

1) Chapter 26, Zoning, Article XXII, Amendments, to add a new section, Sec. 22.14, Concurrent Variances; and Sec. 2.2 Definitions, to add a definition for Concurrent Variances; and

# MEMO

To: Planning Commission, Mayor Santini & City Council

From: Randy Mannino, David Hardegree, and Zack Arnold

Date: April 1, 2026

Re: *Text Amendment T26-03. Amend Zoning Chapter 26, to add a new section to Sec. 22, Amendments, to add the Concurrent Variance option to zoning applications and to update Chapter 17, Sections 17-85 & 17-86, to reflect current requirements for all zoning and variance applications*

In 2023, the States' Zoning Procedure Law, OCGA 36-66, was amended to allow variance requests to be heard concurrently by the decision-making body (i.e. City Council) rather than by the Board of Zoning Appeals when the variance request is filed at the same time as the zoning application. The city reviewed its' first zoning application with concurrent variances for Estates at Ponders Mountain Phase 2 last summer per zoning application Z25-05. This amendment codifies this process and adds a definition for "Concurrent Variance".

This amendment also updates Chapter 17, Planning and Development, Article V, Permit Fees, Sections 17-85 and 17-86, to reorganize Sec. 17-85 to include only zoning-related applications and reorganize Sec. 17-86 to include only variance-related applications including language for Administrative Adjustments proposed on T26-02. The special exception language for homeowners currently in Sec. 17-86 was moved to Sec 17-85.

No changes to respective fees are proposed at this time.

The planning commission is reviewing these revisions because the chapters being amended affect zoning applications. The Board of Zoning Appeals will also be notified of these revisions.

**Ordinance of the  
City of Cartersville, Georgia  
Ordinance No. \_\_\_\_-26  
Petition No. T26-03**

Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CITY OF CARTERSVILLE CODE OF ORDINANCES. Chapter 26 – ZONING, is hereby amended as listed below:

1.

**CHAPTER 26 – ZONING, ARTICLE II, DEFINITIONS, SEC. 2.2.22 “V”**, is hereby amended by deleting said section in its entirety and replacing it with the following:

**Sec. 2.2.22. “V”**

Variance. A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Variance, Concurrent. A variance request that allows for the modification of zoning standards simultaneously with the application for a zoning map amendment or an application for a special exception or use. A concurrent variance is intended to be reviewed by the planning commission and city council as part of the application review process with city council ultimately taking action on the variance request, that would otherwise require separate approval, at the same time it takes action on the associated zoning petition. The city council will take action on the zoning application first and the variance application last.

2.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and the above definitions in this Ordinance are to be alphabetized accordingly to accomplish such intention.

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: \_\_\_\_\_  
SECOND READING: \_\_\_\_\_

\_\_\_\_\_  
MATTHEW J. SANTINI, MAYOR

ATTEST: \_\_\_\_\_  
JULIA DRAKE, CITY CLERK

DRAFT

**Ordinance of the  
City of Cartersville, Georgia  
Ordinance No. \_\_\_\_-26  
Petition No. T26-03**

Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the **CITY OF CARTERSVILLE CODE OF ORDINANCES. CHAPTER 26 – ZONING. ARTICLE XXII. AMENDMENTS.** is hereby amended by adding a new Section 22.14 as:

**1.**

**22.14. Concurrent Variances.**

- A. The Mayor and City Council may consider a concurrent variance from any standards of the Zoning Ordinance which shall be filed simultaneously with an application for a Zoning Map Amendment or Special Use for the same property based on the conceptual development plan submitted with the petition for the same agenda. The Mayor and City Council shall consider such concurrent variance requests in accordance with the standards set forth in Section 21.11. Public notification shall be in accordance with Section 22.3.
- B. The Planning Commission shall also hear and make recommendations on concurrent variances filed with on the same application for a Zoning Map Amendment or Special Use application.
- C. The Mayor and City Council may only consider variance requests as a part of, or in conjunction with, an application for a Zoning Map Amendment or Special Use. A variance application to the Board of Zoning Appeals shall not be accepted by the Director of Planning and Development prior to the expiration of six (6) months from the date of the Mayor and City Council's denial of the same variance request in whole or in part. A variance application to the Board of Zoning Appeals cannot be considered simultaneously with the same variance request pending before the Mayor and City Council.
- D. Applications for concurrent variances shall be submitted to the Director of Planning and Development in accordance with the advertised filing deadlines for the Mayor and City Council meetings. A concurrent variance application fee shall be charged per the fee schedule provided in City ordinance Chapter 17, Article V.
- E. The application shall comply with all advertising and notification requirements specified in Article XXI and XXII, and other amendment procedures. One public notice sign may serve for both the zoning action and concurrent variance request so long as the sign is marked to indicate all actions which are pending.

2.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and the above definitions in this Ordinance are to be alphabetized accordingly to accomplish such intention.

BE IT AND IT IS HEREBY ORDAINED

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\_\_\_\_\_  
MATTHEW J. SANTINI, MAYOR

ATTEST: \_\_\_\_\_  
JULIA DRAKE, CITY CLERK

Sec. 17-85. - Amendments to zoning map or text.

All applications for an amendment to the zoning map or zoning text shall pay an application fee of four hundred dollars (\$400.00) due at the time of filing said application.

(Ord. No. 41-05, § 1, 7-7-05)

Sec. 17-86. - Variances, special exceptions or appeals to the board of zoning appeals.

- (a) All variances, special exceptions and appeals to the board of zoning appeal by the resident of the affected subject property with a homestead exemption shall have an application fee of seventy-five dollars (\$75.00).
- (b) All other requests shall have an application fee of three hundred dollars (\$300.00).
- (c) All fees are due at the time of filing an application.

(Ord. No. 41-05, § 1, 7-7-05)

**Ordinance of the  
City of Cartersville, Georgia  
Ordinance No. \_\_\_\_-26  
Petition No. T26-03**

Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CITY OF CARTERSVILLE CODE OF ORDINANCES. Chapter 17 – Planning and Development, Article V, Permit Fees, is hereby amended as listed below:

1.

**CHAPTER 17. PLANNING AND DEVELOPMENT, ARTICLE V, PERMIT FEES, SEC. 17-85, AMENDMENTS TO ZONING MAP OR TEXT** is hereby amended by deleting said section in its entirety and replacing it with the following:

**SEC. 17-85. – AMENDMENTS TO ZONING MAP OR TEXT, OR APPLICATION FOR A SPECIAL EXCEPTION OR USE.**

- A. An application for an amendment to the zoning map or zoning text shall pay an application fee of four hundred dollars (\$400.00).
- B. An application for a special exception or use by the resident of an affected subject property with a homestead exemption shall have an application fee of seventy-five dollars (\$75.00).
- C. All other applications for a special exception or use shall pay an application fee of four hundred dollars (\$400.00).
- D. If the above applications require a concurrent variance, then a variance application fee per Sec. 17-86 shall also be applied to the application.
- E. All fees are due at the time of filing an application.

2.

**CHAPTER 17. PLANNING AND DEVELOPMENT, ARTICLE V, PERMIT FEES, SEC. 17-86, VARIANCES, SPECIAL EXCEPTION OR APPEALS TO THE BOARD OF ZONING APPEALS,** is hereby amended by deleting said section in its entirety and replacing it with the following:

**SEC. 17-86. – VARIANCES, ADMINISTRATIVE ADJUSTMENTS AND APPEALS TO THE BOARD OF ZONING APPEALS.**

- A. All variances, administrative adjustments, and appeals to the board of zoning appeals by the resident of an affected subject property with a homestead exemption shall have an application fee of seventy-five dollars (\$75.00).
- B. All other requests shall have an application fee of three hundred dollars (\$300.00).
- C. All fees are due at the time of filing an application.

3.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and the sections of this Ordinance may be renumbered and/or alphabetized accordingly to accomplish such intention.

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: \_\_\_\_\_  
SECOND READING: \_\_\_\_\_

\_\_\_\_\_  
MATTHEW J. SANTINI, MAYOR

ATTEST: \_\_\_\_\_  
JULIA DRAKE, CITY CLERK