

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.

Min. Lot Width at Street R/W (on existing road): 150 feet.

Min. 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 ft

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, aeriels, 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) 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 adjustment.

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 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:
 - a. there is no external signage or other evidence of the use of the dwelling as other than a residential dwelling unit;
 - b. the dwelling shall maintain its residential appearance;
 - c. 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
 - d. 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 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.