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<td>11-9-2005</td>
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<td>9-10-2008</td>
<td>Secs 4.2.5, 4.3.11, 4.4.11, 4.5.15, 4.5.16, 4.6.15</td>
<td>Amended Sections 4.2.5 Surety requirements, 4.3.11 Warranty and Maintenance Period, 4.4.11 Warranty and Maintenance Period, 4.5.15 Deed of Dedication, Added Section 4.5.16 Warranty and Maintenance Period; Requirements, Added 4.6.15</td>
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Development Regulations Codified – Article and Section numbers changed as a result

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<td>5-6-2009</td>
<td>Sec 5.62, 5.63</td>
<td>Amended Section 5.62 Off-street Parking Areas, deleted Section 5.63 Off-street load and unloading space and added Section 5.63 Landscape requirements for non-residential development</td>
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<td>9-12-2012</td>
<td>Sec 5.35</td>
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<td>9-11-2013</td>
<td>5.106</td>
<td>Added Section 5.106 Nuisance Abatement</td>
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<td>04-15-2015</td>
<td>Article I, II, III, IV, 5.1, 5.2, 5.3, 5.4, 5.26, 5.27, 5.28(a), 5.28(b), 5.28(d), 5.70-5.77</td>
<td>Complete rewrite of these articles Deleting these article 5 sections and incorporated throughout Articles I-IV Added this section for Campgrounds previously Article III</td>
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<td>5-11-2016</td>
<td>Article III, 3.3, 3.22, 3.26, 3.27, 3.28, Article V Division 2, 5.28, 5.29, 5.30, 5.33, 5.34, 5.35, 5.63, 5.68, 5.69</td>
<td>Added 3.3(1) (A) and 3.22 (3) (A) Added new sections 3.26, 3.27, 3.28 Changed Title to Technical Standards Changed Title to Streets and Drainage Amended 5.28(h) Amended 5.29 in its entirety Amended section 5.30 in its entirety Deleted sections 5.33, 5.34, 5.35 Amended 5.63 (d) (3) and (4) Amended 5.68 (a) (b) (c) and (d) in their entirety Amended 5.69 (a) (d) and (e) in their entirety and added (f) and (g)</td>
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Appendix B - DEVELOPMENT REGULATIONS

ARTICLE I. - IN GENERAL

Sec 1.1. – Introduction.

This document illustrates the continued commitment on behalf of the Bartow County Commissioner to encourage quality growth and development in Bartow County. All operating Departments in the development plan review process work together to produce this document. This document has been created, revised and otherwise set forth as a tool for communication between the County and professional contractors, engineers, architects, developers, planners, builders, and other agents for development. To that end, these Regulations are a compilation of the accepted procedures, plan requirements, and approval criteria in the area of land use and site development.

(Ord. of 4-15-2015)

Sec 1.2. – Title.

These Regulations shall be known and may be cited as “The Development Regulations of Bartow County, Georgia,” and may be referred to generally as “The Development Regulations” or, as used herein, “these Regulations.”

(Ord. of 4-15-2015)

Sec 1.3. – Purposes.

It is the purpose of these Development Regulations to promote the public health, safety and welfare of the citizens of Bartow County and visitors thereto. To these ends, these regulations are intended to achieve, and is enacted for, the following purposes:

(1) To guide and regulate developments and subdivisions in Bartow County, in order to promote the general welfare of the County and residents and users of such developments and subdivisions;

(2) To provide standards for road and street construction, and subdivision design, to create orderly traffic flow and serve the public health, safety and welfare, and to prevent congestion;

(3) To provide for the control of stormwater and other negative impacts resulting from developments, and to protect from flooding and flood hazards;

(4) To promote, in the public interest, the wise utilization of land;

(5) To provide for adequate light, air, convenience of access, and safety;

(6) To facilitate the creation of a convenient, attractive and harmonious community;

(7) To expedite the provision of adequate police and fire protection and other public services; and

(8) To provide for protection of the constitutional rights and obligations of all citizens within the county.

(9) To streamline the Construction Plan review process by providing clear lines of communication and direction to staff.
(10) Provide a system for the subdividing of lands and the accurate recording of land titles.

(11) Provide assurance that those lots shown on recorded subdivision plats are usable by the purchasers for their intended and permitted functions.

(12) Assure equitable, efficient and detailed review of all residential and non-residential construction plans by providing uniform Development Regulations for the development and subsequent construction of structures, buildings, or other improvements of any land within unincorporated Bartow County.

(Ord. of 4-15-2015)

Sec 1.4. – Authority.

These development regulations are adopted and certified by the Bartow County Commissioner under the authority of the Constitution of the State of Georgia (1983) and the Official Code of Georgia enacted pursuant to such authority.

(1) These regulations shall govern the subdivision and development of land in unincorporated Bartow County, Georgia, pursuant to Georgia law and the authority of the Bartow County Commissioner.

(2) Any development or subdivision of land must comply with any and all provisions of these Regulations, the Bartow County Zoning Ordinance, and any other adopted rules and regulations of Bartow County.

(3) For the purposes of these regulations, any division of a tract or parcel of land into three or more lots, building sites, or other divisions, and any development of land involving a new street or a change in existing streets must comply with all applicable provisions contained herein.

(4) These Development Regulations incorporate by reference the Bartow County Development Checklist, 2015 edition, which may be amended from time to time by the authority of the Community Development Director.

(Ord. of 4-15-2015)

Sec 1.5. - Interpretation and Intent.

For the interpretation and application of the Development Regulations, all provisions shall be:

(1) Considered as minimum requirements for the promotion of public health, safety, and general welfare.

(2) Deemed neither to limit nor repeal any other powers granted under federal and state statutes.

(3) The intent of these Regulations is that they apply to and provide guidance for the development of any lands within the unincorporated areas of Bartow County, or any other areas over which the Bartow County Commissioner has authority pertaining to land development.

(4) These Regulations apply to all land disturbing activity and development activity, whether the development involves the subdivision of land for sale to individual users or pertains only to the construction of buildings or other improvements on a single parcel.

(5) These Regulations are intended to address these important needs:

(A.) Increased demand for development criteria in response to an ever-increasing environmental awareness.
(B.) Improved communication and coordination among County agencies and departments.
(C.) Improved efficiency and better service to the development community.

(Ord. of 4-15-2015)

Sec 1.6. - Conflict with Other Regulations.

Whenever these Development Regulations impose other more restrictive standards than are required in or under any other ordinance or statute, the regulations and requirements of these Development Regulations shall govern. Whenever the provisions of any other statute or ordinance require more restrictive standards than are required by these Development Regulations, the provisions of such statute or ordinance shall govern.

(Ord. of 4-15-2015)

Sec 1.7. – Separability.

The provisions of these regulations are separable. If a sentence, section, subsection or provision of these regulations, or the application of a provision of these regulations, be declared unconstitutional or invalid, such declaration shall not affect or impair the validity of the remaining portions of these regulations or the regulations as a whole, other than the part so declared unconstitutional or invalid.

(Ord. of 4-15-2015)

Sec 1.8. - These Regulations Not Zoning.

These Development Regulations are not a zoning ordinance, but any proposed developer or subdivider is advised to ensure that the proposed development or subdivision is in compliance with the requirements of the Bartow County Zoning Ordinance (Appendix A).

(Ord. of 4-15-2015)

Sec 1.9. – Exemptions.

The following types of developments are required to submit only a final plat for approval by the Development Review Committee:

(1) Any combination or recombination of previously platted lots where the total number of lots is not increased and the resultant lots all meet the Development Standards of Bartow County.

(2) Any division of land for the purposes of legacy, which is defined as a transaction between immediate family members (parents, children, grandparents, grandchildren, great grandparents, great grandchildren), as approved by the County Engineer.

(3) Certain developments may be exempt from these requirements if the project area being developed is comprised of less than one (1.0) acres and/or is not located within two hundred (200’) feet of any State Waters. The County Engineer may require site plans or construction plans if it is determined that the proposed facility will have a negative site impact, or are electrical substations, telecommunication towers, water and sewer pumping stations, and/or other similar facilities.

(4) Clearly agricultural uses, limited to the cultivation of the land, dairying or animal husbandry, are not intended to be governed by these Regulations, provided that land proposed to be converted to a new agricultural use must be zoned A-1 to be exempt from the provisions herein.
Sec. 1.10. - Amendments and Revisions.

These Regulations may be amended from time-to-time by resolution of the Bartow County Commissioner. Such amendments shall be effective as of their date of adoption unless otherwise stated in the adopting resolution. Any subdivision or other development project for which a valid and complete application for a Development Permit shall have been received prior to the adoption of an amendment to these Regulations may, at the developer's option, proceed to completion and building permits may be issued as though no amendment had been approved, provided that the Development Permit is or can be issued within 90 calendar days of said amendment and all time frames associated with said permit are observed.

Sec. 1.11. - Existing Permits.

Any project for which an active Development Permit application exists prior to the adoption of an amendment to these Regulations may, at the developer's option, proceed to completion and building permits may be issued as though no amendment had been approved. Variances and modifications in accordance with these regulations shall be granted as necessary and appropriate where full compliance is not feasible or cannot reasonably be achieved because of the stage of development, limitations imposed by the site, or design parameters. No amendment to these Regulations shall be construed to affect the validity of any Development Permit or building permit lawfully issued prior to the adoption of said amendment.

Sec. 1.12. - Subdivision and Development of Property.

(1) Subdivision of Three or More Lots. These Regulations shall govern all subdivision of land into three or more individual parcels or lots, within the unincorporated limits of Bartow County, Georgia, or any other areas over which the Bartow County Commissioner has authority pertaining to land development.

(2) Development. These Regulations shall also govern all new residential and non-residential development and shall include redevelopment of existing development. It shall include the construction of any commercial, industrial, multi-family or office building or structure, even if on a single lot, and shall include the construction of a manufactured home park.

(3) Pre-Application Review. Whenever a subdivision or development is proposed, the owner/developer will consult with the Bartow County Development Review Committee. The owner/developer will submit concept plans and data showing existing conditions within the site and its vicinity and the proposed development layout of the subdivision.

(4) Approvals. The Development Review Committee shall approve all preliminary plats and construction plans in accordance with these Regulations.

(5) Time Limits on Preliminary Plat and Construction Plan Approval. Preliminary plats shall be good for a period of one year after Development Review Committee approval. Within that year construction plans must be submitted and approved. Construction of the project must begin within one year of construction plan approval. If these time limits are exceeded, the project shall be void and subject to re-application.
(6) Construction of Phased Developments. Developers shall be responsible for damages and maintenance of previously accepted streets. When construction traffic of new phases/developments impact severely on existing county streets, as determined by the Bartow County Community Development Department, and the developer fails to take necessary corrective action, the developer’s maintenance bond may be used for these off site repairs and maintenance.

(7) Status of Platted Streets and Other Public Spaces and Utilities. After final approval by the Development Review Committee and the completion of all improvements required by these Regulations and the expiration of the required maintenance bond period, the owner/developer may request the County to accept platted streets and other public spaces and utilities by preparing deeds to be reviewed by the Community Development Department fully describing the streets and infrastructure to be accepted by resolution of the Bartow County Commissioner.

(8) Priority of Health Department. Nothing contained in these Regulations shall be construed as preventing the Health Department, after study of the conditions existing in a proposed subdivision, from requiring that all or any portion of the area of such subdivision shall not be built upon or that the minimum lot sizes set forth in these Regulations are inadequate and must be increased to insure the protection of public health.

(Ord. of 4-15-2015)

Sec. 1.13. - Subdivision Lot Criteria.

(1) Jurisdictional Boundary Lines. Lots shall not be divided by corporate or county boundary lines.

(2) Corner Lots. Corner lots for residential development shall have driveways on only one street.

(3) Double Frontage. For double frontage lots (i.e., lots having street frontage both in front and rear) in residential subdivisions along major thoroughfares, a no-access easement of at least ten (10) feet in width, across which there shall be no right of access, shall be provided along the line of lots abutting said major thoroughfare. The no-access easement shall be planted with a single line of shrubs or trees, or contain a solid or decorative fence, or contain other such screening treatment as may be proposed by the developer and approved by the Development Review Committee. For double frontage lots in subdivisions along minor collectors or local streets, there shall also be a no-access easement as described above, except that any planting or screening of the no-access easement shall be at the sole option of the developer.

(4) Lot Lines. Insofar as practical, side lot lines shall be at right angles to straight street lines and radial to curved street line.

(5) Minimum Lot Dimensions and Area. The minimum lot width at the front building line and minimum lot area shall be in accordance with the Bartow County Zoning Ordinance.

(6) Street Access. Every lot hereafter established shall front or abut on a street which is to be dedicated to the public and conforms to the requirements of these Regulations, unless on an approved driveway easement or as otherwise approved by the Development Review Committee. Generally, lots shall not derive access exclusively from any street designated as an arterial or collector street on the Roadway Classification Map. If access must be obtained from an arterial or collector street, single family residential driveways shall be designed and arranged to avoid requiring vehicles to back into traffic. Multiple family residential driveways and drives serving all nonresidential land uses shall be designed and arranged to avoid requiring vehicles to back into traffic on all streets. A maximum of 150 residential dwelling units shall be allowed to be constructed with only one street outlet on an existing public street. If a second access to an existing public street is not available or, in the opinion of the Development Review Committee, could induce non-residential traffic through the development,
a single entrance may be allowed if designed to accommodate a traffic signal and/or sufficient right-of-way and improvements to provide a protected left-turn lane, subject to the approval of the Bartow County Community Development Department.

(Ord. of 4-15-2015)

Sec. 1.14. - Effective Date.

These development regulations shall take effect and be in force immediately upon approval by resolution of the Bartow County Commissioner during a public hearing. Revisions to these development regulations shall be effective immediately and apply to all development activities received for review by the Bartow County Development Review Committee on or after this date. Projects received for review prior to such revisions shall satisfy the development regulation criteria in place at the time the documents were initially submitted and/or approved. This ordinance replaces those sections herein revised in their entirety the previous Bartow County Development Regulations as amended, except to the extent the provision of those Regulations remain in effect for existing construction and projects under review prior to the effective date of these regulations.  The provisions of those Regulations shall remain in effect and be incorporated herein for such existing construction, subdivisions, structures and developments not subject to this Ordinance.

(Ord. of 4-15-2015)

ARTICLE II. – DEFINITIONS

Sec. 2.1. - Interpretation of Certain Words and Phrases

Except as specifically described herein, all words shall have the customary dictionary meaning. Engineering terms of art and concepts, if not specifically defined herein, shall carry their customary meaning within the engineering profession. For the purpose of interpreting these Regulations, certain words or terms used herein shall be defined as follows: Words used in the present tense include the future tense. Words used in the singular number include the plural, and words used in the plural include the singular. The word “person” includes a firm, association, organization, partnership, corporation, trust, and company as well as an individual. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designated to be used or occupied. The word “lot” includes the word “plot” or “parcel.” The word “shall” is always mandatory. 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.” Doubt as to the precise meaning of any word used in these regulations shall be clarified by the Community Development Director or his designee.

(Ord. of 4-15-2015)

Sec. 2.2. - Definitions of Words and Phrases

ALLEY or SERVICE DRIVE: A minor, permanent way, public or private, used primarily for vehicular service access to the back or side for properties otherwise abutting a street and which affords only a secondary means of access to abutting property, and is not intended for general traffic

AASHTO Standards: Standards set forth by the American Association of State Highway Transportation Officials

AVERAGE DAILY TRIPS (ADT): The total number of vehicle movements both entering and exiting the designated study site on an average weekday. ADT for various land uses will be determined using the most current edition of the Institute of Transportation Engineers’ (ITE) Trip Generation Manual.
APPLICANT: A person, either the owner or the bona fide representative of the owner of land or structures governed by these Regulations, who seeks authority to use, develop, construct upon or otherwise enjoy the use of property through any of these procedures established under these Regulations.

ARTERIAL: A Principal Arterial or Minor Arterial street as defined and designated in the Comprehensive Plan of Bartow County and in the Functional Roadway Classification Map of Bartow County.

“AS-BUILT” SURVEY: See Record Drawings.

BARTOW COUNTY DEVELOPMENT CHECKLIST: A separate publication available from the Community Development Director that is incorporated herein by reference, and contains additional detailed development standards and procedures.

BARTOW COUNTY SITE AND UTILITY DETAILS FOR DEVELOPMENT: A separate publication available from the Community Development Department that is incorporated herein by reference, and contains additional detailed standards relating to site and utility design.

BEST MANAGEMENT PRACTICE (BMP): A collection of structural measures and protective vegetative practices properly designed, installed and maintained in accordance with the hydraulic design specifications contained in the Manual for Erosion and Sediment Control in Georgia, latest edition, incorporated herein by reference.

BOARD OF APPEALS: The Board established by the Bartow County Zoning Ordinance to hear appeals of interpretations of the Community Development Director and to hear applications for variances from the requirements of these regulations.

BREAKAWAY WALL: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

BUFFER (FOR EROSION/SEDIMENTATION CONTROL PURPOSES: An area along the course of any state waters to be maintained in an undisturbed and natural condition.

BUFFER (GENERAL): A barrier that is created by the 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 use or property from another so as to visually shield or block noise, lights and/or dissimilar uses.

BUILDABLE LOT OF RECORD: A lot or parcel of land that existed as a single parcel of ownership, recorded as such in its entirety and present boundaries with the Clerk to Superior Court prior to September 31, 1993, or which is shown in its entirety and present boundaries on a Final Plat or Exemption Plat duly approved under in accordance with Zoning Ordinance, providing for the subdivision of land in Bartow County and recorded with the Clerk to Superior Court of Bartow County.

BUILDING: Any structure intended for shelter, housing, or enclosure of persons, animals, chattels or property, and usually having a roof supported by columns or by walls.

BUILDING LINE: A line established by the Georgia Plat Act beyond which a building shall not extend, as determined by the front, side and rear yard setbacks.

CERTIFICATE OF OCCUPANCY (C.O.): Final approval by the Chief Building Official for the use or occupancy of a structure for which a Building Permit was issued.

CLEARING: The removal of trees or other vegetation, but not including grubbing activities.
COMMUNITY DEVELOPMENT DEPARTMENT: A department of the Bartow County government comprised of the Building Inspections Division, Engineering Division, Transportation Planning Division (MPO) and the Zoning Division, that has the primary responsibility for overseeing physical land development in the County and carrying out the terms of these Regulations.

COMPREHENSIVE PLAN: A plan summarizing and illustrating the adopted goals and objectives of the Commissioner regarding the future location and character of anticipated land uses, transportation, and other public facilities in Bartow County. The term "Comprehensive Plan" includes component or functional plans for the County, including but not limited to a plan for land use (i.e., Land Use Plan) or a plan for transportation facilities, and includes the classification of streets and thoroughfares as shown on the adopted Long Range Roadway Functional Classification Map.

CONCEPT PLAN: A drawing that shows the overall concept of a proposed development, and that may include lots and streets in a subdivision or the general location of buildings and improvements for a multi-family or non-residential project, and that may be drawn to approximate dimensions in a freehand style. These drawings are for information purposes only and shall not be formally reviewed or approved by the County.

CONSTRUCTION PLAN: A set of plans that must be formally submitted to the Development Review Committee for review and approval following the review of a concept plan and approval of a preliminary plat on residential subdivisions and application for a land disturbance permit. Such plans shall include, but not be limited to, grading plans, soil erosion and sediment control plans, hydrology studies, transportation plans, water plans, sanitary sewerage plans, on-site sewer plans and public safety plans.

COUNTY: Unless otherwise stated, Bartow County, or the Commissioner of Bartow County, or the Commissioner’s designee.

COUNTY ENGINEER: The County Engineer of Bartow County, Georgia, assigned to the Community Development Department.

CUL-DE-SAC: A street having one end open to traffic and being permanently terminated within the development by a vehicular turnaround. For the purpose of designation, a cul-de-sac street shall be interpreted to begin at the intersection of two or more streets nearest to the vehicular turnaround.

CUT: A portion of land surface or area from which earth has been removed by excavation; also, the depth below original ground surface to excavated surface.

DEPARTMENT: Unless otherwise state, this term refers to the Bartow County Community Development Department.

DEVELOPER: Any person, corporation or duly authorized agent who undertakes the subdivision of land as defined herein.

DEVELOPMENT, or “TO DEVELOP”: Subdividing a tract of land into three or more lots whether for sale or rental, whether for commercial, industrial, office or residential purposes, or some combination thereof. It shall also include redevelopment of existing development. It shall also include the construction of any commercial, industrial, multi-family or office building or structure, even if on a single lot, and shall include the construction of a manufactured home park. In order that the purposes of these Regulations shall not be evaded by piecemeal development or subdivision, subdividing a tract of land existing on September 31, 1993 into two tracts shall not be a development, but any further split of either tract shall be a development.

1. (verb) All activities associated with the conversion of land or the expansion or replacement of an existing use to any new use intended for human operation, occupancy or habitation, other than for agricultural purposes devoted strictly to the cultivation of the land, dairying or animal husbandry. Such activities include land disturbance (clearing and grubbing the land of vegetation and stumps, and grading) and the construction of improvements such as but not limited to streets, driveways or parking
areas, water or sewer mains, storm water drainage facilities, sidewalks or other structures permanently placed on or in the property.

2. (Noun). Where appropriate to the context, the term “development” also may be used to denote a specific subdivision or project that is a single entity or intended to be constructed as an interrelated whole, whether simultaneously or in phases.

DEVELOPMENT INSPECTOR: The County inspector responsible for inspections in the field throughout the development phase of a specific development

DEVELOPMENT PERMIT: A permit issued by the Community Development Department authorizing clearing, grubbing, grading and construction of storm drainage facilities, access drives, streets, parking or other improvements exclusive of buildings.

DEVELOPMENT REVIEW COMMITTEE: A committee comprised of Department representatives from Building Inspections, Engineering, Environmental Health, Fire/Fire Marshal, GIS, Roads/Transportation, Water/Sewer and Zoning. The primary function of the Development Review Committee is to review and approve all proposed subdivisions of property, residential and non-residential site developments and other such similar projects that fall under the purview of these Regulations.

DIAMETER BREAST HEIGHT (DBH): The diameter of a tree measured at a point four and one-half feet (4½') above the ground.

DRAINAGE IMPROVEMENTS: Those facilities and structures intended to control and direct the passage of storm waters and other surface water flows from and across a property; including, but not limited to, swales and ditches, cross drains and other piping systems, catch basins, detention ponds and velocity dissipation devices.

DRIVEWAY: A vehicular access way in private ownership, other than a Private Street, which provides access primarily to only one property, or to no more than 2 single-family detached residences.

DWELLING OR DWELLING UNIT: A building or other structure designed, arranged, or used for temporary or permanent living quarters for one family, whether freestanding or a part of another building containing other residences.

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 and recorded in the Superior Court Clerk’s Office

ENCLOSURE: A structure with four sides and a roof designed to enclose and shelter animals, persons or objects.

ENVIRONMENTAL HEALTH DEPARTMENT: See HEALTH DEPARTMENT

FEE SIMPLE: A form of property ownership in which the buildings and surrounding lands are owned by the same person.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA): The Federal agency that administers the National Flood Insurance Program. FEMA prepares, revises and distributes the maps and studies referenced in these Regulations.

FILL: A portion of land surface to which soil or other solid material has been added; the depth above the original ground.

FINAL PLAT: A finished drawing of a subdivision showing completely and accurately all legal and boundary information and certification, as specified in Article 4 of these Regulations.
FINISHED GRADE: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

FINISHED FLOOR ELEVATION: The top surface of the lowest inhabitable level of an enclosed area in a building, including the basement. This could be the top of the slab in concrete slab construction or the top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

FIRE FLOW: The minimum volume flow rate of water established by the Water & Sewer Department with a required minimum residual pressure.

FLOOD OR FLOODING: A general or temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOR: The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

FRONTAGE: The width of a lot as measured where it abuts the street right-of-way.

GEORGIA D.O.T. (GDOT): The Department of Transportation of the State of Georgia.

GRADING: The movement, removal or addition of earth on a site by the use of mechanical equipment.

GRADING PERMIT: An official authorization issued by the Community Development Department permitting grading of a site, and may include installation of attendant storm water drainage facilities. See also land disturbance permit.

GROUND ELEVATION: The original elevation of the ground surface prior to cutting or filling.

GRUBBING: The removal of stumps or roots from a property.

HEALTH DEPARTMENT: The Environmental Health Services Division of the Georgia Department of Human Resources for Bartow County.

LAND-DISTURBING ACTIVITY: Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land, but not including agricultural operations and forestry.

LAND DISTURBANCE PERMIT: A permit granted under the Bartow County Soil Erosion and Sedimentation Control Ordinance that provides the authorization necessary to conduct a land-disturbing activity under the provisions of that Ordinance and these Regulations. Said permit may be a grading permit or development permit as defined and authorized herein.

LINE, LOT: The boundary line of a lot.

LINE, YARD: A line drawn parallel to a lot line at a distance there from equal to the depth of the required setback.

LOT: A developed or undeveloped tract or area of land established by plat, having defined boundaries and legally transferable as a single unit of land; does not refer to public rights-of-way; also, a parcel of land, whether or not platted, in single ownership, and not divided by a street.
LOT OF RECORD: Any lot identified on a final subdivision plat approved by Bartow County and recorded in the office of the Clerk of Bartow Superior Court is a lot of record. Any lot described in a deed, sales contract or survey, that was recorded in the office of the Summit County Recorder before September 31, 1993 is a lot of record. Any lot described in a deed, sales contract, or survey that was recorded after September 31, 1993 and the present, and which complied with the zoning requirements in effect at the time of its creation, is a lot of record.

LOT, DEPTH OF: The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

LOT, WIDTH OF: The distance between side lot lines.

MAJOR INTERSECTION: The intersection of two or more public streets in which at least one of the streets is an arterial or major collector as designated by the Comprehensive Plan and the Roadway Classification Map.

MAJOR THOROUGHFARE: Any public street, existing or proposed, which is shown in the Comprehensive Plan and Roadway Classification Map as an arterial or major collector.

MEAN SEA LEVEL: The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of these Regulations, the term is synonymous with National Geodetic Vertical Datum (NGVD).

MINOR COLLECTOR: A through street having the primary function of connecting subdivisions or other areas to Major Thoroughfares, or functioning as a central route within a subdivision channeling traffic from the local streets to either an abutting Major Thoroughfare or another Minor Collector street. For the purposes of these Regulations, a central but non-through route within a subdivision or other project will be considered as a Minor Collector, if the Average Daily Traffic generated by the development on the route will exceed 2000 trips.

NATIONAL AMERICAN VERTICAL DATUM (NAVD): As corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

NATURAL GROUND SURFACE: The ground surface in its original state before any grading, excavation or filling.

NEPHELOMETRIC TURBIDITY UNITS (NTU): Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloidally dispersed particles are present.

NPDES-NOI: (NPDES) shall be as per the National Pollutant Discharge Elimination System Permit and the Notice of Intent (NOI) as a requirement of that permit.

OWNER: A person having a majority fee simple interest in real property, or a majority interest through any other form of ownership.

PERFORMANCE GUARANTEE: A bond, letter of credit, cash equivalent, or other instrument provided by the developer and approved by the Bartow County Attorney that insures funds will be available to the County if the required subdivision improvements are not completed.

PERSON: An individual, firm, partnership, corporation, joint venture, association, social club, fraternal organization, estate, trust, business trust, receiver, syndicate, or other group or combination acting singly or collectively for a common purpose, and the duly authorized agents thereof.

PLAT: A map, plan or layout, of a county, city, town, lot, section, subdivision or development indicating the
Amended May 11, 2016

location and boundaries of properties.

PLAT, FINAL: The plat of the subdivision, meeting the requirements of these regulations, for recording in the Office of the Clerk of the Superior Court of Bartow County

PRELIMINARY PLAT: A drawing that shows the perimeter boundary, topography, lot arrangements, street layout and other features of a proposed subdivision, as specified in Article 4 of these Regulations.

PRINCIPAL USE: The primary purpose for which land or a building is used.

PRIVATE DWELLING: For the purpose of these Regulations, a private dwelling is a single family or duplex residence located on any property that is not part of a platted subdivision.

PROJECT: A principal building or structure, or group of buildings or structures, planned and designed as an interdependent unit together with all accessory uses or structures, utilities, drainage, access, and circulation facilities, whether built in whole or in phases. Examples include: a principal building on a lot, a residential subdivision, a multi-family development, a shopping center or an office park.

PROJECT ACCESS IMPROVEMENT: Any improvement or facility that is planned and designed to provide service or access for a particular project and that is necessary for the use, safety and convenience of the occupants or users of the project and is not a System Improvement. A Project Access Improvement includes, but is not limited to: pedestrian access improvements; site driveways; new streets; median cuts; right turn lanes; left turn lanes; acceleration lanes; deceleration lanes; traffic control measures made necessary to serve site driveways or new streets; intersection improvements whose primary purpose at the time of construction is to provide access to the Project; and necessary right-of-way dedications required for any Project Access Improvement.

RECORD DRAWING: A survey or other drawing based on a field survey which shows existing features or components and horizontal or vertical information (grades or location of improvements).

REDEVELOPMENT: The process of developing property that has previously been developed. See ‘Development.’

REGULATIONS: These Development Regulations and all amendments thereto, and the Bartow County Development Checklist, and the Bartow County Site and Utility Details for Development, both of which are incorporated herein by reference.

RESIDENTIAL DRAINAGE PLAN: A drawing showing lot information and all improvements, as required by Article 3 of these Regulations.

RIGHT-OF-WAY LINE: The dividing line between a lot, tract or parcel of land and a contiguous right-of-way.

ROAD: See “Street, Public”.

ROADWAY: The paved portion of a street from back of curb to back of curb (or edge to edge of pavement for streets not having curbs) but excluding driveway aprons, bridges, and large single and multi-cell culverts that in an hydrologic sense can be considered to function as a bridge.

ROADWAY CLASSIFICATION MAP: A map maintained by the Community Development Department that shows the classification, as defined in these Regulations, of all roadways in Bartow County.

ROADWAY DRAINAGE STRUCTURE: A device such as a bridge, culvert or ditch that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.
SETBACK: The open space between the lot line and the yard line, which shall be unobstructed by any structure other than as expressly permitted in the Bartow County Zoning Ordinance.

SITE WORK: Development activity to prepare a property for construction of buildings or finished structures, including clearing, grubbing, grading and installation of soil sedimentation and erosion control facilities.

STANDARD BUILDING CODES: The state minimum standard codes as adopted by the Bartow County Building Code Ordinance, and as defined by O.C.G.A. § 8-2-20.

STREET: A way for vehicular traffic, whether designated as an avenue, road, boulevard, highway, expressway, lane, alley or other way.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

SUBDIVIDER: Any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit dividing or proposing to divide land so as to constitute a subdivision as herein defined, including an agent of the sub-divider.

“TO SUBDIVIDE”: Dividing a tract of land into three or more lots.

SUBDIVISION: 1 (verb) Any division or re-division of a lot, tract or parcel, regardless of its existing or future use, into three or more lots, tracts or parcels for the purpose, whether immediate or future, of sale, legacy or building development. This includes all division of land involving a new street or change in existing streets and includes re-subdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided; provided, however, that the following are not included within this definition:

1) The combination or re-combination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards set forth in these Regulations.

2) (noun). Where appropriate to the context, the term “subdivision” also may be used in reference to the aggregate of all lots held in common ownership at the time of division.

SYSTEM IMPROVEMENT: Any improvement or facility such as streets, bridges or rights-of-way identified in the Comprehensive Plan, and any traffic control measures, landscaping or other features to same and is further designed to provide service to the community at large.

TIE POINT: The point of reference for a boundary survey. Said point of reference shall be an established, monumented position that can be identified or relocated from maps, plats or other documents on public record. Two GPS ties with coordinates shall be required on all final plats.

TREE: Any self-supporting woody perennial plant, usually having a main stem or trunk and many branches, and at maturity normally attaining a trunk diameter greater than three inches at any point and a height of over ten feet.

TREE DIAMETER: The widest cross-sectional dimension of a tree trunk measured at diameter breast height (dbh) or at any point below dbh for new trees or multi-trunked species, but in no case less than 6 inches from the ground.

TOWNHOUSE: A multi-family residential use consisting of three (3) or more attached dwelling units for which fee simple title is conveyed and for which an incorporated mandatory homeowners' association is provided.

WATERCOURSE: Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation.
by reason of overflow or floodwater.

(Ord. of 4-15-2015)

ARTICLE III. – DEVELOPMENT PROCESS

Sec 3.1. – Generally.

When someone desires to conduct land-disturbing activities, it is necessary to submit site construction documents for review. Bartow County generally does not require a Land Disturbance Permit for individual residential building lots. However, all other forms of land disturbing activities do require such permits. For the purposes of determining compliance with certain provisions of these regulations, redevelopment means “a land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.”

The Engineering Division of the Community Development Department coordinates the review and approval process for all site construction documents submitted to Bartow County for permitting under this section. It is important that all information requested on the application for plan review is completed. The failure to complete or provide all information may result in delays and/or the requirement of re-submittal of an application. Acceptance of plans by Bartow County shall not constitute or guarantee any rights unless such plans are prepared in accordance with the Development Regulation. It is the responsibility of the applicant to ensure the completeness and accuracy of the plans. In the event an application is determined by staff to contain false or misleading information, any permit issued hereunder may be revoked or suspended with penalties assessed. For permitting a structure, a structural plan submittal is necessary as provided in Section 18-161 of the Building Code for Bartow County. Additionally, it is advisable that an applicant obtains a water and/or sewer availability letter prior to commencing the permitting process.

Approval of plans by Bartow County officials or employees shall not imply nor transfer acceptance of responsibility for the application of the principles of engineering, architecture, landscape architecture or any other profession, from the professional corporation or individual under whose hand or supervision the plans were prepared and sealed.

In any development or subdivision in this County, the improvements, facilities, and utilities described in this Article shall be planned for and provided by the developer, by installation and/or payment prior to the approval of the development or manufactured house park. In addition, all development or subdivision in this County must comply with the following requirements, as applicable:

(1) Relevant Ordinances and Construction Plans. Any person wishing to develop or redevelop commercial, industrial or multi-family property, or subdivide residential, commercial, or industrial property, must submit Construction Plans (with hydrology), that also comply with the Bartow County Stormwater Management Ordinance, the Bartow County Floodplain Management/Flood Damage Prevention Ordinance, and the Bartow County Soil Erosion and Sedimentation Ordinance.

(2) Interdepartmental Review and Approval. The Community Development Department shall not issue a permit for any development activities until all plats and construction plans, as applicable, have been approved by the Development Review Committee as may have authority or jurisdiction over said activities in whole or in part.

(3) Review of Plats and Plans Required. All preliminary plats, concept plans, construction plans and final plats must be submitted to the Development Review Committee for review and approval prior to the commencement of land disturbance or construction activities. All information requested on Plan Transmittal Applications for plat or plan review must be provided; incomplete applications will not be accepted. Likewise all plats and plans must contain the minimum information outlined in this
Article. The absence of necessary design data shall result in plats and plans being resubmitted for a future plan review date.

(4) Review by Departments. The Community Development Department shall oversee communication with reviewing departments during the two (2) week review period regarding review comments prior to a Development Control Review meeting. There is the possibility of delaying approvals if the Natural Resource Conservation Service warrants an extended review period.

(5) Paved streets. The developer/subdivider of any development or redevelopment or subdivision shall provide adequate streets and shall pave said streets according to minimum requirements (including appropriate width) as provided in these regulations. No subdivision shall be permitted on an unpaved street.

(6) Public water required. All residential developments must be connected to a governmentally-owned public water system, at the expense of the developer, in accordance with the rules and regulations of the Bartow County Water Department, including the Water Service and Conservation Ordinance (Code section 74-31 et seq.), and the Sewer System Ordinance (Code section 75-251 et seq.), and including the Water Department Development Procedures.

(7) Street names. The developer shall submit the names of streets and developments for approval by the county in accordance with these regulations certifying that the proposed names are not confusingly similar to other existing named streets or developments. The decision of the county approving or disapproving the proposed names shall be final.

(Ord. of 4-15-2015, § 5.26, § 5.27)

Sec 3.2. - Submittal Process.

It shall be the policy of Bartow County to review development proposals for compliance with the standards adopted by the Bartow County Commissioner. This policy shall also include performing this review in a timely manner so as not to delay development. In order to enhance operational efficiency of this policy it is imperative that developers thoroughly familiarize themselves with all the pertinent Bartow County Subdivision and Development policies, regulations and standards. The One Stop Development Review Process provides the development community the opportunity to meet with representatives from each agency/department/division prior to the production of construction documents in order to obtain data critical to the design of the project. A pre-application conference shall be scheduled in accordance with subsection 3.2.2

(1) General Procedures.

(A) All fees for both residential and non-residential developments shall be determined by resolution of the Bartow County Commissioner.

(B) It shall be a condition of the Bartow County Development Regulations that any person seeking a land disturbance permit shall be required to have completed a class and received certification per OCGA §12-7-19.

(C) A traffic management plan, prepared by a qualified professional engineer shall be submitted at the discretion of the County Engineer, based on the size and intensity of the development, and traffic conditions. The traffic management plan must identify any traffic problems that will be generated by the development and present reasonable solutions to those problems. This plan must be submitted to the County Engineer for approval.

(2) Pre-application Conference/Concept Review.
(A) For the purpose of expediting applications and reducing Construction Plan design and development costs, the developer shall be required to consult informally with the Development Review Committee. When residential in nature the developer should consult with a representative of the Bartow County Board of Education. The developer shall submit six (6) copies of sketch plans showing one (1) or more designs for the proposed development and a map of the vicinity showing the relationship between the proposed development and nearby physical features, streets, subdivisions, and/or acreage tracts. The developer shall not be bound by the determination of the pre-application conference, nor shall the Development Review staff be bound by any such review.

(B) A Pre-Application Conference can be scheduled through the Community Development Department for each Thursday. The request for a Pre-Application Conference must be made by calling the Department by 4:00 P.M. on Wednesday of the preceding week (in other words, eight days prior to the requested conference date). The following information shall be required at the time the Pre-Application Conference is requested:

1. A preliminary or conceptual site layout plan, if available
2. Location of project site:
3. Tax Parcel of Street Address
4. District
5. Land Lot(s)
6. Name of person to contact for confirmation of appointment
7. Contact number that the person can be reached on Thursday morning
8. Number of people to attend conference, their names and company affiliation
9. The general nature of the information sought from the various County departments
10. The type of project proposed
11. See the *Bartow County Stormwater Management Ordinance* section 34-587 for additional requirements regarding stormwater management procedures

(3) Plan Routing. The Developer and/or his designated agent shall provide development/construction plans for all County agencies stated herein. The Community Development Department shall be the clearinghouse for plans submittal and pickup:

- Engineering 770.387.5067
- Zoning 770.387.5007
- Bartow County Water & Sewer 770.387.5170
- Road Department 770.387.5140
- Structural Numbering/GIS 770.387.5015
- Building Inspections 770.387.5005
- Environmental Health 770.387.2614
- Fire Marshal's Office 770.387.5151
- School Board (as applicable) 770.606.5800
- Cities of Adairsville, Cartersville (as applicable)
- Georgia Department of Transportation (as applicable)

(4) Development Review Committee Meeting. The Community Development Department shall coordinate scheduling and presentation of information for the Development Review Committee meeting (every Thursday unless otherwise noted.)

(A) To expedite the review process for resubmittals, it is strongly suggested the developer or developer’s engineer prepare a line item response to all review comments addressed in revised plans by indicating sheet, number, section, detail, etc., including if necessary, to “cloud” or “balloon” all revision items and areas.

(B) The Community Development Department shall retain responsibility for issuance of all conditional land disturbance permit letters and land disturbance permits for approved
development projects. Once all the Development Review Committee requirements have been met, all copies of the approvable plans as required in these regulations will be signed off by each Department head or his designated representative prior to the Community Development Department’s notification to the Developer of such approvals.

(Ord. of 4-15-2015)

Sec 3.3. - Applications for Preliminary Plat Review.

(1) Submittal Process. Application for preliminary plat approval shall be submitted to the Community Development Department using an application form to be determined by the County Engineer. The application, along with six (6) copies of the preliminary plat along with a PDF copy on a CD or other electronic means (such as email) and the appropriate fee, shall be submitted to the Department no later than 4:00 P.M. on Wednesday of two weeks prior to the week in which a preliminary plat review conference is desired (fifteen days prior to the requested conference date). Preliminary plats submitted after this deadline will not be reviewed and commented on by the Development Review Committee for the desired meeting. A land disturbance permit number will be assigned to each project to assist in tracking plans during the process.

(A) A letter, email or other correspondence from the United States Postal Service indicating the type of mail delivery that will be available to the proposed development shall be provided. The correspondence should also indicate, either by description or attached drawing, that the proposed location for the cluster mailbox station(s), if applicable, is acceptable to the postal service. (Ord. of 5-11-16)

(2) Review of Preliminary Plat. Each project submitted for review shall be allotted a 30-minute appointment for the date and time assigned for review before the Development Review Committee. If a developer, engineer, surveyor or landscape architect has several projects for review on the same week, an effort will be made to schedule contiguous appointments for his or her convenience. However, appointment times are scheduled on a first come-first served basis. Only those projects scheduled well in advance may be so scheduled.

(3) Actions Taken By Community Development Department. After receipt of recommendations from the Development Review committee reviews the preliminary plat, the Department shall do one of the following in writing:

(A) Issue an approval of the preliminary plat.

(B) Disapprove the preliminary plat or any portion thereof on the grounds that the proposed subdivision would not meet the requirements of the development regulations, or would create conditions, which would be unfavorable to, or adversely affect, the health, safety, convenience, prosperity, or general welfare of the citizens of Bartow County. In such case, the County Engineer shall notify the applicant in writing of the county’s decision.

(C) Issue a list of requirements and corrections will be discussed at the time of the scheduled review. If the Development Review Committee determines that an insufficient amount of information, detail or design was provided for review, the project shall be resubmitted. Appointments will only be assigned for projects when the completed preliminary plats are resubmitted for review.

(D) Upon approval of the preliminary plat, the developer shall submit an electronic copy to the Community Development Department for inclusion into the County’s GIS System. This will assist Public Safety personnel in locating and addressing for emergency services and model home permitting.
(4) Preliminary plat approval binding one (1) year. Approval of the preliminary plat shall be effective and binding upon the County for a period not to exceed one (1) year from the date of approval and shall thereafter expire and be null and void except to the extent that work on the subdivision has progressed, unless a request for a one time extension of time (limited to 6 months) has been submitted to and is subsequently approved by the Community Development Department.

(5) What approval of the preliminary plat constitutes. Approval of the preliminary plat is an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the construction documents and the final plat, and is not to be considered as approval of the final plat.

(6) Effect on status of dedication. The approval of a preliminary plat by the county shall not be deemed to constitute or affect an acceptance by the county of any street or other ground shown upon the plat.

(7) Improvements authorized. Notwithstanding preliminary approval, no improvements are authorized before approval of construction plans by the Community Development Department as set forth in Section 3.4 Construction Plan Approval, of these Regulations. Improvements must be installed according to construction plans. Any modifications must be approved by the appropriate department or agency representative authorized to approve such changes.

(8) Preliminary Plat Submittal Specifications. The preliminary plat shall be clearly and legibly drawn at a standard engineering scale of not less than one-hundred (100) feet to one (1) inch (1"=100'). The preliminary plat shall be prepared by the appropriate design professional, and seal of the certifier shall be shown on the plat.

(A) The proposed name of the subdivision and the proposed street names shall be in accordance with these regulations. The developer shall submit the names of developments and streets for approval to the GIS Department certifying the proposed names are not confusingly similar to other existing named developments and streets. The Street Name Index, maintained by the county’s GIS Department, can provide information on existing street names.

(B) The preliminary plat shall contain the items as summarized in the appropriate Bartow County Preliminary Plat Review Checklist incorporated herein by reference. From time to time the checklist may be amended from time to time by the authority of the Community Development Director.

(C) Plat certificates. Each preliminary plat submitted to the Community Development Department shall carry the following certificates printed or stamped thereon substantially as follows:

   1. Preliminary certification statement:
      "I hereby certify that this proposed preliminary plat represents data compiled or verified through a survey completed by me on ______________ 20____, of property shown and described heron. According to the State of Georgia Safe Dams Act Map for Bartow County, Georgia, I have determined this development does not lie in a basin below a Category II Dam."

      By: ______________________
      Registered Georgia Land Surveyor No: ______________________
      -OR-

      By: ______________________
      Registered Georgia Landscape Architect No: ______________________
      -OR-

      By: ______________________
Registered Georgia Professional Engineer No: _________________

2. **Preliminary soil analysis certificate:** (By Georgia Department of Human Resources (DHR) certified soil classifier):

   “I hereby certify that this document is a true representation of the results of an actual comprehensive soil analysis at a minimum DHR level three (3) soil survey by me or under my supervision and that areas are shown that are not acceptable sites for individual septic system as required by the local and/or State Health Department.”

   By: ____________________________________________
   Certification No: __________________________________
   Date: ____________________________________________

3. **Bartow County Environmental Health Department Certificate:**

   “Pursuant to the State Health requirements, a comprehensive soil analysis at a minimum DHR level three (3) soil survey was given final approval by the Bartow County Environmental Health Department on date stated below all of the conditions of approval having been completed, this document is hereby accepted.”

   By: ____________________________________________
   Date: ____________________________________________

4. **Preliminary plat approval certificate.** The following approval certification should be provided on the preliminary plat to indicate the approval and acceptance of the appropriate Bartow County agencies/departments/divisions.

   “All requirements of the Bartow County Development Regulations relative to the preparation and submission of a preliminary plat have been fulfilled, approval of this preliminary plat is hereby granted, subject to the further requirement of said Regulations. This approval does not constitute review and approval for a required land disturbance permit and any project related improvements required by the Bartow County Zoning Ordinance or Bartow County Development Regulations as part of the land disturbance permit.

   This certificate shall expire on ______________________

   ___________________________ Date
   Engineering Division

   ___________________________ Date
   Zoning Division

5. Each preliminary plat must contain the additional language in bold print:

   **“PRELIMINARY PLAT, NOT TO BE RECORDED”**

6. **Preliminary Plat Filing Fee.** At the time of filing an application for preliminary plat approval, a fee shall be paid to the Community Development Department. See Fee Schedule for appropriate fee.

   (Ord. of 4-15-2015)
Sec 3.4. - Applications for Construction Plan Review and Approval.

(1) Submittal Process. Application for construction plan approval shall be submitted to the Department using the application form provided. The application, along with six (6) copies of the construction plans, two (2) copies of a stormwater management report and the appropriate fee, shall be submitted to the Department no later than 4:30 P.M. on Wednesday two weeks prior to the week in which a construction plan review conference is desired. Plan Sheet size shall be no larger than 24” x 36”. In addition, a PDF copy on a CD or other electronic means (such as email) for the plans and hydrology study must be submitted. Plans submitted after this deadline will not be reviewed by Thursday two weeks later. A land disturbance permit number will be assigned to each non-residential project to assist in tracking plans during the process. The number assigned during preliminary plat review will continue to be used for residential projects.

The applicant is responsible for submitting a set of plans to the Water and Sewer Department of each municipality separately if applicable.

(2) Information Required at the Time of Submittal. In addition to the required application form the following information/documents shall be provided:

(A) An approved preliminary plat (for residential projects)

(B) The centerline of the development entrance(s) shall be located by nail and cap and painted at the centerline or edge of pavement of the roadway that the development will access. Said nail and cap location shall be indicated on the submitted construction plans along with the date that the nail and cap were placed.

(C) Satisfactory results of a fire flow test

(D) Verification of Erosion/Sediment Control Certification(s)

(E) An approved method of sewage disposal

(F) Satisfactory intersection sight distance and entrance plan

(G) A plan for proper disposal of waste as defined by O.C.G.A 16-7-51(6), et, seq., and as may be amended from time to time, from the clearing and grubbing of trees and vegetation.

(H) Construction Plans Required. All site construction documents, (hereafter the “Plan Review Copy”) for approval include the following drawings:

Document
Preliminary Plat or Plan
Grading/Drainage Plan
Storm Drainage Profiles
Soil Erosion/Sediment Control Plan
Landscape/Tree Planting Plan
Water Layout Plan
Sanitary Sewer Plan
Sanitary Sewer Plan/Profiles
Intersection Site Distance Plan
Street Plan/Profiles
Construction Details
Hydrology Report

Construction Plans shall be submitted so as to demonstrate full compliance with all applicable provisions of the following: 1) these regulations; 2) the Bartow County Site And Utility Details For
Development; 3) the Bartow County Development Checklist; 4) the Bartow County Soil Erosion and Sedimentation Ordinance (Code Sec. 34-251 et seq.); 5) the Bartow County Flood Damage Prevention Ordinance (Code section 34-31 et seq.); and 6) applicable state and federal rules, regulations and laws. The fees for review of plans and re-submittals shall be as determined by the commissioner of Bartow County from time to time. Said fees shall be paid at the time of submission.

(I) Pursuant to the Georgia Safe Dams Program, when an existing Category II dam is reclassified to a Category I dam because of proposed development downstream of the dam, the developer shall provide for review to the State of Georgia the following information:

1. Location of the Category II dam and the proposed development; and
2. A surveyed cross-section as required by the Georgia Safe Dams Act of the stream valley at the location of the proposed development including proposed finished floor elevations.
3. A dam breach analysis using the Dambreak computer model to establish the height of the flood wave in the downstream floodplain. The Dambreak modeling shall be completed in accordance with the Safe Dams Program Quality Assurance Program by a qualified registered engineer. The dam breach analysis shall identify all existing structures within the dam breach zone area, if any, and the use of each structure. Inventory information regarding Category II Dams within Bartow County may be obtained through the Georgia Safe Dams Program.

(J) The maximum allowable size for construction plans shall be 24" x 36". The preparation of construction plans shall include all the applicable information outlined in these Regulations. A list of the staff members of the Development Review Committee that assist in the review and approval of the site design plans is maintained by the Community Development Department. Each County Agency/Department/Division involved in the review and approval process can provide a list of data required to complete compliance with the Development Standards (also referred to as checklists).

(K) The applicant is responsible for submitting a set of plans to the appropriate utility department of each municipality as applicable.

(3) Construction Plan Review Conference. Each project submitted for review shall be allotted a 30-minute appointment for the date and time assigned for review before the Development Review Committee. If a developer, engineer, surveyor or landscape architect has several projects for review on the same week, an effort will be made to schedule contiguous appointments for his or her convenience. However, appointment times are scheduled on a first come-first served basis. Only those projects scheduled well in advance may be so scheduled. Comments and recommendations will be discussed during the scheduled meeting. Should any agency/department/division determine insufficient information, detail, or design is provided; a project may be required to re-submitted for a later date. Once documents are resubmitted, an appointment will be rescheduled.

(4) Project Approval. Following completion of the Construction Plan Review Conference, an individual shall be required to incorporate all comments and recommendations into a revised set of Construction Plans. Bartow County offers two approval process methods by which a Land Disturbance Permit may be obtained. These are the One Stop Approval Conference and walk-through approval. Both of these are described below. Under either method, eight sets of amended site construction plans must be presented to the individual County Agency/Department/Division for approval and sign-off. Additionally, two copies of the amended hydrology study must be submitted to the Engineering Division. The amended plans must be accompanied by the red-line “Plan Review Copy” of the plans and by the package of comments returned by each agency/department/divisions. Additionally, the agency/department/division shall evidence its approval by signature on the plans. Should these projects fall outside the jurisdictional boundaries of a Bartow County Agency/Department/Division such as Water, or Sewer, those jurisdictions’ approval must be shown on the face of the documents. Upon receiving approval from all agencies/departments/divisions and affected outside jurisdictions,
the applicant is granted a Land Disturbance Permit. Eight (8) sets of amended site Construction Plans and two (2) copies of the stormwater management plan shall be presented for approval.

(A) One Stop Approval Conference. The One Stop Development Procedure provides the opportunity to obtain the signatures of all agency/department/division representatives at one location at a specified time. Requests for appointments for the resubmittal Conference may be made with the Community Development Department no later than 12:00 p.m. on Friday of the preceding week. Appointment times will be scheduled on a first come, first serve basis. Appointments will be confirmed between 1:00 p.m. and 2:00 p.m. on Monday for appointments scheduled for the following Thursday. The following information will be necessary at the time the request is made for an appointment:

(1) Project name and Bartow County project number (assigned during the review process)
(2) Name of contact and telephone number for confirmation
(3) Name of person to attend the Approval Conference

Appointments will be assigned in 15-minute increments. Some waiting may be anticipated depending on the scope and scale of the projects scheduled earlier. It is important that all parties adhere to the scheduled times to minimize the time necessary to obtain the permit once the plans have begun to be processed. Applicants should make every effort to provide all pertinent information to staff as needed; otherwise this creates delays in the approval process. Cancellations or postponements may require that the plans be approved at a later date by each agency/department/division. This will require each individual agency/department/division to review and approve plans by scheduled appointments only.

(B) Walk-Through Approval. Projects that are large in scope, those that require specific impact studies, and those that contain environmental, historical, or archaeologically sensitive areas are not normally appropriate for the One Stop Approval Conference. (However, these projects may be scheduled if all agencies/departments/divisions are satisfied that all requirements have been met for construction to be permitted. Every attempt will be made to ensure that no project will be scheduled for the Resubmittal Conference that has not met these requirements.) It is the responsibility of the party seeking final approval to ensure that these conditions have been satisfied. For walk-through approvals, appointments should be scheduled with each individual agency/department/division on any business day.

(C) The Community Development Department will issue a Conditional Land Disturbance Permit letter for the project upon successfully obtaining the final approval of the Development Review Committee. Once all required documentation, including bonds and/or letters of credit, preconstruction certifications, a copy of the NPDES Notice of Intent (NOI) ensuring compliance with the State General permit and appropriate permit fees have be submitted to the Community Development Department, the Development Permit will be delivered to the project site by the Department’s development inspector at the time of the scheduled pre-construction meeting as required in these regulations.

(D) Construction Plan Approval Binding One (1) Year. Approval of the Site Construction Plans shall be effective and binding upon the County for a period not to exceed one (1) year from the date of approval and shall thereafter expire and be null and void except to the extent that work on the project has progressed, unless a request for an extension of time has been submitted to and is subsequently approved by the Community Development Department. Land disturbing activities under this permit must commence within 120 days after issuance of permit. Failure to begin work may be cause for the permit to be canceled. Once a permit has been canceled, it cannot be reactivated for any reason. A new set of Construction Plans must be submitted in accordance with these regulations when the applicant is ready to begin land disturbance.
(5) Required Documentation Prior to Issuance of Permit; Sureties. No Land Disturbance Permit shall be issued by the County to the developer until a surety or sureties have been furnished to the Engineering Division, in forms acceptable to the County (bond, cash deposit, or escrow account) for the various requirements of this ordinance. The County’s preference shall be for irrevocable standby letters of credit. Such irrevocable letter of credit must be issued in conformant with the latest ICC Publication governing irrevocable standby letters of credit, and must be issued by a bank or other financial institution with a physical branch in Bartow County (unless this requirement is waived by the concurrence of County Engineer and County Attorney). Said letter of credit shall be issued by a company or financial institution authorized to do business in the state of Georgia, in a form acceptable to Bartow County. Bartow County reserves the right to reject any proffered irrevocable letter of credit and require a surety bond. Bartow County Engineering Division may, at its discretion, agree to accept surety bond in lieu of an irrevocable letter of credit. Said bond must be in a form acceptable to Bartow County. If the applicant prefers a cash escrow deposit, that will be accepted, with the proceeds being deposited in a separate Bartow County-controlled bank account for the duration of the surety. See Section 6.142 for the method to calculate the amount of surety required in this section.

The purpose of the sureties shall be any or all of the following, depending on the particular development: 1) to secure performance of the erosion and sedimentation control work in compliance with County regulations; 2) to ensure proper construction of roads, stormwater facilities and other improvements that are to be dedicated to the County in new developments; 3) to ensure proper construction of any work performed in existing Bartow County rights-of-way; 4) to provide a guaranty for the warranty and maintenance period applicable to any new road or work in any existing County right-of-way.

All original preconstruction certifications shall be submitted to the Engineering Division prior to issuance of a Land Disturbance Permit.

(A) E&S Surety. Prior to issuance of a Land Disturbance Permit the developer shall cause to be executed in favor of Bartow County, an original irrevocable letter of credit in an amount as set forth by the Bartow County Soil Erosion and Sedimentation Control Ordinance. Said irrevocable letter of credit is for guaranty of soil erosion and sedimentation best management practices (BMPs). The letter of credit shall remain in force until all final stabilization erosion and sedimentation control measures are in place. Once erosion and sedimentation control BMPs are complete, and the site is stabilized, the County may, at the discretion of the County Engineer, authorize a release of the required letter of credit. If the developer does not comply with these Regulations or with the conditions of the permit after issuance, the County may call the irrevocable letter of credit or any part thereof to be forfeited and may use the proceeds to hire a contractor to install soil erosion and sedimentation prevention measures.

(B) New Road Construction Surety. Prior to issuance of a Land Disturbance Permit the developer shall cause to be executed in favor of Bartow County an original letter of credit for the costs of completion of new roads and associated stormwater and other improvements in a development. Such surety shall also cover the cost of necessary utility relocations and installations. The amounts shall be calculated as set forth in these regulations. This surety shall be released when as-built certifications are provided and the road is accepted by the County as a public road. At that point, the two year maintenance period begins and the maintenance surety is required.

(C) Existing Right of Way Construction Surety. Prior to issuance of a Land Disturbance Permit the developer shall submit a surety bond or letter of credit for all access roads intersecting existing County roads and all work in existing rights of way, including stormwater improvements, utility relocations and installations, and other improvements. In addition, all offsite improvements required per the approved Construction Plans shall be covered in the existing right of way construction surety. Said letter of credit is for guarantee of roadway construction in conformance with Bartow County development standards and to ensure completion of improvements to existing County roads. The surety shall remain in force until all roadway entrances and construction have been completed to the satisfaction of the Engineering Division and in accordance with approved plans and roadway standards, including all AASHTO and
MUTCD requirements. This surety may be combined and made part of the new road construction surety required above.

(D) Maintenance Sureties. All work in the existing right of way and all new roads shall be warranted for a two year period commencing with acceptance of the roads, in the case of new roads, or completion of the work, in the case of work in the existing right of way. Maintenance sureties shall be provided at or near the conclusion of the construction, as required by these regulations.

(E) Preconstruction Certifications. Prior to issuance of a Land Disturbance Permit the developer shall have the design professional submit the following certifications for the various design components of the project, as applicable:

1. Flood Level Certification
2. Floodplain Certification
3. Stormwater Runoff Certification
4. Structural Retaining Wall Certification

(6) Land Disturbance Permit. Upon receiving approval as outlined in section 3.4.4, along with all required documentation, a Land Disturbance Permit shall be issued. This permit will allow the applicant to install sediment and erosion control measures shown on phase 1 of the erosion/sediment control plan. Some minimal clearing may be required to complete the installation of these devices.

(7) Grading Permit. When soil erosion/sediment control devices have been properly installed, the Development Inspector shall issue a grading permit to the applicant or his/her designee.

(Ord. of 4-15-2015)

Sec 3.5. – Reports and Inspections.

(1) Development Pre-Construction Conference. Upon completion of construction plan review and prior to beginning any land disturbing activities, the developer shall phone the Community Development Department to schedule a pre-construction conference to be held on the site of the project. The primary purpose of this conference is to discuss policy, procedures and construction plans and to present the developer with the development permit. The following action items shall be completed prior to the developer requesting a preconstruction conference with the appropriate County Officials:

(A) The Land Disturbance Permit Fee and inspection fees shall be paid along with providing all required letters of credit and bonds, as applicable. For the calculation of County Permit and inspection fees, contact the Community Development Department.

(B) Advance warning signs with speed reduction advisory plates shall be placed on connecting thoroughfares at 1000 feet and 500 feet points on either side of the intersection. The signing shall be reviewed and approved by the Development Inspector.

(C) All buffers (State, County, and those required by Zoning) shall be protected with orange tree save fencing material prior to clearing and must be reviewed and approved by the Development Inspector.

(D) Representatives of Bartow County’s Community Development, Road and Water & Sewer Departments shall attend the pre-construction conference, as shall the developer of the project. The developer is strongly encouraged to bring to the conference the grading, paving, water, sewer and other contractors that will be working on the project along with the design Engineer and the monthly Erosion and Sediment control inspector.
(E) The developer shall be presented a “Pre-Construction Procedure Checklist” at the conference and that checklist will be reviewed with him by the aforementioned Bartow County representatives. The developer shall sign a statement following the conference, attesting to his understanding of the County’s development requirements and his responsibility to abide by said requirements.

(F) Once all items above have been inspected and approved by the appropriate County Officials and evidence has been presented that all fees have been paid, the Developer shall be issued a Land Disturbance Permit.

(G) All permits shall be posted in a visible place so they will be legible from the roadway providing frontage.

(1) Monthly Erosion and Sedimentation Reports. Upon the issuance of the land disturbance permit, the operator shall insure that a monthly erosion and sedimentation report, as required by Section 504 of the *Bartow County Soil Erosion and Sedimentation Control Ordinance* outlining the status of the project is delivered to the development and Community Development Department on or before the 1st Business day of each month. The report will be prepared by a certified professional in erosion and sediment control/ qualified professional engineer/architect/landscape architect or an individual meeting the education and certification requirements of the *Bartow County Soil Erosion and Sedimentation Control Ordinance*. Should this report not be received by 5:00 p.m. on the said dates, a stop work order will be issued for the project. Monthly reports are required to be submitted for the project or each phase of the project until and Notice of Termination, as defined by the NPDES General Permit, is filed with the Georgia EPD.

(2) Required Inspections. The following inspections shall be required on all residential, commercial, and industrial developments during the construction of same:

- (A) Clearing and grubbing, and erosion and sedimentation control. All erosion and sediment control facilities must be installed and inspected before grading is allowed. The control facilities must be continuously maintained throughout the construction permit.
- (B) Drainage and Stormwater Management Facilities
- (C) Curbing
- (D) Subgrade and base
- (E) Paving. 1) Base; and 2) Topping
- (F) Development entrance
- (G) Water and sewer lines as required by the Water and Sewer Department. (Inspection by Water and Sewer Department).
- (H) Landscape
- (I) A twenty-four (24) hour notice shall be given to the Construction Inspectors prior to every requested initial inspection and/or re-inspection.

Sec 3.6. - Application For Structural Plan Review – Reserved.

(Ord. of 4-15-2015)

Sec 3.7. - Expiration of Approval.

Approval of the Construction Plans shall be effective and binding upon the County for a period not to exceed one (1) year from the date of approval and shall thereafter expire and be null and void except to the extent that work on the project has progressed. Land disturbing activities under this permit must commence within 120 days after issuance of permit. Failure to begin work may be cause for the permit to be canceled. Once a permit has been canceled, it cannot be reactivated for any reason.
If all construction activity has been discontinued for a period of six months, (discontinued shall mean not obtaining a permit which is required in the logical sequence of development), a new permit will be required to continue the project and approval of such construction will be subject to the most current provision of the Bartow County Development Regulations.

(Ord. of 4-15-2015)

Sec 3.8. - Plan Revisions after Permit Approval.

Upon approval of plans, the applicant’s project will be inspected for conformance to the approved plans. Inspectors are not authorized to approve field changes that expand, relocate, or delete the construction as described on the approved Construction Plans. Should such changes be desired or made necessary as a result of field conditions, the design engineer should contact the Development Review Committee to coordinate approval of the appropriate revision. A minimum of eight sets of revised sets of revised Construction Plans must be presented for approval. If the hydrology study has also been revised, two copies must be provided. The agency/department/division whose approval is necessary for the change must be contacted individually for an appointment or a One-Stop Approval Conference may be scheduled, if deemed appropriate. Re-submittal of amendments or revisions must clearly identify the changes or revisions desired. Field changes by the applicant require as-builts to be submitted by the design engineer to the Development Review Committee for approval prior to final plat approval.

Drawings that are submitted for revision must specifically identify those areas that are to be considered for review and approval. The revisions should be noted in tabular form in the revision block on the drawings, similar to that shown below. Any time not included in the revision block will not be considered approved even though shown on plans.

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<th>REVISION NUMBER</th>
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(1) Revised Construction Plans – major changes

(A) All major changes requires the construction plans to be re-submitted prior to any construction changes made in the field so that all Departments may be aware of changes made or proposed to be made in the field. Only those Departments affected by the changes will be required to approve the changes as outlined below.

(B) The following parameters are examples what constitutes a major change:

(1) Any increase in the number of lots.
(2) Any revision to an approved detention pond.
(3) Any relocation of storm drainage structures resulting in an increase of drainage basin by 10% or more.
(4) Any revision to an approved road grade at 6% or greater that results in an increase or decrease in the road grade of 4% or more.
(5) Any revision to a road layout resulting in an increase of road length by 10% or more.
(6) Any renumbering of lot numbers, blocks, pods, etc.
(7) Any renaming of streets. This shall be submitted to Structural Numbering for Approval.

(2) Revised Construction Plans – minor changes

(A) The following procedures must be followed for a minor change to be accepted at the time of final plat submittal.
(1) The change must be minor
(2) The Development Inspector must have reviewed change in the field and communicated his findings with the County Engineer.
(3) The Engineer of record must contact the County Engineer.
(4) The Engineer of record must follow up with a letter indicating the revision or a revised plan as needed.
(5) The final plat is to be submitted with the revision attached as documentation.

(B) The following parameters define what constitutes a minor change:

(1) Any decrease in the number of lots.
(2) Any relocation of storm drainage structures resulting in less than a 10% increase of drainage basin.
(3) Any revision to an approved road grade resulting in less than or equal to a 4% reduction.
(4) Any revision to a road layout resulting in a decrease of road length.
(5) Shifting of lot lines within a phase with no increase in the total number of approved lots.
(6) Buffer revisions or variances that have been approved in compliance with the Bartow County Stream Buffer Protection Ordinance
(7) Any extension of pipes for aesthetic purposes.
(8) The division of approved single-phase development into one or more phases.

(Ord. of 4-15-2015)

Sec 3.9. - Review Fees.

All residential, commercial, and industrial developers shall submit all construction plans to the Community Development Department for review and approval before a land disturbance permit will be issued for the development. A fee will be charged for review of these plans and for the land disturbance permit.

Sec 3.10. - Rights under the Permit.

(1) Bartow County allows a permit to be transferred from one person/entity to another as long as the permit is still valid per the conditions of these regulations. Notification of ownership change shall be the responsibility of the recipient.

(2) No permit obtained by virtue of incorrect, incomplete, or because of willful or intentional misrepresentation of any fact shall grant the holder thereof any vested rights regardless of when discovery of such error or misrepresentation is discovered. No rights vest beyond the one (1) year period as described in section 3.7.

(Ord. of 4-15-2015)

Secs. 3.11-3.20. Reserved.

(Ord. of 4-15-2015)
Sec 3.21. - Final As-Built Construction Plan Review and Approval – Non-Residential.

(1) Submittal Process. Final as-built Construction Plans shall be required for all multi-family, mixed-use, and non-residential developments and shall be at the same scale as the approved construction plan for the same project. The as-built Construction Plan shall contain the same information as the predevelopment Construction Plan requirements for the same project. The County Development Review Staff may, if they deem it appropriate, accept a certification by the owner and surveyor/engineer that the project was built in conformity with the approved predevelopment Construction Plan except for specific changes indicated on the plan. A final as-built Construction Plan, shall be submitted to and approved by the Development Review Committee prior to the issuance of a certificate of occupancy. Final as-built shall confirm to the Digital Submission Standards in Section 3.43.

(2) Submittal Specifications.

(A) As-built Plan

(B) Stormwater Management Certificate

(C) Stormwater Management Facility Maintenance Agreement

(D) Stormwater Maintenance and Warranty Surety

(E) Certificate of Landscape Compliance: Upon completion of the landscape improvements, the site shall be inspected by the Engineering Division for compliance with the approved landscape plan. A certificate of compliance must be issued before a certificate of occupancy can be issued for any related structures. When occupancy of a related building is desired prior to completion of the required landscaping, a temporary certificate of occupancy may be issued if a financial guarantee in the amount equal to one hundred (100) percent of the cost for landscaping improvements is provided and acceptable in form to the county attorney, provided that all attorney's fees are paid by the applicant.

(3) Upon approval of the final as-built plan, the developer shall submit an electronic copy to the Engineering Division for inclusion into the County's GIS System. See Section 3.43 of Digital Data Submission Standards.

(4) Fees. At the time of submitting an as-built for approval, a fee shall be paid to the Engineering Division.

(5) Maintenance Surety. Any roadway elements or other improvements (e.g. stormwater management, drainage easements, utility installations, etc.) in a multi-family, mixed-use, or non-residential development that are to be dedicated to the County or otherwise maintained by the County must have a maintenance surety issued pursuant to these regulations. Said warranty period shall be two years from date of acceptance of the improvement. Said improvements must be dedicated pursuant to Sec. 3.41.

(Ord. of 4-15-2015)

Sec 3.22. - Final Plat Review and Approval.

(1) Whenever the subdivision or other development of property in Bartow County is proposed and the developer has complied with the requirements of these regulations, and received the necessary approvals, the developer shall proceed under these guidelines after construction of all required improvements.
(2) Final Plat to Conform Substantially to Preliminary Plat. The final plat shall conform substantially to the preliminary plat as approved, including all conditions specified by the Engineering Division. If desired by the developer, the plat may constitute only that portion of the approved preliminary plat, which the developer has developed or proposed to develop and record at that time, provided, however, that such portion conforms to all requirements of these regulations. All plats shall be required to meet the requirements of the Georgia Platting Act, and as may be amended from time to time.

(3) Final Plat Submittal Specifications. The final plat shall be clearly and legibly drawn at a standard engineering scale of not less than one-hundred (100) feet to one (1) inch. The final plat shall be prepared by a registered professional engineer, or land surveyor, and seal of the certifier shall be shown on the plat. Sheet size shall be eighteen (18) inches by twenty-four (24) inches. The final plat shall contain the items as summarized in the Bartow County Final Plat Review Checklist incorporated herein by reference

(A) A statement indicating the type of mail delivery available by the United States Postal Service (i.e. delivery to individual mailboxes or central delivery via cluster mailbox station(s)) shall be on the plat. The location and related improvement shall be shown on the final plat for each cluster mailbox station. (Ord. of 5-11-16)

(4) Preparation of Final Plat and Application for Approval. The developer shall provide a final plat of the subdivision drawn and sealed by a professional registered land surveyor as outlined in these Development Regulations. Ten (10) copies of the plat shall be filed with the Community Development Department, along with the following:

(A) Application for final plat approval shall be submitted to the Community Development Department using an application form to be determined by the Director.

(B) Copy of existing and proposed covenants.

(C) A copy of deed to the property.

(D) A copy of each deed for all property proposed to be deeded to Bartow County.

(E) Proof that taxes on the property has been paid.

(F) A soil analysis overlaying the final plat prepared in accordance with Section 3.3. The report shall also include wetland delineation and any soil features or conditions, which may affect the proper function of subsurface sewage disposal, including absorption rates at specific depths. Six (6) copies shall be submitted carrying Soil Analysis Certificates printed or stamped thereon.

(5) As-Built Certificates from developer. At the time the final plat is submitted to the Engineering Division the developer must also submit an affidavit signed by his engineer certifying that the streets, drainage structures and any other design features have been constructed according to the development construction drawings (or to approved modifications) approved by the appropriate County department. This will include street grades, drainage structures, drainage pipe size and profiles, street paving specifications, utility locations, stormwater management facilities, dam construction and any other facilities incorporated into the development.

(6) Maintenance Surety. Upon submission of the final plat for a subdivision in which all required improvements have been completed and are being dedicated to the County, the developer must provide written proof that a surety bond has been furnished to the Engineering Division, in a form acceptable to the County (bond, irrevocable letter of credit, or escrow deposit) in an amount established by the Engineering Division, payable to the County for repairs for any items which will be under perpetual maintenance by the County, including new roads, off-site modifications to existing roads and stormwater conveyance and management facilities, or other improvements being
conveyed. This bond shall be provided for a minimum of two (2) years to commence at the time of acceptance of the streets and other improvements by the Commissioner by resolution adopted at a public meeting.

Should the development consist of more than one phase, the bonding period shall run concurrently during all phases of development. Expiration shall occur two (2) years after completion of all required improvements of the final phase. Should the development consist of more than one (1) phase, the bond for subsequent phases shall include all streets located in prior phases used for construction traffic as delineated by the Engineering Division. The County will release this surety at the end of the maintenance period for the subsequent phase.

In the alternative, the County will, upon proof of construction of a satisfactory temporary construction entrance servicing subsequent phases, waive the renewal of required bonding for any streets in prior phases. To secure county acceptance of new roads and stormwater management facilities, the developer must submit to the Engineering Division all documentation and guarantees as specified herein and as required by the County Engineer. Such documentation and guarantees include, but are not necessarily limited to a final plat identifying all roads and stormwater conveyance and management facilities proposed for acceptance by the County, a warranty deed to such roads and facilities and a maintenance bond or other acceptable instrument in an amount approved by the Engineering Division. All required documentation and guarantees must be submitted by the developer to the Engineering Division no later than ten (10) working days, excluding weekends, and holidays preceding the meeting date of the Bartow County Commissioner when acceptance of such roads and facilities will be considered.

(7) Street Markers. All subdivision, commercial and industrial developers shall provide adequate and proper street markers and traffic-control signs, according to the requirements set forth by the Engineering Division for final approval of said development.

(8) Review of Final Plat. The Development Review Committee shall review the documents. The review staff will meet in session to discuss any problems or corrections necessary before final approval is granted. After the review staff has completed its review of the final plat and granted approval, each department will stamp and sign the final plat. If the final plat is disapproved, a notation of this action shall be made on the final plat or via letter and all prints of the final plat, including a statement of the reasons for disapproval. If action is not taken by the Review Committee within twenty-one (21) working days of the date of receipt (excluding weekends and holidays) the final plat shall be considered approved and a certificate of approval shall be issued on demand, provided that streets have been accepted by the Bartow County Commissioner, and the water and sewer facilities have been approved by the Environmental Health Department and/or the Water and Sewer Department.

(9) Authority to grant Final Approval. The Development Review Staff shall grant final plat approval if a developer meets the requirements of these regulations. No permits or development activity of any kind shall be authorized without compliance with all provisions of these Development Regulations.

(10) Copies of the Approved Final Plat. Once the subdivision plat has been approved, stamped and signed by the review staff, and the Community Development Department has obtained a digital version of the final product, meeting the Digital Data Submission Standards listed in Section 3.43, the Community Development Director will authorize the plat to be recorded with the Clerk of Superior Court to obtain a plat book and page number, for the subdivision. Once final plat is recorded, five (5) copies should be returned to the Community Development Department.

(Ord. of 4-15-2015)

Sec 3.23. - Final Plat Certificates.
The following certifications and acknowledgements must appear on the final plat presented for approval. The language of each must be verbatim as it appears below:

(1) Owner's Acknowledgment

(A) Subdivisions with public infrastructure:

I hereby certify that I am the owner of the land shown on this plat (or a duly authorized agent thereof) whose name is subscribed hereto. I acknowledge that this plat was made from an actual survey, and for value received the sufficiency of which is hereby acknowledged, I do hereby convey all streets and rights-of-way, detention pond lots, water mains and sewer lines shown hereon in fee simple to Bartow County and further dedicate to the use of the public forever all alleys, parks, watercourses, drains, easements, and public places hereon shown for the purposes and considerations herein expressed. In consideration of the approval of this Construction Plan and other valuable considerations, I further release and hold harmless Bartow County from any and all claims, damages, or demands arising: on account of the design, construction, and maintenance of the property shown hereon; on account of the roads, fills, embankments, ditches, cross drains, culverts, water mains, sewer lines, and bridges within the proposed rights-of-way and easements shown; and on account of backwater, the collection and discharge of surface water, or the changing of courses of streams.

And further, I warrant that I own fee simple title to the property shown hereon and agree that Bartow County shall not be liable to me, my heirs, successors, or assigns for any claims or damages resulting from the construction or maintenance of cross drain extensions, drives, structures, streets, culverts, curbs, or sidewalks, the changing of courses of streams and rivers, flooding from natural creeks and rivers, surface waters, and any other matter whatsoever. I further warrant that I have the right to sell and convey the land according to this plat and do hereby bind owners and myself subsequent in title to defend by virtue of these presents.

(B) Subdivisions with private infrastructure (replaces Owner’s Acknowledgement section A above)

I hereby certify that I am the owner of the land shown on this plat (or a duly authorized agent thereof) whose name is subscribed hereto. I acknowledge that this plat was made from an actual survey, and for value received the sufficiency of which is hereby acknowledged, do hereby convey the private roadways and utility easements to the association named on this plat for its maintenance and upkeep and the purposes and considerations herein expressed. In consideration of the approval of this Construction Plan and other valuable considerations, I further release and hold harmless Bartow County from any and all claims, damages, or demands arising: on account of the design, construction and maintenance of the property shown hereon; on account of the roads, lack of access, fills, embankments, ditches, cross drains, culverts, water mains, sewer lines, and bridges within the proposed private roadways and easements shown; and on account of backwater, the collection and discharge of surface water, or the changing of courses of streams.

And further, I warrant that I own fee simple title to the property shown hereon and agree that Bartow County shall not be liable to me, my heirs, successors, or assigns for any claims or damages resulting from the construction or maintenance of cross drain extensions, drives, structures, streets, culverts, curbs, or sidewalks, the changing of courses of streams and rivers, flooding from natural creeks and rivers, surface waters, and any other matter whatsoever. I further warrant that I have the right to sell and convey the land according to this plat and do hereby bind owners and myself subsequent in title to defend by virtue of these presents.

____________________________  ______________________
Signature                      Date

____________________________
Printed Name
(2) Surveyor's Acknowledgment

I hereby certify that the plan shown and described hereon is a true and correct survey made on the
ground under my supervision, that the monuments have been placed as shown hereon, and is to the
accuracy and specifications required by the Bartow County Development Regulations.

________________________________________
Registered Ga. Land Surveyor

________________________________________
Printed Name

(3) Bartow County Board of Health Certification

This plat has been approved for individual septic tank systems (except noted) and individual septic
tank permits will be issued upon receipt of individual plans showing the septic tank system in a
suitable place on the lot.

Dated this ________ day of __________ 20___.

________________________________________
Environmental Health Program Manager,
Bartow County Board of Health

Notes on Individual Septic Systems
Out: Means unsuitable for septic system
SP: Means approval of individual site plan required prior to issuance of septic tank permit
PP: Means approval of individual plot plan required prior to issuance of septic tank permit

(4) Bartow County Development Certification

This plat, having been submitted to Bartow County and having been found to comply with the Bartow
County Development Standards and the Bartow County Zoning Ordinance, is approved subject to
the installation and dedication of all streets, utilities, easements and other improvements in
accordance with the Development Regulations and the posting of a two year maintenance security.

________________________________________
Bartow County Water System

________________________________________
Engineering Division

________________________________________
Zoning Division

The following certifications and acknowledgements must appear on the final plat for any condominium
or subdivision that includes private roadways and utilities:

I hereby certify as the owner of the land shown on this plat and whose name is subscribed hereto,
acknowledge that this plat was made from an actual survey, and for value received the sufficiency of
which is hereby acknowledged, do hereby convey the private roadways and utility easements to the
association named on this plat for its maintenance and upkeep and the purposes and considerations
herein expressed. In consideration of the approval of this Construction Plan and other valuable
considerations, the owner further releases and holds harmless Bartow County from any and all
claims, damages, or demands arising: on account of the design, construction and maintenance of
the property shown hereon; on account of the roads, fills, embankments, ditches, cross drains,
culverts, water mains, sewer lines, and bridges within the proposed private roadways and easements shown; and on account of backwater, the collection and discharge of surface water, or the changing of courses of streams.

And further the owner warrants that he owns fee simple title to the property shown hereon and agrees that Bartow County shall not be liable to him, his heirs, successors or assigns for any claims or damages resulting from the construction or maintenance of cross drain extensions, drives, structures, streets, culverts, curbs, or sidewalks, the changing courses of streams and rivers, flooding from natural creeks and rivers, surface waters and any other matter whatsoever. I further warrant that I have the right to sell and convey the land according to this plat and do hereby bind owners and myself subsequent in title to defend by virtue of these presents.

________________________________________________________________________
Signature Date

Printed Name

(Ord. of 4-15-2015)

Sec 3.24. - Final Plat Revisions.

Should a developer/sub-divider desire to amend or revise a previously approved final plat then the developer/sub-divider shall submit to the Community Development Department the following:

(1) A letter specifically identifying the modifications/revisions to the final plat and stating that all necessary infrastructure (storm, sanitary sewer, and water) has been adjusted in accordance with Bartow County Code to address the modifications.

(2) Submission of the latest original recorded plat with a specific statement regarding the nature of the revision on the face thereof. The format for such a revision statement shall be as follows:

This plat supersedes the plat recorded in Plat Book _____, Page______.
The purpose of this revision is to: __________________________________________________

(3) If the original final plat is otherwise unavailable, then the developer/sub-divider may submit a plat prepared to show the specific revision to the original plat of record with the revisions noted thereon with references to the previously recorded plat (latest revision).

(4) Approved by: _________________________________
Bartow County Community Development Department

_________________________________
Bartow County Water System

(Ord. of 4-15-2015)

Sec 3.25. - Phased Development.

Each construction phase of any development shall be capable of standing on its own if subsequent phases will be constructed at some future time. Subdivisions may be divided into units. Units may be further divided into phases. Phases may be divided into sub-phases. No subdivision element, whether phase or sub-phase, shall be served by any utility to be constructed in the future. Developed phases shall be numbered in sequence (i.e., Phase Two must follow Phase One and precede Phase Three). Sub-phases must also be labeled in a like fashion (i.e., Sub-phase B must follow Sub-phase A and precede Sub-phase
C). Units will be denoted by Roman numerals. Phases will be denoted by Arabic numbers. Units and phases may be referenced by spelling out the number, if both unit and phase are spelled out. Sub-phases are to be always referenced by alphabetic characters, beginning with the letter "A".

Sec 3.26. – Private Subdivisions

A developer may construct a single-family subdivision in which the streets, drainage, and stormwater management facilities contained therein are not dedicated to the county only upon compliance with all of the following:

1) General application. All provisions of the Bartow County Development Regulations shall apply to the development of said subdivision except subsection 5.31(15) (which provides for the streets to be dedicated to the county);

2) One entrance. There shall be only one entrance/exit from the subdivision to a public street, unless total units exceed 150 (See subsection 5.31(3)). In no event shall a private street be constructed so as to permit said street, in any configuration, to serve as a connecting street between two public streets. Other than the entrance/exit to the private subdivision, no private street shall adjoin any property outside the limits of the private subdivision;

3) Easements. The plat of the subdivision shall reflect and reserve all necessary utility easements and private rights-of-way to service the subdivision;

4) Plat notations. All plats shall be labeled as a "private subdivision" and shall contain on the face thereof the following language in prominent bold capital letters: "THE STREETS, DRAINAGE AND STORMWATER MANAGEMENT FACILITIES IN THIS SUBDIVISION ARE PRIVATE STREETS, DRAINAGE AND STORMWATER MANAGEMENT FACILITIES AND ARE NEITHER MAINTAINED BY BARTOW COUNTY NOR CONSIDERED PART OF THE ROAD SYSTEM OF BARTOW COUNTY. THE RESPONSIBILITY FOR THE UPKEEP AND MAINTENANCE OF THE STREETS, DRAINAGE AND STORMWATER MANAGEMENT FACILITIES SHOWN HEREON ARE THE RESPONSIBILITY OF THE INDIVIDUAL HOMEOWNERS THROUGH THE SUBDIVISION'S INCORPORATED HOMEOWNER'S ASSOCIATION";


6) Homeowners' association. Provide proof to the county engineer from the Georgia Secretary of State of the incorporation of the subdivision's homeowners' association and proof that said association holds title to the right-of-way of the streets, drainage and stormwater management facilities on behalf of the purchasers and requires all purchasers of lots in said subdivision to be members of said homeowners' association;

7) Public notice. Place at the entrance to said subdivision a sign, approved by the county engineer, indicating that the streets in the subdivision are private streets;

8) Gated subdivisions. If a gate or other controlled access is installed at the entrance to the subdivision, a place which provides emergency access to the subdivision by emergency agencies
must first be approved by the emergency agencies of the county. Access must also be provided to anyone providing utilities to said subdivision; and

(9) Documentation to county. All agreements, restrictive covenants and other documentation related to the development shall be furnished and approved by the county engineer, prior to commencement of development.

(Ord. of 5-11-2016)

Sec 3.27. – Private Townhome Development

Private townhome developments (that is, where the streets are not to be dedicated to the county) have additional requirements as follows:

(1) Prior to commencement of development, the developer must provide to the county engineer copies of all agreements, restrictive covenants and other documentation related to the development. The county engineer must approve said documents prior to commencement of development.

(2) Prior to final plat approval of a private townhome development the developer must provide to the county engineer proof from the Georgia Secretary of State of the incorporation of the development's homeowners' association and proof that said association holds title to the right-of-way of the streets on behalf of the purchasers and requires all purchasers of townhouses in said development to be members of said homeowners' association. The county engineer must review and approve such documentation prior to final plat approval.

(Ord. of 5-11-2016)

Sec 3.28. – Lot Splits; recording of plats

No lot shall be split nor shall any plat be recorded in the office of the Clerk of Superior Court of Bartow County without a signature of approval on the following signature block:

This plat meets the requirements of the Bartow County Zoning Ordinance and Development Regulations and is authorized to be recorded.

<table>
<thead>
<tr>
<th>______</th>
<th>;daterule;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signature</td>
<td>Date</td>
</tr>
</tbody>
</table>

Such signature block shall only be signed by the community development director or his or her designee, upon review that the lots shown on the proposed plat meet the requirements for road frontage, minimum lot size, and all other applicable requirements of the Bartow County Code of Ordinance, appendix A (Zoning ordinance) and appendix B (Development regulations). Any plat recorded after the effective date of this amendment without such signature block shall be an illegal plat and shall vest no rights in the property owner. The county reserves the right to take legal action to reverse illegal lot creations, illegal lot splits, or other actions in violation of this section, including creation of substandard-sized lots or remnants.

(Ord. of 5-11-2016)

Secs. 3.29-3.40. Reserved.

(Ord. of 5-11-2016)
Sec 3.41. - Dedication of Rights-Of-Way and Easements.

(1) Any property other than shown on approved development plats, which are to be dedicated to Bartow County in fee or by easement shall be accomplished by the following method:

(A) The developer shall, upon completion of the Final Plat submittal requirements, cause to be prepared a deed of dedication to Bartow County with a proper legal description, providing for dedication to and acceptance by Bartow County of the roadways and associated infrastructure improvements. No final plat shall be recorded unless signed deeds are tendered to the County. The County shall not be required to accept the dedication until all criteria of these Regulations, including placement of final wearing surface, are met. Acceptance shall only occur by Resolution of the Commissioner adopted at a public hearing. Unless the property is conveyed via a Development Agreement, the property owner shall furnish a maintenance surety contemporaneously with the deeds. Upon formal acceptance of a road or street, the same shall be open to the general public at all times subject only to any restrictions placed upon it by Bartow County.

(B) The property owner shall submit with the deed a plat demonstrating the boundary limits of the property to be dedicated consistent with the requirements of the Georgia Plat Act.

(C) The property owner shall execute and submit an owner's affidavit and evidence that the development is in conformity with these standards and specifications and evidence of good and marketable title in a form approved by the County Attorney’s Office.

(D) In the event the property is encumbered by liens or mortgages, the property owner shall furnish consent of lender/lien holder affidavits on forms approved by the County Attorney's Office.

(E) Any dedication relating to streets, sidewalks, and rights-of-way shall be submitted to the Bartow County Road Department. Any dedication relating to storm drainage, drainage channels, retention and detention, and storm sewer shall be submitted to the Bartow County Road Department. Any dedication relating to water lines or sanitary sewers shall be submitted to the Bartow County Water System.

(F) All materials in the right-of-way that have salvage value, as determined by the inspector, shall remain property of Bartow County and shall be utilized as shown on the plans or returned to the Bartow County Road Department. Any item damaged during removal or relocation shall be replaced in kind.

(Ord. of 4-15-2015)

Sec 3.42. - Utility Construction Prior To Completion.

(1) It shall be the developer’s responsibility to notify the necessary utility companies involved in burying main and/or service cable and/or pipe (including conduit) in commercial and residential developments where there are streets to be dedicated to Bartow County for maintenance.

(2) Sufficient notice shall be given so as to allow for the burying of long side services, intersectional crossings and to make splices, taps or relocations within acceleration/deceleration lanes at project entrances. No paving work on the public right-of-way shall be done until clear of all above and below ground utility work.

(3) All utilities shall be installed as set out in Bartow County Standard Details For Development.

(4) All utilities shall be installed prior to approval of final plat or certificate of occupancy.
Sec 3.43 Digital Data Submission Standards.

Bartow County has adopted geographic information system (GIS) technologies to store, manage and maintain geographic/spatially-related data. The civil engineering community has evolved as well to the point where the predominant design environment is computer aided design and drafting (CAD) or GIS. It is the goal of the County to use both CAD and GIS technologies to expedite the design and review processes within the administration, by developing standards and procedures for integration of digital engineering CAD drawings in to the GIS environment, maintaining the integrity and positional accuracy of the data.

Below are the requirements and options for submission of digital data as required for County construction projects. Please note that those levels shown in *bold italics* are REQUIRED concurrent with plan submission.

1. **File Format.** Acceptable file formats are Autocad.DWG, Microstation.DGN, Esri Shapefile.SHP, XML Workspace Document.XML, Esri File Geodatabase.GDB or Esri Personal Geodatabase.MDB.

2. **Acceptable media formats for data submission include CD’s, DVD’s or email.**

3. **Coordinate System.** The standard coordinate system for all digital mapping in Bartow County shall be in the Georgia State Plane Coordinate System, West Zone, 1983 North American Datum. This coordinate system uses base units of US Survey foot. Bartow County will accept digital data files only in this projection.

4. **Other Information.**
   - (A) Contact name
   - (B) Contact phone number
   - (C) Contact address

5. **Overview of Layers**

Bartow County recognizes that each engineering and design firm has created their own set of standard CAD and data layers. Therefore Bartow County will accept digital files with any layering scheme as long as there is sufficient separation of categories. Listed below are the minimum layer categories for separation:

**BUILDING FOOTPRINT**
- *Existing Building Footprint*
- *Building Footprints (for non-residential)*

**CADASTRAL LAYER**
- *Parcel lines*

**CONTROL LAYER**
- *Land lot lines (for reference)*
- *Survey Monuments*
- City limit line, if property is adjoining
- County line, if property is adjoining

**CULTURAL LAYER**
- Parks
- Historical Landmark
- Golf Course
FLOODPLAIN
   Existing Floodplain

HYDROLOGY LAYER
   HydroEdge (creek, river, stream)
   WaterBody (lake, pond)

SANITARY LAYER
   AirReleaseValve
   Poly
   SanitaryManhole
   SanitaryMisc
   SanitaryPipe
   SanitaryPumpStation
   Tap

STORMWATER LAYER
   DetentionPonds
   SWBMP
   SWLine
   SWOpenChannel
   SWOutfall
   SWStructure

TOPOGRAPHY/DTM LAYER
   Contour lines

TRANSPORTATION LAYER
   Street Centerline
   Edge of Pavement
   Parking Lot (for non-residential)
   Driveway
   Sidewalk
   Right of Way

UTILITY LAYER
   Electric Line
   Electric Easement
   Gas Line
   Gas Easement
   Other

WATER LAYER
   Hydrant
   Meter
   PumpStation
   Tank
   Tee
   Valve
   WaterEasement
   WaterManhole
   WaterMisc
   WaterPipe

(Ord. of 4-15-2015)
ARTICLE IV. - RESERVED

Secs. 4.1—4.9 - Reserved.

ARTICLE V. – TECHNICAL STANDARDS

(Ord. of 5-11-2016)

DIVISION 1. - IN GENERAL

Secs. 5.1—5.25. - Reserved

DIVISION 2. – STREETS AND DRAINAGE

(Ord. of 5-11-2016)

Sec. 5.26-27. - Reserved.


Sec. 5.28. - Required improvements.

(a) Reserved

(b) Reserved

(c) Erosion and sedimentation. The developer shall comply with the Bartow County Soil Erosion and Sedimentation Control Ordinance (Code section 34-251 et seq.) and guidelines set forth in the Manual for Erosion and Sediment Control in Georgia, latest edition. The location of the erosion control devices may have to be altered from that shown on the approved plans due to changes in drainage patterns created during construction. It is the developer's responsibility to accomplish erosion control for all drainage patterns created at various stages during construction. Any difficulty in controlling erosion during any phase of construction shall be reported to the county immediately. Failure to properly install, operate or maintain all erosion control measures may result in all site activity being stopped, by issuance of a stop-work order, until such measures are corrected to the satisfaction of the county.

(d) Reserved

(e) Surety to county. Prior to issuance of a land disturbance permit the developer shall cause to be executed in favor of Bartow County surety in the form of a performance and maintenance bond, an irrevocable standby letter of credit, or an escrow deposit. The surety must be accepted and approved by the county engineer before the LDP can issue.

(1) Purpose. The purpose of the surety shall be any or all of the following, depending on the particular development: 1) to secure performance of the erosion and sedimentation control work in compliance with county regulations; 2) to ensure proper construction of roads in new developments; 3) to ensure proper construction of any work performed in existing Bartow County rights-of-way; 4) to provide a guaranty for the warranty and maintenance period applicable to any new road or work in any existing county right-of-way.

(2) Approval. The surety shall only be issued in a form approved by Bartow County. The language of the surety and the term of the surety must be approved by Bartow County prior to issuance. Bartow County has forms it prefers that surety companies use, and those can be provided upon request; otherwise, the form of the surety shall be approved by the county engineer prior to acceptance of the surety. Any irrevocable standby letter of credit or surety bond shall be issued
by a company or financial institution authorized to do business in the State of Georgia. Irrevocable standby letters of credit shall be issued in accordance with the current International Chamber of Commerce (ICC) publications governing such letters of credit, and must be issued by a bank having a physical branch in Bartow County, which shall be the place of tender of the draft on said letter of credit. Bartow County reserves the right to demand a specific form of surety from a developer that has tendered unsatisfactory surety in the past. Bartow County reserves the right to reject a surety from a financial institution or insurance company that has provided an unsatisfactory surety in the past. Escrow shall mean deposit of good funds in a bank of Bartow County's choosing pursuant to escrow instructions issued by Bartow County.

(3) Scope. In each case, the surety guarantees that all applicable provisions of any Bartow County Ordinances are complied with, including but not limited to, the Erosion and Sedimentation Control Ordinance, these Development Regulations, the Utility Accommodation Ordinance, Bartow County Standard Road Details, and the regulations promulgated under each of the foregoing.

(4) Amount and term. The amount of the surety depends on the project, and shall be set by the county engineer relying on experience with similar projects and the developer, knowledge of material and labor costs, and investigation of additional costs. The amount shall be sufficient to secure performance of the work and compliance with the county ordinances and regulations. Depending on the elements of the project, the amount can include one or more of the following: 1) For security of erosion and sedimentation control work, the amount shall be sufficient to permanently stabilize the entire project, at a minimum of $3,000.00 per acre of the property to be disturbed. 2) For road work on new roads, the amount shall be sufficient to grade, base and pave all new roads called for on the plans, at a rate to be determined by Bartow County and such rate may be revised from time to time as deemed necessary by the county engineer to reflect current construction costs; the amount shall also be sufficient to pay for associated utility relocations/installations and stormwater controls. 3) For work in existing county rights-of-way, the amount shall be sufficient to ensure repair the roads after any planned work, including associated utility relocations/installations and stormwater controls, that are part of the project being approved; the minimum amount shall be $25,000.00. The foregoing amounts are minimums and can be increased based on a more complex or expensive project, difficult terrain or other factors that would make the remedial work more expensive. No additional separate amount of surety shall be required for maintenance purposes. The term of any surety shall extend for the period from the issuance of the LDP until the project or development is completed, and additionally beyond that for the duration of any applicable warranty and maintenance period.

(5) Partial release. Once erosion and sedimentation control BMPs are complete, and the site is finally stabilized, the county may, at the discretion of the county engineer, authorize a release of the portion of the surety relating to E & S work. Once a new roadway or roadways have had final "as-built certificates" issued and they have been dedicated and accepted, the county may, at the discretion of the county engineer, release a portion of the surety amount relating to the new roads; the remainder shall be kept as surety for the maintenance period. Once a project within an existing county right-of-way has been completed and inspected, the county may, at the discretion of the county engineer, release a portion of the surety amount relating to the work in the existing right-of-way; the remainder shall be kept as surety for the maintenance period. Once the applicable maintenance period has passed, the remaining surety amount shall be released. In the event there are no new roads nor any work in the county right-of-way that require a warranty period, the surety shall be released upon the issuance of a certificate of occupancy.

(6) Prerequisite; calling surety. No land disturbance permit shall be issued by the county until the surety has been furnished to the county, in a form acceptable to the county. If the developer does not comply with these Regulations, other applicable Bartow County Ordinances and regulations, or with the conditions of the permit after issuance, the county may call the surety, or any part thereof, to be forfeited and may use the proceeds to perform the work or hire a contractor to remedy the defects, whether that means installing soil erosion and sedimentation prevention measures, completing paving and road work, or completing other work.
(7) Waiver. The county engineer shall be authorized, but not required, to reduce or waive the surety requirement for projects undertaken by a municipal government in the county.

(f) Development plan detail. The developer must submit a set of development plans of the proposed development showing the improvements required by this section which must be approved by the county prior to commencing construction. Said plan shall include, but not be limited to, showing existing two-foot contours, adjacent areas such as streams, lakes, residential areas, etc. which might be affected by proposed development, proposed grades, 100-year flood elevations if applicable, and all improvements. Hydrological studies, engineering computations, flood records and field surveys compiled and certified by an engineer currently registered in the State of Georgia may be required for exact delineation of flood limits and elevations. In addition to the requirements contained in these regulations the developer shall comply with the Bartow County Development Checklist.

(g) Land disturbance permit. Upon approval of development plans, the property owner must obtain a land disturbance permit. Owner must obtain said permit within 120 days of approval of development plans. If not, the permit may be canceled. Land disturbing activity under the permit must begin within 120 days after issuance of permit. Failure to begin land disturbing activity may be cause for the permit to be canceled. Once a permit has been canceled or voided, it cannot be reactivated or reinstated for any reason. A new set of development plans must be submitted, reviewed and accepted when the applicant is ready to obtain a land disturbance permit.

(h) Construction exits. The developer shall comply with section 34-267 (e) regarding construction exits.

(i) Utilities. All utilities shall be installed as set out in Bartow County Site and Utility Details for Development.

(j) Altered conditions. If actual site conditions, grading or construction, vary from approved plans, it is the owner/developer's responsibility to inform the engineer of record and the county engineer for assessment of the varied condition. Project construction may be delayed during the assessment period. Revised plans may be required and reviewed.

(k) Flood zone property. Sites affected by FEMA flood zones shall be referenced to mean sea level vertical datum. A permanent onsite benchmark must be provided. Development shall comply with the Bartow County Flood Damage Prevention Ordinance, and a certification consistent with that ordinance shall be provided at the rough inspection stage.

(l) Flood hazard areas. Sites affected by flood hazard areas not determined by FEMA shall be referenced to the best vertical datum available and acceptable to the county. A permanent onsite benchmark must be provided. Flood hazard areas shall be defined to include detention ponds, retention ponds, drainage easements, headwater pools or backwater from pipes, culverts, dams, channelizations, etc., and any other manmade areas or structures relating to flood, erosion or surface water control, whether located within the floodplain or not.

(m) Street access required. Access to each lot in said development may only be from a street designed and constructed as part of said development except A-1 district lots may be accessed from county right-of-way provided each lot has a minimum of 200 feet of road frontage.

(n) Clear-cutting and mass clearing prohibited. The property or lot to be developed shall not be cleared except that amount of land minimally necessary for the footprint of the structure, rights-of-way, required drainage or required parking.


Sec. 5.29. - Base and paving of streets new developments and redevelopments.

Base and paving in all residential and non-residential developments, subdivisions, and/or manufactured housing parks shall meet the following minimum specifications:
(1) **Pavement width.**
   a. Residential project pavement widths shall be a minimum of 20 feet wide except in A-1 and RE districts wherein the pavement shall be a minimum of 22 feet wide. A cul-de-sac on any dead end road shall be graded, based and paved to provide a minimum 70-foot turnaround diameter.
   b. Commercial and Industrial pavement widths shall be a minimum of 26 feet wide. A cul-de-sac on any dead end road shall be graded, based and paved to provide a minimum 150 feet turnaround diameter.
   c. Road beds and pavement width in curves shall be properly elevated and paved to provide safe travel.

(2) **Compaction.** The road or street must be graded and must achieve a minimum 95 percent modified compaction using a “sheep foot roller” or the equivalent. The community development department must inspect the graded road bed before base material may be applied.

(3) **Drainage pipes.** Proper road and street drainage must be installed by the developer at no expense to the county including driveway pipes. A minimum 36 feet of drain pipe shall be provided at each intersection. Pipe shall be of sufficient diameter for maximum water flow projections. The pipe shall be either concrete or pure aluminum pipe. Pipes outside the roadbed may be designed per GDOT standards for HDPE pipe.

(4) **Base.** Following inspection of the road bed, the minimum specified approved aggregate base must be applied. Base material and installation must be inspected by the community development department prior to the application of any hard surface (paving). The paving contractor is required to have an inspection sticker issued by the Georgia Department of Transportation (GDOT) on the asphalt spreader and chip spreader.
   a. Residential Projects: A minimum of six inches of approved aggregate base must be applied.
   b. Commercial and Industrial Projects: A minimum of eight inches of approved aggregate base must be applied.

(5) **Core testing.** Bartow County reserves the right to require core testing under the direction of county engineer to assure compliance.

(6) **Paving; final surfacing.** Specifications for plant mix asphalt for all roads and streets shall be as follows: 1) any plant mix asphalt must comply with GDOT guidelines for the appropriate road or street; 2) all streets shall have a minimum thickness of two inches of “B” mix and one and one half inches of “E” mix. See Bartow County Site and Utility Details for Development, for base requirements and complete roadway cross-section specifications.

The timing of the paving for roads and streets depends on the type of residential subdivision as follows:

   a. **No Curb and Gutter.** In residential subdivisions where curb and gutter are not required, the final wearing surface shall be placed prior to final plat recording.
   
   b. **Curb and Gutter and Sewer.** In residential subdivisions with sewer, the developer shall wait to apply final wearing surface until after 80 percent build out of all lots in the subdivision, and a letter of credit for the road improvements (at a rate determined by the County Engineer) shall be required. See subsection 5.28(e) for requirements.
   
   c. **Curb and Gutter but No Sewer.** In residential subdivisions without sewer, but where curb and gutter are required, the developer shall have the option of placing the final wearing surface before recording of the final plat, or waiting to place the final wearing surface until after 80 percent build out of all lots in the subdivision, but in the latter case, a letter of credit for the road improvements (at a rate determined by the County Engineer) shall be required. See subsection 5.28(e) for requirements.
d. *Five Year Limitation.* In no event shall the final wearing surface be placed later than five years after the recording of the final plat.

e. For all commercial and industrial projects paving shall be completed and final wearing surface applied prior to issuance of any certificates of occupancy. Specifications for plant mix asphalt shall be as follows: 1) any plant mix asphalt must comply with GDOT guidelines for the appropriate road or street; 2) all streets shall have a minimum thickness of two inches of "B" mix and one and one half inches of "E" mix. See Bartow County Site and Utility Details for Development for base requirements and complete roadway cross-section specifications.

(7) *Drainage at low points.* Drainage of roadway shall be provided at low points through weep holes to catch basins (see Bartow County Site and Utility Details for Development).

(8) *Right-of-way erosion control.* Rights-of-way and road shoulders shall be graded, grassed, and/or re-grassed until sufficient ground cover is achieved.

(9) *Final inspection; acceptance.* After the road or street has been completed and as-built certified by the engineer of record (see subsection 5.31(14)), the county engineer must perform a final inspection of all paving, drainage and any other aspects related to future maintenance of the road or street. Provided all criteria are met, including final wearing surface having been applied, the county shall officially accept the "roadway as-built certificate." After this point, provided the roadway is to be a public street, the roadway shall be dedicated to the county. The developer shall cause to be prepared a deed of dedication to the county with a proper legal description, providing for dedication to and acceptance by the county of the roadways and associated infrastructure improvements. Upon acceptance of said road or street, the same shall be open to the general public at all times subject only to any restrictions placed upon it by the county. The county shall not be required to accept the dedication until all criteria of these regulations (including application of final wearing surface) are met.

(10) Construction warnings. The developer shall furnish and maintain all necessary barricades and warning signs in the right-of-way while roadway frontage improvements are being made.

(11) Warranty and maintenance period. Roadways (including associated infrastructure improvements) shall be warranted for a period of two years from the date of acceptance by the county of the roadways, except for roadways with sanitary sewer, in which case the warranty period shall extend two years from the date of acceptance by the county of the roadways. Work in an existing county right-of-way (for example, access for a new development) shall be warranted for a period of two years. In all cases, the warranty period begins to run on the date the commissioner accepts the deed of dedication by resolution at a public hearing. The warranty shall mean that if the road fails within the warranty period, the road shall be repaired by the permit holder, or else the county shall call the surety to pay for the repair. Road failures include dips in the surface, raveling, potholes, and any other defect that means the road does not meet the standards of county regulations, as determined solely by the county. The surety required by subsection 5.28(e) shall remain in effect the applicable warranty period to secure maintenance. See also subsection 5.31(16).

(Ord. of 11-9-2005(3), § 4.3; Ord. of 9-10-2008, §I (4.3.11); Ord. of 9-11-2013, § I) (Ord. of 5-11-2016)

Sec. 5.30. - Special District Assessments for Roadway Project Improvements.

(a) *Purpose and Authority.* This section is adopted pursuant to the authority of Article IX, Section II, Paragraph IV of the Georgia Constitution of 1983, authorizing the County to create special districts by
ordinance to provide local government services and to provide for assessments to pay for such services. This section is intended to address the problems created by failed subdivisions where the original developer has dissolved, gone bankrupt, or otherwise lost ownership before completing the roads and streets (and associated utility infrastructure) within the development to the required standards of these Development Regulations, or when the original developer has failed to complete the final wearing surface within five years of final plat recording. In compliance with the Development Impact Fee Act (OCGA Sec. 36-71-1 et seq.), only Roadway Project Improvements (as defined below) shall be constructed under this section. However, in any conflict between authority exercised under the above-cited paragraph of the Constitution and the Development Impact Fee Act, the Constitution shall control.

(b) Creation. There is hereby created a special district pursuant to Article IX, Section II, Paragraph IV of the Georgia Constitution of 1983 for purposes of upgrading a particular development’s internal streets and roads and related water, sewer, and storm water infrastructure, for each subdivision or development that requires Roadway Project Improvements, provided all of the following occur:

(1) The Community Development Director certifies in writing to the Bartow County Commissioner that a residential subdivision has been lawfully final platted in the unincorporated county; that more than five lots have been sold by the original developer and homes are erected and certificates of occupancy have been issued on such lots; that the original developer no longer owns the development and there is no successor developer who can provide appropriate surety for completion of the roads, or that the original developer has not placed the final wearing surface on the roads within five years of final plat recording; that all or a portion of the roads and streets (and related utility infrastructure) shown on the final plat do not comply with these Development Regulations; and that adequate funds or surety for proper completion of the roadways and associated infrastructure within the residential development was not obtained or has not been honored or otherwise received.

(2) The Community Development Director provides a cost estimate of the cost of providing all Roadway Project Improvements to bring the development into compliance with the Development Regulations, and provides a cost per vacant lot of constructing such necessary improvements.

(3) The County Commissioner adopts a resolution designating the subdivision as a special district under this section and approves the construction of the necessary street and related improvements and the implementation of the assessment to recover the costs, such assessment to be imposed only on lots meeting the definition of vacant lots as of the date of the adoption of the Commissioner’s resolution.

(c) Construction and Assessment. Upon creation of the special district, the County shall be authorized to construct the necessary street improvements and impose the assessment on each vacant lot in the subdivision. The building inspections division shall collect the assessment at the time of issuance of a building permit. This fee shall be in addition to and separate from regular building permit fees, water and sewer tap fees, and any other fees required by the Code of Bartow County and regulations adopted thereunder.

(d) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) Roadway Project Improvement: means site improvements required to provide all the street, road and utility improvements within the right of way of a specifically identified residential development that were shown on the final plat and are necessary for the use and convenience of the occupants of the development and necessary to bring the development into compliance with the standards set forth in the Bartow County Development Regulations. Such street, road and utility improvements include, but are not limited to,
streets, roads, sidewalks, curb and gutter, and associated utility improvements in the right of way such as storm water structures, sewer manholes, water and sewer lateral connections and similar items.

(2) Vacant lot: means a lot within a residential subdivision for which no certificate of occupancy (C.O.) has been issued by the county, or for which a C.O. has been revoked. This shall include lots with foundations or partially built homes.

(e) Restrictions.

(1) Assessments collected under this section shall be spent only on the specific Roadway Project Improvements necessary for the specific development designated as a special district.

(2) Upon collection of sufficient assessments to equal the cost estimate, the county may commence construction of the improvements. However this provision does not preclude the county from commencing such construction at an earlier date and being reimbursed such expense from the assessments.

(3) Any costs of installing the Roadway Project Improvements exceeding the cost estimate approved by the Commissioner in a resolution creating the special district shall be absorbed by the County.

(4) It is not intended that this section be used to provide upgrades to a subdivision that were not called for in the original plat (for example, providing sidewalks where none were called for by the plat) but minor improvements necessitated by changing conditions or new information but not shown on the final plat (for example, an additional storm drain) can be included as a Roadway Project Improvement.

(Sec. 5.31. - Street design.

The following criteria and requirements are applicable to all street design plans and street designs, in all developments and subdivisions:

(1) Road plan. Developer must provide road plan and profiles for all streets in the development design.

(2) Intersection angle. All streets must intersect with other streets at a 90 degree angle.

(3) Multiple entrances. A maximum number of 150 residential dwelling units shall be allowed with only one street outlet to an existing public road. The second entrance location and design must be approved by county engineer and community development department. If a second access to an existing public road is not available or, in the opinion of the county engineer, could induce non-residential traffic through the development, a single entrance may be allowed. However, such single entrance must be designed with a traffic signal and/or sufficient right-of-way and improvements to provide a protected left-turn lane, subject to the approval of the county engineer and community development department. In such cases, a "knockdown" gate-type second entrance (that is, a gate designed to discourage routine access but able to be knocked down by an emergency vehicle) shall be provided for emergency vehicle access, accessing at least a gravel drive connecting to an interior street.

(4) Intersection radii. The curb or pavement radii at intersections shall not be less than 25 feet.

(5) Grades. Street grades shall not be less than 1.5 percent grade nor more than 15 percent grade.
(6) Sight distance. Intersection sight distance (not to be confused with stopping sight distance) shall be measured from centerline of each proposed intersecting entrance street or driveway. See additional design criteria in Bartow County Site and Utility Details for Development. Intersection sight distance is determined with an assumed height of driver's eye of 3.50 feet and an assumed height of object of 4.25 feet when measuring in the vertical plane. When measuring in the horizontal plane, the intersection sight distance is determined with an assumed driver's eye location of ten feet from edge of pavement of the main street on the centerline of the intersecting street and an object location on the centerline of the main street. When measuring in either plane, the line of sight must remain in the proposed dedicated ROW, unless the designer provides a plan showing unimpeded line of sight. Intersection sight distance for internal subdivision streets shall not be less than 200 feet.

(7) Curve radii. Horizontal curve radii at street centerline shall be not less than 200 feet for streets intersecting with county roads and 100 feet for all other streets. A minimum of 100 feet of tangent must be provided between reverse curves and a minimum of 50 feet of tangent must be provided on intersecting streets.

(8) Intersections. All intersections with existing county roads must be approved by the community development department. Acceleration and deceleration lanes shall be installed as required by the community development department or engineering department. Determination of whether such lanes are required shall be based on sound engineering principles, traffic safety considerations, and the circumstances of the site, proposed use, and development. Acceleration and deceleration lanes must conform with the details found in Bartow County Site and Utility Details for Development.

(9) Driveway and access permits. A permit must be obtained from the county road department for any street or driveway entering a county road. The permit for a driveway must be obtained before a building permit will be issued except where curb and gutter has been previously installed.

(10) Right-of-way width. Any road or street in any non-commercial or non-industrial area shall have sufficient right-of-way for proper utility and drainage easements or 60 feet whichever is greater with a cul-de-sac diameter of not less than 70 feet. Right-of-way in any commercial or industrial development shall be not less than 60 feet with a cul-de-sac diameter of not less than 150 feet.

(11) Curb for non-commercial and non-industrial streets. All non-commercial and non-industrial streets shall have vertical face curb and gutter with a distance of not less than 24 feet back of curb to back of curb (except as hereafter provided). Vertical face curb shall conform to the specifications contained in the Bartow County Site and Utility Details for Development. "Roll-back" curb and gutter is prohibited. If a subdivision development consists of a minimum of three acres per lot, the developer shall not be required to install curb and gutter; provided however, the developer, prior to the commencement of construction shall provide the county engineer with a copy of the recorded plat of said subdivision which shall contain a restrictive covenant, in addition to any other covenants, providing that said lots may not be re-subdivided into smaller lots and an affidavit that upon the conveyance of a lot to a third party, the deed shall specifically contain therein the provision that said lot cannot be re-subdivided into smaller lots not withstanding anything contained herein to the contrary.

(12) Sidewalks. Except in A-1 or RE Districts, sidewalks, 48 inches wide or greater, shall be constructed along both sides of all streets throughout any subdivision development with an amenity package or on public sewer. An "amenity package" means a clubhouse, swimming pool, tennis courts, playgrounds or any combination of similar facilities, that would encourage residents to walk within the subdivision. Sidewalks shall be required on one side of the street in any other subdivision. Said sidewalks shall be constructed in conformity with the details found in the Bartow County Site and Utility Details for Development.

(13) Curb for commercial and industrial streets. All commercial and industrial streets shall have six inch by 30 inch vertical face curbs with a distance of not less than 31 feet "back of curb to back of curb."
(14) As-built certification. The developer's engineer shall, upon completion of roadway construction in compliance with these regulations, cause to be prepared an as-built certification for all roads, streets, and drainage systems for design compliance. A standard form of certification will be provided by the county.

(15) Deed of dedication. The developer shall, upon completion of the above requirements, cause to be prepared a deed of dedication to Bartow County with a proper legal description, providing for dedication to and acceptance by Bartow County of the roadways and associated infrastructure improvements. Upon acceptance of said road or street, the same shall be open to the general public at all times subject only to any restrictions placed upon it by Bartow County. The county shall not be required to accept the dedication until all criteria of these regulations, including placement of final wearing surface, are met. Acceptance shall only occur by resolution of the commissioner adopted at a public hearing.

(16) Warranty and maintenance period; requirements. Commercial or industrial roadways (including associated infrastructure improvements) shall be warranted for a period of two years from date of acceptance by the county of the roadways. Non-commercial and non-industrial roadways (including associated infrastructure improvements) shall be warranted for a period of two years from acceptance by the county of the roadways, except for roadways with sanitary sewer, in which case the warranty period shall extend two years from the date of acceptance by the county of the roadways. In all cases, the warranty period begins to run on the date the commissioner accepts the deed of dedication by resolution at a public hearing. The warranty shall mean that if the road fails within the warranty period, the road shall be repaired by the permit holder, or else the county shall draw on the surety to pay for the repair. Road failures include dips in the surface, raveling, potholes, and any other defect that means the road does not meet the standards and regulations of the county, as determined solely by the county. The surety required by subsection 5.28(e) shall remain in effect the applicable warranty period to secure maintenance. Work in an existing county right-of-way (for example, to tie in a new development) shall be warranted for a period of two years.

(Ord. of 11-9-2005(3), § 4.5; Ord. of 9-10-2008, §§ I(4.5.15), II(4.5.16); Ord. of 9-11-2013, § I)

Sec. 5.32. - Storm water drainage facilities.

The following criteria and requirements are applicable to all storm water and drainage plans and facilities, in all developments and subdivisions:

1. Professional preparation. A registered professional engineer or landscape architect currently registered in the State of Georgia must design and provide documentation that the proposed storm drainage improvements indicated on the site development plan are adequate and will not adversely impact downstream property owners. Said documentation shall include but not be limited to, storm pipe design calculations for hydraulic design review, calculations to show adequacy of receiving ditch including effects of concentrated discharge and engineer's certificate regarding storm water runoff.

2. Connection to existing storm drain required. If a storm drainage sewer system exists in the governmental area, then the proposed development must contain an underground storm drainage system that will be connected to the existing area system. Such system shall be indicated on the plat.

3. Provision for stormwater facilities. If an adequate storm drainage sewer system does not exist in the governmental area, then adequate surface drainage facilities, as designed by an engineer or landscape architect and documented by a surveyor currently registered in the State of Georgia, shall be included in the site development plan and so indicated on the plat.

4. Standards. Commercial, industrial and residential site development plans shall include storm water management facilities which limit surface water discharge to predevelopment rates for all frequencies from the two-year through the 100-year storm events. All stormwater detention
facilities shall contain concrete or pure aluminum pipe. All stormwater detention facilities shall be designed and certified by a professional engineer currently registered in the State of Georgia.

(5) Security and access. All ponds proposed to be deeded to the county shall be contained on an "out parcel" and shall have a four-foot high security fence with a 12-foot access gate around the perimeter of the out parcel. A minimum 20-foot wide access ramp must be provided to the facility. Owner/developer shall take precautionary measures to deter children from going near detention ponds. "KEEP OUT" and other warning signs shall be posted. All private stormwater detention facilities shall have a four-foot high security fence around the perimeter of the detention pond, with a 12-foot access gate. Owner/developer shall take precautionary measures to deter children from going near detention ponds. "KEEP OUT" and other warning signs shall be posted. As-built detention pond certification (standard form provided by engineering department) shall be provided by the design engineer to ensure compliance with design.

(6) Performance standards. In all cases site development plans shall include adequate storm water management facilities which are designed and constructed to avoid any adverse impact on downstream property owners including, without limitation, recorded downstream drainage easements to the county. The "rational method" is not acceptable for stormwater detention design. See the Bartow County Development Checklist for acceptable methods.

(7) Dedication in single-family subdivisions. The developer of single-family subdivisions shall, upon completion of the above requirements for detention ponds and access easements, cause to be prepared a deed of dedication to the county with a proper legal description, providing for dedication to and acceptance by the county. Upon acceptance of said detention pond, the developer shall warrant the facility for a period of one year after acceptance.

(8) Indemnification. All developments shall provide an owner's indemnification statement.

(9) Drainage easements. Where a proposed development is traversed by a water course, drainage way, channel, or stream, there shall be provided a minimum ten feet of storm water easement or drainage right-of-way along each side of the channel or course for the purpose of widening, deepening, relocating, improving or protecting such drainage easement. Open drainage ditches shall have no greater than 4:1 side slopes and fall entirely within the easement. Proposed ditches within a development shall be maintained and protected by the individual lot owner, unless shown otherwise. Notice of same shall be included on the recorded plat of the development and on each individual deed of conveyance.

(10) Standards on structures. All drainage systems must utilize drop inlets and/or catch basins constructed to Georgia Department of Transportation standards, unless a drainage study sealed by a professional engineer or landscape architect currently registered in the State of Georgia and approved by the county, indicates the conditions require a different drainage structure. Spillways are prohibited within the right-of-way. All structures not conforming to Georgia Department of Transportation standards must be designed by a registered professional engineer or landscape architect currently registered in the State of Georgia and must be approved by the county.

(11) Street grading. Street grades must be such that drainage flows away from intersecting streets. Each street shall have low points constructed at a minimum of 12 feet from the edge of the paving on intersecting streets and a minimum of six inches below the edge of the pavement.

(12) Flood hazard area delineation. Location of 100-year flood hazard area, if any, must be delineated on the plan. FEMA procedures shall be followed in arriving at flood plain determinations and the Bartow County Flood Damage Prevention Ordinance (Code section 34-31 et seq.) shall be complied with. Where encroachment is proposed, an engineer's certificate for flood plains must be provided along with an as-built certification upon construction completion.

(13) Plat acceptance criteria. Proposed preliminary and final plats of development, both residential and commercial, located contiguous to or within flood hazard areas shall not be accepted, except in accordance with the following requirements:

   a. Base flood elevation. Each plat shall contain a notation clearly stating the water surface elevation of the base flood in relation to mean sea level or as accepted by the engineering
department. Any lands below this elevation shall be designated on the plat by a heavy contour-type line, depicting the base flood level and created as a drainage easement.

b. Individual lot plat and certification. A property plat of each residential lot, any portion thereof which is flooded by the base flood, shall be submitted to the engineering department for review and acceptance prior to issuance of the building permit. Said plat shall have located and noted thereon the building, driveway, setbacks, finished floor elevations (including basement) above base flood, floodplain coverage and elevations, area above base flood elevation, and all easements. All elevations shall be referenced to NGVD (mean sea level) or acceptable datum. Prior to rough inspection, certification of compliance with Bartow County Flood Damage Prevention Ordinance shall be submitted to the engineering department for acceptance. This requirement is applicable to all subdivision lots encumbered by a flood hazard area which are unbuilt and unpermitted as of the February 21, 1996. Base flood is defined in the Bartow County Flood Damage Prevention Ordinance and is to include the pool of stormwater created by the base storm resulting from manmade stormwater drainage structures or constrictions to flow including pipes, culverts, dams, channelizations, etc.

(14) Flood hazard area kept clear. All owners of any property subject to regulation under these regulations shall maintain all areas on their property within any special flood hazard area free of debris or obstructions which may be hazardous to the public welfare or safety, or which would interfere with the free flow of water in such a way as would increase the need for flood protection, raise the flood level, or increase the risk of hazardous inundation of adjacent properties or developments, as contemplated by these regulations. Where debris or obstructions have accumulated in areas within the base flood contour elevations in such a manner as to interfere with the free flow of water as would increase the need for flood protection, raise the flood level, or increase the risk of hazardous inundation of adjacent properties or jurisdictions, and the owners fail to remedy the problem, upon reasonable notice to the owner, the county is hereby authorized to enter upon such special flood hazard area and clear or remove such debris or obstructions as are hazardous to the public safety. The cost thereof may be charged to the individual or entity causing, creating, or adding to the obstruction, in the judgment of the county.

(15) Maintenance surety. In accordance with the Bartow County Stormwater Management Ordinance, prior to approval of final plat or issuance of certificate of occupancy, the developer shall cause to be executed in favor of Bartow County surety in the form of a maintenance bond, an irrevocable standby letter of credit, or an escrow deposit. In lieu of providing a new letter of credit, the developer shall have the option of utilizing funds that would otherwise be released for satisfaction of the E & S requirements in the existing surety, providing the amount meets the requirements of the Stormwater Management Ordinance, and provided the form of the existing surety encompasses the warranty and maintenance obligations contained therein. If the existing surety is not adequate in amount or form for these purposes, the surety must be reissued or a new surety provided. The purpose of the surety shall be for the guarantee of the stormwater management facilities for the duration of the warranty and maintenance period regardless of whether or not the developer intends to deed the facilities to the county or they are to remain private. See subsection 9.4.5 of the Stormwater Management Ordinance.

(Ord. of 11-9-2005(3), § 4.6; Ord. of 9-10-2008, § II(4.6.15))

Secs. 5.33—5.60. - Reserved.

(Ord. of 5-11-2016)

DIVISION 3. - ADDITIONAL REGULATIONS

Sec. 5.61. - Construction in right-of-way.
No building or other structure may be erected in a county road right-of-way. Landscaping, irrigation systems and other similar features are not permitted in the county rights-of-way, and are subject to being removed at the owner's expense if a utility service is installed or repaired, or road widening or maintenance occurs. Driveways and walkways may cross rights-of-way.

(Ord. of 11-9-2005(3), § 5.1)

**Sec. 5.62. - Off-street parking areas.**

(a) Purpose. The purpose and intent of this section is to ensure the provision of off-street parking, loading, queuing and on-site circulation facilities in proportion to the demand created by each use. By requiring such facilities, it is the intent of this section to ensure the provision of functionally adequate, aesthetically pleasing and safe off-street parking, loading, queuing and circulation areas. It is the intent of this regulation to provide standards for the layout and maintenance of display or parking areas, and to provide space for the use of landscape beautification and natural plant growth for developments where off-street parking and open-lot sales, display and service areas are provided.

(b) General requirements. The standards of this section shall apply to all new development or existing development that is modified.

(1) New buildings or a change of use. Off-street parking and loading facilities shall be provided for any new building constructed, for any new use established or any change in occupancy in an existing building.

(2) Additions and enlargements with no change of use. Off-street parking and loading facilities shall be provided for any addition to or enlargement of an existing building, existing use or existing manner of operation that would result in additional parking and loading spaces being required. The additional parking and loading spaces shall be required only in proportionate amount to the extent of the addition, enlargement, or change, not for the entire building. Renovations or additions to vehicular use areas shall provide landscape improvements in accordance with this section. Existing vegetation shall be preserved and incorporated into the landscaping for the vehicular use area. Creation of 5,000 square feet or more of impervious surfaces shall meet the requirements of the Bartow County Stormwater Management Ordinance, Ch. 34, Article VIII of the Code of Bartow County.

(c) Location of required parking. All buildings, structures, and uses of land shall provide, on the same lot with the principal use, off-street parking and loading spaces in an amount sufficient to meet the needs caused by the uses of the land. The location of off-street parking spaces shall not interfere with normal traffic flow or with operation of queuing and backup areas. Loading areas shall not obstruct pedestrian pathways. Each parking space shall be accessible from a driveway and maneuvering and turning areas shall be provided so that no vehicle will be required to back into a public street.

(1) Adjacent parking lots serving nonresidential or mixed-use buildings shall provide for future interconnectivity. Future interconnectivity provisions for parking lots serving residential development are optional.

(2) Location on other property. If the required automobile parking spaces cannot be reasonably provided on the same lot on which the principal use is conducted, such spaces may be provided on adjacent or nearby property within a similar zoning district, provided a major portion lies within 400 feet of the main entrance to the principal use for which such parking is provided per the approval of the engineering department.

(d) Use of required off-street parking areas. Off-street parking spaces shall be provided for the use of residents, customers, patrons, and employees. Required parking spaces shall specifically not be used for the storage, sale or display of goods or materials or for the sale, repair, or servicing of vehicles. All vehicles parked within off-street parking areas shall be registered and operable. Delivery vehicles shall utilize loading areas and not required parking spaces.
(1) Required off-street parking and loading spaces associated with newly erected or altered buildings or newly established uses of land shall be a continuing obligation of the owner of said building or land so long as the structure or use exists or its use requiring vehicle parking or loading facilities continues. In addition, it shall be unlawful for: 1) said owner to discontinue, change or dispense with, or to cause the discontinuance, or change of the required vehicle parking or loading spaces (apart from the discontinuance, sale or transfer of the building or use) without establishing alternative vehicle parking or loading spaces which meet the requirements of and are in compliance with this ordinance, or 2) any person to use a building or lot without providing vehicle parking or loading spaces which meet the requirements of and are in compliance with this ordinance.

(2) The maximum number of off-street parking and loading spaces shall be calculated based on the schedule of standards in Table 5.1 of the Development Regulations, maximum off-street parking and loading standards. However, in an effort to reduce the amount of impervious area on developed sites, the actual number of parking and loading spaces constructed shall be determined by the owners' engineer. In any event the minimum number of parking spaces provided shall be no less than 50 percent of the maximum number as identified in Table 5.1.

(3) Reduced, shared, or off-site parking for single-family residential districts shall be prohibited. For all other districts, the applicant may request an administrative variance for a reduction of parking standards based on the following criteria:
   a. Reduction of parking requirements through a shared parking arrangement may be permissible only through the permission of the engineering department provided the arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access.
   b. Parking plan drawn to scale indicating location of proposed parking spaces shall be provided.
   c. A shared or off-site parking calculation projection shall be provided that demonstrates that each use will have adequate parking provisions at all times.
   d. For contiguous properties sharing parking spaces under this provision, cross easements shall be filed establishing access to the parking spaces in perpetuity.
   e. A reduction in the number of parking spaces that would otherwise be required for each of the various uses on a multiple-use property must be clearly shown on the development plan. If shared or off-site parking is proposed for a combination of contiguous properties, a plan must be submitted covering all of the properties that will be sharing the parking spaces.
   f. A written agreement among all owners of record shall be provided and held on file with the engineering department.

(4) For any use not listed in Table 5.1, the standards for the most similar use shall be applied. The engineering department shall determine the proper required maximum number of spaces by classifying the use among the uses specified. In making a determination, any evidence of actual parking and loading demands shall be considered as well as other reliable traffic engineering and planning information that is available to ensure sufficient parking and loading spaces are provided to meet the needs caused by the uses of the land. If the number of parking and loading spaces are less than the maximum number calculated in Table 5.1, the owner shall reserve area on the site which will provide for the installation of additional spaces up to the maximum number. The reserve area shall be accessible from the driveway serving the constructed parking area. In the interim, the reserved parking site shall remain a grassed landscaped area. Based on accident reports, traffic studies, and other information related to the development, the engineering department may require the owner to install additional parking spaces to ensure public safety. If it is deemed by the engineering department that adequate parking has not been provided to serve the particular land use, additional parking shall be installed no later than 90 days from the date of official notice from the engineering department. Enforcement procedures shall be as provided in these regulations. The cost for the installation of additional parking and/or associated traffic studies, required by the engineering department, shall be born by the owner.
(5) Stormwater quality and quantity requirements of the Bartow County Stormwater Management Ordinance, Ch. 34, Art. VIII of the Code of Bartow County, shall be satisfied for all parking areas. Additional parking spaces, which exceed the maximum number calculated in Table 5.1, shall be constructed to allow the infiltration of stormwater by utilizing a permeable typical section with a pervious surface course. The pervious typical section and surface shall be designed in accordance with the Georgia Stormwater Management Manual. Striping and/or curbing may be excluded in the overflow parking area upon review and approval by the engineering department. The type of pervious material, conditions of the property, and the type of land use shall be considered in the decision to exclude the striping and/or curbing.

(6) The maximum designated parking areas, constructed parking areas, and overflow parking areas, if applicable, shall be denoted on the approved construction plan and the approved final "as-built" as shown in Figure 5-1.

   a. Off street parking and loading spaces shall be provided in accordance with the following schedule of standards in Table 5.1.

![Figure 5-1: Denoting Parking Areas on Plans](image)

Table 5.1: Maximum Off-street Parking and Loading Standards

<table>
<thead>
<tr>
<th>Use</th>
<th>Parking</th>
<th>Loading</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartment or other multi-family use</td>
<td>2 spaces per dwelling unit + 0.25 guest parking spaces per unit for all dwelling units with common parking areas</td>
<td>N/A</td>
</tr>
<tr>
<td>(excluding duplex)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Type of Business</td>
<td>Parking Requirements</td>
<td>Code</td>
</tr>
<tr>
<td>------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>Appliance sales</td>
<td>1 space per 200 sf of GFA</td>
<td>B</td>
</tr>
<tr>
<td>Automotive or machinery sales and service garage</td>
<td>1 space per 400 sf of GFA + 1 space per employee</td>
<td>A</td>
</tr>
<tr>
<td>Automotive paint or body shop</td>
<td>1 space per 250 sf of GFA</td>
<td>N/A</td>
</tr>
<tr>
<td>Bank or financial institution</td>
<td>1 space per 200 sf of GFA</td>
<td>N/A</td>
</tr>
<tr>
<td>Beauty, barber shop, and personal services</td>
<td>3 spaces per operator</td>
<td>N/A</td>
</tr>
<tr>
<td>Boarding or rooming house</td>
<td>1 space per bedroom</td>
<td>N/A</td>
</tr>
<tr>
<td>Bowling alley</td>
<td>2 spaces per lane + 1 space per 250 sf of non bowling recreation area</td>
<td>C</td>
</tr>
<tr>
<td>Church or place of worship</td>
<td>1 space per 45 sf of main assembly area if fixed seats (pews) or 1 space per 21 sf if moveable seats (chairs)</td>
<td>N/A</td>
</tr>
<tr>
<td>Club or organization hall</td>
<td>1 space per 100 sf of assembly space + 1 space per 2 employees</td>
<td>N/A</td>
</tr>
<tr>
<td>College or university</td>
<td>1 space per 2 students + 1 space per 4 seats in auditorium and gymnasium + 1 space per 300 sf of administrative and educational office space</td>
<td>C</td>
</tr>
<tr>
<td>Communications tower</td>
<td>1 space + 1 additional space for each 1,000 sf of equipment building</td>
<td>N/A</td>
</tr>
<tr>
<td>Day care center</td>
<td>1 space per employee + 2 spaces per classroom</td>
<td>N/A</td>
</tr>
<tr>
<td>Less than 100 capacity</td>
<td>5 transient spaces + 1 space per employee</td>
<td>N/A</td>
</tr>
<tr>
<td>Category</td>
<td>Requirement</td>
<td>Code</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>100 or more capacity</td>
<td>10 transient spaces + 1 space per employee</td>
<td>N/A</td>
</tr>
<tr>
<td>Duplex</td>
<td>2 spaces per dwelling unit</td>
<td>N/A</td>
</tr>
<tr>
<td>Entertainment, indoor (except bowling alleys)</td>
<td>1 space per 250 sf of GFA</td>
<td>C</td>
</tr>
<tr>
<td>Entertainment, outdoor</td>
<td>10 spaces per acre</td>
<td>N/A</td>
</tr>
<tr>
<td>Fraternity or sorority house</td>
<td>1 space per bedroom with a maximum of 2 spaces</td>
<td>N/A</td>
</tr>
<tr>
<td>Funeral home or mortuary</td>
<td>1 space per 3 seats in chapel or 1 space per 50 sf of public area, whichever is greater</td>
<td>1 for each hearse, ambulance, and nonpassenger vehicle</td>
</tr>
<tr>
<td>Furniture, or carpet sales</td>
<td>1 space per 200 sf of display area + 1 space per 750 sf of indoor storage area</td>
<td>B</td>
</tr>
<tr>
<td>Gasoline service station</td>
<td>2 spaces per gas pump + 3 spaces for each service bay + 1 space for each attendant</td>
<td>N/A</td>
</tr>
<tr>
<td>Golf course</td>
<td>4 spaces per hole N/A Greenhouse or nursery 1 space per 10,000 sf + 1 space per employee</td>
<td>B</td>
</tr>
<tr>
<td>Hospital</td>
<td>1 space per 3 beds + 1 space for each staff member + 1 space for each employee on the greatest shift</td>
<td>C</td>
</tr>
<tr>
<td>Hotel or motel</td>
<td>1 space per guest room + 1 space per 2 employees on the greatest shift</td>
<td>C</td>
</tr>
<tr>
<td>Inns, bed and breakfast inns; and similar</td>
<td>One space for each two rental rooms</td>
<td>N/A</td>
</tr>
<tr>
<td>Kennel, commercial</td>
<td>1 space per 300 sf of cage and retail area</td>
<td>N/A</td>
</tr>
<tr>
<td>Library or museum</td>
<td>1 space per 400 sf of GFA + 1 space per employee</td>
<td>A</td>
</tr>
<tr>
<td>Use</td>
<td>Requirement</td>
<td>Rating</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>Lounge, bar or tavern</td>
<td>1 space per 2 occupant capacity</td>
<td>C</td>
</tr>
<tr>
<td>Manufacturing and processing, basic industry</td>
<td>1 space per 1,000 sf</td>
<td>A</td>
</tr>
<tr>
<td>Medical or dental office or clinic</td>
<td>6 spaces per practitioner</td>
<td>N/A</td>
</tr>
<tr>
<td>Mobile home park</td>
<td>2 spaces per dwelling unit</td>
<td>N/A</td>
</tr>
<tr>
<td>Nursing or convalescent facility</td>
<td>1 space per 4 beds + 1 space per employee</td>
<td>D</td>
</tr>
<tr>
<td>Office, business or professional</td>
<td>1 space per 200 sf of GFA</td>
<td>N/A</td>
</tr>
<tr>
<td>Public assembly or amusement without fixed seats</td>
<td>1 space per 200 sf of floor area devoted to public use</td>
<td>N/A</td>
</tr>
<tr>
<td>Public assembly (including theaters and auditoriums)</td>
<td>1 space per 3 seats + 1 space per employee</td>
<td>N/A</td>
</tr>
<tr>
<td>Restaurant, fast food</td>
<td>1 space per 3 seats + 1 space for each employee on the greatest shift</td>
<td>C</td>
</tr>
<tr>
<td>Restaurant, general and specialty</td>
<td>1 space per 80 sf, including outdoor seating areas + 1 space per employee on the greatest shift</td>
<td>C</td>
</tr>
<tr>
<td>Retail store</td>
<td>1 space per 200 sf of GFA</td>
<td>A</td>
</tr>
<tr>
<td>School, elementary</td>
<td>1 space per classroom + 1 space per employee</td>
<td>C</td>
</tr>
<tr>
<td>School, secondary</td>
<td>0.25 spaces per student enrollment + 1 space per employee</td>
<td>C</td>
</tr>
<tr>
<td>Facility Type</td>
<td>Parking Requirement</td>
<td>Notes</td>
</tr>
<tr>
<td>---------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Self-service storage facility</td>
<td>1 space per 75 storage bays + 1 space per employee + 2 customer spaces</td>
<td>N/A</td>
</tr>
<tr>
<td>Shopping center, community or regional</td>
<td>1 space per 200 sf of GLFA</td>
<td>B</td>
</tr>
<tr>
<td>Single-family residence, townhouse cluster</td>
<td>2 spaces per dwelling unit</td>
<td>N/A</td>
</tr>
<tr>
<td>Small item service and repair shop</td>
<td>1 space per 250 sf of GFA</td>
<td>N/A</td>
</tr>
<tr>
<td>Stable, commercial</td>
<td>1 space per 300 sf within stable + 1 space per 3 animal stalls</td>
<td>N/A</td>
</tr>
<tr>
<td>Swimming pool, private community or public</td>
<td>1 space per 50 sf of pool area</td>
<td>N/A</td>
</tr>
<tr>
<td>Tennis court, private community or public</td>
<td>1.5 spaces per court</td>
<td>N/A</td>
</tr>
<tr>
<td>Utility, public or private</td>
<td>1 space per 10,000 sf + 1 space per employee</td>
<td>N/A</td>
</tr>
<tr>
<td>Vehicle sales and rental</td>
<td>1 space per 500 sf of enclosed area + 1 space per 4,500 sf of outdoor sales, rental,</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>and display area + 1 space per service bay + 1 space per employee</td>
<td></td>
</tr>
<tr>
<td>Warehouse</td>
<td>1 space per 2,000 sf + 1 space per employee</td>
<td></td>
</tr>
<tr>
<td>Wholesale store</td>
<td>1 space per 400 sf of GFA + 1 space per full-time employee</td>
<td>A</td>
</tr>
</tbody>
</table>

sf = square feet  
N/A = Not Applicable  
GFA = Gross (total) floor area in square footage of a building footprint
Amended May 11, 2016

GLFA = Gross leasable floor area

Loading space ratio: The letter shown in the loading column of the schedule shall correspond to the following ratios:

a. Standard "A": 1 space for the first 5,000 sf of floor area + 1 space for each additional 30,000 sf of floor area.

b. Standard "B": 1 space for the first 10,000 sf of GFA + 1 space for each additional 15,000 sf of floor area.

c. Standard "C": 1 space for the first 10,000 sf of GFA + 1 space for each additional 100,000 sf of floor area.

d. Standard "D": 1 space per 50 beds for all facilities containing 20 or more beds. The number of handicapped spaces required may be included within the overall total number of parking spaces required based on the maximum calculation in Table 1 and, if applicable, the number above the maximum spaces required. The maximum number of handicapped spaces shall comply with the following table.

(e) General design and construction standards. Parking facilities shall be designed and located on the site in a manner that results in minimal visual impact along the street. Location, landscaping, earthwork, and buffering should all be implemented as necessary to reduce the negative visual impacts of parking facilities on the aesthetic quality of the street.

1. There shall be safe, adequate, and convenient arrangement of pedestrian pathways, bikeways, roads, driveways, and off-street parking and loading spaces within parking areas. Streets, pedestrian walks, parking areas, and open space shall be designed as integral parts of an overall design which shall be properly related to existing and proposed buildings, adjacent uses, and landscaped areas.

(f) Parking facilities shall be maintained in a clean, safe, sanitary and attractive condition. Parking spaces and driving lanes shall be clearly defined and maintained as such. Parking lots shall not be operated when any damage impairs the drivability of the parking lot.

(g) All off-street parking, loading or open-lot sales areas established pursuant to this section shall be designed, constructed and continuously maintained in accordance with the following standards:

1. Access. Adequate ingress and egress to such areas for vehicles shall be provided by means of clearly limited and defined paved drives. Each parking space shall have appropriate access to a street or an alley. Only dwelling units with no more than two units shall be allowed backward egress from a driveway onto a local street. In all other cases, maneuvering and access aisle area shall be sufficient to permit vehicles to enter and leave the vehicular use area in a forward motion.

2. Stacking. Adequate off-street stacking lanes or queuing areas shall be provided for vehicles entering the vehicular use area so as to avoid backup and congestion on adjacent public streets. A minimum queuing distance of 20 feet is required between the property line and the first parking space.

3. Parking access aisles. Adequate aisle width in vehicular use areas shall be provided for vehicle bypass and maneuvering areas to ensure efficient on-site circulation. For one-way drive, parallel and perpendicular or angle parking the minimum driveway width shall be 16 feet. For two-way drive, parallel parking and perpendicular or angle parking the minimum driveway width shall be 24 feet.

4. Pedestrian circulation. Structures, vehicular circulation lanes, parking spaces, driveways, and open spaces shall be designed to provide logical, impediment free pedestrian movement. The site shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic. Where off-street parking spaces directly face a structure, and are not separated from the structure by an access aisle, a paved pedestrian walkway shall be provided between the front of the structure and the parking spaces. The walkway shall be a minimum of
four feet in width, exclusive of vehicle overhang, and shall be separated from the parking space by concrete wheel-stops or continuous curbing. If the pedestrian walkway adjacent to parking spaces is six feet, six inches wide with continuous curbing, then wheel stops shall not be required. There shall be a pedestrian walkway a minimum width of four feet connecting ground level parking to the public sidewalks and to all building entrances. This provision shall not apply to residential vehicular use areas.

a. Surface parking lots shall include a pedestrian circulation system that provides access from the parking area to the building entrance, major bus stops or other critical access points. The circulation system shall be adequately lit and appropriately signed and marked. Shrub material taller than two-feet in height is not recommended along pedestrian walkways within surface parking lots.

(5) Drainage of vehicular use areas. Areas used for display or parking shall be drained so as to eliminate surface water, unless the area or some portion of it is approved as a detention/retention area by the engineering department. Drainage is encouraged in infiltration swales located in the landscaped islands. See section 5.32 Stormwater and drainage facilities of these regulations. The drainage design shall be reviewed and approved by the engineering department prior to the issuance of a permit.

(6) Paving standards. All parking lots, access ways, storage lots, loading or open lot sales shall be paved and constructed of a minimum of four inches of concrete or two inches of asphaltic concrete on six inches of graded aggregate base (gab), or a base and surface material of equivalent durability as certified by the developer's engineer. Such paved areas shall be maintained in good condition by the owner to prevent any hazards, such as cracked asphalt or potholes. Responsibility for pavement failure occurring as a result of inadequate alternative base and surface material design shall fall on the certifying engineer. The following are exceptions to the above paving standards:

a. Storage lots serving facilities within an industrial or light industrial zoning district may be constructed of six inches of graded aggregate at a minimum provided the following requirements are met:
   1. The storage area is setback a minimum of 100 feet from a public right-of-way excluding interstate highway rights-of-way.
   2. Clearly limited and defined vehicular drives for ingress and egress to the storage area are provided; drive widths shall not exceed 30 feet.
   3. A vegetated buffer 20 feet in width and consisting of evergreen plants is installed along the perimeter of the storage lot. The vegetative buffer shall create a visual screen that is 75 percent or more opaque and reaches a height of six feet within two years.
   4. Water and other dust control measures shall be applied during the installation of graded aggregate.

b. Drives serving unmanned facilities may be constructed of six inches of graded aggregate provided the required drive, from the edge of the public roadway for a distance of 100 feet, meets the paving standards of this section.

(h) Standard parking space dimensions and marking. Each required regular parking space shall measure a minimum of nine feet wide by 18 feet deep for perpendicular or angle parking, and a minimum of nine feet by 22 feet for parallel parking. Each parking space shall be delineated with white, street marking paint with stripes four inches wide on each side for the required length of the parking or loading space.

(i) Compact parking spaces. Developments where 30 or more parking spaces are provided shall be required to have a minimum of five compact parking spaces. Compact parking spaces shall be identified by pavement markings and/or by appropriate signage and shall not be less than eight feet wide by 15 feet deep.
(j) All parking space dimensions and markings shall be designed to conform to the geometric design standards of the Institute of Transportation Engineers (ITE).

(k) Handicapped parking space standards. Handicapped-accessible parking spaces shall meet the requirements of the Georgia Accessibility Code.

(l) Off-street loading and unloading. Every building or structure used for business, trade, or industry, shall provide space for the loading and unloading of vehicles off the right-of-way of the street or public alley. Such space shall have access to an alley or if there is not an alley, to a street. Each required loading space shall measure a minimum of ten feet in width and 30 feet in length, with a 14-foot overhead clearance, except that loading spaces to be utilized by wholesale and industrial operations shall be a minimum of 50 feet in length. Such space shall be so arranged that no vehicle is required to back onto a public street, road, or highway in order to leave the premises.

(m) Landscaping and curbing. Landscaped areas shall be provided and maintained around the perimeter and within the area used for parking, loading or open-lot sales as set forth in section 5.63. Wheel-stops or continuous curbing shall be placed two and one-half feet back from walls, poles, structures, pedestrian walkways or landscaped areas.

(n) Lighting. If a vehicular use area is to be open for use after dark, it shall be lighted. Lighting shall be arranged and designed so that no source of light is directed toward any adjoining or nearby land used or classified for residential use. Lighting shall be designed to shield public streets and all other adjacent lands from direct or distracting glare, or hazardous interference of any kind. Lighting shall be arranged so as not to conflict with tree heights at maturity.

1. Parking lot lighting shall be provided throughout after dark parking facilities to equal a minimum of one-fifth (0.2) footcandle of light. A footcandle of light is a uniformly distributed flux of one lumen on a surface of one square foot in area. Where applicable, public street lighting may be utilized to either partially or totally fulfill the lighting requirements; however, where such street lighting is removed, it shall be the responsibility of the parking facility to independently provide these required levels of illumination.

2. Parking lots adjacent to residential buffer areas shall reduce light spillage onto residential properties by providing cutoff luminaires which have a maximum 90 degree illumination.

3. Parking deck lighting fixtures at a maximum of seven feet above grade shall not be visible from any public right-of-way.

(o) Signs. Traffic control signs and other pavement markings shall be installed and maintained as necessary to ensure safe and efficient traffic operation of all vehicular use areas.

(p) Parking decks and structures. The following regulations shall apply to all parking decks and parking structures:

1. Parking deck facades shall conceal automobiles from visibility from any public right-of-way or private drive or street that are open to the general public, and shall have the appearance of a horizontal storied building.

2. All parking decks and parking structures shall have pedestrian walkways a minimum width of four feet connecting ground level parking to the public sidewalks and to all building entrances.

3. All parking decks and parking structures shall have a landscape strip a minimum width of six feet immediately contiguous to the parking facility for the whole of the exterior perimeter of the parking facility containing at least one understory or overstory tree, as appropriate, and additional shrubs, groundcover, or sod as specified in the landscape installation requirements of this section.

(q) Plan approval required. Plans for the layout and design of all areas to be used for parking, loading or open-lot sales must be approved by the engineering department for compliance with the development regulations.
Sec. 5.63. - Landscape requirements for non-residential development.

(a) Purpose. The purpose of this section is to establish minimum requirements for landscape areas and buffers in Bartow County’s non-residential, and multi-family zoning districts. Said requirements are designed to:

1. Improve the appearance of Bartow County's commercial and industrial corridors and multi-family developments;
2. Minimize noise, glare, and erosion;
3. Provide a visual separation between incompatible uses;
4. Maintain the county’s environmental standards for quality new development;
5. Maximize opportunities for trees and other landscaping to create a high quality open space;
6. Enhance environmental conditions by providing shade, air purification, and reduction of storm water run-off;
7. To help filter noise and light;
8. Provide character by enhancing visual appearance; and
9. Establish measures for water conservation.

Off-street parking associated with such uses shall be governed by such requirements within these development regulations. Landscaped areas shall be provided and maintained around the perimeter and within the area used for parking, loading or open-lot sales as set forth hereinafter; and concrete curbs of a design approved by the engineering department shall be installed around the perimeter of all landscaped areas. Consideration will be given to alternate designs when islands are used for stormwater management to assist in achieving water quality/quantity requirements.

(b) Landscape plan submission. The applicant shall submit to the engineering department five sets of construction plans depicting the layout and design of the proposed off-street parking, loading and/or open lot sale area, hereinafter identified as the "vehicular use area." Said plan depicting the layout and design of the proposed vehicular use area shall provide the information required for a predevelopment site plan as set forth in section 5.62 of the development regulations.

The plan shall be submitted and approved as part of the construction plan as required by the provisions of these regulations and the Bartow County Stormwater Management Ordinance. The plan shall show lot or parcel dimensions, building dimensions, tree/landscape preservation areas, and the location and size of all tree and plant materials. All landscape plans must be prepared and stamped by a registered landscape architect licensed to practice in the State of Georgia and should follow the general landscape principles of preservation, creativity, quality and an emphasis should be placed on the use of Xeriscape.

(c) General requirements. Plan submission and required landscaping features for vehicular use areas.

1. The areas used for the display or parking of any and all types of vehicles, boats or heavy construction equipment, whether such vehicles, boats or equipment are self-propelled or not, and all land upon which vehicles traverse the property as a function of the primary use, hereinafter referred to as "other vehicular uses," including but not limited to activities of a drive-in nature such as, but not limited to, filling stations, grocery and dairy stores, banks, restaurants, and the like, shall conform to the minimum landscaping requirements hereinafter provided, except areas used for parking or other vehicular uses under, on or within buildings, and parking areas serving single- and two-family uses as normally such residential areas are voluntarily landscaped.

(d) Landscaping requirements. All vehicular use areas shall comply with the following landscaping requirements:

1. Perimeter landscape requirements. All building perimeters shall have a landscape area or sidewalk of not less than five feet in width. In no case shall asphalt paving areas be contiguous to the base of a building. All exterior perimeters of all vehicular use areas shall have a perimeter
landscaped area with no horizontal dimension less than five feet. A minimum of one tree for every 75 linear feet of perimeter area shall be required. A decorative masonry wall, earth berm, natural landscaping screen, new plantings, or some combination of these elements shall be installed in such a manner as to partially screen the vehicular use area from adjacent properties. Such screening shall be maintained at a minimum height of three feet. In no case shall these requirements be interrupted to allow an obstruction of site distance. See corner visibility requirement in subsection (2) below.

(2) Street landscape requirements. When abutting a public street right-of-way, landscaping areas shall have a minimum dimension of ten feet from the right-of-way line to the vehicular use area. A minimum of one tree for every 30 linear feet of road frontage area (minimum two trees) shall be required. If a parcel or lot has more than one street planting area (i.e. more than one street frontage), each shall be considered separately. If a building site contains more than one parcel or lot, the entire site shall be treated as a single entity. Forty percent of the street planting area shall be comprised of shrub materials.

Signs may be placed within the street planting area, monument style, and placed at least ten horizontal feet from all property lines, or one foot behind right-of-way for every foot of height, whichever is greater. No sign or planting shall be erected that obstructs sight distance at an intersection or along a public right-of-way. In all zoning districts, no sign of any type or design that obstructs vision between the heights of three feet and 15 feet above grade shall be permitted within 20 feet of the intersection of the right-of-way lines of street and/or railroads. Traffic control signs and signals are exempt from this regulation.

In addition, the requirements for corner visibility must be met as follows: There shall be provided an unobstructed view across the triangle formed by joining points measured 20 feet distant along the property line from the intersection of two streets or 20 feet along both the street and alley line from the intersection of a street and an alley. Within said triangle there shall be no sight-obscuring wall, fence or foliage higher than 30 inches above grade or, in the case of trees, foliage lower than eight feet. Vertical measurement shall be made at the top of the curb on the street or alley adjacent to the nearest side of the triangle, or, if no curb exists, from the edge of the nearest traveled way. See Bartow County Zoning Ordinance, Appendix A of the Code of Bartow County, for additional sign regulations.

(3) Mandatory terminal island design. Each single and double row of parking spaces shall be terminated by landscaped islands contoured as indicated in the diagram below or approved similar design. A terminal island shall be no less than nine feet in width and no less than 15 feet in length and shall include at least one tree having a clear trunk of at least five feet, with the remaining area adequately landscaped with shrubs, ground cover or other authorized landscaping material not to exceed three feet in height. Larger islands should be considered for planting of larger-maturing trees. At the discretion of the County Engineer this requirement may be varied to allow for an alternate design for large truck storage lots with additional perimeter landscaping in lieu of terminal islands with landscaping. (Ord. of 5-11-2016)

(4) Mandatory interior island design. Interior landscaped islands shall be provided within each row of parking spaces and contoured as indicated in the diagram below. A minimum of one interior island shall be provided for every 15 parking spaces or fraction thereof. Landscaped interior islands shall measure not less than nine feet in width. The length of the interior islands shall be no less than the minimum required depth of parking space. Landscape strips a minimum of five feet in width shall be provided for every other interior-parking isle. Larger islands should be considered for planting of larger-maturing trees. At the discretion of the County Engineer this requirement may be varied to allow for an alternate design for large truck storage lots and student parking areas with additional perimeter and/or terminal island landscaping in lieu of interior islands with landscaping. (Ord. of 5-11-2016)
(5) The perimeter of terminal islands and interior islands shall be surrounded with a continuous, raised curb. Exemptions include those landscaped islands intended for stormwater retention/detention. See Georgia Stormwater Management Manual for additional requirements regarding stormwater management. Landscape island width shall be measured from the inside edge of the curb. Trees planted in vehicular use areas shall be allowed to grow to a mature height and a full canopy. Pruning shall be limited to periodic trimmings to maintain the health of the trees or shrubs.

(6) Minimum landscape installation requirements. All landscaping shall be installed in accordance with accepted good planting procedures.

(7) Tree protection. During development of any project there shall be erected and maintained suitable protective barriers around all trees to be retained so as to prevent damage thereto. All building materials, soil stockpiles or other debris shall be kept outside the barriers. There shall be no paving with any impervious materials or grading within 15 feet of any tree to be retained.

(e) New plant materials. All new living plant materials shall satisfy the requirements of subsection (a) or better as defined in the most current edition of Grades and Standards for Nursery Plants.

(1) Xeriscape requirements. All street frontage, parking lot, and side yard landscape areas shall be planted with water-conserving groundcover and vegetation. Other conservation measures are encouraged, including:
   a. Irrigation systems which are electronically set for night and/or early morning irrigation;
   b. Designs which collect and recycle water; and
   c. The minimization of overspray onto non-landscaped areas to avoid wasting water.

(2) All separate landscaped areas shall have a minimum variety of two living plant materials.

(3) Paving (other than walks) and artificial plants shall not be permitted within landscaping areas.

(4) Trees. A tree shall attain an average crown spread over 15 feet at maturity. Trees having an average crown spread less than 15 feet may be substituted by grouping the same so as to create the equivalent of a 15-foot crown spread. All trees shall be of a species which can be maintained with a minimum of five feet of trunk height. Trees shall have a minimum of two inches DBH (diameter at breast height) measured four and one-half feet above the ground and shall be a minimum of eight feet in overall height immediately after planting.
(5) Shrubs. Shrubs shall be a minimum of one foot in height when measured at the time of planting except where they are to act as screening for residential use or districts, in which case, they shall be a minimum of three feet in height at the time of planting and maintained at a minimum height of five feet at maturity, unless otherwise indicated in this section.

(6) Lawn grass and ground covers. Grass may be sodded, plugged, sprigged, or seeded except that solid sod shall be used in swales or other areas subject to erosion. In areas where plant material other than solid sod or grass is used, a fast-growing grass seed shall be sown for immediate effect and protection until coverage is otherwise achieved. Grass sod shall be clean and reasonably free of weeds and noxious pests or disease. Ground covers which present a finished appearance and meet the requirements of final stabilization as defined in the Erosion and Sedimentation Control Ordinance at time of planting may be used in lieu of grass sod.

(f) Tree species. The owner/developer should contact the Georgia Forestry Commission or the University of Georgia Extension Service to obtain a list of native trees and plantings which are most tolerant of the urban environment.

(g) Existing plant material. Desirable existing natural plant material shall be preserved to the extent feasible.

(h) Earthwork. Earth berms may be utilized within a buffer or perimeter landscaping area. Berms shall be of variable height and slope with required landscaping material installed on top and slopes stabilized with ground cover. Swales and ponds shall be permitted for on-site retention of stormwater provided they are approved by the county engineer.

(i) Encroachment. Landscaped areas, walls, structures, and walks shall require appropriate protection from vehicular encroachment by utilizing wheel stops, curbs, posts, wood, brickwork, and/or other devices. Placement of these devices shall be located at least two and one-half feet from walks, walls, and structures and may be placed one foot from landscaped areas to prevent a vehicular overhang of no more than one and one-half feet of landscaping area which may be counted as part of the required depth of each parking space.

(j) Maintenance. The owner or his agent shall be responsible for the maintenance of all landscaping which shall be attractively maintained in good condition so as to present a healthy, neat, and orderly appearance and shall be kept free from refuse and debris. All landscaped areas shall be provided with a sprinkler system, and/or other readily available water supply with at least one faucet equipped with a double check valve located within 150 feet of all plant material to be maintained. No irrigation or sprinkler system shall be allowed on the right-of-way. The owner shall replace all landscaped materials required if, for any reason, they die or are severely damaged within one year of the final approval of the installation. The owner is thereafter responsible to maintain the landscaping in a healthy manner. All dead and/or diseased plants shall be replaced annually as a condition of occupancy.

(k) Planting bed. The planting bed for all landscaping materials shall be free of weeds, debris, and noxious material and shall consist of a healthy plant growth medium. The planting bed soil shall provide adequate support, drainage, and nutrients for the plants and thus may require the incorporation of sand, peat, and/or topsoil into the soil. Such planting soil shall be placed throughout the planting hole for each plant, and this hole shall be at least twice as wide as the width of the plant ball and one and one-half times as deep as the depth of the plant ball.

(l) Prohibited plants. No plants with vigorous root systems shall be planted within any sanitary sewer or public water easement. Such plants include the following: Eastern Cottonwood, Willow, Lombardy Poplar

Certificate of compliance. All landscaping for each phase of development shall be completed prior to the recording of the final plat for that phase or prior to the issuance of certificate of occupancy for that phase. Upon completion of the landscape improvements, the site shall be inspected by the engineering department for compliance with the approved landscape plan. A certificate of compliance certified by the design professional who prepared the plan must be submitted and accepted by engineering department before a certificate of occupancy can be issued for any related structures.
In the event that the requirements of this article have not been met at the time that a certificate of occupancy could otherwise be granted in the case of an undue hardship or circumstances beyond the owner/developer's control, the owner or his agent shall post a landscape performance bond, letter of credit or other county approved surety in the amount equal to 100 percent of the cost of materials, labor, and other attendant costs, incidental to the installation of the required landscaping. Said surety shall be drawn in favor of Bartow County, be in a form satisfactory to the county, and specify the time for the completion of the landscaping requirements of this article which shall not be longer than six months following the issuance of a temporary certificate of occupancy.

(m) Lot remnant plantings. All land surfaces other than those that are covered by buildings, structures, paving, or other required site elements shall be landscaped with well maintained grass, flowers, shrubs, or other suitable plant materials approved by the engineering department. The location and detail of all other landscaped areas shall be depicted on the required landscaping/tree protection plan.

(n) Impervious area. Impervious surface areas shall not be allowed to cover more than 75 percent of the lot.

Sec. 5.64. - Debris fills.

Debris fills (i.e. the burying of construction waste, scrap lumber, stumps and branches, etc.) are prohibited, including debris fills at all construction sites and within any development, and including bury pits. The burying of construction debris, cleared trees and shrubs, and similar by-products of development is strictly prohibited. All solid waste, demolition debris and construction debris generated from construction must be properly disposed of in the county landfill. However, "fills," defined as earth embankments for construction purposes (as opposed to disposal purposes) made up of soil materials, are acceptable using acceptable soil materials. Acceptable soil materials are as follows: gravel, silt, clay, sand or loose rock up to six inches in diameter. All fills shall be marked on the recorded plat and site plans. No fill may exceed 250 cubic yards without a variance. See also the provisions of the Bartow County Soil Erosion and Sedimentation Control Ordinance for further regulations of cuts and fills.

Sec. 5.65. - Stream buffers.

(a) Undisturbed buffer. An undisturbed vegetative buffer is required for any watercourse, river or stream shown on a 7.5 degree quadrangle map (1:24,000 scale) United States Geological Survey map most recently published, or on any other official U.S. Geological Survey map. Such buffer is to be a minimum of 50 feet on each side of the river or stream, as measured horizontally either from the top of the stream bank, or from the point where vegetation has been wrested by normal stream flow or wave action, whichever provides a larger buffer. Access points to the stream for livestock watering shall be allowed, but must be constructed following best management practices (BMPs) to minimize pollution and sedimentation to the stream or river. Georgia Environmental Protection Division (EPD) regulations should also be consulted.

(b) Setback buffer. A further 25-foot setback buffer is imposed outside the 50-foot buffer; in the setback buffer, no impervious surfaces (including driveways, walkways, patios, other paving, etc.), nor septic tanks, septic drain fields or similar disposal systems, may be placed. Grading, filling, and earthmoving shall be minimized within the setback buffer. Any unauthorized disturbance of the buffer during construction must be restored to a vegetative density similar to the adjacent buffer areas, and also constitutes a violation of these regulations. Georgia Environmental Protection Division (EPD) regulations should also be consulted.
(c) Applications. Any permit applications for property requiring buffers and setback buffers under this section must include all information requested by the county engineer to insure compliance with this section, with the following as a minimum: a site plan showing: the location of all streams on the property, the limits of required stream buffers and setbacks on the property, buffer zone topography with contour lines at no greater than five-foot contour intervals; delineation of forested and open areas in the buffer zone, and detailed plans of all proposed land development in the buffer and of all proposed impervious cover within the setback. Additionally, a description of all proposed land development within the buffer and setback is required.

(d) Variances. Variances shall be granted under Article V. Additional provisions apply to variances from stream buffers, as contained therein. Georgia Environmental Protection Division (EPD) regulations should also be consulted.

(Ord. of 11-9-2005(3), § 5.5)

Sec. 5.66. - Inspection of required buffers and requirements.

Any buffer or other requirement of these regulations is subject to periodic inspections by the county engineer to determine that such buffer or requirement is in existence, and is being properly maintained. Failure to provide or maintain any requirement of these regulations may be deemed a violation of these regulations.

(Ord. of 11-9-2005(3), § 5.6)

Sec. 5.67. - Construction exits.

(a) A temporary construction exit must be installed and maintained for any land disturbance or other construction occurring in the county. Such exit must be maintained while any construction and/or grading equipment will be leaving a construction site to a public right-of-way, street, or parking area until construction is completed. (The construction exit may be the same as the driveway exit.)

(b) The pad shall be adequate to substantially eliminate the transport of mud from the construction site by either motor vehicles and equipment or from water run-off.

(c) Any materials or mud spilled, dropped, washed, or tracked from vehicles or from the site onto roadways or into storm drains must be removed within 24 hours or the county may perform any necessary corrective work and the owner/developer shall reimburse county for any expenses incurred. In the event the county undertakes the corrective work, no building permits for said development shall be issued until said expenses have been reimbursed to the county.

(d) The exit pad of gravel or stone must at least be 12 feet in width by 20 feet in length with a depth of four inches, and a geo-textile pad underneath. The pad may be required to be an additional width, length, and/or depth if, in the opinion of the community development department, conditions so warrant.

(e) In addition, construction sites other than one- and two-family dwellings, must comply with the Bartow County Soil Erosion and Sedimentation Control Ordinance (Code section 34-251 et seq.).

(Ord. of 11-9-2005(3), § 5.7; Ord. of 9-11-2013, § 1)

Sec. 5.68. - Street and development names.

(a) (a) Subdivision or development names. Proposed subdivision or development names must be reviewed and approved prior to the issuance of a development permit. Names will be reviewed by the Information Services/GIS Department upon submittal of the preliminary plat or site plan.
(1) Proposed subdivision or development names shall not duplicate or too closely approximate, phonetically, the name of any other subdivision or development in Bartow County or its municipalities except for extensions of existing subdivisions or developments.

(2) Subdivision and development names may be reserved if submitted and approved along with a concept plan for the project. Such names may not be reserved for more than six months prior to submission of a preliminary plat.

(b) Road and Street names. Proposed street names must be reviewed and approved by the Information Services/GIS Department prior to approval of a final plat for recording. Street names may be reserved through approval as shown on an approved preliminary plat for the subdivision. Proposed names for streets within a private or gated development shall follow the same rules as for public streets.

(1) Street names shall consist of a root name of the developer's choosing and a suffix designation (such as "Street", "Avenue", "Drive", etc.), and shall be followed by a quadrant suffix. Directional prefixes (i.e., "North", "South") and the prefixes "Old" or "New" shall not be used.

(2) All streets shall bear the proper quadrant suffix appropriate to its location within the county (i.e. NE, NW, SE and SW), as determined by the department.

(3) A proposed street that is obviously in alignment with another already existing and named street shall bear the name of such existing street, unless this requirement is waived by the Information Services/GIS department.

(4) No proposed street name shall duplicate (be spelled the same or be phonetically the same) as an existing street name within Bartow County regardless of the use of such suffix designations as "Street", "Avenue", "Boulevard", "Drive", "Place", "Way", "Court", or however otherwise designated.

(5) All street root names and suffix designations are subject to the approval of the department. Obscene or otherwise unacceptable language, abbreviations, contractions, or initials may not be used.

(6) Root names shall consist of no more than 13 characters including space, hyphens, etc. Letters not occurring in the English alphabet, and numerals, shall not be used.

(7) Street name signs shall conform to the latest edition of MUTCD.

(c) Private Road/Path names. For the purposes of this sub-section it shall apply only to residential roads/streets. A private road or path shall be determined to be a road or driveway (paved or gravel surface) serving three or more dwellings in which the residents desire to have the road or drive named. Proposed private road names, or proposed changes to private road names must be reviewed and approved by the Information Services/GIS Department prior to approval.

(1) Private Road names shall consist of a root name of the owner's or residents' choosing and the suffix designation shall be "Path" followed by a quadrant suffix. Directional prefixes (i.e., "North", "South") and the prefixes "Old" or "New" shall not be used.

(2) All streets shall bear the proper quadrant suffix appropriate to its location within the county (i.e. NE, NW, SE and SW), as determined by the department.

(3) No proposed road name shall duplicate (be spelled the same or be phonetically the same) as an existing street name within Bartow County.

(4) All road root names are subject to the approval of the department. Obscene or otherwise unacceptable language, abbreviations, contractions, or initials may not be used.

(5) Root names shall consist of no more than 13 characters including space, hyphens, etc. Letters not occurring in the English alphabet, and numerals, shall not be used.

(6) Street name signs shall be blue and conform to the latest edition of MUTCD.
(d) **Recording and changing names.** All Bartow County public and private streets shall be designated on the Official Map and Official Index of Bartow County. Assigned street names once recorded on the final plat, or once a deed of dedication of the street to the county has been granted (whichever is sooner), cannot be changed without officially recording the final plat and/or re-deeding the street to the county. Such changes must first be approved by the Information Services/GIS Department.

(Ord. of 11-9-2005(3), § 5.8; Ord. of 9-11-2013, § I) (Ord. of 9-11-2013)

**Sec. 5.69. - Structural numbering; display of property address numbers.**

(a) **Structural numbering required.** All residential, commercial and industrial structures including dwelling units, places of business, industrial locations and all other structures not otherwise exempted herein, shall be required to display numbers indicating the street address of their property. Such numbers shall be assigned by the Information Services/GIS department. The GIS department shall keep a record of all numbers assigned. (Ord. of 5-11-2016)

(b) No permits without compliance. No building, electrical, plumbing or mechanical permit for any new or remodeled or repaired structure will be issued by the building official the owner, developer or builder has procured from the engineering department the official structure number or numbers. Final approval for a certificate of occupancy of any principal building erected or repaired, or use requiring said number, shall be withheld until permanent and proper numbers have been displayed in accordance with the regulations contained herein.

(c) Procedures. For any new structure proposed on a property which has not been assigned an address, a street number will be assigned upon confirmation or establishment of the property as a buildable lot of record, or as otherwise stated below:

(1) Subdivisions. House numbers will be assigned after the preliminary plat is approved for the property. The developer shall submit two copies of the plat to the engineering department. Block number assignments shall also be designated for abutting major street name signs at this time. Each street must be named.

(2) Commercial/industrial projects or buildings. Projects will be numbered after the developer submits the site plan for development review. Each street must be named.

(3) Apartment projects. Projects will be numbered after the developer submits copies of the site plan for development review. The overall development will be issued a single street address. The developer will be responsible for numbering/lettering individual buildings and units.

(4) Condominium projects. Projects will be numbered after the developer submits the site plan for development review. Individual units shall be numbered consecutively if located along public or private streets. Units in the "stacked-flat" configuration shall use the same numbering approach as applies to an apartment project.

(5) Individual residences. If not a part of a subdivision or other development, the owner or builder should bring in a plat showing the new lot, which must be a legal lot under all Bartow County regulations, including the zoning ordinance, to receive a number. (Ord. of 5-11-2016)

(d) **Posting of structural numbers for Non-single family residential uses.** Such numbers as have been assigned shall be placed so as to be clearly visible from the street, as detailed below.

1) New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible at all times from the street or road fronting the property.

2) These address numbers shall be a minimum of four inches (101.6 mm) high with a minimum stroke of 0.5 inch (12.7 mm) and shall contrast in color with the background on which they are affixed.
3) New and existing properties utilizing a mailbox or signage for address identification shall post numbers on both sides, meeting the requirements of paragraphs 1 and 2 that can be viewed from either direction of vehicular travel.

4) Buildings or lots with multiple buildings utilizing one street address and containing multiple commercial occupancies with separate entry doors shall post suite numbers or letters above the main entry door to each occupancy or building the requirements of paragraphs 1 and 2.

5) For multiple properties that share a common single private drive, each owner shall display address numbers at the vehicular access point to the private drive and at the vehicular access point to each individual building meeting the requirements of paragraphs 1 and 2. (Ord. of 5-11-2016)

(e) Posting of structural numbers for all single family residential uses. Such numbers as have been assigned shall be placed so as to be clearly visible from the street, as detailed below.

1) New and existing residential properties shall have approved address numbers placed in a position that is plainly legible and visible at all times from the street or road fronting the property.

2) These address numbers shall be a minimum of four inches (101.6 mm) high with a minimum stroke of 0.5 inch (12.7 mm) and shall contrast in color with the background on which they are affixed.

3) New and existing properties utilizing a mailbox or signage for address identification shall post numbers on both sides, meeting the requirements of paragraphs 1 and 2 that can be viewed from either direction of vehicular travel.

4) New and existing residential properties utilizing a mailbox or signage for address identification shall post numbers on both sides, meeting the requirements of paragraphs 1 and 2 that can be viewed from either direction of vehicular travel.

5) Neighborhoods, subdivisions, or residential properties utilizing a cluster mailbox or utilizing a post office box and not having individual mailboxes to use as address identification shall post individual address identification signage meeting the requirements of paragraphs 1, 2, and 3.

6) Address signage shall be no more than ten feet from the driveway and no more than 25 feet from the road.

7) For multiple residential properties that share a common single private drive, each owner shall display address numbers at the vehicular access point to the private drive and at the vehicular access point to each individual structure meeting the requirements of paragraphs 1, 2, and 3.

8) All new residential, office, institutional, commercial and industrial lots shall be numbered with the approved street address number and suite numbers or letters, if applicable, at the time the certificate of occupancy or the certificate of completion is issued.

9) It shall be the responsibility of the property owners to post and maintain the address identification.

(Ord. of 11-9-2005(3), § 5.9) (Ord. of 5-11-2016)

(f) Cluster mailboxes. In situations where the U.S.P.S. determines that individual mail delivery will not be available to a new development, the following requirements shall apply:

1) Installation of the mailbox unit(s), as well as any associated shelters, lighting, parking, and other related amenities shall be the responsibility of the developer.

2) Maintenance of the mailbox unit(s), as well as any associated shelters, lighting, parking, and other related amenities shall be the responsibility of the homeowners. The establishment of a homeowners’ association is strongly encouraged in developments where individual mail delivery will be unavailable.

3) Cluster mailbox units shall be prohibited within the public right-of-way.

4) Cluster mailbox units, and any associated structures, shall not adversely impact sight distance to any driveway or road intersection, as determined by the Bartow Community...
Development Director. Whenever feasible, the mailbox unit should be located within an amenity center, if one is proposed for the development.

5) Cluster mailbox unit(s) shall be located in area(s) that will best allow for vehicle stacking or parking without creating pedestrian safety or vehicle safety issues, as determined by the Community Development Director.

6) A paved area with adequate ingress/egress, designed to meet the requirements of the Bartow Community Development Director, shall be provided to allow vehicles to pull off the county roadway safely while retrieving mail.

7) All access to cluster mailbox unit(s) shall comply with current Americans with Disabilities Act and the Georgia Accessibility Code. Any sidewalks required by other provisions of this Ordinance shall be incorporated into the mailbox area(s).

8) The mailbox unit(s) must be installed according to the manufacturer's standards.

9) The mailbox unit(s) and shelter, if any, shall be exempt from the normal setback requirements; however, shelters or other structures must be submitted to the building official for review and must meet all applicable building codes.

10) Any required cluster mailbox station and related improvements shall be installed and approved prior to the recording of the final plat.

(Ord. of 5-11-2016)

(g) **Exempt and excluded structures.** The intent of this article is to exclude from this chapter those structures that do not present a significant danger to human life if destroyed by fire or other events. Buildings used as dwelling units, offices or work spaces for employees shall not be exempt. The following structures shall be excluded from the provisions:

1) Agricultural buildings not requiring a separate mailing address such as a barn, poultry house, outbuilding or equipment storage buildings.

2) Storage and accessory buildings for the use of the occupant of another building on the property.

(Ord. of 5-11-2016)

**Sec. 5.70. - Campgrounds in general.**

(a) All campgrounds, regardless of whether the campsites are offered for sale, developed as rental sites, or let on assignment, are subject to the regulations concerning subdivisions contained herein unless separate standards are specified. Plat requirements for subdivisions set out in the Development Regulations of Bartow County apply to all campgrounds.

(b) The following standards shall apply to all campgrounds containing two or more campsites or camp lots, including sites for tents, accommodations for backpackers, recreational vehicles (RV’s) and camping from automobiles:

1) All proposed and required water sources and sanitary facilities serving campgrounds shall conform to the requirements of the Georgia Department of Human Resources, Public Health Division, and the Georgia Department of Natural Resources, Water Supply Section, as appropriate.

2) Permanent structures other than camp platforms and recreational, support and sanitary facilities shall be prohibited unless the developer or the owner can prove, to the planning commission's satisfaction, the necessity or desirability for such a structure.

3) Conventional, industrialized and manufactured houses are prohibited on all campsites.
(4) In lieu of providing individual parking spaces for each campsite, the developer may widen minor collector streets and cul-de-sacs to accommodate parking on road rights-of-way, provided sufficient width is maintained to allow normal flow of traffic. (See Bartow County Campground Design Standards, incorporated herein by reference, for suggested designs.) Widening of streets to permit parking on main thoroughfares is prohibited. Other requirements of the Bartow County Development Regulations may apply to such developments, and should be consulted by the developer.

(5) Continuous camping shall be restricted to a period of no more than 90 days.

(6) Each campground shall have access to a source of potable water approved by the applicable health authority. It is preferable to provide one water outlet per camping unit; however, a minimum of one outlet for every two units shall be provided with two hose bibs equipped with vacuum breakers. Each unit shall have access to water within 50 feet of an RV pad. All water taps or outlets serving camp sites shall be of a type compatible with garden hose connections. Water outlets shall be located at least ten feet from sanitary sewer line taps and electrical outlets.

(7) The road circulation pattern shall be a one-way paved or gravel-reinforced system attached to a main two-way circular thoroughfare. If a loop system is used, it shall contain a pull-through site arrangement or back-in site ranging from a 45-degree to a 90-degree angle.
   a. Road widths on the one-way loop shall be at least 15 feet; double lane roads shall have a minimum width of 20 feet. The circulation system shall parallel existing contours as closely as possible and shall not exceed a 16 percent slope. The turning radius in loops and turns shall not be less than 30 feet, including parking spurs at individual RV sites.
   b. Parking spurs shall be located so that trailer doors face away from interior roads and into the site. Utility hookups shall be located to the left rear of the RV.
   c. Permanent drainage structures shall be designed for anticipated run-off and shall be installed in the initial phase of road construction.
   d. Depths of cuts and fills shall be held to a minimum in order to avoid excessive land disturbance. The smallest practical area shall be denuded at any one time during the construction period. Slopes steeper than 2:1 shall not be cut. Cuts into steeper slopes must be justified. A soil and erosion sedimentation plan shall be filed and approved prior to any construction.

(8) All campfires shall be contained and controlled. Stoves, grills, fireplaces, pits, and fire rings are recommended. Facilities shall either be provided for campsites or fires restricted to designated locations. No fire shall be allowed within ten feet of a bottled gas container or other combustible source of fuel, and no open fire shall be left unattended.

(9) All campgrounds shall provide fly-proof, watertight, rodent-proof containers for the disposal of refuse. Containers shall be provided in sufficient number and capacity to properly store all refuse. Refuse for camping areas shall be collected at least once a week.

(Ord. of 4-15-2015, § V)

Sec. 5.71. - Campsites for accommodation of RV's.

(a) Camp sites for accommodation of RV's shall meet the requirements of the "Rules of Department of Public Health for Tourist Accommodation," as now or hereafter amended.

(b) To prevent intensive site use and to maintain an aesthetic camping atmosphere, density shall not exceed ten sites per acre.

(c) Each recreational vehicle site with individual parking shall contain at least one reinforced surface parking space incorporated into the site itself and shall be level from side to side with sufficient crown to provide adequate drainage.
(d) Parking dimensions may vary from single auto trailer attached vehicle back-in of 14 x 60 feet to side-by-side arrangements of trailer and auto of 29 feet long and 30 feet wide. Various combinations may be used, but dimensions to accommodate trailer width with extended outside awning shall be at least 14 feet.

(e) RV sites shall be at least 20 feet apart, edge-to-edge and the center of all camping units shall be at least 30 feet from the edge of the campground road.

(f) Electrical outlets: Each RV site shall have access to a minimum of one 110-volt electrical outlet supplying 30 amperes of electrical current. All electrical outlets shall be located a minimum of ten feet from water connections, sanitary sewer line taps, and wastewater disposal facilities.

(Ord. of 4-15-2015, § V)

Sec. 5.72. - Sanitary facilities for accommodation of independent RV's.

In campgrounds with access to a sewage system, each campsite shall contain a sewer connection with suitable fittings to permit a watertight junction with the RV outlet. Each sewer connection shall be constructed so that it can be closed and when not in use shall be capped to prevent escape of odors.

(1) A sanitary dump station built to the requirements of the local sanitarian shall be provided at the entrance to the campground or other location convenient to all campers. The dump station shall be located so that the left rear of vehicles will slope slightly toward the dump station when connected for emptying.

(2) Sites that do not have access to a sewer hookup shall have convenient access to a suitable place for disposal of sink or tub water.

(Ord. of 4-15-2015, § V)

Sec. 5.73. - Sanitary facilities for accommodation of dependent RV's.

All campgrounds for the accommodation of dependent RV's (i.e., trailers, non-motorized RV's) and tents shall provide sanitary facilities connected to a sewerage system. Whenever possible, these facilities shall be connected to a public sewage system.

(1) Toilets, lavatories, and bathing facilities shall be provided as follows: A minimum of one toilet stool per four camping units or fraction thereof, and one urinal for each toilet facility designated for men; one lavatory and one tub or shower head for every ten persons or fraction thereof, with a minimum of one stool, one lavatory and one tub or shower head for each sex.

(2) Toilet facilities shall be plainly marked, separate for each sex, lighted at night, and shall be located no farther than 200 feet from any camp pad. Toilet facilities may be located in a central building or in two or more buildings according to the size of the campground and location of the campsites in relation to the facilities.

(3) Adequate provisions shall be made for the disposal of dishwater according to the size of the campground. A suggested ratio is one disposal unit per ten campsites.

(Ord. of 4-15-2015, § V)

Sec. 5.74. - Campsites for tents.

Construction of tent pads is not required for pup tents or other small shelters used by backpackers. Provisions for walk-in campgrounds are contained in section 3.6.
(1) Each tent site shall contain a minimum space of 30 x 30 feet. Density shall not exceed ten sites to the acre. Tent sites with individual parking arrangements shall contain one automobile parking space at least 20 x 10 feet.

(2) Each site shall contain a reinforced, fairly level tent pad. The pads shall be approximately 16 x 16 feet to provide maximum flexibility of use but shall not contain less than an area of 12 x 12 feet. The tent pad shall be a minimum of six inches high and constructed of gravel, crushed aggregate, or equivalent material that will allow runoff from precipitation to flow through the pad. Pads constructed of tamped earth, asphalt or other impervious materials are prohibited. Tent pads in excess of ten percent slope shall be leveled. A three to five percent slope is preferable.

(3) Provisions for sanitary facilities are the same as for dependent RV's set out hereinabove.

(Ord. of 4-15-2015, § V)

Sec. 5.75. - Walk-in campgrounds.

Camping is prohibited in areas where a source of potable water and access to sanitary facilities are not provided.

(1) Walk-in campgrounds shall have access to a source of potable water within 75 feet of all sleeping areas. In locations where a water supply system is not possible, potable water may be supplied by an approved well with a hand pump or by water from pickup stations.

(2) All walk-in campgrounds shall have access to the use of a toilet facility containing a minimum of one seat for every 15 campers and a minimum of one facility for each area. A toilet facility shall be located within 300 feet of each camping space.

(Ord. of 4-15-2015, § V)

Sec. 5.76. - Campsites for mixed uses.

Campgrounds may be developed to provide more than one type of camping site in the same area. When uses are mixed, the highest, or most strict, standards shall apply to development of the entire campground with the exception of development of walk-in camping areas in a campground designed for mixed uses. In such a development, areas for walk-in campers shall be separated from other types of camp sites and located so that camp fire smoke or noise from group activities will not constitute a nuisance to other campers.

(Ord. of 4-15-2015, § V)

Sec. 5.77. - Campground design.

The designs for campgrounds as well as detailed designs for specific features are contained in the Bartow County Campground Design Standards, available from the county engineer, and are recommended for compliance with the requirements contained in the article. The ideal design is one which will be compatible with the natural features and topography of the tract undergoing development; and one which will provide safe, healthful, and convenient camping facilities for campground users consistent with minimum land disturbance.

(Ord. of 4-15-2015, § V)

Sec. 5.78. - Enforcement and interpretation.

Violations of this article shall be enforced in accordance with the provisions of the Bartow County Development Regulations, and/or pursuant to the general enforcement provisions of the Code of Bartow County. Citations shall be served and heard in magistrate court, and fines shall be assessed at a
minimum of $200.00. The county shall also be authorized to seek injunctive relief. The article shall be
administered, interpreted, and enforced by the county engineer and the engineering department. Appeals
of decisions shall be heard in accordance with the procedure in the Bartow County Development
Regulations.

(Ord. of 4-15-2015, § V)

Secs. 5.79—5.100. - Reserved.

DIVISION 4. - ENFORCEMENT

Sec. 5.101. - Enforcement officer; appeals and variances.

The provisions of these regulations shall be administered and enforced by the county engineer.
Decisions of the county engineer shall be heard and decided by the board of appeals in accordance with
the provisions of section 5.127. Requests for a variance shall be heard and decided by the board of appeals
in accordance with the provisions of section 5.128.

(Ord. of 11-9-2005(3), § 6.1)

Sec. 5.102. - Enforcement actions.

(a) Enforcement options. Enforcement of these regulations 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 these regulations as the same exists or as it may hereafter be amended
or which shall fail to do anything required by these regulations as the same exists or as it may hereafter
be amended shall be subject to an enforcement action.

(1) Representatives of the county 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 these regulations, 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 seen 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.

(2) No person shall obstruct, hamper or interfere with any county representative while in the process
of carrying out his official duties in the enforcement of these regulations.

(b) 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 these
regulations. 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 sub-contractors. 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 addition or in lieu of
or in addition to citations issued to the actual individuals on-site committing violations.

(c) 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.

(d) Multiple violations. Each separate action, omission, or occurrence relating to any specific provision of
these regulations shall be a separate violation, subjecting the offender to a separate citation.
(e) Criminal prosecution. The county engineer, or designated code enforcement personnel, or other authorized personnel, may issue criminal citations for violations of these regulations, or violation of any stop-work order.

(1) Criminal prosecutions for violation of these regulations shall be commenced by the completion, signing, and service of a citation by an authorized county official or 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.

(2) Each citation shall state the time and place at which the accused is to appear for trial in magistrate 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 deputy sheriff or other authorized officer who completes and serves it.

(3) Any defendant who fails to appear for trial shall thereafter be arrested on the warrant of the magistrate and required to post a bond for his or her future appearance.

(4) The district attorney, county attorney, or another attorney designated by Bartow County may act as prosecuting attorney for violations of these regulations.

(5) Fines shall be assessed in accordance with section 5.104

(f) Civil fines and proceedings. In addition to or in lieu of any other remedy, the county may seek injunctive, mandamus or other appropriate relief in superior court to enjoin or prevent a violation of any provision of these regulations. Such action may also seek civil fines at the mandatory rates specified in section 5.104 for violation of these regulations, 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 these regulations. The county shall be entitled to its reasonable attorney’s fees and costs for bringing an action in superior court wherein any relief is granted or fine assessed.

(g) Additional criminal penalties. Persons cited criminally are also subject to the other penalties within the jurisdiction of the magistrate court, including incarceration up to 60 days, community service, and probation.

(Ord. of 11-9-2005(3), § 6.2)

Sec. 5.103. - Stop-work orders.

(a) Upon notice from the county engineer, designated code enforcement officers, or other authorized personnel, work on any project that is being done contrary to the provisions of these regulations shall be immediately stopped.

(b) Stop-work orders shall affect all work being done on a project or development (including 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 sub-contractors on the same property. Only work to remedy the deficiency shall be allowed until the stop-work order is lifted.

(c) 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 working days.

(d) Stop-work orders may be issued on their own, or in conjunction with criminal citations, or civil proceedings in superior court.
(e) Issuance of a stop-work order may be appealed to the board of appeals.

(Ord. of 11-9-2005(3), § 6.3)

Sec. 5.104. - Fines.

(a) Fine schedule. Fines assessed under these regulations shall be assessed according to the following mandatory schedule, whether assessed as a civil fine in superior court, or assessed as a criminal penalty upon conviction in magistrate court. The maximum permissible fine shall be $1,000.00 per offense. In no event shall a fine be reduced below the mandatory minimum, as set forth below. Fines may be increased by mandatory add-ons under state law.

(b) Repeat offenders. As a deterrent to violation, second and subsequent violations by the same offender of any provision of these regulations, whether violations of the same or different provisions of these regulations as the initial violation, and whether involving the same or different property, shall increase the fine owing. However, repeated citations for the same violation on a second and subsequent days shall not count as a subsequent violation, but shall rather be assessed at the same rate as the initial violation.

(1) First violation. For the first violation of any provision of these regulations by any violator (whether an individual or corporation), the fine shall be $200.00.

(2) Second violation. For the second violation of any provision of these regulations (whether the same or different as the first violation) by the same violator (whether an individual or corporation), the fine shall be $400.00.

(3) Third and subsequent violations. For the third and subsequent violation of any provision of these regulations (whether the same or different as the prior two violations) by the same violator (whether an individual or corporation), the fine shall be $600.00.

(Ord. of 11-9-2005(3), § 6.4)

Sec. 5.105. - Records.

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

(Ord. of 11-9-2005(3), § 6.5)

Sec. 5.106. - Nuisance abatement.

(a) Any owner of property who permits the same to become or remain in a condition prohibited under these development regulations may be notified in writing by the code enforcement officer to remove or remedy the condition within 15 calendar days of the date of such notification.

(b) Unless the condition complained of is removed, the county, at the expiration of such 15-calendar-day period shall be authorized to remove the condition or hire a private contractor to remove the condition.

(c) The cost of removal and abatement of the nuisance will be charged against the property and the property owner thereof, and it shall constitute a lien on the property which shall be recorded in the deed records of the county.

(d) In the event the costs of abating the nuisance are not paid, the lien recorded may be collected in the same manner as that provided by law for executions for ad valorem taxes due the county.

(e) In addition, the creation of a nuisance shall be deemed unlawful.
Sec. 5.107—5.125. - Reserved.

DIVISION 5. - APPEALS AND VARIANCES

Sec. 5.126. - Board of appeals.

The board of appeals, as established by the Bartow County Zoning Ordinance, shall be empowered to hear appeals of interpretations of the county engineer under these regulations, and to hear applications for variances from the requirements of these regulations. Its proceedings and procedure shall follow the procedure and requirements as stated in the Bartow County Zoning Ordinance regarding notice, hearing procedure and other matters not covered herein.

Sec. 5.127. - Appeals.

The board of appeals shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the county engineer in the enforcement of these regulations. Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of Bartow County affected by any decision of the county engineer. Such appeal shall be taken within 30 days of said decision by filing with the county engineer a written notice of appeal specifying the grounds thereof. Decisions on appeals shall be issued in writing within ten days of the appeal.

Sec. 5.128. - Variances.

(a) Variances. The board of appeals has the power to hear requests for variances from the provisions of these regulations. Variance may be granted only if the board finds all of the following to exist:

(1) That one of the following is true, through no action or fault of the property owner or predecessor:
   a. The property is exceptionally narrow, shallow or unusually shaped;
   b. The property contains exceptional topographic conditions;
   c. The property contains other extraordinary or exceptional conditions; or
   d. There are existing other extraordinary or exceptional circumstances; and

(2) That the strict application of the requirements of these regulations would result in practical difficulties to, or undue hardship upon, the owner of this property; and

(3) That the requested variance relief may be granted without substantially impairing the intent and purpose of these regulations.

Variance decisions shall be issued in writing within ten days of the hearing.

(b) 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 or use as it may deem
advisable so that the purpose of these regulations will be served, public safety and welfare secured and substantial justice done.

(c) Limitations. 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. 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 February 21, 1996. Configuring a subdivision to create lots that are difficult to build is an example of a hardship created by the property owner or processor, that do not justify a variance.

(d) Special stream buffer provisions. If the variance is related to section 64-65 stream buffers, variances will only be considered when a property's shape, topography or other physical conditions existing as of April 30, 2004 prevents land development unless a buffer variance is granted, or if unusual circumstances exist wherein strict adherence to the minimal buffer requirement of that section would create extreme hardship. Variances will not be considered when actions of the property owner have created the conditions of hardship on the property. Variances may be conditioned or limited to serve the purposes of this chapter, and only the minimum variance necessary shall be given.

(e) Special stream buffer application requirements. If the variance is related to section 64-65 stream buffers, the application shall contain the following information, and other information as required by the county engineer:

1. A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;
2. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
3. A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;
4. Documentation of unusual hardship should the buffer be maintained;
5. At least one alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;
6. A calculation of the total area and length of the proposed intrusion;
7. A stormwater management site plan, if applicable; and,
8. Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.

(Ord. of 11-9-2005(3), § 7.3)