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## **Sec. 7.1. A-1 agriculture district.**

7.1.1 *Purpose.* The A-1 agriculture district is established primarily to encourage the retention and development of suitable areas for common farm/agricultural practices and various compatible non-farm uses, preservation of open space, the conservation and management of soil, water, air, game and other natural resources and amenities, and to discourage the creation or continuation of conditions which could detract from the function, operation, and appearance of areas to provide food supplies and to prevent or minimize conflicts between common farm practices and non-farm uses. The A-1 district is also a residential district.

7.1.2 *Area, Yard, Height and Buffer Requirements.* The following requirements apply in the A-1 District:

*Minimum Lot Size:* 2 acres. No new A-1 lot shall be created which is not at least two acres in area, and no lot of less than two acres may be split off from existing A-1 zoned property. No remnant of under two acres may be created by a lot split, nor shall any existing A-1 lot be reduced to less than two acres.

*Minimum Lot Width at Street R/W (on existing road):* 200 feet.

*Minimum Lot Width at Street R/W (in new development):* 100 ft.; 50 ft. on cul-de-sac.

*Front Yard Setback (from right-of-way):* 40 feet; if an existing lot of record one acre or smaller, 25 feet.

*Side Yard Setback (from property line):* 10 feet

*Rear Yard Setback (from property line):* 25 feet

*Maximum Building and Structure Height:* 50 feet

*Buffers:* Special, see below.

7.1.3 *Height exceptions.* Buildings or structures essential to the operation of an agricultural operation, such as silos, granaries, windmills, and barns, may exceed the height limitation stated above. The height limitation does not apply to structures such as unoccupied and inaccessible architectural features on non-residential buildings (e.g., church spires, belfries, cupolas and domes), monuments, government-owned observation towers, water towers, chimneys, flag poles, aerals, and similar structures. Specific height requirements apply to signs and structures containing signs; see Article XI.

7.1.4 *Accessory Structures.* Accessory buildings and structures which are not intended for use or used for the housing of livestock or agricultural practices and are ancillary to the residential use (e.g., garage, pool) shall maintain the same front and side yards as the main structure; however, they shall not project beyond the established front building line with the following exception: for residential use properties, accessory structures may be in the front yard projecting beyond the front building line if located a minimum of 100 feet from the front property line. For such buildings and structures, side and rear yard setbacks shall be a minimum of ten feet. Silos, granaries, and similar accessory agricultural structures, on lots 10 acres or greater, shall be setback by a distance equal to the structure's height from any property line, and may be located in the front, side or rear yard. Silos, granaries, and similar accessory agricultural structures, on lots less than 10 acres, shall be setback by a distance of at least 25 feet from any property line, and shall be located in the rear yard. Accessory livestock structures must additionally meet special setback requirements under Sec. 7.1.8(B)(ii). Accessory structures on vacant lots 2 acres or greater may be constructed/installed before a principle residence is present with the following limitations: minimum 100 ft front yard setback; side and rear yard setbacks shall be adhered to; and the structure cannot have living space/area. For vacant substandard A-1 lots less than 2 acres in size, a principal residence must be present on the property before an accessory structure may be constructed/installed. Variance applications to allow front yard accessory buildings are discouraged, and in all cases an accessory building, if proposed in front of a residence in the front yard, must be a minimum of 50 ft from the front property line - this setback cannot be varied.

7.1.5 *Non-residential uses and associated accessory uses.* Non-residential uses other than agricultural uses (e.g., bed and breakfast, airport, church) and associated accessory uses thereto shall be setback at least fifty (50)

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feet from the property line, shall be screened by a twenty-five (25) foot vegetative buffer, and shall also have a six-foot wooden fence on the inner or outer boundary of the buffer where adjacent to residentially-used property, unless such requirements are waived or varied by the Zoning Administrator in hardship cases or cases where they are unnecessary to provide screening. Off-street parking/loading for all non-residential uses shall be provided in accordance with Bartow County Development Regulations. Other provisions of the Development Regulations may be applicable, and the Engineering Department should be consulted. Non-residential uses must meet special building code requirements, and the Bartow County Building Inspections Department and the Bartow County Building Code Ordinance should be consulted.

7.1.6 *Development in A-1.* Development must be in accordance with the Bartow County Development Regulations. The Engineering Department should be consulted. In the event that a State Development of Regional Impact (DRI) review is required, a traffic impact study shall be required to be submitted to the county engineer for review before rezoning or conditional use. The traffic impact study shall be prepared, signed and sealed by a registered professional engineer and submitted to the county engineer or his/her designee for review. The county engineer shall submit comments to be reviewed by the Planning Commission and Commissioner as part of the zoning application.

7.1.7 *Lot Restrictions in A-1.*

- (A) *Road frontage:* No more than two lots sharing one private easement or driveway shall be allowed; see Section 5.6 for road frontage restrictions.
- (B) *Subdivision lot restrictions:* A subdivision is a tract of land divided into three or more lots. A subdivision of land divided into three or more lots shall follow the submittal process and requirements as found in appendix B (Development regulations). Any proposed further subdivision of an individual lot in an A-1 subdivision existing as of November 9, 2005, or created subsequent to that date, shall require approval of an administrative variance.

7.1.8 *Permitted uses in A-1 district.* Within the A-1 Agriculture district, no building, structure, land, or water shall be used except with one or more of the following uses. A use not specifically named within a district is NOT permitted:

- (A) Single-family dwellings (conventional, manufactured and/or industrialized houses) and customary accessory uses, including docks and boathouses on not less than a two (2) acre tract of land. For a substandard A-1 lot less than two (2) acres in size, manufactured homes are prohibited with the following exception: if a substandard A-1 lot is in a platted subdivision, the zoning administrator may determine if a non-conventional single-family residence (manufactured home) may be allowed. A determining factor for consideration is whether non-conventional single-family residences exist on at least eighty percent (80%) of the lots. See Sec. 10.3 for manufactured housing regulations. For a substandard A-1 residential use lot between one (1) and two (2) acres in size, a maximum of eight (8) hens (no roosters) shall be allowed. A single-family residence must first be on the lot. No other livestock animals are permitted. Hens shall be kept in an enclosure, whether fence, chicken coop, or other minor livestock enclosure, at least 25 ft from all property lines. The keeping of hens supports a local, sustainable food system by providing an affordable, nutritious source of fresh eggs. However, at no time shall hens on such a small lot become a nuisance. Hens shall not be allowed to roam/range on the private property of nearby residences.
- (B) Agricultural Uses subject to the following regulations:
  - i. *Fences.* Any livestock shall not be able to roam off the property upon which it is kept, either being kept inside a properly fenced area (sufficient to restrain the animal) or kept contained in a livestock enclosure.
  - ii. *Livestock Enclosure Setback Provisions.* Livestock enclosures (including but not limited to, cattle barns, stables, hog pens, and chicken houses or coops), and other buildings or structures which

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are intended for use or used for the housing or shelter of livestock animals, shall be located no closer than 50 feet from the property line on any parcel of less than or equal to 10 acres and no closer than 100 feet from the property line on any parcel of more than 10 acres.

- iii. *Retail Sales.* Retail selling of agricultural products shall be permissible provided that space necessary for the parking of customers' vehicles shall be provided off the public rights-of-way. Any structure constructed shall not exceed 1,500 square feet and must be at least 50 ft from all property lines.
- (C) Public safety structures and facilities.
- (D) Home occupations, see Sec. 6.4.
- (E) Family plots (not in excess of 12 burial sites, on lots of at least five acres), see Sec. 9.7.
- (F) In-home nursery schools (child day cares) with no more than six (6) children at any one time; provided that they shall have at least thirty-five (35) square feet of indoor space provided for each child and at least 100 square feet of play area per child in the outdoor play area which shall be enclosed by a fence having a minimum height of six (6) feet.
- (G) Group homes for persons with a disability, not exceeding six (6) residents, excluding resident staff, licensed by and in compliance with the applicable regulations of the Georgia Department of Human Resources; provided that:
  - (i) There is no external signage or other evidence of the use of the dwelling as other than a residential dwelling unit;
  - (ii) The dwelling shall maintain its residential appearance;
  - (iii) There is adequate off-street parking for resident, staff and visitors' parking such that, except for planned special events, there are no vehicles parked on the street or road right-of-way; and
  - (iv) Visitation hours are restricted so as to not create undue traffic congestion.
- (H) Timber production and forestry related uses, but not sawmills. See Sec. 7.1.9(R).
- (I) Fish hatcheries.
- (J) Marinas and associated accessory uses on Lake Allatoona, including commercial boat storage, boat docks, sale of fuel and incidental supplies for the boat owners, crews, and guests, on-site clubhouse/restaurant. Temporary or permanent housing associated with marinas, including house boats, lake cabin rentals and RV lots, are allowed with the granting of a Conditional Use Permit.
- (K) Political or religious gatherings, limited to not more than 14 days in duration per year, provided sufficient space is available to provide a buffer of 500 feet from adjoining property owners and off-street parking.
- (L) Vineyards (except wineries are conditional uses).
- (M) Resort communities. See Sec. 9.3.
- (N) Municipal, county, state, federal and other public uses, including parks and playgrounds; public utility and service structures.
- (O) Special events. Maximum four (4) per calendar year - more than four on the same lot would be considered an event facility and would require a conditional use permit per section 7.1.9. Special events, for example, overland foot races, arts and crafts fairs, musical concerts, and other gatherings of a commercial nature (meaning admission is charged or goods or services are being sold) shall be permitted subject to the administrative approval of the zoning administrator. Special events under this subsection shall not exceed 72 hours in duration. The zoning administrator shall review the request

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under the following criteria: 1) whether the size and shape of the property sufficient to support the event; 2) whether the roads serving the property are adequate for the anticipated traffic; 3) whether the adjacent property owners and neighbors will be negatively impacted by the event; 4) whether the event is inconsistent with the surrounding property and uses; 5) whether the event is inconsistent with the intent of the zoning ordinance; 6) whether the event would create a nuisance; 7) whether the event would be harmful to the environment; 8) whether the event is consistent with other applicable laws and ordinances. The applicant shall submit information as required by the zoning administrator to review the event in accordance with the above criteria and shall submit information as to the purpose; size and dates of event; size and location of property; anticipated crowds; anticipated vendors and other commercial activity; whether a special event alcohol license will be sought; plans for parking, traffic control, sanitation, public safety and security for the event; and other such information as may be required by the zoning administrator. The zoning administrator may require notice to adjacent property owners and to review their comments. Application should be made at least 45 days prior to the event to ensure the timeliness of an appeal. The decision of the zoning administrator may be appealed to the commissioner.

- (P) Commercial greenhouses, with a minimum lot size of five acres and the greenhouses are set back at least 25 feet from the property lines.
- (Q) Churches, synagogues and similar places of worship. Accessory uses for churches and places of worship, such as schools, day cares, hospices, and similar facilities, are permitted. All such uses must meet off-street parking regulations, as required by the Bartow County Development Regulations. See subsection 7.1.5.

7.1.9 *Conditional uses in A-1 district.* The following are permitted only with the grant of a conditional use permit under the requirements of Article XVI. All such uses must likewise meet all requirements of this zoning district.

- (A) Country Clubs and Golf Courses, without residential lots.
- (B) Golf Course Communities and Country Club Communities; See Sec. 9.2.
- (C) Bed and breakfast inns, provided there is sufficient space to provide adequate parking and the rental is limited to temporary occupancy only.
- (D) Wineries, farm breweries and farm distilleries that are associated with an agricultural operation. A winery, farm brewery or farm distillery must grow, produce and harvest grains, hops, fruit and other agricultural products used to brew or distill the product, or incorporate the use of a spring or other natural resource. Production, manufacturing, shipping storage, and warehousing of the product is allowed. Tasting rooms and consumption are allowed, as is the direct sales of the product, in accordance with Georgia state law. Hours of operation are limited to 10 a.m. to 8 p.m. Sunday through Thursday, 10 a.m. to 10 p.m. Friday and Saturday. Special events (wedding, corporate retreat, etc.) are limited to the hours of operation.
- (E) Water bottling plant, at natural spring locations, and limited truck and commercial traffic related thereto. Such plants must meet the I-1 District buffer and setback requirements, and may not operate (or generate or receive commercial vehicle traffic) between the hours of 7:00 p.m. and 7:00 a.m.
- (F) Privately owned historic sites, regularly open for public visitation, provided the same consist of ten (10) acres or more and is a component of the National Register of Historic Places and the Georgia Register of Historic Places; provided further, that any fees charged or revenue generated in connection with the site are used solely to offset the costs of restoring and maintaining the buildings and grounds of said site; provided further, that the only ancillary facilities permitted are a museum, restaurant and gift shop (which may contain a snack bar); provided further, that facilities for parking must be self-contained on the premises and shielded from public view. No activity which would cause sound to

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travel beyond the limits of the property is allowed. No activity not directly related to the historic nature of the property, shall be permitted. Overnight parking is prohibited.

- (G) Recreational vehicle/travel trailer parks and campgrounds; provided the park or campground shall consist of a minimum of twenty (20) acres and developed in accordance with the provisions of this Ordinance pertaining to campgrounds; provided further, the nearest parking space or campsite shall be located not less than 500 feet from any adjoining property line. See the Bartow County Campground Standards Ordinance.
- (H) Cemeteries, see Sec. 9.7.
- (I) Public airports, on at least 200 acres of land, and the boundary of the airport property may not be located within 2,000 feet of any residential dwelling. Private landing strips on at least 50 acres, with the runway not located within 1,000 feet of the nearest residence. Associated commercial uses, such as skydiving facilities, must be stated within the Conditional Use Permit application. Structures associated with the commercial use (hangars, sales office, maintenance facility, etc.) must be setback 200 feet off the property line. The applicant must present a site plan showing the location of the runway, drop zones, all proposed structures, access and parking, which shall become a zoning condition if the use is approved. Drop zones shall be unobstructed and follow the basic safety requirements set forth by the United States Parachute Association. The applicant must also state the number of aircraft that will use the private landing strip. The development must conform to Bartow County Development Regulations for non-residential uses in terms of parking, stormwater and other matters as set forth therein. All uses must meet Federal Aviation Administration guidelines and not interfere with operations at the Cartersville-Bartow County Airport.
- (J) Sailport, ultralight landing strip, on at least 50 acres of land, not within 1,000 feet of any residentially-used property.
- (K) Bicycling, mountain bike course, outdoor recreation center, or other private recreational facility, or similar, for commercial purposes or organized events. Minimum lot size: 10 acres.
- (L) Motocross motorcycle track, dirt bike track, race track, auto racing, drag strip, other powered-vehicle race track. Fifty (50) acre minimum tract of land required, with minimum five hundred (500) foot buffer (complying with Sec. 8.2.5). No portion of the race track or any garage, staging or pit area, nor any parking area, may be located within one thousand five hundred (1500) feet of any residential dwelling.
- (M) Outdoor paintball game courses and facilities, or similar facilities, with a minimum area of 10 acres and no gaming to take place within 200 feet of any property line. Hours of permitted operation are 8:00 a.m. to 9:00 p.m. "Paintball" means any game or event that involves using guns or devices that shoot capsules of paint or dye.
- (N) *Firing range facilities, outdoor.* These are any facilities where outdoor firing of firearms is performed on a commercial basis (i.e., requires a fee or membership), including private gun clubs, target shooting ranges, etc.
  - 1. Minimum lot size: 100 acres.
  - 2. A 200-foot vegetated buffer shall be required for all sides of the property abutting residential or commercial zones, such buffer to be consistent with the buffer standards set forth in section 8.2
  - 3. Firing ranges for rifles and pistols should be oriented so that firing is not directed towards any residential property within 2000 yards that is touching an arc width of 20 degrees, centered on the axis of firing (that is, within ten degrees of either side of said axis); ranges for sporting clays, skeet, trap and five stands are not subject to this requirement.
  - 4. All portions of any firing range (for pistol and rifle ranges, this is defined as the area from the firing line to the target backstop or berm, for the width of the shooting lanes; for sporting clays,

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skeet, trap and five stands, this is defined as the area from the firing stations to a distance 100 yards from the firing stations in the direction of fire) must be located at least 1,000 feet from all property lines.

5. Hours of firing shall be limited to between 10:00 a.m. and 6:00 p.m., Monday to Saturday. No firing permitted on Sunday.
  6. A site plan shall be submitted with the conditional use application showing all facilities and ranges, the direction of firing, all residential property within 2000 yards downrange, and all buffers and distances, plus such other information as is required by the Zoning Administrator to enforce this section.
- (O) *Firing ranges facilities, indoor.* These are facilities where all firing ranges are inside buildings.
1. Minimum lot size: 10 acres.
  2. A 50-foot vegetated buffer shall be required for all sides of the property abutting residential or commercial zones, such buffer to be consistent with the buffer standards set forth in section 8.2.
  3. No building containing a firing range may be located within one hundred feet (100') of the property boundary.
  4. Building's housing firing ranges must be constructed to prevent the escape of bullets and also constructed with sound-proofing or setbacks such that no sound of the discharge of firearms is audible at the property line.
  5. A site plan shall be submitted with the conditional use application showing all facilities, all buffers and distances, plus such other information as is required by the Zoning Administrator to enforce this section.
- (P) *Existing firing ranges.* Outdoor Firing Ranges in existence as of July 8, 2009 in Bartow County shall, commencing July 12, 2009, be subject to the following restriction: hours of operation shall be limited to Monday to Saturday, 10:00 a.m. to 7:00 p.m. No firing shall be permitted on Sunday. Note: The foregoing provisions concerning firing ranges (Sections 7.1.9 (N), (O), and (P)) shall not apply to property owned by the County or property owned entities exempt from county zoning including the U.S. Government, a municipality within the County, or an entity regulated by the Georgia Public Service Commission (i.e., a public utility).
- (Q) Only on former, abandoned mine property, shallow surface mining is permitted as a conditional use for rock and mineral removal, provided no explosive blasting nor digging is permitted. Neither strip mining nor open pit mining shall be permitted, nor shall any mining requiring heavy excavators or massive land disturbance. Shallow surface mining is limited to a depth below preexisting grade of ten (10) feet; deeper mining requires M-1 classification. A 100 foot undisturbed, vegetated buffer shall be required. The applicant shall be required to meet the buffer requirements of the M-1 district for surface mining.
- (R) Sawmills; provided that any sawmill must be located at least 500 feet from an adjoining property line; provided further that if said sawmill is located on property which adjoins property on which a dwelling is located, said sawmill must be located no less than 1,000 feet from the closest point to said dwelling.
- (S) Explosive storage, when accessory to a permitted use (except not permitted in conjunction with shallow surface mining, see below).
- (T) Telecommunications structures, subject to Article XII.
- (U) Chicken houses holding or designed to hold more than 500 chickens. Any such chicken house must be setback at least 150 feet from the property line and at least 500 feet from any existing residence (having a certificate of occupancy at the time of rezoning application) on adjoining property. Minimum lot size required: 20 acres.

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- (V) Dog arenas, horse tracks, steeplechase tracks, similar animal race facilities; rodeo facilities; kennel clubs, dog clubs and similar facilities; catteries, cat breeding facilities, and similar facilities. Minimum lot size required: 20 acres. Any race facility must be set back at least 200 feet from the property lines.
  - (W) *Kennels*. Minimum setback for kennels is 100 feet from property line and 200 feet for nearest non-owned residence. Higher setbacks may be required depending on the intensity of the use. The maximum number of dogs may be capped depending on the circumstances of the property. Minimum lot size required: 15 acres.
  - (X) Meat processing facilities and temporary holding lot for livestock, with a 100-foot setback from the property line; but not chicken processing facility, see Sec. 7.13. Minimum lot size required: 15 acres.
  - (Y) Event facility, for weddings, rehearsal dinners, corporate meetings, retirement functions and catering. Only limited overnight facility permitted; no hotel or motel operation shall be allowed. The facility may not operate a restaurant open to the general public; it may only hold previously scheduled and reserved events for specific group(s). Minimum lot size is 10 acres. Must have sufficient parking to satisfy Bartow County Development Regulations. No structure or parking may be located within 50 feet of property line. Further restrictions may be applied as zoning conditions. The facility cannot be expanded beyond what is approved in the original conditional use application without a further conditional use approval.
  - (Z) Taxidermy facilities, on minimum of ten (10) acre lots.
  - (AA) *Outdoor dive training facility*. A facility to offer outdoor scuba or dive training to members of the public and government entities, including incidental sales and rental of scuba/dive equipment. May include docks and no more than 2,500 square feet of heated space associated with the facility in one or more structures, plus accessory storage. Boat sales or marinas are not permitted. Sales or rental of boat slips are not permitted.
  - (BB) Solar power generation facilities not accessory to a residential structure. Any such facilities and associated apparatus shall be set back at least 50 feet from the property lines. Sound barriers shall be required for noise mitigation around all inverter and transformer skid pads. Equipment shall be screened and fenced from adjacent property to restrict unauthorized access. Screening shall consist of a minimum 8-foot opaque fence with the addition of shrubbery, trees or an earthen berm. The applicant shall demonstrate that the proposal will not have an adverse effect on neighboring properties by providing aerials of the site, graphic renderings of the project, and/or pictures from the site of surrounding parcels demonstrating sight lines. Appropriate vegetated buffers and/or plantings may also be required to help limit the visual impact of the site and possible glare issues.
  - (CC) Special events not meeting the criteria of section 7.1.8(P)—for example events seeking to exceed 72 hours in duration—may be sought as a special use permit. The applicant shall submit the information required for a review under section 7.1.8(P) and the zoning administrator shall make a recommendation to the commissioner.
  - (DD) Agricultural large-scale retail sales. The purpose of this conditional use is to permit agricultural operations to have large-scale retail sales in a structure larger than 1,500 square feet without the necessity of having to rezone a tract to commercial. On tracts of at least 10 acres, a property owner may apply to authorize construction or use of a building for sales of agricultural products grown on the property. The building must be set back at least 100 ft from all property lines. The applicant must present a concept site plan for review by county department representatives prior to a zoning case showing the location of the building, access and parking, which shall become a zoning condition if the conditional use is approved. The development must conform to Bartow County Development Regulations for non-residential uses in terms of parking, stormwater and other matters as set forth therein. At least 25 percent of the items sold must be agricultural products grown on the property. Up

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to 75 percent may be items associated with the sale of agricultural products or agricultural products grown elsewhere.

- (EE) *Swine or hog farms with more than 200 swine/hogs.* Any enclosure for swine or hogs must be setback at least 150 feet from the property line and at least 500 feet from any existing residence (having a certificate of occupancy at the time of rezoning application) on adjoining property. Minimum lot size required: 20 acres.
- (FF) *Private subdivisions (see Development Regulation Sec. 5.33).* Private subdivisions must have a gated entrance but the County Fire Department must be provided access satisfactory to the Fire Marshal.
- (GG) Lake cabin rentals, house boats, RV lots associated with marinas. See Sec. 7.1.8(J).

**7.1.10 Family Exemption.** In the A-1 zoning district, a property owner with at least 5 acres may convey to his or her child, stepchild, grandchild, stepgrandchild, mother, mother-in-law, father, father-in-law, grandmother, grandfather, grandparent (in-law), step-parent, brother, sister, brother-in-law, sister-in-law, stepbrother, stepsister, aunt, uncle, niece or nephew a building lot of at least 1 acre without having to rezone. The tract shall have at least 100 feet of road frontage and shall not violate the county's easement and driveway restrictions. Only one lot shall be split under this exemption, future splits shall meet the required 2 acre minimum in the A-1 district or be rezoned. A plat or survey shall be prepared by a licensed land surveyor, with a note designating the tract is created under Sec. 7.1.10 of the Bartow County Zoning Ordinance. Only uses permitted in the R-1 district shall be allowed - as an example, manufactured homes are prohibited with newly created lots under the family exemption. (Ord. of 7-21-2021(4); Ord. of 11-3-2021(3), §§ VI, VII; Ord. of 3-16-2022(1), § II; Ord. of 8-9-2023, §§ IX, X; Ord. of 12-6-2023(4), § II)