

MEMO

To: Planning Commission, Mayor Santini & City Council

From: Randy Mannino and David Hardegree

Date: Dec. 12, 2022

Re: *Text Amendment T23-01. Update to Chapter 26, Zoning, Article XIV, Business Park Overlay District.*

Cartersville- Bartow County Economic Development Department has requested that *Chapter 26, Zoning, Article XIV, Business Park Overlay District.* ordinance be revised to increase the height of the primary structures for allowed uses from 50ft. to 75ft. Bartow County did this in 2021 for their jurisdiction in the Industrial Park. This revision will provide consistency between City and County ordinances.

Also, this amendment will eliminate a conflict regarding landscape islands in parking lots. One section of Sec. 14.7 states one island is required per (12) parking spaces. Another section states one island is required per (15) parking spaces. The amendment will eliminate the one island per (15) parking spaces requirement. This will make the overlay district regulations consistent with the City's landscape ordinance.

The current ordinance and proposed ordinance amendment are attached.

**Application for Text Amendment(s)
To Zoning Ordinance
City of Cartersville**

Case Number: T23-01
Date Received: 11-15-22

Public Hearing Dates:

Planning Commission 1-10-23 5:30pm 1st City Council 1-19-23 7:00pm 2nd City Council 2-2-23 7:00pm

APPLICANT INFORMATION

Applicant <u>City of Cartersville Planning & Dev. Dept.</u> (printed name)	Office Phone <u>770-387-5600</u>
Address <u>10 N. Public Sq</u>	Mobile/ Other Phone _____
City _____ State _____ Zip _____	Email _____
<u>David Hardegree</u> Representative's printed name (if other than applicant)	Phone (Rep) _____
_____	Email (Rep) _____
Representative Signature _____	Applicant Signature _____
Signed, sealed and delivered in presence of: _____	My commission expires: _____
Notary Public	

1. Existing Text to be Amended: Chapter 26, Zoning

Article XIV, Section 14-3 & 14-7, Subsection _____

Existing Text Reads as Follows: 1. Maximum building height is currently 50ft.

2. Conflict in parking lot landscape island requirements. Shown as 1 island every 12 spaces and 15 spaces.

2. Proposed Text:

Proposed Text Reads as Follows: 1. Increase allowable building height from 50ft. to 75ft.

2. Correct discrepancy for landscape island requirements. Corrective Action: Delete reference to 1 island per 15 spaces.

See attached documentation.

(Continue on additional sheets as needed)

3. Reason(s) for the Amendment Request: _____

1. To provide greater flexibility for building design that incorporates towers, cranes, lifts, large equipment, etc. and to align the City ordinance with County ordinance for building height in the same industrial park.

2. Correct conflict for landscape island requirements.

(Continue on additional sheets as needed)

**REQUIREMENTS FOR FILING
AN APPLICATION FOR TEXT AMENDMENT(S)
CITY OF CARTERSVILLE, GA**

Completed applications must be submitted to the City of Cartersville Planning & Development Department, located at 10 N. Public Square, 2nd Floor. Cartersville, GA 30120.

Requirements

1. **Completed Application:** Include all signatures. Complete items 1, 2 and 3.
2. **Filing Fee:** A non-refundable filing fee of **\$400.00** must accompany the completed application.
3. **Public Notice Fee (Optional):** The applicant may choose to have city staff prepare and manage the public notification process outlined in **Requirement 4** below. If this option is requested, there is an additional, non-refundable fee of **\$30.00** which covers the cost of the newspaper ad.
4. **Public Notification:** The applicant is responsible for the following **public notification** process unless the applicant has requested that staff manage this process as outlined in **item 4** above:
 - a. Not less than fifteen (15) days and not more than forty-five (45) days prior to the scheduled date of the public hearing being the final action by the City Council and not less than ten (10) days prior to the Planning Commission meeting, a **notice of public hearing** shall be published in the legal notice section of the Daily Tribune newspaper within the City of Cartersville. Such notice shall state the application file number, and shall contain the location of the property, its area, owner, current zoning classification, and the proposed zoning classification. Such notice shall include both the Planning Commission and the City Council meeting dates. (See attached Notice of Public Hearing).

Ordinance no. _____

Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CITY OF CARTERSVILLE CODE OF ORDINANCES CHAPTER 26 – ZONING. ARTICLE XIV. – BUSINESS PARK OVERLAY DISTRICT. SEC. 14-3. – GENERAL AREA, HEIGHT AND SETBACK REGULATIONS. The provision regarding “Maximum building height” is hereby deleted in its entirety and replaced as follows:

1.

Sec. 14-3. General area, height and setback regulations.

Maximum building height (see below): 75 feet

2.

All other existing provisions of Sec. 14-3 not changed herein, shall remain as is.

3.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention and any ordinance or part thereof not amended shall remain in effect and be unchanged.

BE IT AND IT IS HEREBY ORDAINED.

FIRST READING: _____

SECOND READING: _____

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
JULIA DRAKE, CITY CLERK

Ordinance no. _____

Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CITY OF CARTERSVILLE CODE OF ORDINANCES CHAPTER 26 – ZONING. ARTICLE XIV. – BUSINESS PARK OVERLAY DISTRICT. SEC. 14-7. – LANDSCAPING REQUIREMENTS. SECTION B. *Parking lot interior island design* is hereby deleted in its entirety and replaced as follows:

1.

Sec. 14-7. Landscaping requirements.

B. *Parking lot interior island design.* One (1) tree required per island having no branches maintained below five (5) feet in height for visibility. The remainder of the island shall be adequately landscaped with shrubs and ground cover with a height of no more than three (3) feet at maturity. Islands may contain no curbs, elevated curbs or depressed curbs.

2.

All other existing provisions of Sec. 14-7 not changed herein, shall remain as is.

3.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention and any ordinance or part thereof not amended shall remain in effect and be unchanged.

BE IT AND IT IS HEREBY ORDAINED.

FIRST READING: _____
SECOND READING: _____

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
JULIA DRAKE, CITY CLERK

ARTICLE XIV. BUSINESS PARK OVERLAY DISTRICT

Sec. 14.1. Purpose.

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

Sec. 14.2. Boundary map.

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

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

Minimum lot size: One (1) acre.


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

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

Front setback: Forty (40) feet.

Side setback: Fifteen (15) feet.

Rear setback: Twenty (20) feet.

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

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

- A. The zoning administrator may grant an administrative variance of up to twenty (20) percent to any of the general area, height and setback regulations listed above. Additionally, he or she may grant an administrative variance on the undisturbed buffer requirements, if the proposed landscaping and screening in the buffer enhances the screening of the adjacent property.
- B. Building height. With the approval of the zoning administrator, maximum height may be increased by variance. Building height limitations shall not apply to accessory structures such as water towers, conveyer belts, smokestacks and other incidental and uninhabited parts of industrial uses.

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- C. Buffers. A fifty-foot buffer shall apply adjacent to all land uses, except that no buffers shall be required from industrial to industrial. Further, there shall be a two hundred-foot buffer required where shown on the overlay district map adjacent to existing residential uses as of the date of adoption of the overlay district. When any of the existing residential uses are rezoned to a nonresidential zoning classification, the buffer adjacent to that property shall be reduced to fifty (50) feet, unless it is a similar zoning classification, in which case the buffer requirement shall not apply. Buffers shall be undisturbed, except that, if the buffer is adjacent to a residential use, and is insufficiently dense to be opaque to vision year-round, the zoning administrator may require that the buffer shall be planted with sufficient vegetation so that it is opaque year-round, to a depth of at least twenty-five (25) feet. Buffers may be used for perpendicular crossing by access roads and utilities, but not for lateral roads or parking. Buffers may be used for detention ponds, provided that vegetative screening remains or is planted between the pond and the property line. The zoning administrator shall approve buffer plans and plantings.
- D. Setbacks shall be measured from the property or lot line. As setback exceptions, the following may intrude into the setback zone: unsupported roof overhangs, steps, walkways and access roads, landscaping and irrigation systems, planters, architectural fences and walls not exceeding forty-two (42) inches, and underground utilities and sewers.

Sec. 14.4. Permitted uses.

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

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

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- Warehousing.
 - Wholesale trade and distribution.

Sec. 14.5. Conditional industrial uses.

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

Sec. 14.6. Prohibited uses.

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

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

Sec. 14.7. Landscaping requirements.

All developments shall comply with the following minimum landscape requirements:

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

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

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

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

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

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

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

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

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

→ **DELETE UNDERLINED SENTENCE** B. *Parking lot interior island design.* A minimum of one (1) interior island shall be provided for every fifteen (15) parking spaces or fraction thereof. One (1) tree required per island having no branches maintained below five (5) feet in height for visibility. The remainder of the island shall be adequately landscaped with shrubs and ground cover with a height of no more than three (3) feet at maturity. Islands may contain no curbs, elevated curbs or depressed curbs.

C. *New plant materials.*

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

Sec. 14.8. Street design standards.

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

Sec. 14.9. Reserved.

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