

Ordinance No. _____

Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CARTERSVILLE OF CARTERSVILLE - CODE OF ORDINANCES CHAPTER 26 - ZONING ARTICLE II. - INTERPRETATIONS AND DEFINITIONS SEC. 2.2. - DEFINITIONS. is hereby amended by adding the following two definitions:

1.

Sec. 2.2. – Definitions.

Quasi-Judicial officers, boards or agencies. Shall have the same definition as provided for in O.C.G.A. § 36-66-3(1.1).

Zoning Decision. Shall have the same definition as provided for in O.C.G.A. § 36-66-3(4).

2.

All other existing provisions of Sec. 2-2 not changed herein, shall remain as is.

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 re-alphabetized to accomplish such intention.

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: _____

SECOND READING: _____

MATTHEW J. SANTINI, MAYOR

ATTEST: _____

JULIA DRAKE, CITY CLERK

Ordinance No. _____

Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CARTERSVILLE OF CARTERSVILLE - CODE OF ORDINANCES CHAPTER 26 - ZONING ARTICLE XIV. BUSINESS PARK OVERLAY. SEC. 14.3. – GENERAL AREA, HEIGHT AND SET BACK REGULATIONS is hereby amended by deleting paragraphs A. and B. in their entirety and replacing as follows:

1.

Sec. 14.3. - General area, height and setback regulations.

A. Reserved.

B. Building height. Building height limitations shall not apply to accessory structures such as water towers, conveyer belts, smokestacks and other incidental and uninhabited parts of industrial uses.

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 sections of this ordinance may be renumbered to accomplish such intention.

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Ordinance No. _____

Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CARTERSVILLE OF CARTERSVILLE - CODE OF ORDINANCES CHAPTER 26 - ZONING ARTICLE XVII. – OFF-STREET PARKING AND SERVICE REQUIREMENTS. SEC. 17.6. – NUMBER OF PARKING SPACES is hereby amended by deleting said section in its entirety and replacing as follows:

1.

Sec. 17.6. – Number of parking spaces.

In order to ensure a proper and uniform development of public parking areas throughout the area of jurisdiction of this chapter, to relieve traffic congestion on the streets, to lessen the amount of impervious surface in the city, and to minimize any detrimental effects on adjacent properties, off-street parking space shall be provided and maintained as called for in the following sections. For any use or class of use not mentioned in this section, the requirements shall be the same as similar use as mentioned herein.

Any decrease in the number of parking spaces required by this section must be approved by the board of zoning appeals under the variance procedures set forth by this chapter.

Parking requirements for additions to existing uses shall be based upon the new addition even if the existing use is deficient. (These regulations shall apply to all districts except the DBD.)

- 17.6.1. *Apartment and multifamily dwelling.* Two (2) spaces for each dwelling unit
- 17.6.2. *Auditorium, stadium, assembly hall, gymnasium, theater, community recreation center, religious institution.* One (1) space per four (4) fixed seats in largest assembly room or area, or one (1) space for each fifty (50) square feet of floor area available for the accommodation of movable seats in the largest assembly room.
- 17.6.3. *Automobile fueling station.* One (1) space (in addition to service area) for each pump and grease rack, but not less than six (6) spaces.
- 17.6.4. *Automobile, truck, recreational vehicle sales and service.* One (1) space for each five hundred (500) square feet of gross floor area.
- 17.6.5. *Automotive, truck, recreational vehicle repair and service.* One (1) space for each five hundred (500) square feet of gross floor area or two (2) spaces per bay.
- 17.6.6. *Billiards and pool halls.* Two (2) spaces per pool table.
- 17.6.7. *Bowling alley.* Two (2) spaces per alley plus requirements for any other use associated with the establishment such as a restaurant, etc.
- 17.6.8. *Club or lodge.* One (1) space for each two hundred (200) square feet of gross floor area within the main assembly area.
- 17.6.9. *Combined uses.* Parking spaces shall be the total of the space required for each separate use established by this schedule.

- 17.6.10. *Convenience food stores with self-service fueling pumps.* One (1) space per two hundred (200) square feet of gross floor space.
- 17.6.11. *Dance school.* One (1) space per two hundred (200) square feet of gross floor area plus safe and convenient loading and unloading of students.
- 17.6.12. *Dormitory, fraternity or sorority.* Three (3) spaces for each four (4) occupants.
- 17.6.13. *Golf course.* Four (4) spaces for each hole, plus requirements for any other use associated with the golf course.
- 17.6.14. *High schools, trade schools, colleges, and universities.* One (1) space for each two (2) teachers, employees and administrative personnel plus five (5) spaces for each classroom.
- 17.6.15. *Hospital or care home.* One (1) space for each two (2) beds.
- 17.6.16. *Hotel/motel.* One (1) space for each guest room, suite, or unit.
- 17.6.17. *Indoor and outdoor recreational areas (commercial) YMCA, and similar uses.* One (1) space for each one hundred fifty (150) square feet of gross floor, building, ground area, or combination devoted to such use.
- 17.6.18. *Industrial or manufacturing establishment or warehouse.* One (1) parking space for each one thousand (1,000) square feet of gross floor area.
- 17.6.19. *Kindergarten and nursery schools.* One (1) space for each employee plus safe and convenient loading of students.
- 17.6.20. *Mobile home park.* One (1) space for each mobile home site.
- 17.6.21. *Office, professional building, or similar use.* One (1) space for each four hundred (400) square feet of gross floor area.
- 17.6.22. *Personal service establishment.* One (1) space for each four hundred (400) square feet of gross floor area.
- 17.6.23. *Restaurant or place dispensing food, drink, or refreshments which provides seating indoors.* One (1) space for each four (4) seats provided for patron use.
- 17.6.24. *Restaurant, drive-thru, with no provision for seating indoors.* One (1) space per one hundred (100) square feet of gross floor area, but not less than ten (10) spaces.
- 17.6.25. *Retail stores of all.* One (1) space for each four hundred (400) square feet of gross floor area.
- 17.6.26. *Schools, elementary.* Three (3) spaces for each classroom, plus safe and convenient loading and unloading of students.
- 17.6.27. *Shopping center.* One (1) space for each four hundred (400) square feet of gross floor area.
- 17.6.28. *Single-family dwelling.* Two (2) spaces per each unit. (A driveway shall not be considered a parking space when determining required parking for a single-family dwelling).

17.6.29. *Wholesale establishment.* One (1) parking space for each one thousand (1,000) square feet of gross floor area.

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 sections of this ordinance may be renumbered to accomplish such intention.

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MATTHEW J. SANTINI, MAYOR

ATTEST: _____
JULIA DRAKE, CITY CLERK

Ordinance No. _____

Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CARTERSVILLE OF CARTERSVILLE - CODE OF ORDINANCES CHAPTER 26 - ZONING ARTICLE XIX. - INTERPRETATION, ADMINISTRATIVE ACTION, AND ENFORCEMENT SEC. 19.2. - ADMINISTRATIVE VARIANCE. is hereby amended by deleting said section in its entirety and replacing it with the following:

1.

Sec. 19.2. – Reserved.

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 sections of this ordinance may be renumbered to accomplish such intention.

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1.

Sec. 19.4. – Zoning enforcement officers; appeals.

The provisions of this chapter shall be administered and enforced by the zoning administrator, and/or his/her designee. Decisions of the zoning administrator may be appealed in accordance with the provisions of this article. Requests for a variance shall be heard and decided by the board of appeals in accordance with the guidelines set forth in Article XXI.

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 sections of this ordinance may be renumbered to accomplish such intention.

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Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CARTERSVILLE OF CARTERSVILLE - CODE OF ORDINANCES CHAPTER 26 - ZONING ARTICLE XXI. - APPEALS. SEC. 21.1. – ESTABLISHMENT OF BOARD OF ZONING APPEALS. is hereby amended by adding a new subsection 21.1.4 as follows:

1.

Sec. 21.1. - Establishment of board of zoning appeals.

21.1.4. The Board of Zoning Appeals, for zoning decisions and variances, is considered a quasi-judicial board as defined by O.C.G.A. § 36-66-3(1.1).

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 sections of this ordinance may be renumbered to accomplish such intention.

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1.

Sec. 21.2. – Proceedings of the board of zoning.

21.2.5. For each variance to the ordinance, a separate public hearing shall be required.

2.

All other existing provisions of Sec. 21.2 not changed herein, shall remain as is

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 to accomplish such intention.

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1.

Sec. 21.4. - Applications, hearing and notice.

21.4.2. *Published notice.* Due notice of the public hearings pursuant to this article shall be published in the legal organ of Bartow County. Notice advertising the hearing on the appeal or variance and indicating date, time, place and purpose of the public hearing shall be published at least thirty (30) days but not more than forty-five (45) days prior to the date of the hearing. The cost of the advertisement shall be borne by the applicant. For variances, the zoning administrator shall post, at least thirty (30) days prior to the board of appeals' public hearing, in a conspicuous place in the public right-of-way fronting the property or on the property for which an application has been submitted, a sign or signs containing information as to the application number, date, time and place of the public hearing. The board may require the applicant to re-advertise at the applicant's expense or the board's expense, if a request is tabled.

2.

All other existing provisions of Sec. 21.4 not changed herein, shall remain as is.

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 to accomplish such intention.

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1.

Sec. 21.4. - Applications, hearing and notice.

21.4.3. *Letters to property owner and adjacent property owners.* The applicant for said appeal or variance shall also give notice of the appeal or variance and the public hearing thereon to the owner of property as required by O.C.G.A. § 36-66-4(g) and all property owners adjoining the property for which said appeal or variance is made or sought. Said notice shall be given to each adjoining property owner by first class mail, with proof of mailing obtained from the Post Office. Proof of mailing means either a first class "certificate of mailing" or a first class "certified mail" receipt; a proof of delivery is not required. Only owners reflected on the records of the tax assessors as of the January 1 of the year the application is filed shall be entitled to notice. In determining the adjoining property owners, road, street or railroad rights-of-way shall be disregarded. Proof of mailing for each recipient shall be provided to the zoning administrator before the public hearing. Said notice must be mailed at least thirty (30) days prior to the date of said scheduled public hearing. In the event a hearing is tabled, the applicant is required at their expense to resend notices of the new date and time for the hearing.

2.

All other existing provisions of Sec. 21.4 not changed herein, shall remain as is.

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 to accomplish such intention.

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1.

Sec. 21.5. – Stay of proceedings.

Stay of proceedings are as provided for in O.C.G.A. § 36-66-5.1(d).

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 sections of this ordinance may be renumbered to accomplish such intention.

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Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CARTERSVILLE OF CARTERSVILLE - CODE OF ORDINANCES CHAPTER 26 - ZONING ARTICLE XXI. - APPEALS. SEC. 21.9. – APPEALS. SUBSECTION 21.9.1 APPEALS TO COURT. is hereby amended by deleting said subsection in its entirety and replacing it as follows:

1.

Sec. 21.9. – Appeals.

21.9.1. *Appeal to court.* Recourse from a decision of the Board of Zoning Appeals shall be as provided for in O.C.G.A. § 36-66-5.1(a)(1) or (2) as appropriate, or as otherwise provided for by law.

2.

All other existing provisions of Sec. 21.9 not changed herein, shall remain as is.

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 sections of this ordinance may be renumbered to accomplish such intention.

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Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CARTERSVILLE OF CARTERSVILLE - CODE OF ORDINANCES CHAPTER 26 - ZONING ARTICLE XXI. - APPEALS. is hereby amended by adding a new Sec. 21.10 – Certiorari and Service as follows:

1.

Sec. 21.10. – Certiorari and Service.

21.10.1. Certificates. Authority to approve certiorari documents. In order to comply with O.C.G.A. § 36-66-5.1(c), the Chairman of the Board of Zoning Appeals, is authorized to issue certiorari bonds and certificate of costs upon, and related documents confirmation with City staff, that such approvals are appropriate.

21.10.2. Authority to accept service.

(a) For purposes of certiorari proceedings, the Mayor of the City of Cartersville and/or the Chairman of the Board of Zoning Appeals, as appropriate, is authorized to accept service of process on behalf of the City of Cartersville.

(b) The Mayor of the City of Cartersville is authorized to accept service of process on behalf of the City of Cartersville as opposite party.

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 sections of this ordinance may be renumbered to accomplish such intention.

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Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CARTERSVILLE OF CARTERSVILLE - CODE OF ORDINANCES CHAPTER 26 - ZONING ARTICLE XXI. - APPEALS. is hereby amended by adding a new Sec. 21.11 – Standards for governing the exercise of zoning power as follows:

1.

Sec. 21.11. – Standards for governing the exercise of zoning power.

(a) The following standards governing the exercise of the zoning power are adopted in accordance with O.C.G.A. § 36-66-5(b):

1. The existing land uses and zoning classification of nearby property;
 2. The suitability of the subject property for the zoned purposes;
 3. The relative gain to the public, as compared to the hardship imposed upon the individual property owner;
 4. Whether the subject property has a reasonable economic use as currently zoned;
 5. Whether the proposed zoning will be a use that is suitable in view of the use and development of adjacent and nearby property;
 6. Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;
 7. Whether the zoning proposal is in conformity with the then current future development plan and community agenda of the comprehensive land use plan as currently adopted or as amended in the future;
 8. Whether the zoning proposal will result in a use which will or could; adversely affect the environment, including, but not limited to, drainage, wetlands, groundwater recharge areas, endangered wildlife habitats, soil erosion and sedimentation, floodplain, air quality, and water quality and quantity;
 9. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools; and
 10. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
- (b) Said standards shall be printed and available for distribution to the public at all meetings or the Board of Zoning Appeals, in addition to those listed in Section 21.4

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 sections of this ordinance may be renumbered to accomplish such intention.

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Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CARTERSVILLE OF CARTERSVILLE - CODE OF ORDINANCES CHAPTER 26 - ZONING ARTICLE XXII. - AMENDMENTS SEC. 22.1. – INITIATION OF AMENDMENTS. SUBSECTION 22.1.3. RESUBMISSION AFTER DENIAL is hereby amended by deleting said subsection in its entirety and replacing as follows:

1.

Sec. 22.1. – Initiation of amendments.

22.1.3. Resubmission after denial. In the event an application for an amendment to the zoning map has been denied, another rezoning application affecting the same property shall not be submitted nor accepted until six (6) months have passed from the date of the final decision by the mayor and city council.

2.

All other existing provisions of Sec. 22.1 not changed herein, shall remain as is

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 to accomplish such intention.

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Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CARTERSVILLE OF CARTERSVILLE - CODE OF ORDINANCES CHAPTER 26 - ZONING ARTICLE XXII. - AMENDMENTS SEC. 22.1 – INITIATION OF AMENDMENTS SUBSECTION 22.1.4 ALTER CONDITIONS is hereby amended by deleting said subsection in its entirety and replacing as follows:

1.

Sec. 22.1. – Initiation of amendments.

22.1.4. *Alter conditions.* An application to alter conditions of rezoning may be submitted at any time after the final decision of the mayor and city council, except in the event that a zoning decision of the property had been denied, then said application cannot be resubmitted until after six (6) months from the final decision of the mayor and city council. The applicant must show a change in circumstances or additional information not available to the applicant at the time of the original decision by the mayor and city council to impose the condition. Another application to alter the same condition shall not be submitted more than once every twelve (12) months, such interval to begin on the date of the final decision by the mayor and city council on said application to amend the condition.

2.

All other existing provisions of Sec. 22.1 not changed herein, shall remain as is

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 to accomplish such intention.

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1.

Sec. 22.1. – Initiation of amendments.

22.1.6. *Requirements for city applications.* The requirements of [section 23.2](#) do not apply to any application for amendment initiated by the zoning department staff, the planning commission or the mayor and city council, and such applications shall only contain such information as is required by the zoning administrator. City initiated map changes do not require that the city send letters to property owners or post signs on properties affected. Such notice is not required under the zoning procedures law and is not practical when the city changes large numbers of parcels at one (1) time. This is not applicable to multi-family or single-family residential zoning requirements in which O.C.G.A. § 36-66-4(h) is applicable, and the City shall comply with the requirements as specified therein.

2.

All other existing provisions of Sec. 22.1 not changed herein, shall remain as is

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 to accomplish such intention.

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1.

Sec. 22.1. – Initiation of amendments.

22.1.9. Multi-family and single-family zoning decisions. Zoning decisions regarding multi-family uses of property and single-family residential, if applicable, shall comply with the requirements of O.C.G.A. § 36-66-4(h).

2.

All other existing provisions of Sec. 22.1 not changed herein, shall remain as is

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 to accomplish such intention.

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1.

22.3.4 *City exemptions and requirements.* The provisions of sections 22.3.2 and 22.3.3 shall not apply if the application is initiated by the zoning department staff, the planning commission or the mayor and city council. If appropriate, the requirements of O.C.G.A. § 36-66-5.1(h) shall be applicable for City initiated requests.

2.

All other existing provisions of Sec. 22.3 not changed herein, shall remain as is

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 to accomplish such intention.

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1.

Sec. 22.6. – Action by mayor and city council.

22.6.1. *Public hearing.* Before taking action on a proposed amendment and after receipt of the planning commission recommendations, the mayor and city council shall hold a public hearing on the proposed amendment made pursuant to this article, which shall be advertised as stated in section 22.3 and conducted pursuant to section 22.7, except as required by O.C.G.A. § 36-66-4(h), which requirements shall be followed therein.

2.

All other existing provisions of Sec. 22.6 not changed herein, shall remain as is

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 to accomplish such intention.

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: _____

SECOND READING: _____

MATTHEW J. SANTINI, MAYOR

ATTEST: _____

JULIA DRAKE, CITY CLERK

Ordinance No. _____

Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CARTERSVILLE OF CARTERSVILLE - CODE OF ORDINANCES CHAPTER 26 - ZONING ARTICLE XXII. - AMENDMENTS SEC. 22.8. - APPEALS TO SUPERIOR COURT is hereby amended by deleting said section in its entirety and replacing as follows:

1.

Sec. 22.8. – Appeals and Stay.

(a) Appeals Recourse from a zoning decision of the City Council shall be in accordance with O.C.G.A. § 36-66-5.1(a)(1).

(b) Stay of proceedings are as provided for by O.C.G.A. § 36-66-5.1(d).

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 sections of this ordinance may be renumbered to accomplish such intention.

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MATTHEW J. SANTINI, MAYOR

ATTEST: _____

JULIA DRAKE, CITY CLERK

Ordinance No. _____

Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CARTERSVILLE OF CARTERSVILLE - CODE OF ORDINANCES CHAPTER 26 - ZONING ARTICLE XXII. – AMENDMENTS. SECTION 22.9 STANDARDS FOR GOVERNING THE EXERCISE OF ZONING POWER. is hereby amended by deleting said section in its entirety and replacing as follows:

1.

Sec. 22.9. Standards for governing the exercise of zoning power.

(a) The following standards governing the exercise of the zoning power are adopted in accordance with O.C.G.A. § 36-66-5(b):

1. The existing land uses and zoning classification of nearby property;
2. The suitability of the subject property for the zoned purposes;
3. The relative gain to the public, as compared to the hardship imposed upon the individual property owner;
4. Whether the subject property has a reasonable economic use as currently zoned;
5. Whether the proposed zoning will be a use that is suitable in view of the use and development of adjacent and nearby property;
6. Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;
7. Whether the zoning proposal is in conformity with the then current future development plan and community agenda of the comprehensive land use plan as currently adopted or as amended in the future;
8. Whether the zoning proposal will result in a use which will or could; adversely affect the environment, including, but not limited to, drainage, wetlands, groundwater recharge areas, endangered wildlife habitats, soil erosion and sedimentation, floodplain, air quality, and water quality and quantity;
9. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools; and
10. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

(b) Said standards shall be printed and available for distribution to the public at all planning commission meetings and city council meetings in which zoning decisions or the exercise of zoning powers are being considered.

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 sections of this ordinance may be renumbered to accomplish such intention.

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MATTHEW J. SANTINI, MAYOR

ATTEST: _____
JULIA DRAKE, CITY CLERK

Ordinance No. _____

Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CARTERSVILLE OF CARTERSVILLE - CODE OF ORDINANCES CHAPTER 26 - ZONING ARTICLE XXII. - AMENDMENTS is hereby amended by adding a new Sec. 22.13. – Multi-family and Single-family residential per O.C.G.A. § 36-66-4(h) as follows:

1.

Sec. 22.13. – Multi-family and single-family residential per O.C.G.A. § 36-66-4(h).

Multi-family and single-family residential zoning decisions in which O.C.G.A. § 36-66-4(h) is applicable, shall comply with the requirements for hearings, meetings, and notification as required by O.C.G.A. § 36-66-4(h).

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 sections of this ordinance may be renumbered to accomplish such intention.

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JULIA DRAKE, CITY CLERK

Ordinance No. _____

Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CARTERSVILLE OF CARTERSVILLE - CODE OF ORDINANCES CHAPTER 26 - ZONING ARTICLE XXIII. – SPECIAL USE PERMIT. SECTION 23.4 - APPEALS TO SUPERIOR COURT. is hereby amended by deleting said section in its entirety and replacing as follows:

1.

Sec. 23.4. – Appeals and stay.

(a) Appeal. Recourse from a decision by the mayor and city council in regard to a special use permit shall be as provided for by O.C.G.A. 36-66-5.1(a)(2) or as otherwise provided for by law.

(b) Stay. Stay of proceedings shall be provided for by O.C.G.A. 36-66-5.1(d).

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 sections of this ordinance may be renumbered to accomplish such intention.

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ATTEST: _____
JULIA DRAKE, CITY CLERK

Ordinance No. _____

Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CARTERSVILLE OF CARTERSVILLE - CODE OF ORDINANCES CHAPTER 26 - ZONING ARTICLE XXIII. – SPECIAL USE PERMIT. SEC. 23.5 - REAPPLICATION is hereby amended by deleting said section in its entirety and replacing as follows:

1.

Sec. 23.5. – Reapplication.

An application for special use which has been denied shall not be resubmitted for a period of six (6) months.

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 sections of this ordinance may be renumbered to accomplish such intention.

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JULIA DRAKE, CITY CLERK

Ordinance No. _____

Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CARTERSVILLE OF CARTERSVILLE - CODE OF ORDINANCES CHAPTER 26 - ZONING ARTICLE XXIII. – SPECIAL USE PERMIT. is hereby amended by adding a new Sec. 23.6. – Standards for governing the exercise of zoning power for special use permits as follows:

1.

Sec. 23.6. – Standards for governing the exercise of zoning power for special use permits.

(a) The following standards governing the exercise of the zoning power for special use permits are adopted in accordance with O.C.G.A. § 36-66-5(b):

1. The existing land uses and zoning classification of nearby property;
2. The suitability of the subject property for the zoned purposes;
3. The relative gain to the public, as compared to the hardship imposed upon the individual property owner;
4. Whether the subject property has a reasonable economic use as currently zoned;
5. Whether the proposed zoning will be a use that is suitable in view of the use and development of adjacent and nearby property;
6. Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;
7. Whether the zoning proposal is in conformity with the then current future development plan and community agenda of the comprehensive land use plan as currently adopted or as amended in the future;
8. Whether the zoning proposal will result in a use which will or could; adversely affect the environment, including, but not limited to, drainage, wetlands, groundwater recharge areas, endangered wildlife habitats, soil erosion and sedimentation, floodplain, air quality, and water quality and quantity;
9. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools; and
10. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

(b) Said standards shall be printed and available for distribution to the public at all planning commission meetings and city council meetings in which zoning decisions or the exercise of zoning powers for special use permits are being considered.

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 sections of this ordinance may be renumbered to accomplish such intention.

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JULIA DRAKE, CITY CLERK

Ordinance No. _____

Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CARTERSVILLE OF CARTERSVILLE - CODE OF ORDINANCES CHAPTER 26 - ZONING ARTICLE XXIII. – SPECIAL USE PERMIT. is hereby amended by adding a new Sec. 23.7. – Certiorari and service. as follows:

1.

Sec. 23.7. – Certiorari and service.

23.7.1. Certificates. Authority to approve certiorari documents. In order to comply with O.C.G.A. § 36-66-5.1(c), the Mayor is authorized to issue certiorari bonds and certificate of costs, and other documents, upon confirmation with City staff that such approvals are appropriate.

23.7.2. Authority to accept service.

(a) For purposes of certiorari proceedings, the Mayor of the City of Cartersville and/or the Chairman of the Board of Zoning Appeals, as appropriate, is authorized to accept service of process on behalf of the City of Cartersville.

(b) The Mayor of the City of Cartersville is authorized to accept service of process on behalf of the City of Cartersville as opposite party.

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 sections of this ordinance may be renumbered to accomplish such intention.

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