

# MEMO

To: Planning Commission, Mayor Santini & City Council

From: Randy Mannino and David Hardegree

Date: October 4, 2022

Re: *Text Amendment T22-04. To allow Private Parks as an allowed use with a Special Use permit in the Office-Commercial Zoning District.*

Tillman Family LLLP owns undeveloped property zoned Office-Commercial (O-C) near West Ave. and north of the Ingles grocery store property. The Tillman O-C properties are identified as Tax ID C023-0001-007 and C023-0001-008. Total property area is approximately 34 acres.

The Tillman Family has agreed to allow a practice youth baseball field to be constructed on the property. The field or fields would be a Pay-Per-Use for teams needing practice facilities. Under the current O-C zoning, private parks are not an allowed use. Private parks are an allowed use in the adjacent R-20 (Residential) zoning district.

The applicant has filed for the text amendment to add Private Parks to the list of allowed uses in the O-C zoning district with a Special Use Permit. The Special Use permit application, SU22-04, has been filed and is intended to be considered concurrently with this text amendment.

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

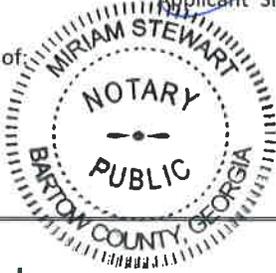
Case Number: T22-04  
Date Received: 8-18-2022

**Public Hearing Dates:**

Planning Commission 10-11-2022 5:30pm    1<sup>st</sup> City Council 10-20-2022 7:00pm    2<sup>nd</sup> City Council 11-3-2022 7:00pm

**APPLICANT INFORMATION**

Applicant <u>Tillman Family LLP</u> (printed name)	Office Phone <u>770.475.3006</u>
Address <u>PO Box 1341</u>	Mobile/ Other Phone <u>770.815.8599</u>
City <u>Cartersville</u> State <u>GA</u> Zip <u>30120</u>	Email <u>rich@prefsales.com</u>
<u>Southland Engineering</u> Representative's printed name (if other than applicant)	Phone (Rep) <u>(770) 307-0440</u>
<u>[Signature]</u> Representative Signature	Email (Rep) <u>lsimonson@southlandengineers.com</u>
Signed, sealed and delivered in presence of <u>[Signature]</u> Notary Public	Applicant Signature <u>[Signature]</u> My commission expires: <u>10/11/2025</u>



**1. Existing Text to be Amended:**

Article IX, Section 9.5.2, Subsection A

Existing Text Reads as Follows: Permitted Uses

**2. Proposed Text:**

Proposed Text Reads as Follows: Special Use - Parks, Private

(Continue on additional sheets as needed)

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

Case Number: \_\_\_\_\_

Date Received: \_\_\_\_\_

**3. Reason(s) for the Amendment Request:** The permitted uses for  
O-C zoning districts do not include private  
parks. We are requesting to amend Article IX,  
Section 9.5.2, Subsection A to include this use  
in order to keep current zoning.

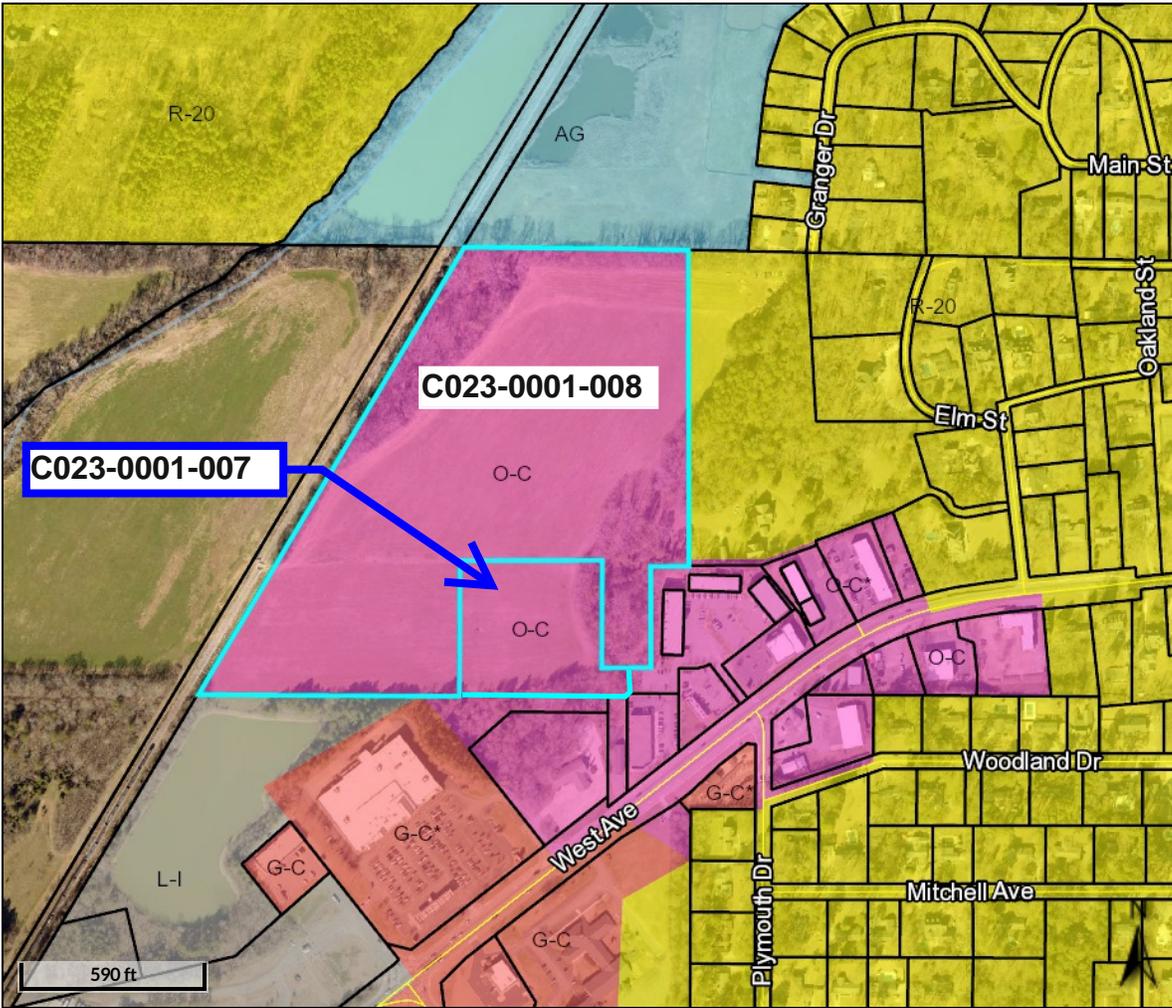
(Continue on additional sheets as needed)

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

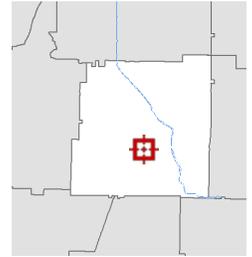
Completed applications must be submitted to the City of Cartersville Planning & Development Department, located at 10 N. Public Square, 2<sup>nd</sup> Floor. Cartersville, GA 30120.

**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).



**Overview**



**Legend**

- Parcels
- 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\*
- RSL

Parcel ID	C023-0001-008	Alternate ID	44092	Owner Address	TILLMAN FAMILY LLLP
Sec/Twp/Rng	n/a	Class	Consrv Use		PO BOX 1341
Property Address	WEST AVE	Acreage	29.66		CARTERSVILLE, GA 30120-1341
District	Cartersville				
Brief Tax Description	LL521, 522 D4				

(Note: Not to be used on legal documents)

Date created: 10/5/2022  
 Last Data Uploaded: 10/4/2022 10:39:43 PM

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## Sec. 9.5. O-C Office/commercial district.

9.5.1. *O-C district scope and intent.* Regulations in this section are the O-C district regulations. The O-C district is intended to provide land areas for office and community oriented retail and service activities which compliment a transition into more intense activity areas as further described in section 3.1.18 of this chapter.

9.5.2. *Use regulations.* Within the O-C district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section shall be prohibited.

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

- Adolescent treatment facilities.
- Amateur radio transmitter.
- Amenities (as defined by this chapter).
- Amusement, indoor.
- Apartments and condominiums, above, below, or behind commercial and office uses in the same building (SU).\*
- Art galleries.
- Assembly halls.
- Automotive and truck sales or rental (properties fronting an arterial or major collector street only) (SU).\*
- Automotive specialty shops.
- Barber shops.
- Beauty salons.
- Brewpub.
- Catering, carry-out and delivery.
- Clinics (excludes veterinary clinic).
- Clubs or lodges (noncommercial) (SU).\*
- Construction contractors:
  - ▲ General building contractors (provided there is no exterior storage of equipment, materials, and construction vehicles).
  - ▲ Heavy equipment contractors (provided there is no exterior storage of equipment, materials, and construction vehicles).
  - ▲ Special trade contractors; including, but not limited to, construction subcontractors, engineers, architects, and land surveyors (provided there is no exterior storage of equipment, materials, or construction vehicles).
- Colleges and universities.
- Convenience stores.
- Dancing schools.
- Day care facilities.

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- Delicatessens.
  - Distillery (SU).\*
  - Financial establishments.
  - Funeral homes (crematories may be allowed in conjunction with a funeral home with approval of a special use).\*
  - Group homes (SU).\*
  - Gymnasiums/health clubs.
  - Halfway houses.
  - Homeless shelters (SU).\*
  - Hospices.
  - Hospitals.
  - Hotels.
  - Institutions of higher learning, business colleges, music conservatories, and similar institutions.
  - Laboratories (medical and dental).
  - Laundromats.
  - Laundry/dry cleaning pick-up stations.
  - Libraries.
  - Medical offices (excludes veterinary).
  - Microbreweries (SU).\*
  - Museums.
  - Nursing home facilities.
  - Offices, general.
  - Office parks.
  - Outdoor golf driving ranges.
  - Parking garages.
  - Parking lots.
  - **Parks, private (SU)\***
  - Pet grooming.
  - Personal care homes (SU).\*
  - Places of assembly (SU).\*
  - Plant nurseries.
  - Printing establishments.
  - Public utility facilities.
  - Pubs or taverns.

**Add Private  
Parks as  
permitted use  
with Special  
Use Permit**



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- Radio and television broadcast stations.
  - Radio, television, or other communication towers.
  - Religious institutions (SU).\*
  - Research laboratories.
  - Restaurants.
  - Retail, general.
  - Retail package stores (including liquor and malt beverages and/or wine sales) only in a multi-tenant shopping center development consisting of a minimum of five (5) business suites and additionally, that detached, stand alone, retail package stores shall not be permitted.
  - Retirement centers (SU).\*
  - Reupholstery shop.
  - Schools, private (SU).\*
  - Service stations.
  - Stadiums.
  - Theaters.
  - Wholesale sales office.

\* Special use approval required.

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

#### 9.5.3. *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:* Ten (10) feet.
- D. *Rear yard setback:* Twenty (20) feet.
- E. *Minimum lot frontage:* One hundred ten (110) feet adjoining a street.
- F. *Minimum lot width at the building line:* One hundred ten (110) feet.
- G. *Minimum heated floor area per dwelling unit.*
- *3-bedroom:* Nine hundred (900) square feet.
  - *2-bedroom:* Seven hundred fifty (750) square feet.
  - *1-bedroom:* Six hundred (600) square feet.
  - *Studio/loft (in existing buildings):* Four hundred fifty (450) square feet.
- H. *Minimum buffer requirements.* In addition to required setbacks, a minimum twenty-foot wide buffer, five (5) feet of which can be within required setback, 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.
- I. *Accessory structure requirements.* See section 4.9 of this chapter.

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- J. *[Metal panel exterior.]* A metal panel exterior finish product shall not be allowed on metal buildings exceeding one hundred fifty (150) square feet in gross floor area constructed or placed on lots within the O-C district with the exception that such materials may be used if finished with a product consisting of brick, stone, or hard-coat stucco.
  - K. *[Air conditioning units and HVAC systems.]* Air conditioning units and HVAC systems shall be thoroughly screened from view from the public right-of-way and from adjacent properties by using walls, fencing, roof elements, or landscaping on multifamily and nonresidential properties.
  - L. *[Gable or hip roofs.]* Gable or hip roofs shall have a minimum roof pitch of 6/12. Both gable and hip roofs shall provide overhanging eaves on all sides that extend a minimum of one (1) foot beyond the building wall.
  - M. *[Front building facade.]* The front building facade of all principal buildings shall be oriented toward street fronts or adjacent arterial street fronts.

9.5.4. *Other regulations.* The headings below contain additional, but not necessarily all, provisions applicable to the O-C district.

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

(Ord. No. 01-13, § 10, 1-3-13; Ord. No. 02-18, § 4, 1-18-18; Ord. No. 34A-18, § 4, 12-6-18)

Sec. 6.1. - R-20 Single-family dwelling district. 

6.1.1. *R-20 district scope and intent.* Regulations set forth in this section are the R-20 district regulations. The R-20 district encompasses lands devoted to low density residential areas and closely related uses as further described in section 3.1.2 of this chapter.

6.1.2. *Use regulations.* Within the R-20 district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as permitted shall be prohibited.

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

- Accessory buildings or uses.
- Accessory apartments (SU).\*
- Amateur radio transmitter.
- Amenities (as defined by this chapter).
- Bed and breakfast inn (SU).\*
- Clubs or lodges (noncommercial) (SU).\*
- College and universities.
- Day care facilities (SU).\*
- Family day care.
- Golf courses.
- Group homes (SU).\*
- Guest house.
- Home occupations.
- Parks, private. 
- Personal care homes (SU).\*
- Places of assembly (SU).\*
- Public utility facilities.
- Religious institutions (SU).\*
- Schools, private (SU).\*
- Single-family detached dwellings.

**Permitted in adjacent R-20 zoning district**

\* Special use approval required.

6.1.3. *Development standards.*

A. *Height regulations.* Buildings shall not exceed a height of thirty-five (35) feet or two and one-half (2½) stories, whichever is higher.

B. *Front yard setback:* Twenty (20) feet.

- C. *Side yard setback*: Ten (10) feet.
- D. *Rear yard setback*: Twenty (20) feet.
- E. *Minimum lot area*: Twenty thousand (20,000) square feet.
- F. *Minimum lot width at the building line on noncul-de-sac lots*: One hundred (100) feet.
- G. *Minimum lot frontage*: Thirty-five (35) feet adjoining a street.
- H. *Minimum heated floor area*: One thousand three hundred (1,300) square feet.
- I. *Metal building exterior finish materials*. A metal panel exterior finish product shall not be allowed on metal buildings exceeding one hundred fifty (150) square feet in gross floor area constructed or placed on lots within the R-20 district.
- J. *Accessory use, building, and structure requirements*. [See [section 4.9](#) of this chapter.]
- K. *Optional density bonus*. Proposed developments may contain lots with minimum areas of seventeen thousand (17,000) square feet if one (1) of the following items is met:
  - 1. Submittal of an affidavit certifying that all units will meet certification standards of the EarthCraft House certification program or will be LEED certified homes.
  - 2. Submittal of an affidavit certifying that all units will be clad with exterior finishes of brick, stone, or hard-coat stucco on sixty-seven (67) percent or more of wall surfaces and one hundred (100) percent architectural roofing shingles.
  - 3. A donation of land to the City of Cartersville for one (1) of the following: community greenway facility including surface trails if directly accessible from the development, or a neighborhood park with public access. In either case, the minimum total area to be donated shall be ten (10) percent of the total acreage of the property. All legally necessary documents, including, but not limited to, a property deed to convey land to the City of Cartersville, shall be completed at time of approval of any final plats.
- [L. *Reserved*.]
- M. *Guest house*. In addition to standards required in this chapter, the following standards shall be met for a guest house:
  - 1. No more than one (1) guest house structure per lot.
  - 2. A minimum lot size of fifteen thousand (15,000) square feet shall be required.
  - 3. A guest house shall be occupied by relatives, employees that work on the property, or guests only.
  - 4. Heated floor area shall not exceed fifty (50) percent of the heated floor area of the principal building.
  - 5. A guest house structure shall comply with the principal setbacks of the district.
  - 6. A guest house shall not be allowed in the front yard.

7. A guest house shall not exceed the height of the principal building on the lot.

8. Requires owner-occupancy of the principal building on the lot.

6.1.4. *Other regulations.* The headings below contains additional, but not necessarily all, provisions applicable to uses allowed in the R-20 district.

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