

ZONING CYCLE SUMMARY

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

A. PRE-APPLICATION CONFERENCE. A virtual pre-application meeting with a staff person from the Current Planning Section of the Planning & Sustainability Department is required prior to filing any zoning cycle application. The pre-application conference must be requested by email: lahill@dekalbcountyga.gov

During the virtual meeting, staff will review your proposal and proposed site plan, and inform you of the public hearing process and the requirements of your application. You are encouraged to consult the DeKalb County Zoning Ordinance [HERE](#). During the Pre- Application meeting, you'll have the opportunity to ask questions about your project and the process.

B. PRE-SUBMITTAL COMMUNITY MEETING. YOU MUST HOLD A COMMUNITY MEETING PRIOR TO SUBMITTING YOUR APPLICATION. No one can submit an application to amend the land use plan, amend the official zoning map, for a special land use permit, or a major amendment/modification to conditions of zoning until you have attended and held a publicized pre-submittal community meeting with owners of properties located within 500 feet of the property that will be subject to the zoning action, with identified contact persons who live within ½ mile of the subject property and who represent nearby neighborhood association(s) and/or community groups, and with members of the Community Council for the district in which the subject property is located. You will need to send a notice of the pre-submittal community meeting to the property owners, contact persons, and Community Council Board members. The pre- submittal community meeting shall be held via an online meeting service or in person. The pre-submittal community meeting shall take place at least 15 days after the day you mail, e-mail, and/or distribute the written notice. Pre-submittal community meetings shall be conducted no earlier than 5:00 P.M. on weekdays or between the hours of 9:00 A.M. and 5:00 P.M. on weekends. Online meetings shall be recorded. Applicants are required to include in the application a copy of the meeting notice(s) that you mailed, e-mailed, or distributed, and the sign-in sheet(s) 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, Major Modification or Land Use Amendment. Please refer to the Zoning Calendar for filing deadlines and public meeting and hearing dates. Refer to the checklist on the front page of the application form to make sure you include all required information. To submit an application:

1.First, create an account or login to your existing account with DeKalb County here:

<https://epermits.dekalbcountyga.gov/>

2.Upload your application. If it is too large, upload the first page of your application with your contact information. Document your application number.

3. E-mail the application and your application number from the E-permitting portal to the planner who conducted your pre-application conference. 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 Zoning Calendar.

Only completed applications, combined into one PDF document 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. It is advisable to file your application prior to the filing deadline.

4. After your application is checked for completeness, you will be directed to pay your application fee through the E-permitting Portal.

D. REQUESTS TO WITHDRAW THE APPLICATION. Amendments to the application (e.g., documents such as legal descriptions, the boundary survey, site plans, the letter of intent) must be submitted prior to the deadline to file found on the Zoning Calendar. If complete applications are not submitted by the deadline, the application will not be placed on a Zoning Cycle agenda. 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.

E. COMMUNITY COUNCIL MEETING VIA ZOOM. 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 Commission district in which the property is located. Please refer to the Rezone Calendar for dates of Community Council meetings. You will be expected to make a 3 –5-minute presentation and answer questions about your proposal. You may wish to present a proposed site plan, building renderings, or other materials that illustrate your proposal. The Community Council may make one of the following recommendations: Approval, Approval with Conditions, Denial, Deferral, or may make no recommendation.

F. STAFF REPORT AND RECOMMENDATION. After you have filed your application, an assigned planner will contact you to discuss your case. The planner will 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. Staff will email you a copy of the staff report and recommendation or you can find them posted on our website: <https://www.dekalbcountyga.gov/planning-and-sustainability/public-hearing-agendas-info>

G. PUBLIC NOTICE. As the applicant, you must post a sign or signs within the public right-of-way in front of or on the subject. Signs must be posted every 500 feet along all streets border the property, perpendicular to the street pavement and close enough to the street that they are visible. Signs must remain posted until the case has been decided by the Board of Commissioners. Staff will send you a template for your sign and instructions on ordering and posting your sign. If you do not send a photo of the posted sign by the deadline, Staff will recommend deferral or denial of your application.

In addition, written notices of the proposed zoning request will be sent by staff of the Department of Planning and Sustainability to all property owners who are within 250 feet of the boundaries of the subject property. These notices state the nature of the proposed change and the date, time, and place of the public hearings.

The County also causes a notice of the public hearing regarding each zoning application to be published in a newspaper of general circulation (i.e. The Champion, Atlanta Journal/Constitution) prior to the Planning Commission public hearing and prior to the Board of Commissioners public hearing.

H. PLANNING COMMISSION PUBLIC HEARING VIA ZOOM. The Planning Commission conducts a public hearing on each request. As the applicant, you and anyone speaking in support of your application will have a total of ten (10) minutes combined to present your proposal and speak in support. During the Planning Commission hearing, you may present documents (the site plan, building renderings, letters of support, etc.) to support your request. Parties in opposition will also have a combined total of ten (10) minutes to speak on your proposal. The Planning Commission will hear opposition to your proposal, if any, and then vote on their recommendation. The Planning Commission will make one of the following

recommendations: Approval, Approval with Conditions, Denial without Prejudice, Denial with Prejudice, Deferral, or Withdrawal. If the vote of the Planning Commission is tied, it will be recorded as no recommendation by the Planning Commission.

I. BOARD OF COMMISSION (BOC) PUBLIC HEARING AND DECISION, AT THE MALOOF AUDITORIUM.

The Board of Commissioners public hearing is conducted in the same manner as that of the Planning Commission. You will have an opportunity to present your proposal, and members of the public will have an opportunity to express their support or opposition. You (along with any supporters) will have a combined total of 15 minutes to present your application and speak in support. You may reserve time to rebut any statements made by persons who oppose your proposal. Parties in opposition will also have a total of fifteen (15) minutes combined to speak on your proposal. The Board of Commissioners will render a 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 it returns 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 documentation that confirms the Board’s decision, please contact the County Clerk at (404) 371-2886.

J. ZONING CONDITIONS. Conditions for approval of an application may be requested by an applicant, or recommended by the Community Council, the Department of Planning & Sustainability or the Planning Commission or imposed by the Board of Commissioners. Conditions are intended to mitigate the effects of a proposed development for the protection or benefit of neighboring persons or properties, consistent with 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) for the property that is the subject of the zoning proposal. All conditions shall be of sufficient specificity to allow lawful and consistent application and enforcement. Examples of conditions include a landscape screen, restricted hours of operation, or certain building materials. Once imposed, conditions become an integral part of the approved zoning of the subject property and shall be enforced as such. Changes to approved conditions shall be authorized only pursuant to a Major Modification.

K. SUCCESSIVE APPLICATIONS. If a rezoning application is denied by the Board of Commissioners “with prejudice”, another application that affects all or a portion of the same property shall not be re-submitted during a 24-month period from the date of BOC action.

The BOC may reduce the 24 months to 6 months based on a request initiated by one of the district commissioners. A final action of “denial without prejudice” does not have a waiting period. SLUPs that are denied with prejudice are subject to a similar 24-month waiting period and the waiting period may not be reduced by BOC action. A SLUP may be transferred to another applicant by written request to the Planning Director, but expansion of a SLUP requires a new application.

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

REZONING

RE, RLG, R-100, R-85, R-75, R-60, **\$500.00**
MHP, RNC, RSM, MR-1, MR-2

HR-1, HR-2, HR-3,
MU-1, MU-2, MU-3, MU-4, MU-5, **\$750.00**
O-I, OD, OIT, NS, C-1, C-2, M, M-2

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. Deferred applications do not require additional fees. An application that is withdrawn and later re-filed will be treated as a new case and will require a new fee.