

DEPARTMENT OF PLANNING & SUSTAINABILITY

MAJOR MODIFICATION APPLICATION CHECKLIST

- _____ 1. Schedule a mandatory **Pre-Application Conference** with Planning & Sustainability staff by appointment. Obtain **Pre- Application form** (to be completed in pre-application meeting). Please email lahill@dekalbcountyga.gov for appointment.
- _____ 2. Hold a **Pre-Submittal Community Meeting** with surrounding neighborhood associations and residents. Provide documentation of the meeting (**meeting notice and sign in sheets**). Letter(s) from homeowners' association(s) may also be provided.
- _____ 3. Submit **Application** (Submit 4 printed, collated sets and a PDF version on a flash drive. Please assemble materials in the following order.)
 - _____ **A. Application form** with name and address of applicant and owner, and address of subject property;
 - _____ **B. Pre-submittal community meeting notice and sign-in sheet** and other documentation of meeting, if any;
 - _____ **C. Letter of application and impact analysis**
 - _____ **1. Letter of application** identifying a) the proposed zoning classification, b) the reason for the rezoning or special use or modification request, c) the existing and proposed use of the property, d) detailed characteristics of the proposed use (e.g. floor area, height of building(s), number of units, mix of unit types, number of employees, manner and hours of operation), d)(optional) statement of conditions discussed with the neighborhood or community, if any.
 - _____ **2. Impact analysis** of the anticipated impact of the proposed use and rezoning on the surrounding properties in response to the standards and factors specified in Article 7.3 of the DeKalb County Zoning Ordinance, as attached. If a Major Modification, please include previously approved conditions and Board of Commissioner meeting minutes.
 - _____ **D. Authorization Form**, if applicant is not the owner. Must be signed by all owners of the subject property and notarized. Authorization must contain the mailing address and phone number of any applicant or agent who is authorized to represent the owner(s) of the subject property. Please include warranty deed, if property ownership is less than 2 years.
 - _____ **E. Campaign disclosure statement** (required by State law).
 - _____ **F. Legal boundary survey** of the subject property, (showing boundaries, structures, and improvements), prepared and sealed within the last year by a professional engineer or land surveyor registered in the State of Georgia. *(If survey shows property on opposite sides of a public street right-of-way, file a separate application for each property.)*
 - _____ **G. Site Plan**, printed to scale, folded, of any existing and or proposed development/redevelopment. For projects larger than 1 acre, site plan should be at least 1:50 scale. The site plan must include the following:
 - _____ a. complete boundaries of subject property;
 - _____ b. dimensioned access points and vehicular circulation drives;
 - _____ c. location of all existing and proposed buildings, structures, setbacks and parking;
 - _____ d. location of 100-year floodplain and any streams;
 - _____ e. notation of the total acreage or square footage of the subject property;
 - _____ f. landscaping, tree removal and replacement, buffer(s); and
 - _____ g. site plan notes of building square footages, heights, density calculations, lot coverage of impervious surfaces, parking ratios, open space calculations, and other applicable district standards.
 - _____ **H. Written Legal Description** of metes and bounds of the subject property (can be printed on site plan or survey).
 - _____ **I. Building Form Information.** Elevation (line drawing or rendering), or details of proposed materials, in compliance with Article 5 of the Zoning Ordinance.
 - _____ **J. Completed, signed Pre-application Form** (Provided at pre-application meeting.)



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MAJOR MODIFICATION APPLICATION

Date Submitted: _____ Case No.: _____

Existing Conditional Zoning No.: _____

APPLICANT NAME: _____

Daytime Phone#: _____ Fax #: _____ E-mail: _____

Mailing Address: _____

OWNER NAME: _____

(If more than one owner, attach contact information for each owner)

Daytime Phone#: _____ Fax #: _____ E-mail: _____

Mailing Address: _____

SUBJECT PROPERTY ADDRESS OR LOCATION: _____

_____, DeKalb County, GA, _____

District(s): _____ Land Lot(s): _____ Block(s): _____ Parcel(s): _____

Acreage or Square Feet: _____ Commission District(s): _____ Existing Zoning: _____

I hereby authorize the staff of the Planning and Development Department to inspect the property that is the subject of this application.

Signature of Applicant: _____

Printed Name of Applicant: _____

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ZONING CONDITIONS

Sec. 27-7-3.9 Conditions of zoning. 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 any proposed change to 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 zoning district(s) involved, except as stipulated in Section 8.1.12 of this chapter. 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. Once imposed, conditions of zoning shall become an integral part of the approved amendment and shall be enforced as such. Change to approved conditions shall be authorized only pursuant to Section 7.3.10.
- C. Site plans referenced in the conditions of zoning are conceptual only unless specific aspects of the site plan or the site plan itself are approved as a separate zoning condition. Development shall meet or exceed the imposed zoning conditions and all other applicable law, standards and regulations of DeKalb County. Compliance with the conditions of zoning shall be demonstrated prior to the issuance of a land disturbance permit or building permit and conditional improvements shall be in place prior to the issuance of the first certificate of occupancy.

Sec. 27-7.3.10. Modifications and changes to approved conditions of zoning.

The Director of Planning & Sustainability shall have sole authority to approve minor changes to conditions attached to an approved zoning amendment. Minor changes are those that implement only slight alterations to the approved conditions, made necessary by the actual field conditions at the time of development, that do not alter the impact of the development on nearby properties, nor the intent or integrity of the conditions as originally imposed. Any request for minor change of conditions shall be filed with the director of planning or his/her designee on a written form which shall include a full description of the documents and/or information necessary for the application to be considered complete. At a minimum, if an approved site plan exists, the request for minor changes shall be accompanied by four copies of the proposed revised site plan. The director of planning shall decide whether to grant or deny the request for minor changes to conditions with 30 calendar days of receipt of a complete request for such minor changes. After making a decision, the director of planning shall have 10 calendar days to post a sign on the subject property which reflects the decision of the director and includes the deadline for taking an appeal of the decision. Person(s) identified in Section 7.5.2(B) shall have fifteen (15) calendar days from the posting of the sign to appeal the director of planning's decision by filing an application for appeal with the secretary of the zoning board of appeals. Any major change to conditions attached to an approved zoning amendment shall require an application and public hearings before the planning commission and the board of commissioners, as required in Section 7.2.4 of this article for amendments to the Official Zoning Map. Without limiting the meaning of the phrase, the following shall be deemed to constitute "major change" for the purposes of interpreting this section:

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1. The movement of any building or structure adjacent to an exterior boundary line, closer to the boundary line of the property;
2. Any increase in the number of dwelling units or any increase in the total amount of floor space of any nonresidential building;
3. Any decrease in the minimum size of residential units imposed in the original conditional amendment;
4. Any change in any buffer requirement(s) imposed in the original conditional zoning amendment;
5. Any increase in the height of any building or structure;
6. Any change in the portion of floor space devoted to different authorized uses; or
7. Any change to conditions, except minor changes as defined in subsection 7.3.10(A), imposed by the board of commissioners when approving any change to the official zoning map, commonly referred to as a rezoning or a zoning amendment.

FILING FEE – MAJOR MODIFICATIONS/CHANGE OF ZONING CONDITIONS

All Districts: \$250.00

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IMPACT ANALYSIS

(Please respond to the following standards and factors on a separate sheet.)

Section 27-7.3.4. The following standards and factors are found to be relevant to the exercise of the county's zoning powers and shall govern the review of all proposed amendments to the Official Zoning Map:

- A. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan.
- B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
- C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
- D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby properties.
- E. 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.
- F. Whether the zoning proposal will adversely affect historic building, sites, districts, or archaeological resources.
- G. Whether the zoning proposal will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

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AUTHORIZATION

The property owner should complete this form or a similar signed and notarized form if the individual who will file the application with the County is not the property owner.

Date: _____

TO WHOM IT MAY CONCERN:

(I), (WE), _____
Name of Owner(s)

being (owner) (owners) of the subject property described below or attached hereby delegate authority to

Name of Applicant or Representative

to file an application on (my) (our) behalf.

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

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DISCLOSURE OF CAMPAIGN CONTRIBUTION

In accordance with the Conflict of Interest in Zoning Act, OCGA Chapter 36-67A, the following questions must be answered.

Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filling of this application? Yes _____ No _____*

If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:

1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

Notary

Signature of Applicant /Date

Check one: Owner _____ Agent _____

Expiration Date/ Seal

*Notarization is not needed if the response is "No"