

City of Cartersville

Bartow County

Atlanta MSA

2003 Population Estimate 17,221; +6.9% change from 2000 Census.

Not a Tree City USA.

No tree board established by ordinance.

ARTICLE IV. MINIMUM LANDSCAPING REQUIREMENTS

Year first adopted or last revised unknown.

Addresses private property.

Includes buffer and landscape requirements.

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ARTICLE IV. MINIMUM LANDSCAPING REQUIREMENTS

Sec. 17-61. Application.

The landscaping regulations set forth in this section shall apply to all real property within the city limits now and in the future and to all property on which there is an existing building with renovations greater than fifty-one (51) percent of the building's appraised market value as shown on current tax records. This article shall be a minimum standard.

(Ord. No. 54-95, 12-22-95)

Sec. 17-62. Definitions.

For the purpose of this article, the following words and phrases shall have the meanings ascribed to them:

Administrator. The director of community development or his designee.

Appropriate materials. Heat- and drought-tolerant sod grasses, shrubs, flowering plants or similar plant material.

Developed property. Property upon which a building has been placed or for which a building permit has been issued.

Grass (sod). A surface layer of earth containing grass; turf.

Interior landscaped areas. The area of a lot devoted to parking spaces and vehicular use.

Irrigation system. A permanent, artificial watering system designed to transport and distribute water to plants.

Landscaping. Landscaping shall consist of any of the following or combination thereof: material such as, but not limited to, grass, ground covers, shrubs, vines, trees, and any nonliving material commonly used in landscaping, such as but not limited to, berms, mulch, sand, walls, screens, fences, lighting and/or signage, and any change in contours of the land, grades, etc. to achieve the effect of landscaping. Artificial plants and/or trees are not considered landscaping and shall not be used to meet the requirements of the landscape regulations.

Landscape border. A planted border around the outer boundary of a parking lot or vehicular use area.

Landscape strip. A planted area abutting a right-of-way.

Native plants. Any plant species with a geographic distribution indigenous to the southeastern region of the United States. Plant species which have been introduced by man are not native vegetation.

Property owner. Property owner shall mean the person owning such property or his agent as shown by the city tax records or an approved landscaping plan.

Region. The southeastern region of the United States.

Shrub. A shrub required by this article shall be a self-supporting plant material usually not more than ten (10) feet in height at maturity.

Tree. Any self-supporting, woody perennial plant usually having a single trunk diameter

of two (2) inches or more which normally attains a mature height of a minimum of fifteen (15) feet.

Vine. A vine is a plant which normally requires support to reach maturity.

Xeriscape. Landscape methods which conserve water through the use of drought-tolerant plants and planting techniques.

(Ord. No. 54-95, § 909, 12-22-95; Ord. No. 28-98, 8-13-98)

Sec. 17-63. Purpose.

The purpose of the following landscape regulations is to establish minimum standards for the provisions, installation, and maintenance of landscape plantings in order to achieve a healthy, beautiful, and safe community and to enhance the city's environmental and visual character for its citizens' use and enjoyment by the following means:

Improve environmental quality by recognizing the numerous beneficial effects of landscaping upon the environment such as improving air and water quality through such natural processes as photosynthesis and mineral uptake; reducing and reversing air, noise, heat and chemical pollution through the biological filtering capacities of trees and other vegetation.

Maintain and increase the value of land by requiring landscaping to be incorporated into development, thus becoming by itself a valuable capital asset.

Provide direct and important physical and psychological benefits to human beings through the use of landscaping to reduce noise and glare, and to break up the monotony and soften the harsher aspects of urban development.

Preserve existing natural vegetation where possible and incorporate native plants, plant communities, and ecosystems into landscape design.

(Ord. No. 54-95, § 901, 12-22-95)

Sec. 17-64. Exemptions.

The following properties and land uses are exempt from the requirements of this section with the exclusion of section 17-67(d) of this article which requires irrigation systems, if utilized, to be installed outside of street right-of-ways on all properties:

(1) *Single-family residential developments.* Any single-family residential development shown on a site plan approved by the city planning commission.

(2) *Residential lots of record.* Any lot occupied by not more than one (1) residential structure containing (in aggregate) not more than two (2) dwelling units.

(3) *Nurseries, tree farms, botanical gardens.* All public and licensed private plant or tree nurseries, tree farms, or botanical gardens only in relation to those trees which are planted and growing for sale or intended for sale to the general public in the ordinary course of business or for some public purpose.

(4) *Property renovation.* Any property undergoing renovation or for which an application for a building permit for renovation has been submitted to the city that already complies with the provisions of this section.

(5) *Downtown business district.* Any commercial building site in the downtown business district.

(Ord. No. 54-95, § 902, 12-22-95)

Sec. 17-65. Landscaped area general requirements.

The minimum total lot area to be landscaped shall either be the sum of the areas required to meet perimeter, frontage, interior parking lot, and buffer strip landscaping requirements or twelve (12) percent of the total available area, whichever is greater. The total available area shall be calculated by subtracting the land area covered by buildings and structures from the total land area of the site, and then multiplying this difference by twelve (12) percent. This amount of land shall be devoted to vegetative landscaping which includes but is not limited to grass, shrubs, vines, and trees.

(1) *Required trees.* Trees planted for the purpose of this regulation must meet the following criteria:

- a. All trees shall be native to this region or from the approved list in sections 17-71 and 17-72 of this article;
- b. Shall be a minimum height of eight (8) feet when planted;
- c. Shall have a height at maturing of at least fifteen (15) feet;
- d. Shall be pollution- and heat-tolerant;
- e. Shall require little maintenance, be mechanically strong, and disease resistant.

(2) *Use of landscaped areas.* The parking of vehicles or other equipment and the display or storage of merchandise or goods in landscape strips, borders, islands, or buffers is prohibited.

(3) *Landscaped area grass.* A heat and drought tolerant sod grass is required in all grassed areas of a required landscaped strip, border, and planter island.

(4) *Ground cover outside landscaped areas.* All disturbed areas outside of the required landscaped areas including right-of-ways must be seeded and stabilized as soon as practicable.

(5) *Water-conserving landscape materials (xeriscape).* Creative site development concepts shall be used in order to promote water conservation.

(Ord. No. 54-95, § 903, 12-22-95)

Sec. 17-66. Landscaping requirements for parking lots and vehicular use areas.

(a) *Interior landscaping.* Interior landscaping of parking lots shall contain planter islands located at both ends of each single and double parking row and one (1) planter island every twelve (12) parking spaces in a row. Planter islands shall be a minimum of one hundred sixty (160) square feet in area for single parking rows and three hundred twenty (320) square feet in area for double parking rows. Planter islands shall contain at least one (1) tree for single parking rows and two (2) trees for double parking rows. All trees shall have a minimum height when planted of eight (8) feet. The remaining area in the planter islands shall be landscaped with appropriate materials. (Single parking rows abutting a building perimeter border are excluded from this section.)

Building perimeter landscaping. The perimeter of each building on the site shall have a landscape area or sidewalk not less than five (5) feet in width. If the area is planted, it shall be landscaped with appropriate materials. In no case shall asphalt paving be contiguous to the

base of a building.

(b) *Border landscaping.* Each parking lot or vehicular use area must have a planted landscape strip not less than ten (10) feet in width parallel to right-of-way lines, and planted borders not less than five (5) feet in width along any side of a parking lot or vehicular use area that abuts adjoining property that is not a public right-of-way.

Planted landscape strips parallel to right-of-ways shall have at least one (1) tree for each thirty (30) lineal feet of right-of-way frontage, with a minimum of two (2) trees required. All trees shall have a minimum height when planted of eight (8) feet. The remaining area of the landscape strip shall be planted with appropriate materials.

Planted borders along any side of a parking lot or vehicular use area that abuts adjoining property that is not a public right-of-way shall have at least one (1) tree having a minimum height when planted of eight (8) feet, for each seventy-five (75) lineal feet or fraction thereof of border area. The remaining area of the border shall be planted with appropriate materials.

This section may be modified by the board of zoning appeals when strict application will seriously limit the function of an area.

(c) *Accessways.* Landscape border areas and landscape strips may be interrupted to provide vehicular and/or pedestrian ingress and egress.

(d) *Encroachment.* Landscaped areas shall require protection from vehicular encroachment. Wheel stops or curbing shall be located so as to prevent damage by automobiles to any trees, fences, shrubs or landscaping.

(Ord. No. 54-95, § 904, 12-22-95)

Sec. 17-67. Planting, maintenance and removal.

(a) *Installation.* All trees and landscaping shall be installed in a sound workmanlike manner and according to accepted planting procedures with quality materials as provided in literature from the Georgia Forests Commission or the Georgia Extension Service. The developer should contact the Georgia Forestry Commission or the Georgia Extension Service to obtain a list of native trees and plantings which are most tolerant of the urban environment.

All landscaping for each phase of development shall be completed prior to the recording of the final plat for that phase or prior to the issuance of certificate of occupancy for that phase. Contact the department of community development at 387-5661 for site inspection upon completion of landscape installation.

(b) *Maintenance.* The property owner shall be responsible for the maintenance of all landscaping. Landscaping shall be maintained in a good condition so as to present a healthy, neat and orderly appearance at least equal to the original installation. Any dead vegetation and landscaping material or any damaged nonliving landscaping materials shall be promptly replaced with materials equal to the original installation.

(c) *Removal and protection.*

(1) The natural landscape shall be preserved in all possible instances.

(2) Prior to development. Where a building permit or subdivision approval has not been issued, the destruction within any five-year period of more than twenty-five (25) percent of the landscaping on any nonexempt land, without prior approval of the administrator, which approval shall not be unreasonably withheld, shall be prohibited. However, it is not the intention of this requirement to prevent any owner from thinning by cutting and removing undesirable shrubs, vines, and

excess trees, consistent with good forestry practices, in order to protect and promote the development and growth of the remaining trees and shrubbery.

(3) During development.

a. Where a building permit (or subdivision approval) has been requested, twelve (12) percent of the total available area shall be landscaped. If some or all of the existing trees and landscaping cannot be retained, landscaping shall be required to meet the provisions of this article.

b. During development there shall be erected and maintained suitable protective barriers around all trees to be retained so as to prevent damage thereto. All building materials, dirt or other debris shall be kept outside the barriers. There shall be no paving with any impervious materials or grading within fifteen (15) feet of any trees retained.

c. Unobstructed view. At a minimum, no planted material or landscaping structure with a height greater than three (3) feet shall be permitted within an area beginning at the intersection of any right-of-way lines of any streets, roads, highways, driveways, curb cuts, or railroads, and extending twenty (20) feet along each such right-of-way, and closed by a straight line connecting the end points of the said twenty-foot sections of the right-of-way lines.

(d) *Irrigation systems.* Irrigation or sprinkler systems shall not be installed within a public right-of-way.

(Ord. No. 54-95, § 905, 12-22-95; Ord. No. 28-98, 8-13-98)

Sec. 17-68. Submission of site plans.

(a) *Site plan.* Where construction plans are submitted to the city, a landscaping site plan for the development or the improvement of any nonexempt parcel of land shall be submitted. No building permit shall be issued for projects/lots until the landscaping site plan has been reviewed and approved by the administrator. The landscaping site plans shall show, in addition to the usual requirements, the following information:

- (1) A landscape architect's seal if the site is larger than three and one-half (3.5) acres in area;
- (2) The building site with corresponding dimensions;
- (3) The buildable area with corresponding dimensions;
- (4) The yard area with corresponding dimensions;
- (5) The specific name(s) and location(s) of trees and plant materials (landscaping) to be planted or maintained on the site;
- (6) The location and dimensions of all required landscape borders, strips, and planter islands;
- (7) All plans must be to a scale no less than one (1) inch equals one hundred (100) feet;
- (8) A location map;
- (9) The name of the project;
- (10) The name of the owner; and

(11) Plant material list.

(Ord. No. 54-95, § 906, 12-22-95)

Sec. 17-69. Enforcement, violations and penalties.

(a) *Enforcement.* Enforcement of the provisions of this article shall be the responsibility of the administrator. If, after inspection of a project by the administrator or his designee the plant materials installed on the site do not comply with the approved plan, the administrator or his designee will so note in writing. If the administrator deems the deviations from the approved plan acceptable, he will so note, and the property owner or respective agent will be required to submit promptly a revised plan showing the actual plantings. This revised plan will be placed on file at the city department of community development.

(b) *Violation.* If, after inspection, the administrator or his designee determines the site does not comply with the approved plan and further determines it to be unacceptable, the property owner or respective agent shall be notified in writing by the city department of community development of said violations and given thirty (30) days in which to correct all violations. Failure to make such corrections shall be in violation of this section.

(c) *Penalty.* The property owner or respective agent responsible for the violation shall be deemed guilty of a violation of city ordinance and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment for a term not exceeding six (6) months. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense.

(Ord. No. 54-95, § 907, 12-22-95; Ord. No. 28-98, 8-13-98)

Sec. 17-70. Appeal.

Procedures for appeal of any decision or interpretation of this article by the zoning enforcement officer shall be as stated in the city zoning ordinance.

(1) There shall be no deviation from the terms of this article unless a variance has been granted by the board of zoning appeals of the city. Variances from the provisions of this article may be applied for and granted in the same procedural manner as variances from the city zoning ordinance. For a variance to be granted from this article, each of the following must be shown:

a. No characteristics contrary to the public interest will be promoted. No resulting variance shall create an effect or condition contrary to the public safety and welfare. Relief shall not impair the purposes of this article.

b. A unique hardship is existing because of an extraordinary and exceptional condition(s) pertaining to the particular piece of property in question because of a characteristic of its size, shape, topography or like characteristic. In the absence of the factors listed in the preceding sentence, economic or financial hardship alone may not be sufficient to support the grant of a variance.

c. The condition causing the hardship is unique and is not common to the region in general.

(2) Request for variances regarding any part of this article or enforcement

thereof shall specifically include reasons why the application should be granted.

(3) Decisions of the board of zoning appeals shall be final, subject to such legal remedies an aggrieved party may have. Any appeal from a decision of the board of zoning appeals must be filed within thirty (30) days of the decision.

(Ord. No. 54-95, § 908, 12-22-95)

Sec. 17-71. Small trees.

TABLE INSET:

Botanical name and common name	Hardy zone	Texture	Form	Height/Spread	Growth rate	Group	Remarks
Oxydendrum arboreum Sourwood	6a-7b	Medium to coarse	Upright	30-41'/ 15-20'	Medium	Deciduous	Red fall color
Persea borbonia Redbay persea	8a-8b	Coarse	Oval	15-25'/ 15-18'	Slow to medium	Broadleaved evergreen	Naturalistic plantings
Ilex cassine Cassine holly	7a-8b	Medium	Pyramidal	10-20'/ 8-10'	Medium	Broadleaved evergreen	Screening
Ilex opaca American holly	Entire state	Coarse	Pyramidal	20-50'/ 15-30'	Medium	Broadleaved evergreen	Dark green foliage; specimen; screening
Chionanthus virginicus Fringe-tree or fancy graybeard	Entire state	Coarse	Irregular	10-20'/ 10-15'	Slow to medium	Deciduous	White flowers
Cornus florida Flowering dogwood	Entire state	Medium	Horizontal branching	15-25'/ 15-20'	Slow	Deciduous	Specimen or masses
Ilex vomitoria Yaupon holly	7a-8b	Fine	Pyramidal	10-20'/ 8-10'	Fast	Broadleaved evergreen	Screening; hedge
Halesia carolina Silverbell	6b-8a	Medium	Spreading	20-30'/ 15-20'	Medium	Deciduous	White flowers
Magnolia virginiana Sweetbay magnolia	7b-8b	Coarse	Upright	15-20'/ 10-20'	Slow	Semi-evergreen	White flowers
Malus angustifolia Southern crabapple	Entire state	Medium	Horizontal branching	15-25'/ 15-15'	Medium	Deciduous	Flowers fragrant, pinkish-white
Lagerstroemia indica Crape myrtle	7a-8b	Fine	Upright	20-30'/ 10-15'	Fast	Deciduous	White, pink or red flowers
Cercis canadensis Redbud or Judas tree	Entire state	Medium	Oval	25-30'/ 18-20'	Medium	Deciduous	Spring flowering

(Ord. No. 54-95, 12-22-95)

Sec. 17-72. Large trees.

TABLE INSET:

Botanical name and common name	Hardy zone	Texture	Form	Height/Spread	Growth rate	Group	Remarks
<i>Quercus cocinea</i> Scarlet oak	6b-8a	Medium	Rounded	60-80'/ 30-40'	Medium	Deciduous	Scarlet fall color; shade
<i>Quercus falcata</i> Southern red oak	Entire state	Coarse	Rounded	70-80'/ 30-60'	Medium	Deciduous	Sheds leaves in early spring; shade
<i>Quercus hemisphaerica</i> Laurel oak or darlington oak	7b-8b	Medium	Rounded	60-80'/ 40-60'	Medium	Semi-evergreen	Drought-tolerant; street tree
<i>Quercus laurifolia</i> Swamp laurel oak	7b-8a	Medium	Rounded	60-80'/ 30-40'	Medium	Semi-evergreen	Shade; sheds leaves earlier than laurel oak
<i>Quercus nigra</i> Water oak	Entire state	Medium	Rounded	50-80'/ 40-50'	Medium to fast	Deciduous	Shade
<i>Quercus palustris</i> Pin oak	6b-7b	Medium	Pyramidal	50-60'/ 25-40'	Medium	Deciduous	Shade; specimen
<i>Quercus phellos</i> Willow oak	Entire state	Fine	Rounded	40-60'/ 30-60'	Medium	Deciduous	Yellow fall color; shade
<i>Quercus shumardii</i> Shumard oak	Entire state	Medium	Rounded to oval	60-80'/ 50-60'	Medium	Deciduous	Scarlet fall color; good street tree
<i>Quercus virginiana</i> Live oak	8a-8b	Medium	Rounded, spreading	40-80'/ 60-100'	Medium	Broadleaved evergreen	Shade; specimen
<i>Fraxinus americana</i> White ash	6b-8a	Fine to medium	Spreading	60-70'/ 30-40'	Fast	Deciduous	Shade
<i>Carya illinoensis</i> Pecan	Entire state	Medium	Rounded	50-60'/ 30-40'	Medium	Deciduous	Nuts and shade
<i>Juniperus virginiana</i> Red cedar	Entire state	Medium	Pyramidal	40-50'/ 15-20'	Slow	Conifer	Screen
<i>Liquidambar styraciflua</i> Sweetgum	Entire state	Coarse	Oval	80-100'/ 40-50'	Fast	Deciduous	Yellow to orange and purple fall color; specimen
<i>Liriodendron tulipifera</i> Tuliptree or yellow poplar	Entire state	Coarse	Pyramidal	80-100'/ 30-40'	Fast	Deciduous	Yellowish tulip-like flowers; shade

Magnolia grandiflora Southern magnolia	Entire state	Coarse	Horizontal branching, pyramidal	60-80'/ 40-50'	Slow to medium	Broadleaved evergreen	Specimen; large white flowers
Amelanchier arborea Serviceberry	6b-7b	Medium	Oval	30-40'/ 15-20'	Medium	Deciduous	Borders; white flowers in early spring
Tsuga canadensis Canada hemlock	Entire state	Fine to medium	Pyramidal	70-80'/ 25-40'	Medium	Conifer	Specimen; screening
Acer floridanum Florida maple or southern sugar maple	Entire state	Medium	Oval	40-50'/ 25-35'	Medium to fast	Deciduous	Shade; orange to red fall color
Acer rubrum Red maple	Entire state	Medium	Rounded	40-50'/ 25-35'	Medium	Deciduous	Shade; red fall color
Acer saccharinum Silver maple	Entire state	Medium	Oval	50-60'/ 30-35'	Fast	Deciduous	Least desirable maple
Acer saccharum Sugar maple	6b-7b	Medium	Oval	60-80'/ 25-40'	Medium to fast	Deciduous	Yellow to reddish fall color; shade
Betula nigra River birch	Entire state	Medium	Oval	50-60'/ 40-50'	Fast	Deciduous	Specimen
Celtis laevigata Sugar hackberry	Entire state	Medium	Upright to rounded	60-80'/ 25-35'	Medium	Deciduous	Streets; shade
Cupressocyparis leylandii Leyland cypress	Entire state	Fine	Pyramidal	50-60'/ 20-30'	Fast	Conifer	Specimen; screening
Fagus grandifolia American beech	Entire state	Coarse	Rounded	60-80'/ 35-45'	Medium to fast	Deciduous	Shade
Nyssa sylvatica Black tupelo	Entire state	Medium	Oval	70-80'/ 40-50'	Medium	Deciduous	Naturalistic gardens
Pinus caribaea Slash pine	8a-8b	Medium	Horizontal branching	80-100'/ 15-20'	Fast	Conifer	Mass plantings
Pinus palustris Longleaf pine	8a-8b	Medium	Horizontal branching	80-100'/ 20-25'	Fast	Conifer	Mass plantings
Pinus strobus White pine	6b-7b	Medium	Pyramidal	80-100'/ 25-40'	Medium	Conifer	Specimen; screening
Pinus taeda Loblolly pine	Entire state	Medium	Horizontal branching	80-100'/ 20-30'	Fast	Conifer	Mass plantings; screenings

Pinus virginiana Virginia pine	Entire state	Medium	Pyramidal	20-45'/ 15-20'	Medium	Conifer	Good for screening
Platanus occidentalis Sycamore or planetree	Entire state	Coarse	Upright	80-100'/ 40-50'	Fast	Deciduous	Shade
Quercus acutissima Sawtooth oak	Entire state	Medium	Pyramidal	50-60'/ 30-60'	Fast	Deciduous	Shade; specimen
Quercus alba White oak	Entire state	Medium to coarse	Rounded	60-100'/ 40-60'	Slow	Deciduous	Shade

(Ord. No. 54-95, 12-22-95)

ARTICLE IV. GENERAL PROVISIONS

Sec. 4.1. Interpretation and application.

In interpreting and applying these regulations, the requirements contained herein are declared to be the minimum requirements necessary to carry out the purpose of these regulations. Except as hereinafter provided, these regulations shall not be deemed to interfere with, abolish, annul, or otherwise affect in any manner whatsoever any easements, covenants, or other agreements between parties. Whenever the provisions of these regulations impose greater restrictions upon the use of land, buildings, or structures, or upon the height of buildings, or structures, or require a larger percentage of lot to be left unoccupied than the provisions of other ordinances, rules, regulations, permits, or any easements, covenants, or other agreements between parties, the provisions of these regulations shall govern.

Sec. 4.2. Zoning affects all land and buildings.

No buildings, structures, or land shall be used or occupied; and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, enlarged, or structurally altered unless in conformity with the regulations of this chapter.

Sec. 4.3. Every use must be upon a lot.

No building or structure may be erected or use established unless upon a lot as defined by this chapter except as provided in section 4.18 or section 17.1 of this chapter.

Sec. 4.4. Only one (1) principal building per lot.

Except as herein after provided, there shall be no more than one principal building or structure upon any lot in a single-family residential district.

Sec. 4.5. Open space not to be encroached upon.

No open spaces shall be encroached upon or reduced in any manner except in conformity to the yard, setback, off-street parking spaces, and such other regulations required by this chapter for the district in which such building is located. Shrubbery, driveways, retaining walls, fences, curbs, and planted buffer strips shall be construed not to be encroachments of yards. (Refer to Section 4.20 of this chapter).

Sec. 4.6. Required open space may not be used by another building.

No part of any yard, other open space, or off-street parking or loading space required or in connection with any building, structure or use by this chapter shall be considered to be part of a required yard, or other open space, or off-street parking or loading space for any other building structure or use except as provided in Section 16.5 of this chapter.

Sec. 4.7. Reduction of yards or lot area.

Except as provided in section 4.18 of this chapter, no lot existing at the time of passage of this chapter shall be reduced, divided, or changed so as to produce a tract of land which does not comply with the minimum dimension or area requirements of this chapter for the district in which it is located unless said reduction or division is necessary to provide land that is needed and accepted for public use.

Sec. 4.8. Encroachment on public rights-of-way.

No privately owned structures other than driveways, access walkways, and mail boxes shall be permitted within a public right-of-way. Signs and other structures belonging to the State of Georgia, Bartow County, and the City of Cartersville, or for the purposes of railroad or private utility use are exempt from this provision.

Sec. 4.9. Location of accessory uses, buildings or structures.

Accessory uses, buildings or structures on residential lots shall be located within a rear yard only and be a minimum of five (5) feet from all property lines which do not abut a street right-of-way and shall observe the front yard setback requirements of the district along all property lines which do abut a street right-of-way (with the exception that a detached garage or carport may be allowed in a side yard and, if so placed, shall comply with the principal building setback requirements of the district). Accessory uses, buildings or structures on non-residential lots shall not be allowed in the front yard and must comply with side and rear yard requirements established for the zoning district in which such accessory buildings or uses are located. All accessory uses, buildings or structures in all zoning districts shall be subordinate to the principal structure. An accessory building's floor area (excluding a guest house) shall be no larger than fifty percent (50%) of the principal structure floor area. A guest house accessory building shall be no larger than fifty (50) percent of the principal structure floor area.

Sec. 4.10. Every lot shall abut a street.

No building shall be erected on a lot which does not have immediate frontage on at least one public street or private street as allowed by the Cartersville Development Regulations in section 7.5-70, for a distance of not less than the minimum allowed frontage for said lot as described in the development standards section of the applicable zoning district, except as provided for in planned developments. (refer to Section 8.2 of this chapter).

(Ord. No. 49-02, 12-5-02)

Sec. 4.11. Lots with multiple frontage.

Front yard building setback requirements shall apply to all yards having road frontage.

Sec. 4.12. Visibility at intersections.

On corner lots within all zoning districts (except the DBD zoning district) no fence,

shrubbery or other obstruction to the traffic sight vision, except utility poles or light or sign standards, shall exceed a height of three (3) feet within a triangular area formed by the intersection of the right-of-way lines of two (2) streets or a street intersection with a railroad right-of-way line, and a diagonal line which intersects the right-of-way lines at two (2) points, each twenty (20) feet distance from the intersection of the right-of-way lines, or, in the case of a rounded corner, from the point of intersection of their tangents; provided, however, signs, lights, or similar objects which are totally located at least ten (10) feet above the finished grade shall be permitted.

Sec. 4.13. Uses prohibited.

If either a use or class of use is not specifically indicated as being permitted in a district, either as a matter of right, or as a special exception, then such use, class of use, or structures for such uses, shall be prohibited in such district.

Sec. 4.14. Zoning of annexed areas.

Areas annexed to the City of Cartersville subsequent to the adoption of this chapter shall be zoned R-20, unless other zoning is formally requested and approved with the annexation petition. Initial zoning of annexed property shall be charged the required fee for zoning amendments as stated herein. (Refer to Section 21.2 of this chapter).

Sec. 4.15. Emergency shelters.

Emergency shelters for the purpose of protecting individuals from life threatening weather storms or other emergencies shall be permitted as an accessory structure in all zoning districts and shall meet the setback requirements of such structures in the district. (Amended 9-16-99)

Sec. 4.16. Height limitations of walls and fences.

Within any residential district, the maximum allowable height of a wall or fence erected in a side and/or rear yard shall be eight (8) feet. Walls and/or fences erected in a front yard within any residential district shall not exceed a height of five (5) feet, shall be transparent in construction, and shall not be constructed of chain-link or other wire fencing material with the exception that chain-link fencing material may be used with prior approval by the board of zoning appeals.

Sec. 4.17. Buffer and screening requirements.

Buffers or screening as required by this chapter are subject to review and approval by the city planning staff. The following are required standards for buffers and shall be utilized by the city planning staff in reviewing development plans:

- A. Buffers shall be designated on the site plan and required plats as permanent buffer strip or area.
- B. Buffers shall be natural/undisturbed areas of existing mature trees, which meet the intent of the definition of buffer. Where substantially devoid of existing trees, or where it is necessary to disturb the existing natural area, a

planted/landscaped buffer shall be established in accordance with this section.

C. Buffers shall be established and maintained along required adjoining property to meet the minimum width requirements as stated within the individual zoning district development standards.

D. Buffers shall provide year-round visual screening from the ground to a height of at least six (6) feet.

E. Buffers that utilize trees and/or other vegetation shall be installed not only to provide visual screening, but to allow for proper plant growth and maintenance.

F. Buffer design shall be integrated with the overall design concept of the project.

G. Existing tree cover and natural vegetation shall be undisturbed for areas designated as natural/undisturbed except for the addition of supplemental plantings or other approved screening, devices, or for the provision of required access or utility crossings as approved by the city planning staff. Where a buffer is substantially devoid of trees and shrubbery, or where a planted/landscaped buffer is proposed by the developer, grading may be allowed within the buffer area prior to replanting or the provision of other screening devices as required.

H. All planted trees shall be native to this region and, when planted, such replacement trees shall be a minimum height of six (6) feet and be a species, which will reach at least twenty (20) feet in height at maturity. All plantings, with exception of infill plantings as may be approved by the city planning with staff, shall be in staggered rows, with vegetation spaced ten feet apart (measured trunk to trunk) with a minimum of two staggered rows of plantings for buffers designated to be fifteen (15) feet or smaller.

I. Tree species type will be of a screening nature as identified in the adopted City of Cartersville Landscape Ordinance, but shall not be exclusive of other vegetation which may be suitable as approved by the city planning staff.

J. Planting, maintenance, and removal shall be in accordance with the adopted City of Cartersville Landscape Ordinance.

(Ord. No. 21-04, 3-4-04)

Sec. 4.18. Substandard lots of record.

Any lot of record existing at the time of the adoption of this chapter, which has an area or a width which is less than required by this chapter shall be allowed to be developed providing the setbacks of the district are maintained.

Sec. 4.19. Structures permitted above the height limit.

The height limits of these regulations shall not apply to a church spire, belfry, cupola, dome, or ornamental tower not intended for human occupancy, historical monument, water tower, observation tower, power line tower, chimney, flag pole, mast or aerial and parapet walls not extending more than four (4) feet above the roof line of the building, and necessary mechanical appurtenances.

Sec. 4.20. Permitted encroachments of yards and setbacks.

B. Building massing.

1. Street fronting building facades greater than one hundred fifty (150) feet in length shall be modulated with breaks in wall surfaces and materials at intervals not to exceed one hundred fifty (150) feet, measured parallel to the street.
2. For buildings that are three stories or less in height, each floor shall be delineated through windows, belt courses, cornices lines or similar architectural detailing.

C. Location of vehicle facilities and services. Drive-through service windows, drive-in facilities and associated vehicular services such as air pumps and car washes, (excluding gasoline fuel dispenser structures) shall not be located between the principle structure and main street without an intervening building. Such shall be located to the side or rear of the principle structure.

D. Parking and driveways.

1. Unless topography, public utilities or storm drainage make it prohibitive, surface parking and related parking facilities between the principle structure and main street right-of-way shall be limited to two rows of parking in front of the principle structure. All other surface parking shall be located to the side or rear of the principle structure, except as stated hereinabove.

(Ord. No. 01-03, 1-16-03)

Sec. 23.7. Screening and fencing.

Shall be required as follows:

- A. Refuse areas (dumpster) shall be placed in the least visible location from public streets, and shall be enclosed on three sides with brick or stone opaque walls, with the fourth side being an opaque closing gate. Height of an opaque wall shall be at least twelve (12) inches higher than the receptacle.
- B. Chain link fences are not allowed in the front yards. Where allowed, all chain link fences shall be vinyl coated, hunter green, brown or black.
- C. Opaque fences are prohibited adjacent to a public street.
- D. All loading areas shall be screened from view of any public street by either: (1) a minimum six-foot high opaque fence matching the material of the building, or (2) a fifteen-foot wide landscape strip planted with a continuous hedge of evergreen shrubs. Shrubs shall be moderately growing, be a minimum height of three and one-half (3 1/2) feet to four (4) feet at time of planting, and reach a height of six (6) feet within two (2) years of planting.
- E. All detention ponds shall have a minimum ten-foot wide landscape strip planted to buffer standards with evergreen exterior to any required fence or required access area.

(Ord. No. 01-03, 1-16-03)

Sec. 23.8. Landscaping.

Landscape standards must be in accordance with City of Cartersville Code, Chapter 17, article IV, minimum landscape requirements, with the following modifications:

A. *Section 17-65.* Landscape area general requirements, is modified to require at least twenty (20) percent of the total available area to be landscaped, instead of twelve (12) percent as stated therein.

B. *Section 17-66.* All trees required to be planted by this section shall be increased to: (a) Shade trees shall be a minimum of two and one-half (2 1/2) inch caliper; (b) Flowering trees shall be at least eight (8) feet minimum height.

C. *Section 17-66 (a) Building perimeter landscaping.* This subsection is modified to require a minimum of eight (8) feet landscape area or sidewalk around the perimeter of each building, instead of the five (5) feet stated therein.

D. *Section 17-66 (b) Border landscaping.* This subsection is modified to require at least one (1) tree planted per fifty (50) feet along any border areas, instead of each seventy-five (75) feet as stated therein.

(Ord. No. 01-03, 1-16-03)

Sec. 23.9. Lighting.

Proposed developments shall submit for approval a lighting plan that meets the following specifications prior to the issuance of a land disturbance or building permit.

A. The maximum to minimum foot-candle level shall not exceed a twelve to one (12:1) ratio.

B. Light fixture poles cannot exceed forty (40) feet in height.

C. All site lighting shall be directed onto the site and strive for "dark sky" objectives.

D. All building entrances, walks and vehicular access shall be lit.

(Ord. No. 01-03, 1-16-03)

Sec. 23.10. Commercial signs.

The provisions of the City of Cartersville, chapter 20, article II, sign ordinance, shall apply to all signs within this overlay district, with the following modifications:

A. Individual buildings or business storefront signs (wall signs) shall be limited to one sign per street frontage.

B. Maximum allowed sign area of all freestanding signs shall be fifty (50) square feet, with the exception that directory signs shall be allowed to be one hundred twenty (120) square feet.

C. Any corner lot adjacent to main street shall be allowed one additional freestanding sign to be for the purpose of a directory sign.

D. All freestanding signs shall be monument style signs, shall not exceed fifteen (15) feet in height. No pylon signs will be allowed.

(Ord. No. 01-03, 1-16-03)

Sec. 23.11. Uses not allowed in the main street overlay district.