



Town of Tyrone
Staff Report – 02/06/2025
Phillip Trocquet, Assistant Town Manager

Subject: Exceptions to Development Standards Text Amendment Application

A. Background/History:

Mr. Brandon Bowen, representing Georgia Masonry Supply and Oldcastle APG South, Inc. at Shamrock Industrial Park, submitted a text amendment application to the Town in late October 2024. The application seeks to amend the Town's height restrictions for industrial uses, citing a perceived deficiency in the current ordinance. Specifically, the amendment would accommodate a 130-foot-tall accessory silo structure at the applicant's facility, which manufactures Sakrete and Amermix bagging products, but is not currently allowed under the Town's height regulations.

B. Findings:

- i. Research and Ordinance Review:** Upon receiving the application, staff reviewed the Town's ordinance and existing industrial conditions. The "exceptions to development standards" section (113-155) currently does not allow for industrial uses exceeding a height of 35 feet.
- ii. Purpose of Height Limitation:** The height restriction aims to maintain a lower development intensity, preserving the Town's aesthetic and ensuring new structures do not clash with the Town's strategic development plan or character.
- iii. Exception Policy Intent:** The ordinance intends to grant height exceptions only if they do not compromise the ordinance's spirit and intent. Appropriate conditions are currently required to uphold these principles. Any exception and conditions should be made with Town-wide considerations, not for specific applicants and purposes.
- iv. Current Exceptions:** There are existing structures, such as cell towers, that exceed this height limit. Other industrial exceptions likely built before the current ordinance took effect are considered non-conforming.
- v. Proposal Impact:** The proposed ordinance change would shift these existing non-conforming structures to conforming status, which is preferable. The proposed language is intended to greatly limit the impact of such taller industrial structures within the Quality Growth Overlay and near residential properties.
- vi. Revised Language:** Initially, the applicant's proposed language did not fully align with the ordinance's spirit and consistency requirements. Staff collaborated with the applicant to refine the language, ensuring it better meets the ordinance's goals and integrates seamlessly with other sections with consideration for all areas of town and a variety of possible projects, not just for GMS or this singular application.

C. Recommendation:

Staff recommends approval of the proposed text amendment to section 113-155, exceptions to development standards.

D. Planning Commission Recommendation:

Planning Commission recommended unanimous approval of the text amendment as presented by staff.

Attachment 1

Sec. 112-155 Exceptions to Development Standards (Redlined)

Sec. 113-155. Exceptions to development standards.

- (a) *Double buffer.* When a required buffer area would abut and be contiguous to an established buffer area which meets all requirements of this section, then this additional required buffer area need not be established.
- (b) *Height requirements.* The height limitations as stated in this section shall not apply to the following:
 - (1) ~~Agricultural:~~ Barns, silos, or other farm structures when located on farms; ~~belfries, cupolas and domes; monuments; water towers; windmills; chimneys; smokestacks; flagpoles; radio or television towers; masts and aerials;~~
 - (2) Bulkheads, ~~parapet walls, belfries, cupolas and domes; monuments; chimneys; flagpoles; masts and aerials;~~ elevator penthouses, ~~water tanks and~~ scenery lofts and similar structures, provided that these structures shall not cover more than 25 percent of the total roof area of the building on which the structures are located; ~~and~~
 - (3) Soundstages associated with movie/media production studios in a Planned Industrial Park (PIP), provided that:
 - a. The front setback shall be increased two feet for every one foot of building height over 35 feet, or a raised landscape berm shall be constructed one foot high for every one foot of building height over 35 feet, or any combination thereof. If the side and/or rear yards abut a residential or A-R zoning district, the setbacks shall be increased five feet for every one foot of building height over 35 feet; and
 - b. The required minimum acreage shall be increased based on building height per the table below:

Height Limit	Required Lot Acreage
36—50 feet	30
55 feet	>30—45
60 feet	>45—60
65 feet	>100

And:

(4) Accessory Industrial Uses: structures accessory to a primary industrial use located in the M-1, M-2, and BTP zoning classifications including; silos, water towers, windmills, chimneys, smokestacks, radio or television towers, masts, aerials, elevators, and conveyors shall comply with the following requirements: Any accessory structure exceeding 35 feet in height must be set back a minimum of 15 feet for every foot of height over 35 feet from the following:

a. This setback is measured in a straight line from the nearest residential or agricultural property line existing at the time the building permit application for the accessory structure is submitted to the Town.

c. This setback shall also be measured in a straight line from the right of way line for any property fronting SR-74, using the property line existing at the time the building permit application is submitted.

- (c) *Multiple-frontage lots.* Lots which adjoin a public street on more than one side shall provide the minimum required front yard on each street.
- (d) *Projections into yards.*
 - (1) Every part of a required yard shall be open to the sky and unobstructed except for the ordinary projections of sills, belt courses, cornices, eaves, chimneys, buttresses and other ornamental and

architectural features of the principal building, provided that these features do not project more than three feet into any required yard or as provided elsewhere in this section.

- (2) An open, unenclosed porch or hard-surfaced terrace, steps, stoops and similar fixtures of a building may project into a required front yard or rear yard for a distance not to exceed ten feet, and into a side yard to a point not closer than five feet from any side lot line.
 - (3) Notwithstanding other provisions of this section, fences, walls, hedges, driveways and buffer areas may be permitted in any required yard or along the edge of any yard, provided that no fence, wall or hedge along the street-side corner lots shall violate the corner visibility and that no fence in a required front yard in a residential district shall exceed four feet in height.
- (e) *Guest houses.* Only one guest house is allowed per individual lot. Any living area included in an accessory structure is a guest house. A guest house shall not be used as tenant space. A guest house shall not exceed 700 square feet of heated and finished living space.

(Ord. No. 2017-06, § 2, 7-6-2017)

Attachment 2

Application



TOWN OF TYRONE
TEXT AMENDMENT APPLICATION

**PETITION TO THE TOWN OF TYRONE PLANNING COMMISSION AND TOWN COUNCIL
REQUESTING A TEXT AMENDMENT**

Text Amendment requests require a total of two (2) public hearings: one by the Planning Commission (4th Thursday of the month) and another public hearing by the Town Council. (3rd Thursday of the following month) Public hearings are held at the Tyrone Town Hall.

TEXT AMENDMENT APPLICATION FILING FEES- \$500.00

Application filing fees may be refunded ONLY when an application request is with drawn in writing by the applicant PRIOR TO placement of the legal advertisement for said public hearing request (at least 15 days before the scheduled Planning Commission public hearing)

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR TEXT AMENDMENT REQUEST

(All application/documentation must be complete at the time of application submittal or the application will not be accepted)

- 1) Application one (1) original and one (1) digital of completed application form
- 2) One (1) original and one (1) digital copy of proposed ordinance amendments (redlined)



Petition for A Text Amendment Town of Tyrone Code of Ordinances

Name: Brandon Bowen Email: bbowen@jwpc.com

Petition Number: _____

Address: 15 South Public Square, Cartersville, GA 30120 Phone#: (770) 387-1373

PETITION TO AMEND CERTAIN PROVISIONS WITHIN THE TOWN OF TYRONE CODE OF ORDINANCES.

Brandon L. Bowen affirms that he/she is a resident or property owner or the specifically authorized agent of a resident or property owner within the Town of Tyrone.

He/She respectfully petitions the Town to amend the code of ordinances from its present state and tenders herewith the sum of \$ 500.00 to cover all expenses of the public hearings. He/She petitions the provisions of:

- Section 113.155 of Chapter 113 Zoning Article Subpart B; Land Use and Development
- Section _____ of Chapter _____ of Article _____
- Section _____ of Chapter _____ of Article _____
- Section _____ of Chapter _____ of Article _____

to be amended consistent with the recorded application associated with this petition.

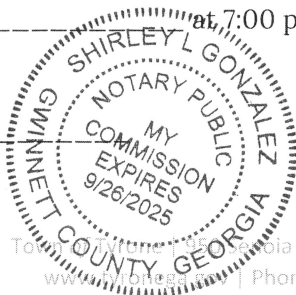
By: [Signature]
Owner/Agent

SWORN TO AND SUBSCRIBED BEFORE ME THIS 17 DAY OF October 2024.

PUBLIC HEARING to be held by the Town of Tyrone Planning Commission on the _____ day of _____, _____ at 7:00 p.m.

PUBLIC HEARING to be held by the Tyrone Town Council on the _____ day of _____, _____ at 7:00 p.m.

[Signature]
NOTARY PUBLIC
10/17/24



[Signature]
APPLICANT'S SIGNATURE

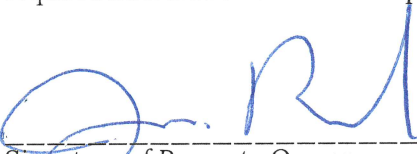


Conflict of Interest in Zoning Actions Application Form

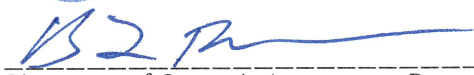
(Please Complete for each Property Owner)

Petition#: _____

The undersigned, making application for rezoning, variance, text amendment, or special exception, has compiled with the Official Code of Georgia Section 36-64 A01, et seq., Conflict of Interest in Zoning Actions and has submitted or attached the required information on the forms provided.

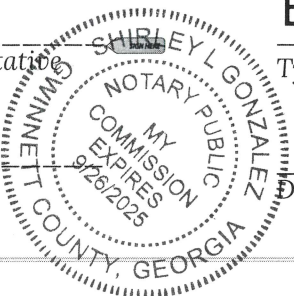

Signature of Property Owner

Jason Rash, Vice President
Type or Print Name and Title


Signature of Owner's Attorney or Representative

Brandon Bowen, attorney
Type or Print Name and Title


Signature of Notary Public




10-17-2024
Date

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Tyrone Planning Commission or member of the Tyrone Town Council?

YES NO


Signature of Applicant

If the answer is yes, please complete the following section:

Name and Official Position of Government Official	Contributions (List all which aggregate to \$250.00 or more)	Date Contribution was made (Within last 2 years)

Attach additional sheets if necessary to disclose or describe all contributions

TEXT AMENDMENT JUSTIFICATION

Name Oldcastle APG South, Inc.

Email of Applicant bbowen@jbwpc.com

Phone Number of Applicant (770) 387-1373

Mailing Address of Applicant 15 South Public Square, Cartersville, GA 30120

Code Section(s): 113.155

1. Current provisions of the text to be affected by the amendment (May use separate or additional sheet).

See Exhibit A

2. Proposed wording of text change.

Add new section 113.155(b)(4):

(4) In the M-2 district, structures accessory to the primary use, provided that the accessory structure is set back at least ten feet for every foot of accessory structure height from the nearest residential structure existing at the time that the building permit application for the accessory structure is submitted to the City.

(If more needed please attach a separate sheet of paper)

3. Reason for the amendment request.

Oldcastle APG Inc dba Georgia Masonry Supply would like to utilize a 7 acre parcel (Parcel # 0744 025) on the north side of its property for production of Sakrete and Amermix bagging products. An existing building on the parcel currently used for storage would be converted into the manufacturing plant. As part of that conversion, a structure accessory 130' tall is needed to store and feed raw materials into the existing building as part of the manufacturing process. The project is estimated to create 16-20 new full time positions within 3 years.

This text amendment would allow the installation of the accessory structure, but still serve the purpose of the height restrictions in the M-2 district of protecting residential areas.

EXHIBIT A

Sec. 113-155. Exceptions to development standards.

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 - (2) Bulkheads, elevator penthouses, water tanks and scenery lofts and similar structures, provided that these structures shall not cover more than 25 percent of the total roof area of the building on which the structures are located; and
 - (3) Soundstages associated with movie/media production studios in a Planned Industrial Park (PIP), provided that:
 - a. The front setback shall be increased two feet for every one foot of building height over 35 feet, or a raised landscape berm shall be constructed one foot high for every one foot of building height over 35 feet, or any combination thereof. If the side and/or rear yards abut a residential or A-R zoning district, the setbacks shall be increased five feet for every one foot of building height over 35 feet; and
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- (c) *Multiple-frontage lots.* Lots which adjoin a public street on more than one side shall provide the minimum required front yard on each street.
- (d) *Projections into yards.*
- (1) Every part of a required yard shall be open to the sky and unobstructed except for the ordinary projections of sills, belt courses, cornices, eaves, chimneys, buttresses and other ornamental and architectural features of the principal building, provided that these features do not project more than three feet into any required yard or as provided elsewhere in this section.
 - (2) An open, unenclosed porch or hard-surfaced terrace, steps, stoops and similar fixtures of a building may project into a required front yard or rear yard for a distance not to exceed ten feet, and into a side yard to a point not closer than five feet from any side lot line.
 - (3) Notwithstanding other provisions of this section, fences, walls, hedges, driveways and buffer areas may be permitted in any required yard or along the edge of any yard, provided that no fence, wall or hedge along the street-side corner lots shall violate the corner visibility and that no fence in a required front yard in a residential district shall exceed four feet in height.
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(Ord. No. 2017-06, § 2, 7-6-2017)