



City of Cartersville

PLANNING AND DEVELOPMENT

P.O. Box 1390 • 10 North Public Square • Cartersville, Georgia 30120
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June 8, 2022

Justin Purucker
C/O Prime Engineering
3715 Northside Pkwy
Atlanta, GA 30327

RE: Z22-01. Zoning Results Letter for property located at Center Rd and I-75 (C108-0001-001).

Mr. Purucker,

The zoning application, Z22-01, was **DENIED** by City Council on June 2, 2022 for the rezoning of 103.85 acres from R-20 (Single Family Residential) to RA-12 (Single Family Residential Attached) for the construction of 199 townhomes. As a result of this decision, the following options are available to you:

1. You may file an appeal to the Bartow County Superior Court within 30 days of the decision date. Per Ordinance Sec. 22.8.
2. You may reapply for the same change in zoning after 12 months from the date the application was denied. Per Ordinance Sec. 22.1.3.
3. You may request in writing to City Council that the 12 month rule in Item 2 be reduced to not less than 6 months per Ordinance Sec. 22.1.3.

Please contact me with any questions.

Sincerely,

David Hardegree, AICP
City Planner
O: 770-387-5614
dhardegree@cityofcartersville.org

Cc: HMJr

Sec. 22.1. - Initiation of amendments.

- 22.1.1. *Text amendment.* An application to amend the text of this chapter may be initiated by the planning commission or be submitted to the planning commission by the mayor and city council, zoning staff, or by any person having an interest in the city.
- 22.1.2. *Map amendment.* An application to amend the official zoning map may be initiated by the planning commission or be submitted to the planning commission by the mayor and city council or zoning staff, property owner or agent of the owner. Unless initiated by the mayor and city council, the planning commission or zoning staff, all applications to amend the official zoning map must be submitted by an owner of the affected property or an authorized agent of an owner, following procedures set forth in sections 22.2 and 22.3. If submitted by an agent of the owner, such authorization shall be notarized and attached to the application. If a property has multiple owners, only one (1) owner need file the application, and it will be assumed that the other owners consent; however, if any owner does not consent to the application (or otherwise objects), the rezoning application will not go forward. If owned by a corporation or other entity, the application must be filed by a person with proper corporate or entity authority, and the zoning administrator may require documentation to support a claim of authority.
- 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 twelve (12) months have passed from the date of the final decision by the mayor and city council. The mayor and city council may either waive or reduce the twelve-month time interval by resolution, to a minimum of six (6) months.
- 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. 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.
- 22.1.5. *Withdrawal.* An application may be withdrawn without prejudice at any time prior to 6:00 p.m. on the day of the planning commission hearing. The planning commission may give permission for a withdrawal without prejudice at its hearing. Withdrawal after the planning commission's hearing shall mean such application may not be resubmitted for consideration for a period of six (6) months, counting from the date of withdrawal to the date of renewed application. Unless withdrawn at the hearing, the withdrawal must be in writing, signed and dated by the applicant.
- 22.1.6. *Reduced 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.

22.1.7. *Simultaneous applications.* If multiple amendments are submitted on one parcel, they are to be considered in the following order: 1) text amendments; 2) zoning map amendment; 3) special use permit; 4) zoning condition amendment. Each application shall be voted on separately, in the above-stated order. If a rezoning change is denied and the proposed special use is not permitted in the original zoning district, that application shall be denied.

22.1.8. *Campaign contribution disclosures.* Applicants and opponents to rezoning actions that change the zoning district on a parcel are requested to consult the Conflict of Interest in Zoning Act, O.C.G.A. § 36-67A-1, which requires disclosure of campaign contributions made within two (2) years of the rezoning application, and aggregating two hundred fifty dollars (\$250.00) or more, to any planning commission member or any member of the mayor and city council. Such disclosures should be filed at least five (5) calendar days prior to the planning commission's hearing on forms available at the zoning office. Violation of this Act shall not affect the validity of the rezoning, but such action may be a misdemeanor under O.C.G.A. § 36-67A-4.

Sec. 22.8. - Appeals to superior court.

Appeals of the grant or denial of a rezoning decision shall be taken within thirty (30) days of the decision by filing an appeal in superior court, pursuant to the provisions in O.C.G.A. Title 5. Such appeals shall be de novo.