properties affected. Such notice is not required under the zoning procedures law and is not practical when the city changes large numbers of parcels at one (1) time.
- 22.1.7. *Simultaneous applications.* If multiple amendments are submitted on one parcel, they are to be considered in the following order: 1) text amendments; 2) zoning map amendment; 3) special use permit; 4) zoning condition amendment. Each application shall be voted on separately, in the above-stated order. If a rezoning change is denied and the proposed special use is not permitted in the original zoning district, that application shall be denied.
- 22.1.8. *Campaign contribution disclosures.* Applicants and opponents to rezoning actions that change the zoning district on a parcel are requested to consult the Conflict of Interest in Zoning Act, O.C.G.A. § 36-67A-1, which requires disclosure of campaign contributions made within two (2) years of the rezoning application, and aggregating two hundred fifty dollars (\$250.00) or more, to any planning commission member or any member of the mayor and city council. Such disclosures should be filed at least five (5) calendar days prior to the planning commission's hearing on forms available at the zoning office. Violation of this Act shall not affect the validity of the rezoning, but such action may be a misdemeanor under O.C.G.A. § 36-67A-4.

Sec. 22.2. - Applications for amendments.

- 22.2.1. *Applications.* Each application required by this chapter, including without limitation, to amend this chapter, or the official zoning maps shall be filed with the zoning administrator. The following requirements for information are mandatory, unless the requirement is deleted by the zoning administrator. The zoning administrator may require additional information to evaluate the application, the suitability of the proposed use, and other aspects of any proposed development, and any such information shall be provided. Such information is not required for city-initiated applications.
- 22.2.2. *Fee.* Along with the application, a nonrefundable application fee is to be submitted at the time the application is submitted, pursuant to the fee schedule as adopted by the City of Cartersville at section 17-85 of the Code of Ordinances, City of Cartersville, Georgia.
- 22.2.3. *Procedure.* Zoning numbers will be issued to applicants. A schedule may be obtained from the zoning office. All applications must be complete and submitted by the end of the business day on the date the zoning number is issued. Incomplete applications will not be accepted, except with permission of the zoning administrator. Furthermore, applicants not filing a complete application on the date the zoning number is issued will forfeit their assigned number, and will have to request a new number no sooner than the next available date to accept applications, once their application is complete and ready for submission.
- 22.2.4. *Text amendment applications.* Text amendment applications shall include the following minimum information, unless the requirement(s) listed below are waived by the zoning administrator. Additional information may also be requested by the zoning administrator:
- A. Name and current address of the applicant;
  - B. Current provisions of the text to be affected by the amendment;
  - C. Proposed wording of text change; and
  - D. Reason for the amendment request.
  - E. Names and addresses of the applicant, owners and their agents, if any, authorized to apply for an amendment; and
  - F. An initiating party shall also file any other information or supporting materials that are required by the mayor and city council, planning commission, or zoning administrator.

22.2.5. *Zoning map amendment.* Official zoning map amendment applications shall include the following minimum information, unless the requirement(s) listed below are waived by the zoning administrator. Additional information may also be requested by the zoning administrator:

- A. A tax parcel card from the Bartow County Tax Assessor identifying the parcel to be rezoned, or the parent parcel of the parcel to be rezoned, if a split or subdivision is occurring;
- B. One (1) copy of a plat, drawn to scale, showing north arrow, land lot and district, the dimensions, acreage and location of the tract prepared by an architect, engineer, landscape architect or land surveyor whose state registration is current and valid. The preparer's seal shall be affixed to the plat. The plat must be drawn in accordance with the GA State plane NAD83 West Zone US Feet, Coordinate System and all submissions are expected to be in True North, not magnetic north. For subdivision or nonresidential developments, an additional electronic copy of the plat shall be submitted by the applicant, owner or developer to the engineering department;
- C. The present and proposed zoning district for the tract;
- D. Existing and intermediate regional floodplain and structures, as shown on the Federal Emergency Management Agency FIRM rate maps for the City of Cartersville, if any;
- E. The names and addresses of the owners of the land and their agents, if any;
- F. The names and addresses of all adjoining property owners. In determining the adjoining property owners, streams and road, street or railroad rights-of-way shall be disregarded;
- G. No application for the rezoning of any property for a residential subdivision shall be accepted for filing unless the application is accompanied by a letter from the local government that will supply water to the property stating that public water is available to the property;
- H. Indicate all existing site improvements and confirmation of the availability of all public utilities.
- I. Street address, tax map parcel number(s), and the location of the tract proposed to be zoned with respect to nearby public streets.
- J. The area of the land proposed to be zoned in acres, and square feet.
- K. Such other and additional information as may be requested by the zoning administrator.

22.2.6. *Application schedule.* Applications shall be submitted according to the schedule set by the zoning administrator. Application fees for an application to amend this chapter and/or the official zoning maps shall be established by the mayor and city council and made available by the zoning administrator.

22.2.7. *Proposed conditions.* With respect to amendments to the official zoning maps, an applicant may file site plans, renderings, construction specifications, written development restrictions and other conditions which the applicant proposes as binding conditions upon the development and use of the property involved in the application.

#### Sec. 22.3. - Public notification.

22.3.1. *Legal notice.* Not less than fifteen (15) days and not more than forty-five (45) days prior to the scheduled date of the public hearing the final action by the city council, and in accordance with O.C.G.A. § 36-66-1 et seq., and not less than ten (10) days prior to the planning commission meeting, a notice of public hearing shall be published in the legal notice section of a newspaper of general circulation within the City of Cartersville. Such notice shall state the application file number, and shall contain a summary of the proposed amendment in the case of a text amendment, and the location of the property, its area, owner, the current zoning classification, and the proposed zoning classification in the case of a map amendment. Such notice may include both the planning commission and the city council meeting dates. Advertising of the legal notice as required in this section shall be the responsibility of the applicant. If the application is for amendment to the official zoning maps, then the notice shall also include the location of the property, the present zoning

district of the property, and the proposed zoning district of the property. The cost of the advertisement shall be borne by the applicant. The notice shall also state, "Notice is hereby given that the Mayor and City Council have the power to impose a different zoning classification from the classification requested, and impose or delete zoning conditions that may change the application considerably." If the notice does not run in the newspaper in conformance with these requirements, the application is void and cannot be considered as scheduled. The applicant shall coordinate with the zoning office and readvertise for a future hearing, as assigned by the staff.

- 22.3.2. *Signs posted.* The zoning administrator shall post, at least fifteen (15) days prior to the planning commission's public hearing and the mayor and city council's public hearing, in a conspicuous place in the public right-of-way fronting the property or on the property for which an application has been submitted, a sign or signs containing information as to the application and date, time and place of the public hearing.
- 22.3.3. *Letters to property owners.* The applicant shall notify each owner of property adjoining the property for which the amendment (other than a text amendment) is sought by mailing to each property owner a letter by first class mail, with proof of mailing obtained from the Post Office. Proof of mailing means either a first class "certificate of mailing" or a first class "certified mail" receipt; a proof of delivery is not required. Only owners reflected on the records of the tax assessors as of January 1 of the year in which the application is filed shall be entitled to notice. In determining the adjoining property owners, road, street or railroad rights-of-way shall be disregarded. Notice shall also be provided by letter to such other impacted property owners or interest holders as the zoning administrator directs. The form letter provided by the city shall be used, or a letter conveying substantially the same information. Proof of mailing for each recipient shall be provided to the zoning administrator before the public hearing. Said notice must be mailed at least fifteen (15) days prior to the date of said scheduled public hearing.
- 22.3.4. *City exemptions.* The provisions of sections 22.3.2 and 22.3.3 shall not apply if the application is initiated by the zoning department staff, the planning commission or the mayor and city council.
- 22.3.5. *Fee.* Along with the application, a nonrefundable application fee is to be submitted at the time the application is submitted, pursuant to the fee schedule as adopted by the City of Cartersville at section 17-85 of the Code of Ordinances, City of Cartersville, Georgia. A fee shall not be charged for applications initiated by the zoning staff, mayor and city council or planning commission.

Sec. 22.4. - Action by the planning commission.

- 22.4.1. *Commission.* A planning commission was established by previous version of this chapter, and other ordinances of the city and remains authorized under this chapter. Existing commission members shall continue in their current terms unaffected by the adoption of this chapter. The planning commission of the City of Cartersville consists of seven (7) members appointed by the mayor and city council for staggered terms as provided for in section 17-27 of the Code of Ordinances, City of Cartersville, Georgia.
- 22.4.2. *Members.* Each commission member shall receive compensation for their service as established by the mayor and city council, and shall be reimbursed for actual expenses incurred while representing the commission. Appointments shall be made by resolution of the mayor and city council. Any vacancy in the membership of the commission shall be filled for the unexpired term in the same manner as the initial appointment. Members shall be removable for cause by the mayor and city council upon written charges and after a public hearing; provided, however, that any member who fails to attend three (3) consecutive meetings, without cause, may be removed without a public hearing. The commission may adopt such by-laws as it deems necessary to provide for the orderly conduct of its business. The commission previously appointed by the mayor and city council shall continue to serve without change as if appointed under this chapter. Members shall continue to serve after the expiration of their term, until their successor has been appointed or themselves reappointed.
- 22.4.3. *Public hearing.* The planning commission shall hold a public hearing on each application for an amendment pursuant to this article in accordance with a schedule adopted by the commission. As to

each application, the planning commission shall make a recommendation for approval, approval with conditions, or denial. A tie vote on any motion shall equate to denial. The planning commission may grant the applicant's request to withdraw without prejudice at its hearing.

22.4.4. *Tabling application.* The planning commission shall have the power to table incomplete applications, or to seek more time for further information to be submitted. The action by the planning commission to table the application shall include a statement of the date and time of the next meeting at which the application will be considered, which statement shall constitute public notice of the hearing on the application; and no further notice, such as that required by section 22.3, is required. The application can be tabled for up to three (3) months at a time to obtain necessary information or for other reasons of the planning commission. The application can be tabled more than once if necessary, extending the duration the application remains on the table.

22.4.5. *Report.* A written report or summary of the planning commission's recommendation shall be prepared by the zoning staff, and shall be a public record. The planning commission's action may recommend amendments or conditions to the applicant's request which would reduce the land area for which the application is made, change the district requested and recommend conditions of rezoning which may be deemed advisable so that the purpose of this chapter will, if applicable, be served, and health, public safety and general welfare secured.

22.4.6. *Quorum.* A quorum of the planning commission shall consist of four (4) members.

22.4.7. *Meetings.* Meetings of the commission shall be held at the call of the chair or in his absence the vice chair and at such other times as the board may determine. The chair, or in his absence, the vice chair, may administer oaths to witnesses. All meetings of the commission shall be open to the public

22.4.8. *Minutes.* The commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the commission and may be a public record.

22.4.9. *Majority.* A majority of the members of the commission present (provided a quorum is present) shall be necessary to reverse any order, requirement, decision or determination of the zoning administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to affect any variation of this chapter.

Sec. 22.5. - Conduct of the planning commission's hearing.

22.5.1. *Sign up.* All persons who wish to address the planning commission at a hearing on the proposed amendment under consideration by the planning commission shall first sign up on a form to be provided by the city prior to the commencement of the hearing.

22.5.2. *Matter presented.* The chair of the planning commission or their designee will read the proposed amendments under consideration in the order determined by the zoning administrator. The zoning administrator, or his designee, shall then present the amendment, along with the pertinent departmental reviews, if any, prior to receiving public input on the proposed amendment. If an application is not complete, or all requirements of this chapter have not been complied with, the application is out of order and will not be called at that meeting. It shall be tabled for one (1) month. If the application is still incomplete or out of order at the next meeting, it shall be deemed withdrawn. The applicant shall have to wait six (6) months to reapply.

22.5.3. *Speakers.* The chair of the planning commission or their designee will then call each person who has signed up to speak on the amendment in the order in which the persons have signed up to speak, except the applicant who will always speak first. Prior to speaking, the speaker will identify himself or herself and state his or her current address. Only those persons who signed up to speak prior to the commencement of the hearing shall be entitled to speak, unless a majority of the commission, in its discretion, allows the person to speak to the amendment, notwithstanding the failure of the person to sign up prior to the hearing.

22.5.4. *Time limits.* Each speaker shall be allowed five (5) minutes to address the planning commission concerning the amendment then under consideration, unless the planning commissions, by majority vote of the members present, votes to allow additional time for a particular speaker to address the commission on said proposed amendment. The applicant shall have a minimum of ten (10) minutes for his presentation (including all related witnesses or experts). The applicant may initially use all of the time allotted to him to speak, or he may speak and reserve a portion of his allotted time for rebuttal. Opponents are not allowed rebuttal or a second opportunity to speak, unless specifically granted by majority vote of the commission. In all circumstances, in order to comply with state law, the proponent(s) and opponent(s) of each amendment shall have no less than ten (10) minutes per side for presentation of data, evidence, and opinion thereon; if there is only one (1) applicant or opponent, such person shall have the full ten (10) minutes if desired. In the event the opponents collectively take more than ten (10) minutes, the applicant's time shall be extended similarly if desired. One (1) member of the planning commission or zoning staff shall be designated as the time keeper to record the time expended by each speaker.

22.5.5. *Decorum and order.* Each speaker shall speak only to the merits of the proposed amendment under consideration and shall address his remarks only to the members of the planning commission. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed amendment under consideration. The chair may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this subsection. Nothing contained herein shall be construed as prohibiting the chair from conducting the hearing in an orderly and decorous manner to assure that the public hearing on a proposed amendment is conducted in a fair and orderly manner.

22.5.6. These procedures shall be available in writing at each hearing.

Sec. 22.6. - Action by the mayor and city council.

22.6.1. *Public hearing.* Before taking action on a proposed amendment and after receipt of the planning commission recommendations, the mayor and city council shall hold a public hearing on the proposed amendment made pursuant to this article, which shall be advertised as stated in section 26.22.3 and conducted pursuant to section 22.7.

22.6.2. *Powers of the mayor and city council.* At the public hearing, the mayor and city council shall review the analysis submitted by the initiating party and the recommendation prepared by the planning commission. So that the purpose of this chapter will be served, health, public safety and general welfare secured, the mayor and city council may approve or deny the application, reduce the land area for which the application is made, change the district or land use category requested, or add or delete conditions of the application. The mayor and city council shall have the power to impose a different zoning classification from the classification requested, and impose any zoning conditions which ameliorate the impact of the zoning, or serve other lawful purposes of this chapter. The submission of an application for a rezoning shall be deemed notice of this power and consent to any such action. The mayor and city council may also remand the application, if it has been changed or for any reason, to the planning commission for further review and recommendation.

22.6.3. *Tabling application.* The mayor and city council shall have the power to table incomplete applications, or to seek more time for further information to be submitted. The action by the mayor and city council to table the application shall include a statement of the date and time of the next meeting at which the application will be considered, which statement shall constitute public notice of the hearing on the application; and no further notice, such as that required by section 22.3, is required. The application can be tabled for up to three (3) months at a time to obtain necessary information or for other reasons of the mayor and city council. The application can be tabled more than once if necessary, extending the duration the application remains on the table.

22.6.4. *Approval.* Pursuant to the Charter of the City of Cartersville section 2.10, Readings; an ordinance to be approved must be read at two (2) consecutive meetings of the mayor and city council, unless it is deemed an emergency ordinance, per the requirements of the Charter and Code of Ordinances of the City of Cartersville.

Sec. 22.7. - Conduct of the mayor and city council's hearing.

22.7.1. *Sign up.* All persons who wish to address the mayor and city council at a hearing concerning a proposed zoning decision under consideration by the mayor and city council shall first sign up on a form to be provided by the city prior to the commencement of the hearing.

22.7.2. *Matter presented.* Proposed zoning decisions shall be called in the order determined by the city manager. The zoning administrator or his designee will read the proposed zoning decision under consideration and summarize the departmental reviews pertaining thereto prior to receiving public input on said proposed zoning decision. If an application is not complete, or all requirements of this chapter have not been complied with, the application is out of order and will not be called at that meeting. It shall be tabled for one (1) month. If the application is still incomplete or out of order at the next meeting, it shall be deemed withdrawn. The applicant shall have to wait six (6) months to reapply.

22.7.3. *Speakers.* The mayor or her designee shall call each person who has signed up to speak on the zoning decision in the order in which the persons have signed up to speak, except the applicant who will always speak first. Prior to speaking, the speaker will identify himself or herself and state his or her current address. Only those persons who signed up to speak prior to the commencement of the hearing shall be entitled to speak, unless the mayor and city council, in his discretion, allows the person to speak to the zoning decision, notwithstanding the failure of the person to sign up prior to the hearing.

22.7.4. *Time limits.* Each speaker shall be allowed five (5) minutes to address the mayor and city council concerning the zoning decision then under consideration, unless the mayor and city council allows additional time for a particular speaker to address the mayor and city council on said proposed zoning decision. The applicant shall have a minimum of ten (10) minutes for his presentation (including all related witnesses or experts). The applicant may initially use all of the time allotted to him to speak, or he may speak and reserve a portion of his allotted time for rebuttal. Opponents are not allowed rebuttal or a second opportunity to speak, unless specifically granted by the mayor and city council. In all circumstances, the proponent(s) and opponent(s) of each amendment shall have no less than ten (10) minutes per side for presentation of data, evidence, and opinion thereon; if there is only one (1) applicant or opponent, such person shall have the full ten (10) minutes if desired. In the event the opponents collectively take more than ten (10) minutes, the applicant's time shall be extended similarly if desired. A member of the mayor and city council's staff shall be designated as the time keeper to record the time expended by each speaker.

22.7.5. *Decorum and order.* Each speaker shall speak only to the merits of the proposed zoning decision under consideration and shall address his remarks only to the mayor and city council. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed zoning decision under consideration. The mayor and city council may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this subsection. Nothing contained herein shall be construed as prohibiting the mayor and city council from conducting the hearing in an orderly and decorous manner to assure that the public hearing on a proposed zoning decision is conducted in a fair and orderly manner.

22.7.6. These procedures shall be available in writing at all hearings.

Sec. 22.8. - Appeals to superior court.

Appeals of the grant or denial of a rezoning decision shall be taken within thirty (30) days of the decision by filing an appeal in superior court, pursuant to the provisions in O.C.G.A. Title 5. Such appeals shall be de novo.

Sec. 22.9. - Standards for governing the exercise of zoning power.

The following standards governing the exercise of the zoning power are adopted in accordance with O.C.G.A. § 36-66-5(b):

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1. The existing land uses and zoning classification of nearby property;
2. The suitability of the subject property for the zoned purposes;
3. The relative gain to the public, as compared to the hardship imposed upon the individual property owner;
4. Whether the subject property has a reasonable economic use as currently zoned;
5. Whether the proposed zoning will be a use that is suitable in view of the use and development of adjacent and nearby property;
6. Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;
7. Whether the zoning proposal is in conformity with the then current future development plan and community agenda of the comprehensive land use plan as currently adopted or as amended in the future;
8. Whether the zoning proposal will result in a use which will or could; adversely affect the environment, including, but not limited to, drainage, wetlands, groundwater recharge areas, endangered wildlife habitats, soil erosion and sedimentation, floodplain, air quality, and water quality and quantity;
9. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools; and
10. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

Sec. 22.10. - Public hearing records.

The city clerk shall mechanically record the proceedings of all zoning public hearings. If requested by any party, verbatim transcripts of the public hearing can be prepared, but only if requested and purchased in advance by the requesting party. The record of the public hearing and all evidence submitted at the public hearing shall be noted as such and shall become a permanent part of the particular zoning amendment's file.

Sec. 22.11. - Projects of regional impact.

Any development or proposed project which is considered to be a project of regional impact by the State of Georgia must first be submitted to Northwest Georgia Regional Commission for review in accordance with the applicable state regulations and statutes before any zoning action can be taken with respect to said project.

Sec. 22.12. - Annexation.

The zoning administrator and planning commission shall make recommendations to the mayor and city council on the initial zoning of land proposed to be annexed in the City of Cartersville, Georgia. Annexation applications, meeting the requirements of O.C.G.A. Title 36, Chapter 36, shall be submitted to the zoning administrator and shall include the following information. Additional information may also be requested by the zoning administrator:

1. A legal description of said property to be annexed;
2. Title opinion of an attorney certifying to ownership of the property or a notarized statement from the property owner as of the date of filing the application;
3. A complete survey showing the property in relation to the present city boundary. Said survey shall be drawn to scale, showing north arrow, land lot and district, the dimensions, acreage and location of the tract prepared by an architect, engineer, landscape architect or land surveyor



whose state registration is current and valid. The preparer's seal shall be affixed to the plat. The plat must be drawn in accordance with the GA State plane NAD83 West Zone US Feet, Coordinate System and all submissions are expected to be in True North, not magnetic north;

4. A copy of the pertinent Bartow County Tax Map or maps showing where the property to be annexed is located in reference to existing municipal boundaries;
5. Applicant's proposed initial zoning classification for the property under this chapter;
6. Governmental services and utilities currently provided for the property to be annexed, either by Bartow County, public or private utilities, municipalities or authorities;
7. County-owned public facilities of the area proposed to be annexed;

A vote by the mayor and city council on zoning for an annexation proposal shall not constitute final action on a zoning decision until the annexation is finally approved and effective, including pre-clearance pursuant to section 5 of the Voting Rights Act of 1975, as amended. No land annexed into the City of Cartersville, Georgia, shall be unzoned.

#### ARTICLE XXIII. - SPECIAL USE PERMITS

##### Sec. 23.1. - Procedures.

- 23.1.1. An applicant for a special use permit shall file an application on forms provided by the zoning administrator. The grant or denial of a special use permit is a zoning decision and such decision shall follow the procedures for a rezoning, as specified in sections 22.3 through 22.7, unless modified by the provisions of this article.
- 23.1.2. Any use which may be authorized by a special use permit may be approved by the mayor and city council only if, in the exercise of their legislative discretion, they find that:
  1. A proper application has been filed in accordance with the requirements of the ordinance;
  2. A recommendation has been received from the planning commission in accordance with the provisions of Article XXII;
  3. The applicant is in compliance with the particular conditions for the proposed special use that are required by this chapter, including, but not limited to, those referenced in Article XVI;
  4. The use is consistent with the purposes and intent of this chapter; and
  5. After considering the application, and the facts, and the standards for making a zoning decision contained in section 22.9 of this chapter, the mayor and city council determines that the standards are satisfied such that the benefits of and need for the proposed conditional use outweigh any possible harmful effects, negative impacts, or damages to the neighboring properties or the city in general.
- 23.1.3. In compliance with federal law, if the special use is requested by a place of worship or church, in connection with the exercise of religion, the planning commission and commissioner shall additionally consider whether the regulation imposes a substantial burden on the exercise of religion, whether the regulation serves a compelling governmental interest, whether the denial is the least restrictive means to serve that interest, or whether the special use can be granted without harming that interest.
- 23.1.4. If the special use is related to a group home for persons with a disability, the planning commission and mayor and city council shall additionally consider what reasonable accommodations in this chapter can be made to provide persons with a disability equal opportunities to use and enjoy dwellings, while not abrogating the purposes of this chapter. Any reasonable accommodation should only relate to the disability.
- 23.1.5. When a proposed special use permit is sought to locate or relocate a half-way house, drug rehabilitation center or other facility for the treatment of drug dependency, an additional public hearing shall be conducted at least six (6) months and not more than nine (9) months before final

action by the mayor and city council; such hearing shall be supplemental to the public hearing required under Article XXII and section 23.1.1 above. For the supplemental hearing only, the published notice of the public hearing shall be at least six (6) column inches in size and shall not be located in the classified advertising or legal advertising section of the newspaper and shall publish at least fifteen (15) and not more than forty-five (45) days prior to the hearing. In addition, a sign containing the information required by Article XXII and section 23.1.1 shall be posted conspicuously on the property at least fifteen (15) days prior to the date of the hearing.

Sec. 23.2. - Action by the mayor and city council.

The mayor and city council shall consider all evidence in the record in making their decision. This chapter is automatically a part of the record in each case, as is the entire application file. The mayor and city council shall have the power to table the application for further information to be presented, or to remand the application to the planning commission if new information has been presented that they have not considered. The mayor and city council shall have the power to grant, deny, modify or grant with further specific conditions imposed.

Sec. 23.3. - Conduct of the hearing.

Hearings on special use permits shall follow the procedures of hearings on rezoning amendments, except as modified below.

Sec. 23.4. - Appeals to superior court.

Appeals of any decision to deny or grant a special use permit shall be filed within thirty (30) days by filing an appeal to superior court, pursuant to the provisions of O.C.G.A. Title 5. Such appeal shall be de novo.

Sec. 23.5. - Reapplication.

An application for a special use which has been denied shall not be resubmitted for a period of twelve (12) months.

ARTICLE XXIV. - LEGAL STATUS PROVISIONS

Sec. 24.1. - Conflict with other regulations.

Whenever the regulations of this chapter require a greater width or size of yards, courts, or other open spaces, or require a lower height of buildings or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other ordinance or statute, the regulations and requirements of this chapter shall govern. Whenever the provisions of any other statute or ordinance require more restrictive standards than are required by this chapter, the provisions of such statute or ordinance shall govern.

Sec. 24.2. - Separability/severability.

Should any section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid. It is the intent that any provision declared unconstitutional shall be severed from the ordinance, and the remainder of the ordinance remain in effect.

Sec. 24.3. - Repealer.

This chapter replaces the prior zoning ordinance, adopted November 7, 1996, as amended. In the event all of this chapter is struck down as void, unconstitutional or invalid, including therefore this provision, the prior ordinances shall be considered to not have been repealed, and shall therefore still be

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in effect. In the event the prior ordinance is declared void, unconstitutional or invalid, the next prior ordinance shall be considered to not have been repealed, and shall therefore still be in effect; and so on.

Sec. 24.4. - Charge for copy of chapter.

There shall be a charge of twenty dollars (\$20.00), payable to the City of Cartersville for each copy of this chapter to partially defray publication cost.

Sec. 24.5. - Effective date.

This chapter shall take effect and be in force as of the date of its adoption, the public welfare of the City of Cartersville demanding.

ARTICLE XXV. - DISTRICT MAPS

EXHIBIT A. - MAIN STREET OVERLAY DISTRICT

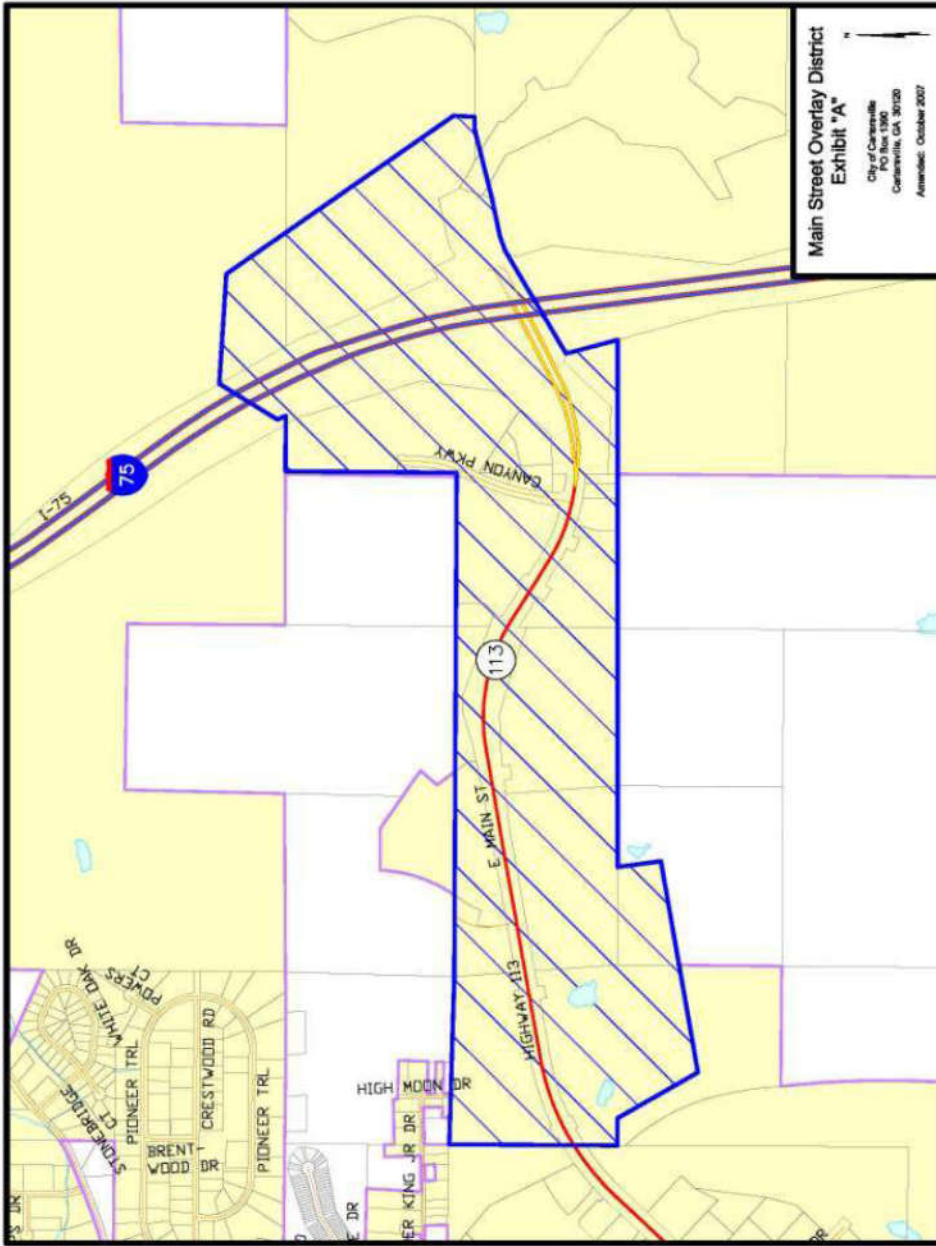
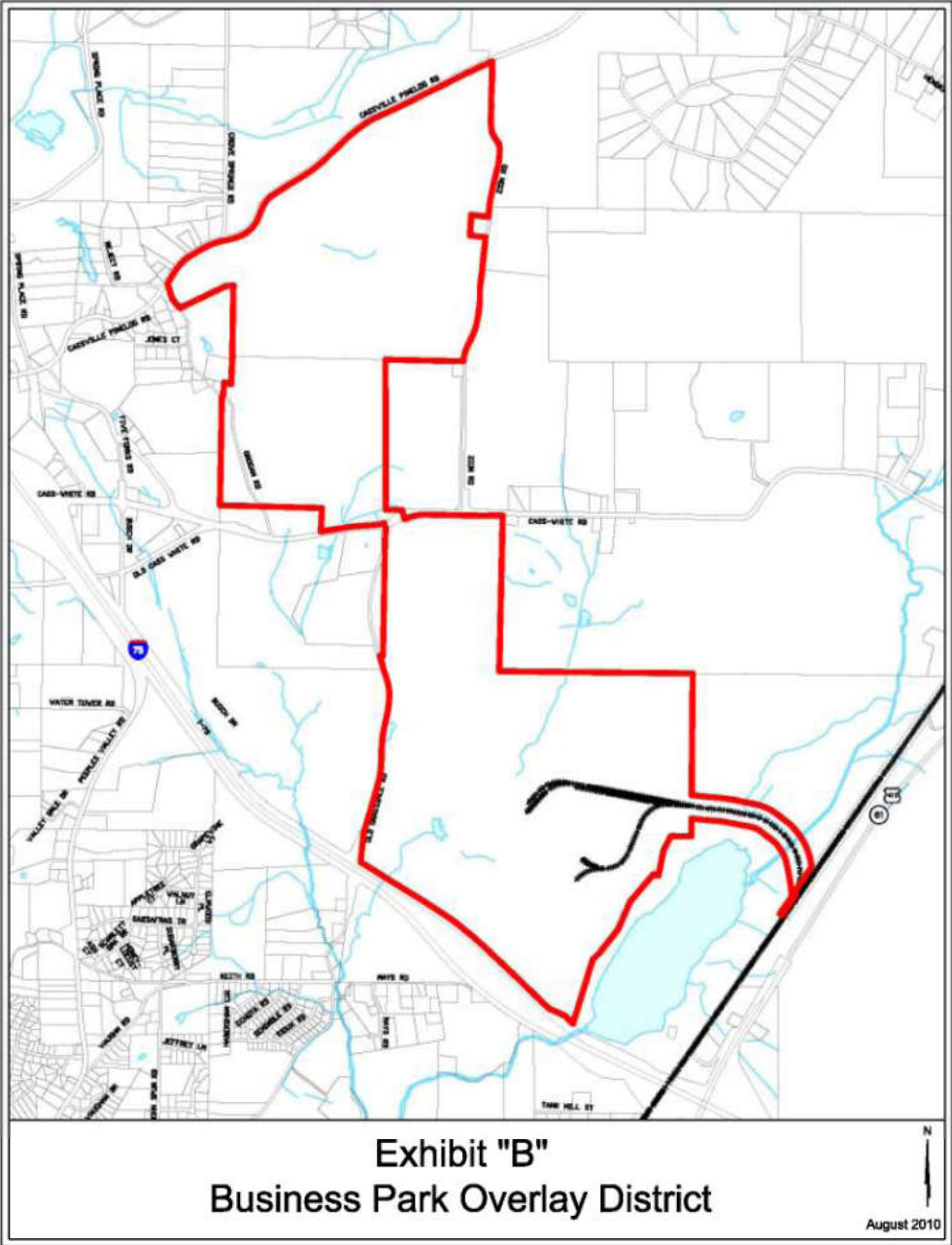
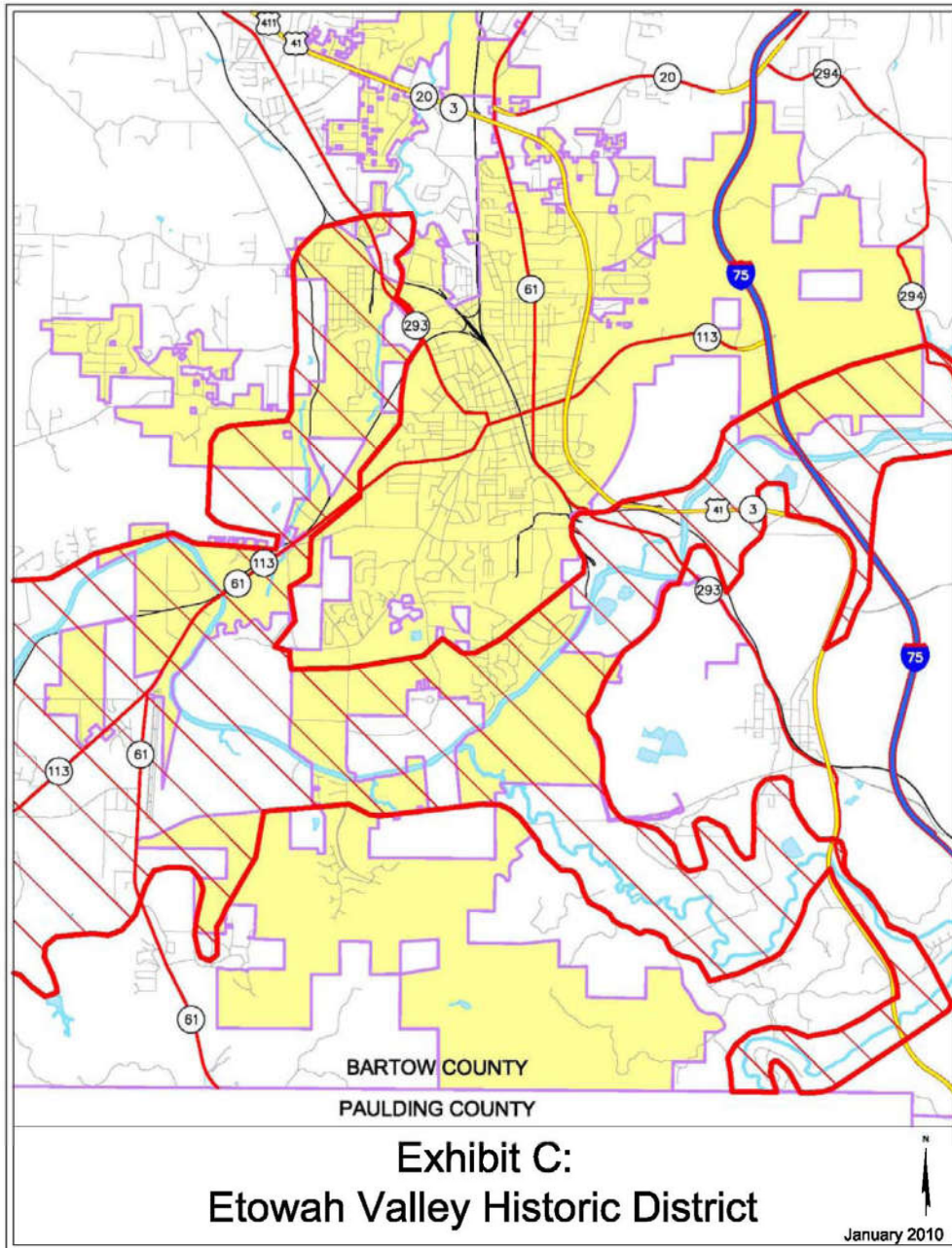


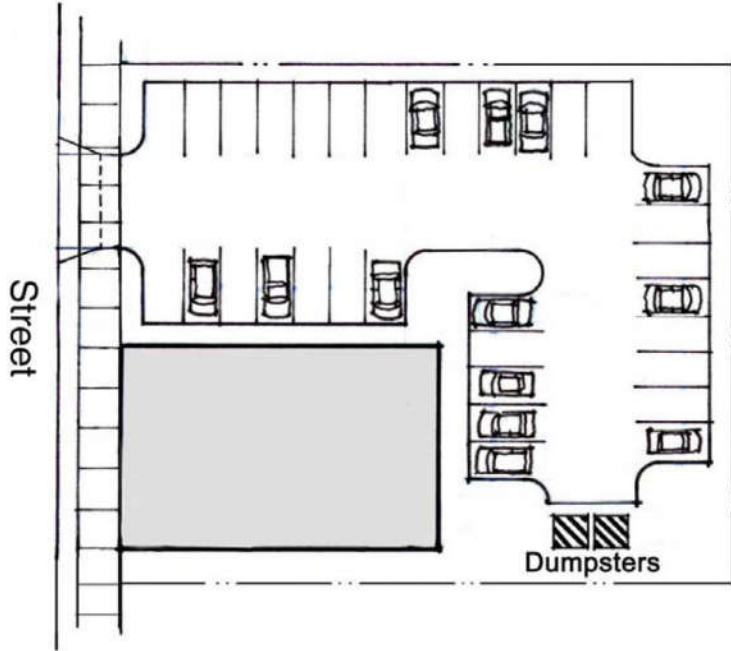
EXHIBIT B. - BUSINESS PARK OVERLAY DISTRICT (PORTION WITHIN CITY LIMITS)



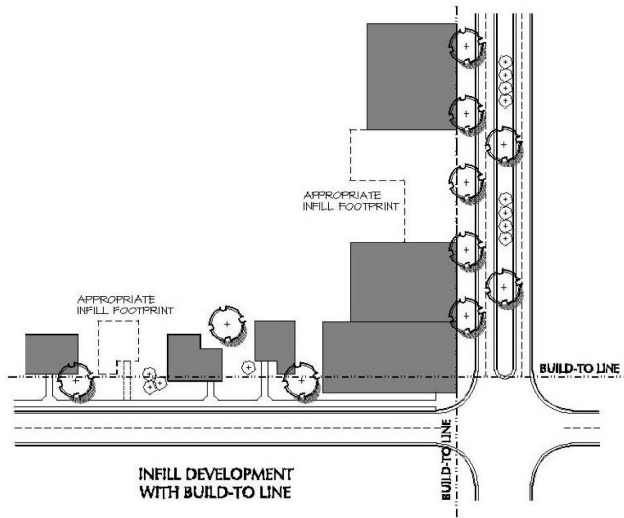


ARTICLE XXVI. - DESIGN EXAMPLES FOR ILLUSTRATION ONLY (courtesy Georgia Department of Community Affairs)

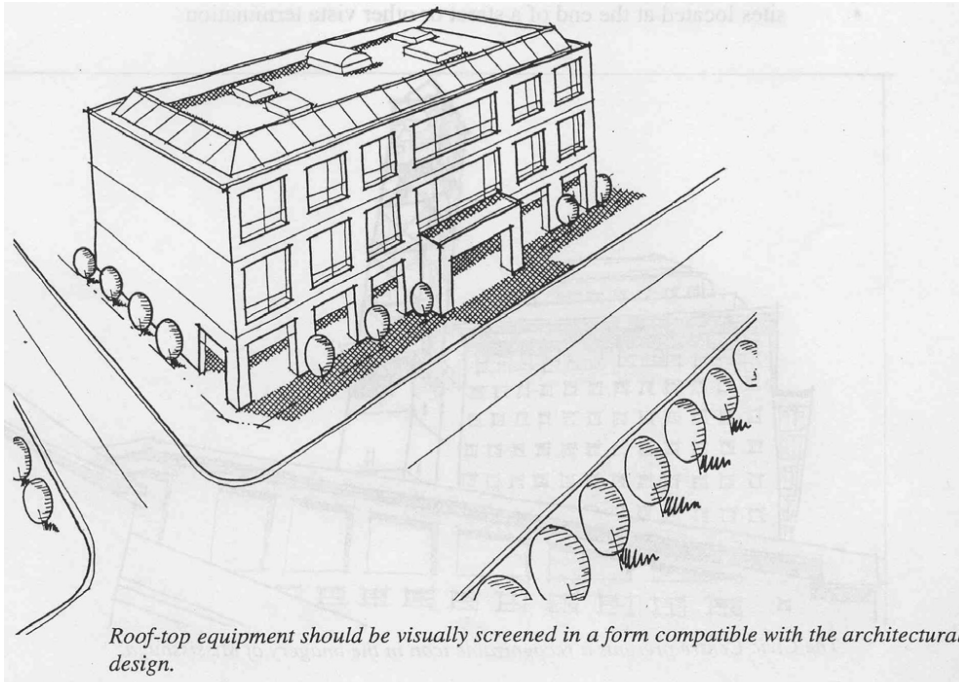




Commercial Building with side and rear parking, rear dumpster location



Infill Commercial Building Footprint

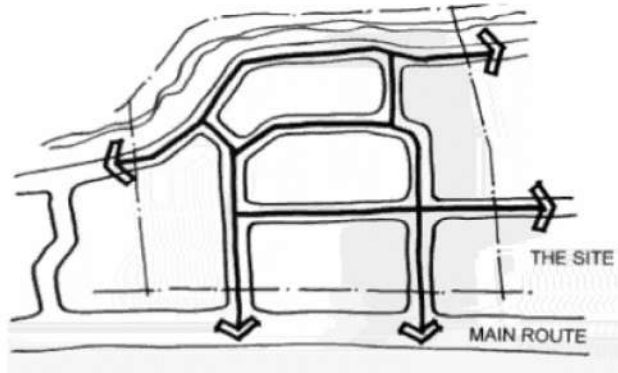


**Infill Commercial Storefront on small lot**

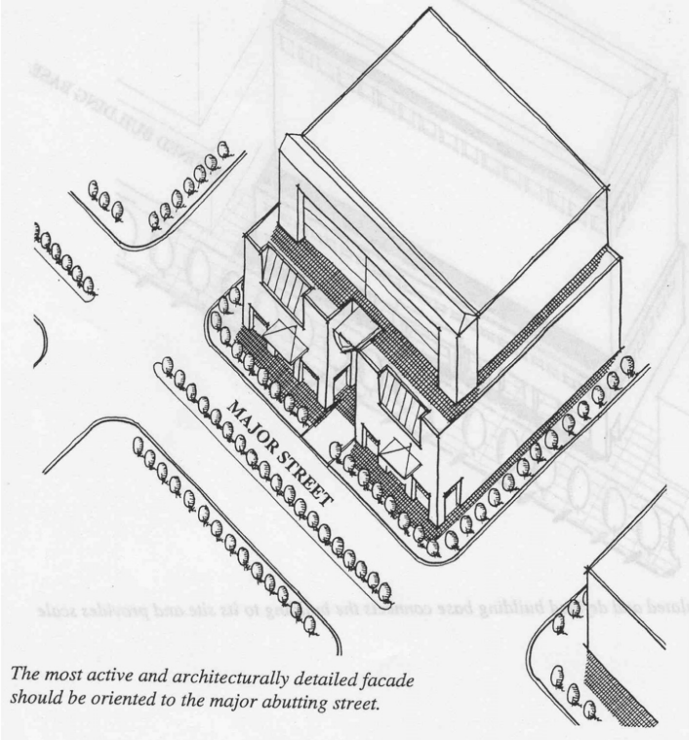




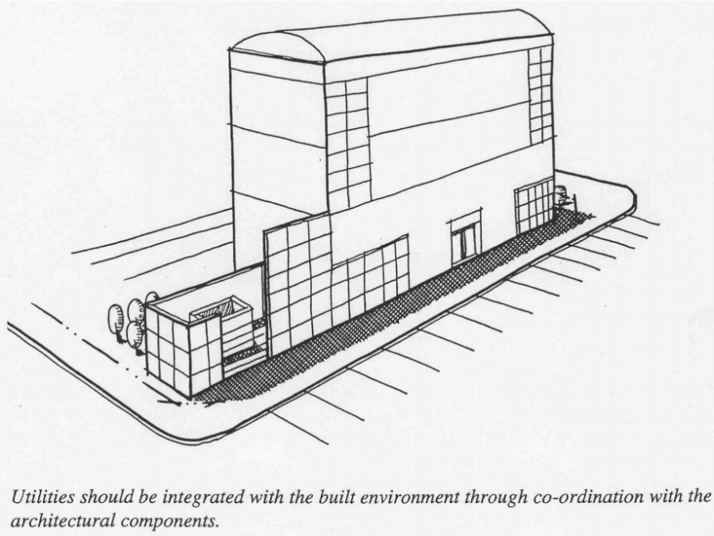
**Street Furniture in Plaza**



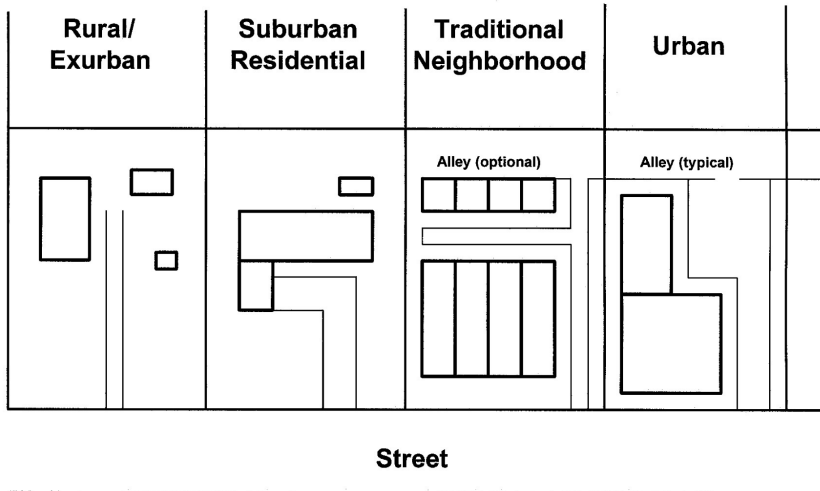
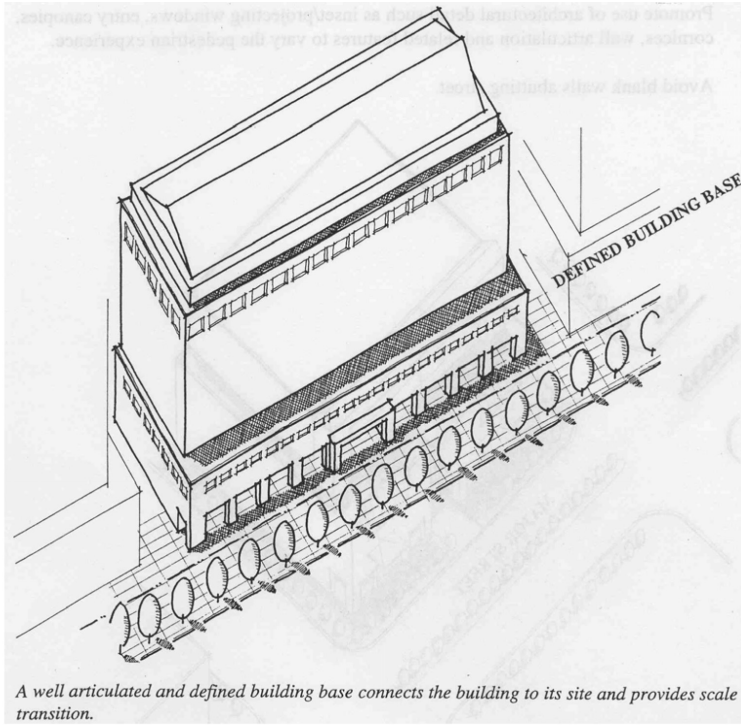
**Connectivity - the street layout within planned communities should provide as many direct links to adjacent sites and surrounding roads as practical.**



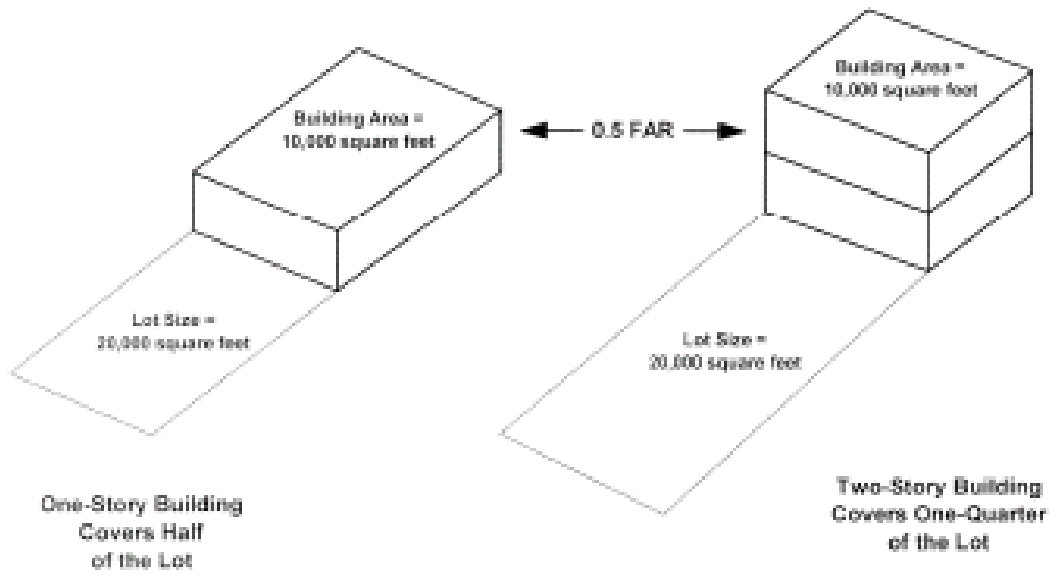
*The most active and architecturally detailed facade should be oriented to the major abutting street.*



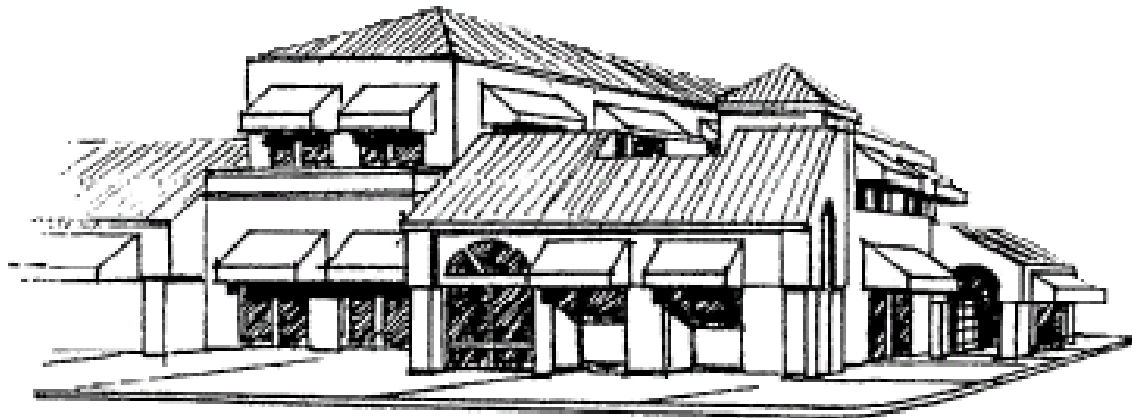
*Utilities should be integrated with the built environment through co-ordination with the architectural components.*



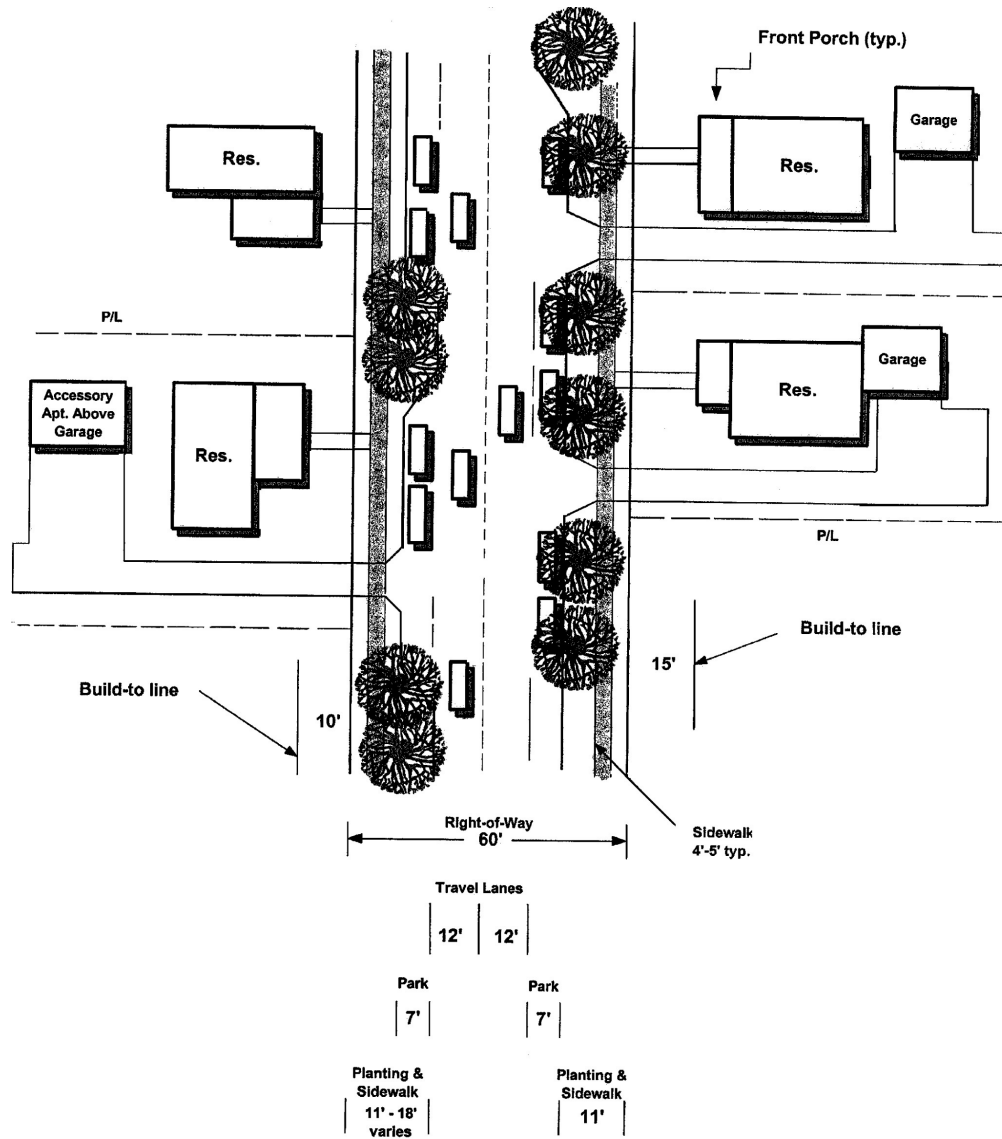
Lot layouts in various sections of a community.



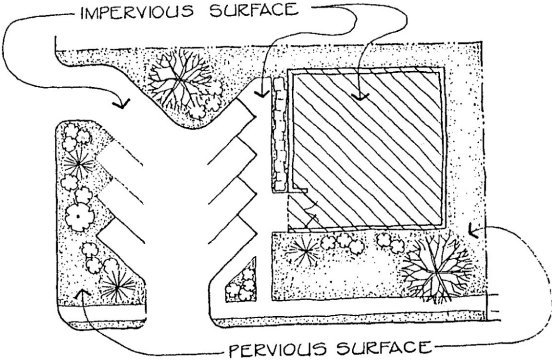
### Floor Area Ratio



**Rooflines:** Roof planes should be varied to increase visual interest, and awnings above windows and entrances also help to provide visual interest.



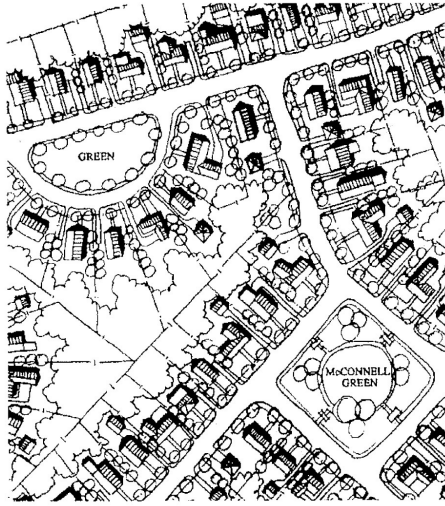
Traditional Neighborhood Development (TND) residential street



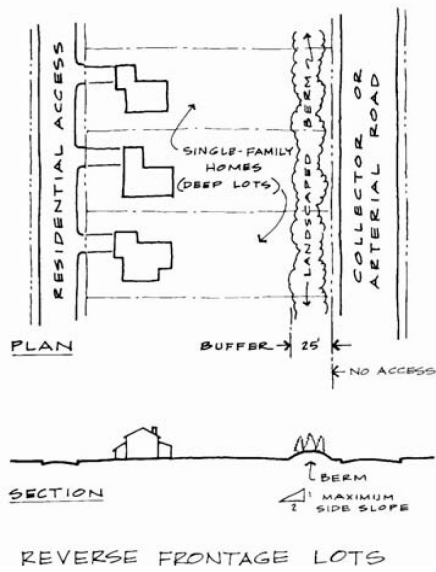
**Impervious and Pervious surfaces**



**Urban Area Greenspace**



**Greenspace in Traditional Neighborhood Developments (TNDs)**



**Reverse frontage single-family residential lots**