

Article VI (October 8, 2008) Bartow County Zoning Ordinance

SECTIONS OF ARTICLE VI, BARTOW COUNTY ZONING ORDINANCE

6.11.2 All property, whether residential, commercial or industrial, containing a grass lawn (for example fescue, rye, bluegrass, bermuda, zoysia or similar grasses), landscaping strips, or other landscaping must keep the grass cut to below 12 inches in height and prevent the growth of shrubbery, weeds or other landscaping to the point where any windows or doors in a structure are obscured or blocked. Grass fields grown for grazing or other agricultural purposes and sod farms shall be exempt, except that in no event shall the front and side yards of a residentially-used structure be exempt. Property owners may request an administrative variance from the Zoning Administrator for permission not to cut vacant or undeveloped lots in residential or commercial areas, or for other hardship circumstances.

6.11.3 Storage of lumber, dumpsters, shipping containers, wood pallets, pipe, concrete blocks, other construction material, or other commercial material, or any commercial inventory (including products for sale, use or repair in off-site businesses), or materials associated with a commercial operation, shall be prohibited on residentially zoned or residentially-used property, unless associated with or required by a permitted use on the property (including repair or construction of a structure that is itself a permitted use, e.g., construction of a single family residence on said property).

Sec. 6.12 JUNK, ABANDONED, INOPERABLE OR UNREGISTERED VEHICLES

6.12.1 No automobile, vehicle or trailer of any kind or type, without a valid license plate attached thereto, shall be parked or stand on any residentially zoned property or other zoned property unless it shall be in a completely enclosed building or on property properly zoned as a junk yard, except for such off-road vehicles which by law do not require a license plate, provided the same is in operating condition.

6.12.2 No automobile, vehicle or trailer of any kind or type, which shall be inoperative or in a junk condition, or abandoned, shall be parked or stand on any property unless:

(A) it shall be in an enclosed building;

(B) it shall be on the premises of a business enterprise operated in a lawful manner, when necessary to the operation of such business enterprise; or,

(C) it shall be on property lawfully occupied and used for repair, reconditioning or remodeling of vehicles in conformance with the Zoning Ordinance of Bartow County.

6.12.3 A vehicle in inoperative or junk condition shall include, but shall not be limited to, any automobile, vehicle, trailer of any kind or type, or contrivance, or a part thereof, the condition of which is one or more of the following: 1) wrecked; 2) dismantled; 3) partially dismantled; 4) inoperative; 5) abandoned; 6) discarded; 7) scrapped; or 8) does not have a valid license plate attached thereto.

6.12.4 Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under other provisions of law.

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6.12.5 This section shall not be the exclusive regulation of abandoned, discarded, dismantled, wrecked, scrapped, ruined or junk motor vehicles, or contrivances, within the unincorporated limits of the County, but shall be supplemental to and in addition to other regulations and ordinances of the County and statutes or provisions of law heretofore and hereinafter enacted by the County, State or other legal entity or agency having jurisdiction. See also, Sec. 6.11.

6.12.6 In all instances where the owner of any abandoned, inoperative, or junk motor vehicle and/or trailer cannot be determined, or when such vehicle is abandoned on public property or a non-owner's property, such junk or abandoned motor vehicle and/or trailer shall be removed under the authority and provisions of Chapter 40-11 of the Georgia Code Annotated. If on public property, such vehicle may be removed after five days; if on private property, it may be removed after 30 days.

6.12.7 In all instances where the owner of any junk, inoperative, unregistered, or abandoned motor vehicle and/or trailer refuses to remove, enclose or register (or, if requested, refuses to give consent for the county to remove) any such vehicle or trailer currently in violation of this Ordinance, the County shall be empowered to seek an order from superior court authorizing the County to remove and dispose of such vehicle or trailer. In addition, if the vehicle or trailer is determined to be a health hazard or a nuisance, the County shall be empowered to seek an order from superior court authorizing the County to remove and dispose of such vehicles. Such orders shall be authorized if the vehicle has been in violation of this Ordinance for more than 20 days.

6.12.8 For purposes of repair or restoration, one inoperable and unregistered vehicle may be kept in the rear yard of a property, provided it is not visible from the street, is screened from all neighbors by a privacy fence in the rear yard, and is repaired or restored, removed, or placed in a fully enclosed building, within six months. Such vehicle shall not be stored in any side yard or any setback or buffer area.

Sec. 6.13 STORAGE OF TIRES

The storage of new or used tires on any 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.

Sec. 6.14 SALE OF AUTOS AND VEHICLES

In a residential zoning district or residentially-used area, sales of autos and other vehicles from such property shall be limited to no more than six vehicles per year. No more than two such vehicles shall be parked in the front yard of any property at any one time. Any greater number of sales or vehicles displayed for sale shall constitute a commercial operation, which shall only be permitted in the C-1 commercial zoning district.

Sec. 6.15 SWIMMING POOLS

Swimming pools are permitted as accessory uses in residential zoning districts. Swimming pools are only permitted to be located in the side or rear yards of a property. All portions of a swimming pool (including the pool itself; any recirculation pumps, sumps, heaters, filtration or treatment systems, chemical tanks, or pool-related machinery) shall be setback at least ten feet from the side and rear property lines. Swimming pools shall further comply with applicable Board of Health regulations, and the Bartow County Building Code Ordinance.

CODE ENFORCEMENT DIVISION

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Bartow County Contact Info

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SECTIONS OF ARTICLE VI, BARTOW COUNTY ZONING ORDINANCE

Sec. 6.2 OPERATION OF BUSINESS FROM RESIDENTIAL DISTRICT PROHIBITED

Unless specifically permitted as a use under the applicable provision of Article VII, no business or commercial enterprise may operate in a residentially zoned district, including A-1 and any R district. Operation of a business or commercial enterprise shall include, but not be limited to, such activities as: having employees report to work at the property; storing commercial vehicles at the property; parking commercial vehicles at the property (other than as specifically permitted by Sec. 6.8); conducting any manufacturing or assembly at the property; retail or wholesale sales of any sort; providing any service, maintenance or repair at the property (other than permitted home occupations); and storage of any materials, supplies, products, or components at the property. Home offices and home occupations are permitted as shown in Sec. 6.3 and 6.4.

Sec. 6.3 HOME OFFICES

Home offices are permitted in any home, allowing the occupant to work from home, or to manage a business licensed as a "mobile business." No customers, suppliers or vendors shall be permitted at a home office. Employees are not permitted to report to work, receive assignments, or pick up vehicles at a home office. No non-resident of the home may work in the home office (i.e., no outside employees may work in the office). See also Sec. 6.2. Home occupations are permitted as stated in Section 6.4.

Sec. 6.4 HOME OCCUPATIONS

Home Occupations are permitted in zoning districts as listed in Article VII. No home occupation shall occupy more than thirty (30) percent of the heated floor space of the principal use building. No separate building or structure may be constructed to house a home occupation. A home occupation must be a use that is clearly incidental and secondary to the use of the dwelling as a residence and that does not change the character thereof or reveal from the exterior that the dwelling is being used in part for other than a residence. No non-resident of the home may work in the home occupation (i.e., no non-resident employees). 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. Such permissible occupations include, in general, such personal services such as are furnished by a musician, artist, seamstress, cook, or laundress, consultant, telecommuter, or other occupation which does not generate non-residential traffic nor has non-occupant employees, but shall not include such uses as barbershops, beauty parlors, tea rooms, animal hospitals, animal grooming, or a wholesale, retail or manufacturing business. No signs related to the home occupation are allowed.

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Sec. 6.5 RESIDENTIAL LIVING ONLY PERMITTED IN PERMANENT STRUCTURES

No lot may be used for temporary or permanent residential living quarters unless a permanent dwelling unit has been lawfully erected on the lot, pursuant to the provisions of this Ordinance and applicable building and safety codes. Indications that a property is being used as temporary or permanent residential living quarters include actions such as spending significant time at the location on more than one day, repeated eating and sleeping at the location, and performing other life activities at the location repeatedly.

Tents, boats, RVs and others structures that are not permitted permanent dwelling units cannot be occupied either on a permanent or temporary basis on a residential lot, except that tents may be occupied for no more than three days in any two-month period when erected in the rear yard of a permanent dwelling unit.

Sec. 6.6 OCCUPANCY OF RECREATIONAL VEHICLES

No recreational vehicle shall otherwise be occupied as a temporary or permanent residential living quarters except in conformance with this Section or the provisions of the Bartow County Campground Standards Ordinance.

Recreational vehicles can be occupied as temporary dwellings as a temporary accessory use, for no more than ten days in any two month period, only if there is a permanent dwelling unit as a principal use on the lot, and only if the vehicle is parked in conformance with this Ordinance. No more than one recreational vehicle can be so occupied on the same lot.

Sec. 6.7 RECREATIONAL VEHICLE PARKING

Recreational vehicles parked in any residential zone or residentially-used area shall not be permitted to be parked in any required set-back or buffer area, nor in any front-yard area. Recreational vehicles on residential property shall only be parked in the side or rear yard, within setbacks, although the Zoning Administrator may administratively vary this requirement if there is not sufficient room in or access to the rear or side yards. No more than two recreational vehicles shall be parked on any single residential lot.

Sec. 6.8 COMMERCIAL VEHICLE PARKING

6.8.1 No more than two commercial vehicles (trailers counted separately if separated from a tractor) shall be parked on any single residential lot, or on any lot in any residentially zoned lot, including A-1 or any R district. 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.

6.8.2 On A-1 zoned property of over five acres that contains a working agricultural business, commercial vehicles related to such business may be parked.

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6.8.3 Commercial vehicles parked in any residential zone (including A-1) or residentially-used area shall not be permitted to be parked in any required set-back or buffer area. Commercial vehicles on any lot under five acres must be parked in the side or rear yard area. The Zoning Administrator shall be permitted to grant a hardship administrative variance to allow parking in a setback or front yard if no other room exists.

6.8.4 The Zoning Administrator shall be permitted to grant a hardship administrative variance to allow up to four commercial vehicles to park on one lot (for example, if four family members living there each drive a commercial vehicle home from work), but in no circumstance shall such variance be used to permit employees to report to a residential structure on a daily basis to pick up commercial vehicles for the company's operation.

Sec. 6.9 USE OF VEHICLE OR TRAILERS FOR STORAGE PROHIBITED

Neither vehicles (whether operable or inoperable) nor trailers (whether on or off their axels) 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. However, tractor-trailer rigs and trailers may be used for temporary storage on property zoned C-1, I-1, I-2 or M-1, only by businesses operating on the same property. Temporary storage means no particular trailer may remain longer than three months.

Sec. 6.10 OUTSIDE SALES, YARD SALES, OPEN AIR MARKETS

Outside sales are not permitted on any residentially-zoned or -used lot, except as provided in this section. 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 72 hours. Flea markets, (i.e., where vendors other than the property owner sell goods), are not permitted in any zoning district in the County.

Sec. 6.11 APPEARANCE OF PROPERTY

In order to preserve the aesthetic beauty of Bartow County, and protect against nuisances, hazards, vermin and odor, among other hazards, and to preserve the property values of surrounding property, all property in Bartow County shall be required to comply with the following provisions:

6.11.1 All property (other than where explicitly permitted, such as a junk yard or salvage yard) must be free of the following: scrap metal; junked, inoperative or broken appliances (including engines and vehicles or parts of vehicles); junked, inoperative or broken equipment (such as lawn mowers, bicycles, machines); construction or demolition debris; other waste, garbage or refuse such as old tires, discarded carpet, discarded household furniture, bottles, cans, or similar; stumps, branches, dirt, and other debris from land disturbance and grading (except incident to a permit under the Bartow County Soil Erosion and Sedimentation Ordinance for the subject property and/or pursuant to lawful construction on the subject property); and household trash (except in a trash container). Such items may be kept in a enclosed building or enclosed garage erected pursuant to a building permit or otherwise lawfully permitted, but may not be kept in the open.

NOTE: SECTION 7.1

LIVESTOCK IS NOT PERMITTED IN ANY DISTRICT OTHER THAN A-1
AND LIMITED IN RE-1 AND RE-2 ZONES.