
WHEREAS, Bartow County has had zoning in place for many years, and has most recently readopted the Zoning Ordinance on September 11, 2019, and amended it thereafter; and

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

WHEREAS, the Planning Commission considered the proposed amendment at its public meeting on September 14, 2020; and

WHEREAS, the Commissioner has determined that the proposed amendment to the Zoning Ordinance serves such purposes and benefits the public health, safety and welfare;

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

I. Article VII, Section 7.14 is amended by adding the following subsection:

7.14.8 Application requirements. Any application for rezoning to the M-1 district must be accompanied by the following:

a) A detailed site plan; at a minimum, the site plan shall indicate the following: proposed location of phased mining operations; proposed locations or disposition of topsoil, overburden, and by-products, on- or off-site.

b) A letter of intent including, but not limited to, an operations plan describing the date proposed for the commencement of operations, expected durations, and proposed hours and days of operation. Said letter shall also describe the nature of mining operations, method(s) of extraction, and equipment and materials (e.g., explosives) to be used. Operations shall not be permitted on Sundays and holidays, nor will they be permitted within the hours of 7:00 p.m. and 7:00 a.m. on any day. The letter of intent and any actions stipulated to or reasonably implied from the language of the letter of intent shall become conditions of approval, if the rezoning application is approved, unless otherwise specified by action of the Commissioner.
c) Written evidence by a geologist or other competent professional qualified to make such a judgment that the site to be rezoned M-1 contains a mineral resource area or other valuable surface or subsurface substances that can be economically mined.

d) An impact statement prepared by a qualified professional that addresses the impact of the proposed mining operation on abutting and nearby buildings, uses, and properties. The impact statement shall address external effects likely to exist if said use is established, including but not limited to: electromagnetic interference, noise, vibration, fumes, odors, dust and air particulates, illumination, truck traffic, and water table protection. The impact statement shall recommend specific measures to mitigate such impacts and provisions for monitoring and enforcing mitigation measures, and the recommendations of the impact statement shall be considered conditions of approval, if the rezoning application is approved, unless otherwise specified by action of the Commissioner.

All other Ordinances and Resolutions, or parts of said Ordinances or resolutions, in conflict herewith are hereby repealed, except to the extent said Ordinances are more restrictive than this Ordinance.

SO ADOPTED this 16th day of September, 2020, to be effective immediately, the public health, safety, and general welfare demanding.

ATTEST:                                          BARTOW COUNTY, GEORGIA

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Kathy Gill, Clerk                           Steve Taylor, Commissioner