

MEMO

To: Planning Commission, Mayor Santini & City Council

From: Randy Mannino and David Hardegree

Date: January 3, 2024

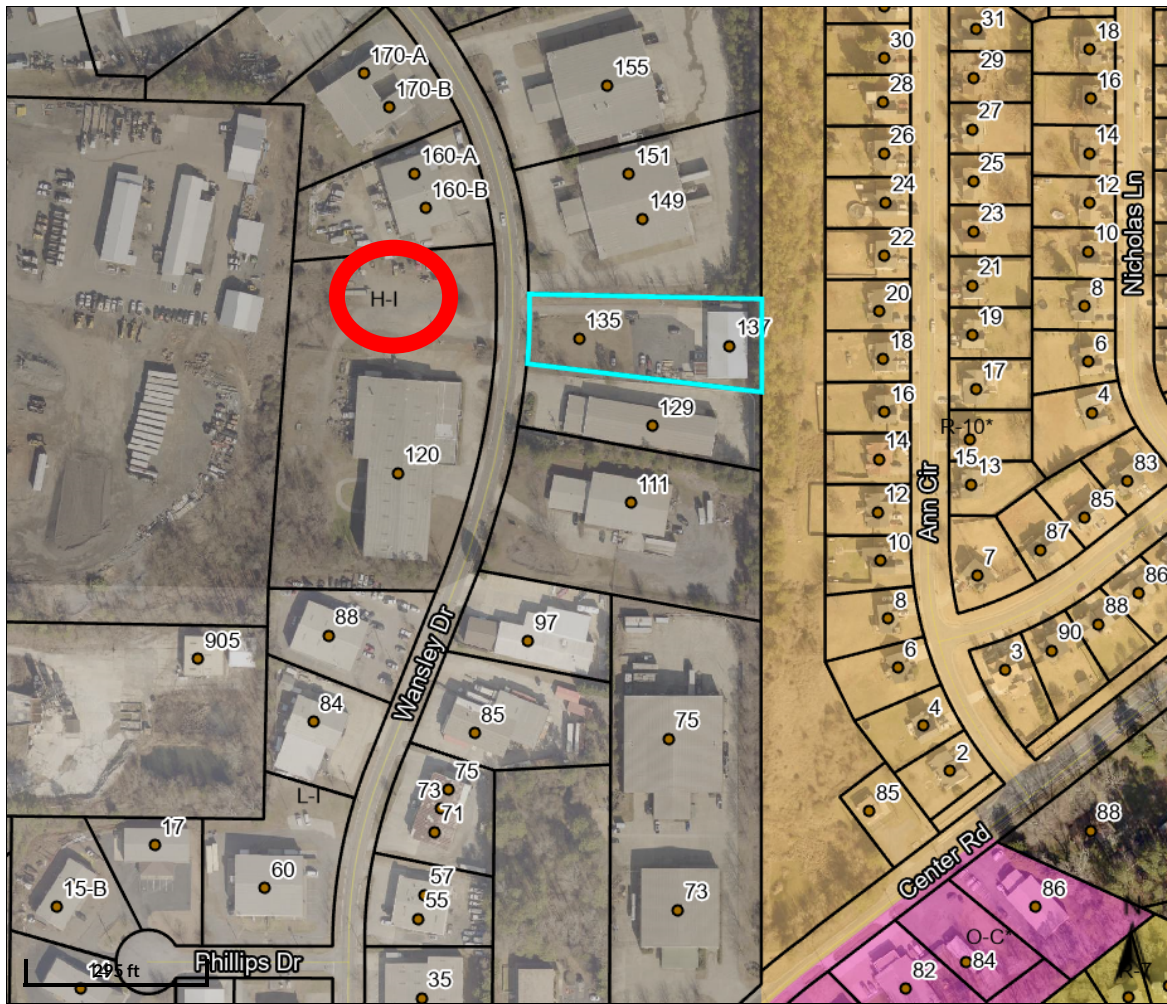
Re: *Text Amendment T24-01. Amendment to Chapter 26, Zoning, Article X, Industrial District Regulations, Sec. 10.2, Heavy Industrial District*

Text Amendment to *Chapter 26, Zoning, Article X, Industrial district Regulations, Sec. 10.2, Heavy Industrial District*, to add “Automotive storage yards and wrecker service” as a permitted use.

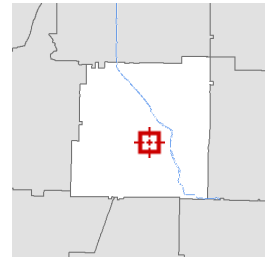
This use is an allowed use in the Light Industrial zoning district, but not in Heavy Industrial. The applicant is requesting the amendment to *Sec. 10.2.2 (A) Permitted Uses*, so that he may operate his towing service company at 135/ 137 Wansley Dr., zoned Heavy Industrial, H-I.

The proposed ordinance amendment is attached.

Staff is not opposed to the amendment.



Overview



Legend

- Parcels
- Structural Numbers**
 - Abandoned or Inactive
 - Active
 - Proposed
 - <all other values>
- Roads**
 -
- Cartersville Zoning**
 - AG
 - DBD
 - G-C
 - G-C*
 - H-I
 - H-I*
 - L-I
 - L-I*
 - M-U
 - M-U*
 - MF-14
 - MF-14*
 - MN
 - O-C
 - O-C*
 - P-D
 - P-D*
 - P-I
 - P-S
 - P-S*
 - R-10
 - R-10*
 - R-15
 - R-15*
 - R-20
 - R-20*
 - R-7
 - R-7*
 - R-D
 - RA-12
 - RA-12*

Applicant's business location.
135 Wansley Dr.

Parcel ID	C031-0003-015	Alternate ID	35802	Owner Address	DUNCAN PROPERTIES LLC
Sec/Twp/Rng	n/a	Class	Industrial		18 ARDMORE CIR
Property Address	137 WANSLEY DR	Acreage	1.01		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL 242-243 D 4 LOT 23 WANSLEY				
	(Note: Not to be used on legal documents)				

Date created: 1/4/2024

Last Data Uploaded: 1/3/2024 9:51:57 PM

Developed by  Schneider
GEOSPATIAL

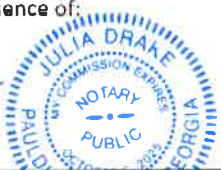
**Application for Text Amendment(s)
To Zoning Ordinance
City of Cartersville**

Case Number: T24-01
Date Received: 11/27/23

Public Hearing Dates:

Planning Commission 1-9-2024 5:30pm 1st City Council 1-18-2024 7:00pm 2nd City Council 2-1-2024 7:00pm

APPLICANT INFORMATION

Applicant <u>Darrell Simpson</u> <small>(printed name)</small>	Office Phone <u>470-586-2052</u>
Address <u>135 Wansley Dr</u>	Mobile/ Other Phone <u>"</u>
City <u>Cartersville</u> State <u>GA</u> Zip <u>30121</u> Email <u>SimpsonTowing LLC@gmail.com</u>	
Representative's printed name (if other than applicant)	Phone (Rep) _____
	Email (Rep) _____
Representative Signature _____	Applicant Signature <u>[Signature]</u>
Signed, sealed and delivered in presence of:	My commission expires:
<u>[Signature]</u> Notary Public	

1. Existing Text to be Amended:

Article X, Section 10.2.2, Subsection A

Existing Text Reads as Follows: Does not allow Automotive Storage Yards + wrecker Service.

2. Proposed Text:

Proposed Text Reads as Follows: Allow Automotive Storage Yards + Wrecker Service as allowed use in H-I district.

(Continue on additional sheets as needed)

3. Reason(s) for the Amendment Request: I am a small business owner that had to relocate from crowth, I was under the impression that HI included everything LI did and then some. I have already signed a 3 year lease and installed a fence. My business hours would be from 8:00am to 5:00 pm, and I would not be making any noise
(Continue on additional sheets as needed) Please take this application into consideration

**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).

Sec. 10.1. - L-I Light industrial district.

10.1.1. *L-I district scope and intent.* Regulations in this section are the L-I district regulations. The L-I district is intended to provide locations and land areas for the development of industrial and business parks and uses which meet the needs of processing, manufacturing, fabricating, and warehousing, research, related office uses, and other uses as further described in section 3.1.20 of this chapter.

Light manufacturing establishments shall consist of any manufacturing establishment which does not use water in the manufacturing operation either for processing, cooling, or heating and which shall emit no smoke, noise, odor, dust, vibrations, or fumes beyond the walls of the building in which housed.

Manufacturing establishments which use limited water in the manufacturing operation either for processing, cooling, or heating; or which emit smoke, noise, odor, dust, vibrations, or fumes beyond the walls of the building in which housed shall not be allowed, except with approval of a special use in accordance with standards further described in section 16.4.9.

10.1.2. *Use regulations.* Within the L-I district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as allowed shall not be permitted.

A. *Permitted uses.* Structures and land may be used for only the following purposes:

- Adult entertainment establishments (SU).*
- Amateur radio transmitter.
- • Automotive storage yards and wrecker service.
- Aviation airports.
- Bus stations.
- Brewery (SU if accessory tasting room is included).*
- Brewpub.
- Cheerleading/gymnastics facilities and indoor athletic training facilities.
- Clinic or hospital, animal.
- Clubs or lodges (noncommercial) (SU).*
- Construction contractors: general contractors, heavy equipment contractors, and special trade contractors (including, but not limited to, construction subcontractors, engineers, architects, and land surveyors).
- Distillery (SU if accessory tasting room is included).*
- Distribution.
- Indoor firing range.
- Indoor recreation facilities.

- Manufacturing.
- Microbreweries (SU).*
- Offices.
- Outdoor golf driving ranges.
- Parking lots.
- Processing.
- Public utility facilities.
- Radio, television, or other communication towers.
- Religious institutions (SU).*
- Repair garage, automotive (no outdoor storage of inoperable and/or dismantled vehicles).
- Repair garage, heavy equipment (no outdoor storage of inoperable and/or dismantled trucks and equipment).
- Research facilities.
- Schools, private (SU).*
- Tattoo/body piercing parlors (SU).*
- Taxi stands.
- Truck terminals.
- Warehousing.
- Wholesale trade and distribution.

* Special use approval required.

B. *Accessory uses.* Structures and land may be used for uses customarily incidental to any permitted use.

10.1.3. *Development standards.*

- A. *Height regulations.* Buildings shall not exceed a height of forty-five (45) feet or three and one-half (3½) stories, whichever is higher.
- B. *Front yard setback:* Twenty (20) feet.
- C. *Side yard setback:* Fifteen (15) feet.
- D. *Rear yard setback:* Twenty (20) feet.
- E. *Minimum lot area:* None.
- F. *Minimum lot frontage:* One hundred ten (110) feet adjoining a street.
- G. *Minimum lot width at the building line:* One hundred (100) feet.
- H. *Rail access.* Railroad spurs and service rails in industrial parks shall be permitted only within the side and rear yards.

- I. *[Front facade.]* The front facade of metal buildings constructed or placed in the L-I district, and all portions of the building that face public road right-of-way, shall be finished with brick, stone, or hard-coat stucco.
- J. *Minimum buffer requirements.* In addition to required setbacks, a minimum thirty-five-foot wide buffer, ten (10) feet of which can be within required setback, and a fifteen-foot wide buffer adjacent to all other districts other than residential, L-I and H-I, shall be required along all property lines which abut a residential district or use to provide a visual screen in accordance with section 4.17 of this chapter.
- K. *Accessory structure requirements.* See section 4.9 of this chapter.

10.1.4. *Other regulations.* The headings below contain additional, but not necessarily all provisions applicable to the L-I district.

- City of Cartersville Landscaping Ordinance.
- City of Cartersville Sign Ordinance.

(Ord. No. 01-13, § 12, 1-3-13; Ord. No. 29-13, § 1, 12-5-13; Ord. No. 09-16, § 1, 4-7-16; Ord. No. 09-16(Corrected), § 1, 4-7-16; Ord. No. 02-18, § 6, 1-18-18; Ord. No. 34A-18, § 6, 12-6-18)

Sec. 10.2. - H-I Heavy industrial district.

10.2.1. *H-I district scope and intent.* Regulations in this section are the H-I district regulations. The H-I district is intended to provide locations for a full range of manufacturing, processing, terminal and warehousing uses, salvage yards, closely related activities, and other uses as further described in section 3.1.21 of this chapter.

10.2.2. *Use regulations.* Within the H-I district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as allowed shall not be permitted.

A. *Permitted uses.* Structures and land may be used for only the following purposes:

- Amateur radio transmitter.
- Aviation airports.
- Brewery (SU if accessory tasting room is included).*
- Brewpub.
- Bus stations.
- Cheerleading/gymnastics facilities and indoor athletic training facilities (SU).*
- Clinic or hospital, animal.
- Construction contractors: general contractors, heavy equipment contractors, and special trade contractors (including, but not limited to, construction subcontractors, engineers, architects, and land surveyors).
- Distillery (SU if accessory tasting room is included).*

- Distribution.
- Indoor recreation facilities (SU).*
- Manufacturing, processing, warehousing, distribution, and research facilities.
- Microbreweries (SU).*
- Offices.
- Parking lots.
- Public utilities facilities.
- Radio, television, or other communication towers.
- Research facilities.
- Salvage yards (SU).*
- Trash transfer stations (SU).*
- Truck terminals.
- Wholesale trade and distribution.

[* Special use approval required.]

B. *Accessory uses.* Structures and land may be used for uses customarily incidental to any permitted use.

10.2.3. *Development standards.*

- A. *Height regulations.* No structure shall exceed fifty (50) feet in height.
- B. *Front yard setback:* Twenty (20) feet.
- C. *Side yard setback:* Fifteen (15) feet.
- D. *Rear yard setback:* Twenty (20) feet.
- E. *Minimum lot area:* None.
- F. *Minimum lot frontage:* One hundred seventy-five (175) feet adjoining a street.
- G. *Minimum lot width at the building line:* One hundred (100) feet.
- H. *Minimum buffer requirements.* In addition to required setbacks (except where abutting a railroad right of way) there shall be a fifty-foot wide buffer along all property lines which abut a residential district or use and a fifteen-foot wide buffer shall be required along all property lines abutting a nonresidential district other than the H-I district. Said buffers shall provide a visual screen in accordance with section 4.17 of this chapter. (Salvage yards see section 10.2.3.K. of this chapter.)
- I. *Accessory structure requirements.* See section 4.9 of this chapter.
- J. *Other required standards.*

1.

No use shall be allowed that exceeds state and federal guidelines for allowable emissions and discharge of effluents into the air, water and soil.

2. No use shall be allowed that creates unabated noise creating a nuisance as defined under Georgia law.

10.2.4. *Other regulations.* The headings below contain additional, but not necessarily all provisions applicable to uses allowed in the H-I district.

- City of Cartersville Landscaping Ordinance.
- City of Cartersville Sign Ordinance.

(Ord. No. 01-13, § 13, 1-3-13; Ord. No. 02-18, § 7, 1-18-18; Ord. No. 34A-18, § 7, 12-6-18; Ord. No. 05-21, § 1, 1-7-21)