

**MAJOR MODIFICATION APPLICATION CHECKLIST (SUBMIT 4 COMPLETE, COLLATED SETS AND PDF FLASH DRIVE OF APPLICATION DOCUMENTS)**

- \_\_\_\_\_ 1. Mandatory **Pre-Application Conference** with Planning & Sustainability staff. **Pre-Application form** to be completed in pre-application meeting. Please call (404) 371-2155 to schedule pre-app conference.
- \_\_\_\_\_ 2. Hold a **Community Meeting** with surrounding neighborhood associations and residents. Notify staff in advance of date, time, and location of meeting. **Provide documentation** (e.g., meeting notice, sign-in sheets, letter(s) from homeowners associations).
- \_\_\_\_\_ 3. **Application Form**. Form must be completely filled out and be the first page of packet.
- \_\_\_\_\_ 4. Notarized **Authorization Form**, if the applicant is not the owner of the subject property, which
- \_\_\_\_\_ a. is signed and notarized by all owners of the subject property;
  - \_\_\_\_\_ b. contains the mailing address and phone number of any applicant or agent who is authorized to represent the owner(s) of the subject property; and
  - \_\_\_\_\_ c. includes a warranty deed, if ownership is less than 2 consecutive years.
- \_\_\_\_\_ 5. **Written Legal Description** of subject property, in metes and bounds.
- \_\_\_\_\_ 6. **Boundary Survey** (showing existing buildings, structures, and improvements), prepared and sealed within the last ten years by a professional engineer, or land surveyor registered in the State of Georgia and is consistent with the plat(s) on Official Tax Record. Applicant shall certify that the Boundary Survey is complete and currently accurate. **Site plans shall be drawn to scale** showing all proposed development or redevelopment projects, proposed buildings, structures, and improvements. Site plans must include the following:
- \_\_\_\_\_ a. Complete boundaries of subject property including curb cuts, internal vehicular circulation facilities, and sidewalks;
  - \_\_\_\_\_ b. Location of buildings, structures, setback lines, buffer lines, and parking;
  - \_\_\_\_\_ c. Location of any 100-year floodplains, streams, and stream buffer lines;
  - \_\_\_\_\_ d. Notation of the total acreage or square footage of the subject property;
  - \_\_\_\_\_ e. Landscaping, trees, open space, and undisturbed buffers;
  - \_\_\_\_\_ f. Notation of building square footages and heights, residential density calculations, existing and proposed lot coverage, required and proposed parking, and open space calculations;
  - \_\_\_\_\_ g. Four copies of site plans:
    - 1. Full-size site plans (at least 11" x 17"): 4 copies, folded.
    - 2. Site plan reduced to 8 ½" x 11". 4 copies
- \_\_\_\_\_ 7. **Attached approved Conditions**. Include statement of any additional conditions proposed.
- \_\_\_\_\_ 8. **Letter of Application** identifying the proposed modification to conditions, the reason for the request, the existing and proposed use of the property, and detailed characteristics of the proposed use (e.g., floor area, height of buildings, number of units, mix of unit types, hours of operation, etc
- \_\_\_\_\_ 9. Written detailed **Impact Analysis** of the anticipated impact of the proposed use and change in conditions, in response to the standards and factors specified in **Section 27-832** of the DeKalb County Zoning Ordinance.
- \_\_\_\_\_ 10. Campaign disclosure statement, if applicable, to be filed in compliance with State law.
- \_\_\_\_\_ 11. **Application fee**. Make payable to "DeKalb County". \$250.00

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.**

**DEPARTMENT OF PLANNING & SUSTAINABILITY**

**MAJOR MODIFICATION APPLICATION**

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.

Have you, the applicant, 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?

\_\_\_\_\_ Yes \_\_\_\_\_ No If "yes", see page 4. (Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A)

Owner: \_\_\_\_\_ Agent: \_\_\_\_\_  
(Check One)

**Signature of Applicant:** \_\_\_\_\_

**Printed Name of Applicant:** \_\_\_\_\_ **Major Modification Application**

## DEPARTMENT OF PLANNING & SUSTAINABILITY

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### 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 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 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 a commissioner, 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.

### **Sec. 27-845. Modifications and changes to conditional zoning amendments.**

(a) The Director of Planning 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. Aggrieved person(s) shall have 15 calendar days from the posting of the sign to appeal the planning director's decision by filing an application for appeal with the secretary of the zoning board of appeals. A person shall be considered aggrieved for purposes of this section only if said person or said person's property was the subject of the action appealed from, or said person has a substantial interest in the action appealed from that is in danger of suffering special damage or injury not common to all property owners similarly situated.

(b) Any major change to conditions attached to an approved zoning amendment shall require an application and hearing before the planning commission and the board of commissioners as is required in this article V, division 1, of this chapter of the Code, for amendments to the official

## DEPARTMENT OF PLANNING & SUSTAINABILITY

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zoning map generally. Without limiting the meaning of the phrase, the following shall be deemed to constitute “major change” for the purposes of interpreting this section:

- (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) All changes to conditions, except minor changes as defined in section 27-845(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.

### **CAMPAIGN DISCLOSURE**

If you, the applicant, 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 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 official position of the 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 your application and the date of each contribution.

### **FILING FEES –MAJOR MODIFICATIONS/CHANGE OF ZONING CONDITIONS**

All Districts \$250.00

