

REZONING, LAND USE AMENDMENT, SPECIAL LAND USE PERMIT (SLUP), AND MAJOR MODIFICATION PROCESSES

This document provides an explanation of application filing procedures and their relationship to the public review and recommendation process.

- A. PRE-APPLICATION CONFERENCE.** In accordance with DeKalb County Board of Commissioners' Resolution, a Pre-application Conference with the Planning Department is required prior to filing. The Pre-application Conference must be requested in writing; email (tfleming@dekalbcountyga.gov). For more information, you may call (404) 371-2155 x4 and ask for Tanya Fleming. During the conference, staff will review your proposal and proposed site plan, and inform you of the public hearing process. You are encouraged to consult the Official DeKalb County Zoning Code at municode.com (go to Library, select State of Georgia and DeKalb County; the zoning regulations will be found in Chapter 27) or on the department's official website (www.planningdekalb.net; select Planning and Zoning from the menu at the left). Please consult the zoning districts regulations in Article II, and any applicable supplemental regulations in Article IV. You will also have the opportunity to ask staff questions about 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 you have 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 of the meeting notice distributed and sign-in sheets from the meeting** (include name and address of attendees) so that the application can be considered complete. Correspondence from the neighborhood association(s) or residents from the community may also be submitted.
- C. FILING YOUR APPLICATION.** Complete the application form for a Rezone, SLUP, Modification or Land Use Amendment. **Please refer to the Rezone Calendar for filing deadlines and public hearing dates.** Refer to the Rezone Calendar Resolution for defined terms and descriptions related to filing deadlines, the calendar schedule, and the filing cap. Refer to the checklist of items needed to complete the filing of an application. 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; there is a cap on the number of cases based on the approved BOC Rezone Calendar Resolution. **Only completed applications will be accepted**, and if a limit on the

number of cases is reached, some applications may roll over to the next scheduled public hearing cycle. It is advisable to file your application prior to the filing deadline.

- 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 from the property owner to file the 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 to the application (e.g., documents such as legal descriptions, boundary survey, site plans, letter of intent) must be submitted prior to the scheduled amendment date on the Rezone Calendar. Any requests for withdrawal or deferral of your application shall be in writing. The County does not refund filing fees for cases after the public notice has been sent to the newspaper.
- 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, major modification, SLUP, and land use amendment requests and submit their recommendations to the Planning Commission and Board of Commissioners. You or a representative must attend the scheduled meeting at the appropriate Community Council meeting for the district in which the property is located. Please refer to the attached rezone calendar for Community Council meetings. You will be expected to make a 5-10 minute presentation and answer questions about your proposal. You may wish to present a proposed site plan and any other materials illustrating your request. **The Community Council may make one of the following recommendations: Approval, Approval with Conditions, Denial, Deferral Full Cycle, or Abstention.**
- G. STAFF REVIEW AND INSPECTION.** After you have filed your application, an assigned planner will contact you to discuss your case. The planner will visit 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 inform the planner of any pertinent matters related to your case, including any revisions and proposed conditions.
- H. PUBLIC NOTICE.** A written notice of the proposed zoning request is made by the Department of Planning and Sustainability to all property owners who are within two hundred fifty (250) feet of the boundaries of the subject property 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 Department of Planning and Sustainability must post sign(s) 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 for every 500 feet of street frontage. Signs must remain posted until the case has been decided by the Board of Commissioners. The County also causes 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) 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 conducts a public hearing on each request. You will have a total of ten (10) minutes to present their proposal. 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 and means that there is no recommendation.
- J. BOARD OF COMMISSION PUBLIC HEARING AND DECISION.** The Board of Commissioners meeting is conducted in the same manner as the Planning Commission. You will have an opportunity to present your 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, Decatur.
- K. SUCCESSIVE APPLICATIONS.** An application with final action by the Board of Commissioners affecting all or a portion of the same property shall not be re-submitted for more than once in a 24 month period from the date of BOC action. The BOC may waive the 24 months to 6 months based on a request initiated by one of the district commissioners. A final action of “Withdrawal without prejudice” does not have a waiting period. A SLUP may be transferred to another applicant by written request to the Planning Director.
- L. ANALYSIS OF IMPACT.** You must provide a written response to the identified State Code criteria based on the type of application. These factors are found to be relevant to the exercise the County’s zoning powers and govern the review of all proposed applications as identified in the following sections of the DeKalb Zoning Ordinance: **Section 27-832-REZONING; Section 27-829-LAND USE AMENDMENT; and Section 27.873-SPECIAL LAND USE PERMIT.** (The application package contains the relevant criteria for each type of application.)

M. ZONING 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. 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. 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 a Modification (Section 27-845). (27-833)

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

	<u>Fee</u>
REZONING	\$500.00
RE, RLG, R-100, R-85, R-75, R-60, MHP, RNC, RSM, MR-1, MR-2	
HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4, MU-5, O-I, OD, OIT, NS, C-1, C-2, M, M-2	\$750.00

If the application is a request to rezone to more than one zoning district, the higher fee will apply.

LAND USE AMENDMENT	\$500.00
SPECIAL LAND USE PERMIT	\$400.00
MAJOR MODIFICATION TO ZONING CONDITIONS	\$250.00

Applications for non-contiguous property (separated by a street) must be filed separately. A separate fee will be charged for each application. Applications deferred “full cycle” do not require additional fees. An applications that is withdrawn and later re-filed will be treated as a new case will require a new fee.

O. CAMPAIGN DISCLOSURE. If you have 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 file an application, you must file a disclosure report with the application or within 10 days after filing the application. 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.