

REZONING, LAND USE AMENDMENT, SPECIAL LAND USE PERMIT, AND MAJOR MODIFICATION PROCESSES

This document is intended to provide a detailed explanation of filing and review procedures and their relationship to the application checklist, state criteria for approval of zoning petitions, and the rezone calendar.

- A. PRE-APPLICATION CONFERENCE** In accordance with DeKalb County Board of Commissioners' Resolution (see attached), a pre-application conference with Planning Division staff is required prior to filing. Pre-application conference must be requested in writing via email or letter; for more information please call (404) 371-2155. During the conference, staff will review your proposal and proposed site plan, and inform you of the zoning process. You will also have the opportunity to ask any questions pertaining to your project and the process.
- B. PRE-SUBMITTAL COMMUNITY MEETING** A COMMUNITY MEETING MUST BE HELD PRIOR TO SUBMITTING YOUR APPLICATION. No application for an amendment to the land use plan, an amendment to the official zoning map, special land use permit, or a major amendment/modification to conditions of zoning shall be filed and/or accepted for filing until the applicant has attended and held a publicized pre-submittal community meeting(s) with surrounding neighborhood association(s) and/or community groups within one-half (1/2) mile of the subject property, as well as adjacent and nearby property owners within five hundred (500) feet of the subject property. A notice of the pre-submittal community meeting shall be made in writing. The pre-submittal community meeting shall be scheduled at 7:00 p.m. on a weekday (Monday – Friday) in a facility within one-half (1/2) mile of the subject property and shall not take place less than fifteen (15) days after the date of the written notice. Applicants are required to provide documentation that verifies the occurrence of said meeting(s) including but not limited to notice letter, sign-in sheets (with name and address of attendees), or correspondence for the neighborhood association(s) or residents from the community before the application can be considered complete.
- C. FILING YOUR APPLICATION** Applications for Land Use Amendment shall only be heard in March and September. **Please refer to the attached adopted calendar for filing deadlines and public hearing dates.** All applications must be filed in person. Office and counter hours are from 8:30 A.M. to 4:00 P.M., Monday thru Friday. Filing an application on the deadline date does not ensure a place on the agenda; the number of cases in the order of which they are filed will determine the schedule of an application and must adhere to. **Only completed applications will be accepted;** and due to the number of cases, some filed applications may rollover to the next scheduled public hearing cycle. It is advisable to file your application prior to the filing deadline.
- a. Applications for non-contiguous property (on opposite sides of the street) must be filed separately. A separate fee will be charged for each property.
 - b. Refer to the attached **Checklist** of items needed to complete the filing of an application
 - c. Refer to the attached 2010 Rezoning Calendar Resolution for terms and descriptions related to calendar, cap and filing of application by type.

- D. AUTHORIZATION TO FILE** If the property owner is not the applicant submitting the application, then the applicant must submit a signed and notarized Authorization Form (attached) from the “property owner” to file their application. If the property has been owned less than two years, a copy of warranty deed must be submitted with the application for proof of ownership.
- E. AMENDMENTS TO THE APPLICATION** Amendments (legal descriptions, boundary survey, site plans, letter of intent) to your application must be submitted in writing prior to the scheduled amendment date on rezone calendar. Any requests for withdrawal or deferral of your application shall be in writing. The County does not refund filing fees for withdrawn cases after the public has been notified of the case.
- F. COMMUNITY COUNCIL MEETING** The five Community Councils in DeKalb County are volunteer citizen advisory groups appointed by the Board of Commissioners to review rezoning, SLUP, and land use amendment requests and submit their recommendations to the Planning Commission and Board of Commissioners. The applicant/representative must attend the scheduled meeting at the appropriate Community Council meeting based on the district in which the property is located. Please refer to the attached rezone calendar for Council Districts Meetings. You will be expected to make a 5-10 minute presentation and answer questions about your proposal. You should present the proposed site plan and any other materials illustrating your request.
- G. STAFF REVIEW AND INSPECTION** After you have filed your application, a staff planner will contact you to inform you that he or she has been assigned to your case. The assigned staff will inspect the project site, review your application, prepare a written analysis and make a recommendation to be considered by the Planning Commission and the Board of Commissioners. Please advise the assigned planner of any pertinent matters related to your case, including any revisions and proposed conditions.
- H. PUBLIC NOTICE** A required Written Notice of the proposed zoning requests will be mailed via first class by the Planning Director or designee to all property owners who are within two hundred fifty (250) feet of the boundaries of the subject property and must be notified at least fifteen (15) days before the public hearing before the Planning Commission and not more than forty-five (45) days prior to the date of the public hearing before the Board of Commissioners, which states the nature of the proposed change, and the date, time, and place of the public hearing before the planning commission and the board of commissioners. The director of the department of planning or the director's designee must post signs within the public right-of-way in front of or on the subject property at least fifteen (15) days before the hearing before the planning commission and not more than forty-five (45) days prior to the date of the public hearing before the Board of Commissioners. The County shall posts sign(s) along the subject property’s street frontage for every 500 feet of street frontage. Signs must remain posted until the case has been decided by the Board of Commissioners. The county shall also cause a notice of the public hearing regarding the proposed zoning decision to be published in a newspaper of general circulation (i.e. The Champion, Atlanta Journal/Constitution) within DeKalb County at least fifteen (15) days prior to the hearing before the planning commission and not more than forty-five (45) days prior to the public hearing before the board of commissioners. The notice shall include the date, time and place of the hearing before the planning commission and the public hearing before the board of

commissioners, the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property.

I. PLANNING COMMISSION PUBLIC HEARING The Planning Commission shall conduct a public hearing on each request. The applicant will have a total of ten (10) minutes to present their proposal and which part of the 10 minutes may be reserved for rebuttal to address any opposition(s) which will also have a total of ten (10) minutes to speak at their request. At the Planning Commission Hearing, you may present any supporting documents (i.e. site plan, elevations, or other materials to support your request). Please note that any voluminous materials may not be reviewed in its entirety during public hearing depending on size and content. The Planning Commission shall make one of the following recommendations: Approval, Approval with Conditions, Denial, Deferral, Withdrawal, or Withdrawal without Prejudice. A “tie vote” will be forwarded to the Board of Commissioners without a recommendation.

J. BOARD OF COMMISSIONERS PUBLIC HEARING The Board of Commissioners meeting is conducted in much the same way as the Planning Commission. The applicant will have an opportunity to present their proposal, and citizens will have an opportunity to express their support or opposition.

The Board of Commissioners will render a final decision on applications as follows: Approval, Approval with Conditions, Denial, Deferral, Withdrawal, or Withdrawal without Prejudice. In some cases, a case may be deferred “full cycle”, which will send the case back to the Community Council and Planning Commission for further consideration before returning back to the Board of Commissioners.

The final decision of the Board of Commissioners is legally binding. Appeals of the decision of the Board of Commissioners must be made to DeKalb County Superior Court within 30 days of the decision date. For a copy of the ordinance that confirms the Board’s decision, please contact the County Clerk at (404) 371-2886 or visit the Clerk’s office at 1300 Commerce Drive, downtown Decatur.

K. CAMPAIGN DISCLOSURE If the applicant has made a campaign contribution of \$250.00 or more to a DeKalb County government official within the two year period that precedes the date on which you are filing this application, you must file within 10 days after this application is filed, a disclosure report in the office of the Chief Executive Officer and the Office of the Board of Commissioners, DeKalb County, 1300 Commerce Drive, Decatur, GA 30030. The report must show:

1. The name and title of the government official to whom the campaign contribution was made.
2. The dollar amount, date, and description of each campaign contribution.

L. ANALYSIS OF IMPACT The applicant shall provide a written response to the identified State Code criteria based on the type of application submitted as follows. These factors are found to be relevant to the exercise the County’s zoning powers and shall govern the review of all proposed applications as identified in the following: **Per Section 27-832-**

REZONING; 27-829-LAND USE AMENDMENT; and 27.873-SPECIAL LAND USE PERMIT of the DeKalb Zoning Ordinance. Refer to the appropriate application package to identify the criteria as referenced above.

M. ZONING CONDITIONS Sec. 27-833. Conditions. Conditions may be requested by an applicant, recommended by the planning department and planning commission, and imposed by the Board of Commissioners, as a part of the final decision to amend the official zoning map, in accordance with the following requirements:

- a) Conditions may be imposed so as to ameliorate the effect(s) of the proposed developmental change for the protection or benefit of neighboring persons or properties consistent with the purpose and intent of the district(s) involved, and the goals and objectives of the Comprehensive Plan and State law. No condition shall be imposed which reduces the requirements of the district(s) involved. All conditions shall be of sufficient specificity to allow lawful and consistent application and enforcement. All conditions shall be supported by a record that evidences the relationship between the condition and the impact of the developmental change. No condition in the form of a development exaction for other than a project improvement shall be imposed within the meaning of the Georgia Development Impact Fee Act, as amended.
- b) A condition, whether recommended by the Board of Commissioners, the applicant, or any other person or entity, placed upon an application after the required deadline for advertising in the legal organ of the County prior to the scheduled hearing before the Planning Commission shall be treated as an amendment to the application and shall follow the requirements of Section 27-826.
- c) Once imposed, conditions shall become an integral part of the approved amendment and shall be enforced as such. Changes to approved conditions shall be authorized only pursuant to section 27-845 of this Chapter.

N. FILING FEES At the time of submittal, a filing fee shall accompany each application as follows:

REZONING

District

R-200, R-150, R-30,000, R-20,000, R-100

R-85, R-75, R-60, R-A5, R-50, R-A8, RM-150

Fee

\$500.00

R-DT, TND, RM-100, RM-85, RM-75,

RM-HD, O-I, O-D, OCR, OIT, NS, C-1, C-2, M, M-2

(If the application is a multiple request to rezone to more than one zoning district, the fee of the higher district will apply)

\$750.00

LAND USE AMENDMENT

\$500.00

SPECIAL LAND USE PERMIT

\$400.00

MODIFICATION/CHANGE OF CONDITIONS

\$250.00