

Public Hearing: YES ☒ NO ☐

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): All Districts

Application of the Director of Planning & Sustainability for a text amendment to adopt the 2021 Zoning Calendar and Resolution, in all districts of DeKalb County.

PETITION NO: N12. TA-20-1244271 2020-1188

PROPOSED USE: 2021 Zoning Calendar & Resolution

LOCATION: County-wide.

PARCEL NO. : N/A

INFO. CONTACT: Matthew Williams, Zoning Administrator

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of the Director of Planning & Sustainability for a text amendment to adopt the 2021 Zoning Calendar and Resolution. This text amendment affects all districts.

RECOMMENDATION:

COMMUNITY COUNCIL: CC-1 Approval; CC-2 Approval; CC-3 Approval; CC-4 Approval w/conditions; CC-5 Approval.

PLANNING COMMISSION: Pending.

PLANNING STAFF: Approval.

STAFF ANALYSIS: Staff recommends approving the attached 2021 Zoning Calendar and Resolution.

PLANNING COMMISSION VOTE: Pending.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: CC-1 Approval 2-0-0; CC-2 Approval 3-0-0; CC-3 Approval 7-0-0; CC-4 Approval w/conditions 11-0-0, CC-4 recommended approval with the following modifications: 1) The location be changed to Stone Mountain Library; 2) the 12/21/2021 meeting date be changed to a week earlier since that date is two days prior to Christmas Eve; and 3) that the community council meetings continue to be temporarily held via ZOOM; CC-5 Approval 8-0-0.

**A RESOLUTION TO AMEND THE DEKALB COUNTY, GEORGIA
2021 ZONING CALENDAR**

WHEREAS, DeKalb County has increasingly become one of the most densely populated counties in the State of Georgia since 1970, due in part to social, political and economic factors; and

WHEREAS, DeKalb County's rapid residential growth and development has outpaced the County's ability to attract commercial and business development; and

WHEREAS, DeKalb County wants to encourage commercial and business development in order to increase the commercial property tax base and increase the services and amenities that are available to DeKalb County citizens; and

WHEREAS, DeKalb County wants to encourage its commercial ventures in DeKalb County and the creation and improvement of such ventures will encourage DeKalb County citizens to frequent DeKalb County businesses; and

WHEREAS, the rezoning of property to residential zoning districts, including those of increased density has adversely affected the ability of DeKalb County to protect the health, safety and welfare of the citizens of DeKalb County in various areas including, but not limited to: (1) adequate infrastructure; (2) sewage disposal; (3) watershed protection; and (4) storm water runoff; and

WHEREAS, the DeKalb County Board of Commissioners recognizes the need to provide opportunities for the involvement of citizens in the development and re-development of their communities and neighborhoods in order that they may fully participate as stakeholders in the land use planning and rezoning process; and

WHEREAS, past experience has established that the involvement of the County's Planning and Sustainability staff prior to the filing of a land use plan amendment application or an application for an amendment to the official zoning map or special land use permit can be beneficial to the applicant and the Board and ultimately produce a better development and a more desirable outcome for the community; and

WHEREAS, the involvement of the County's Planning and Sustainability staff prior to the filing of a land use plan amendment application, an application for an amendment to the official zoning map or a special land use permit has the potential to eliminate the numerous deferrals that currently arise where the applicant has filed an application but said application has deficiencies and the applicant is not ready to present a coherent application to the Board of Commissioners; and

WHEREAS, the involvement of the residents of communities surrounding property that is the subject of a land use plan amendment application, an application for an amendment to the official zoning map or a special land use permit prior to the filing of said application will eliminate the numerous deferrals that currently arise where the applicant has filed an application and has not engaged the community in a meaningful manner prior to the Board of Commissioners' exercise of its legislative power; and

WHEREAS, the DeKalb County Board of Commissioners believes that the 2021 zoning calendar is necessary to protect the interests of DeKalb County and that it is in the best interests of the public health, safety and welfare of the citizens of DeKalb County that this calendar be established; and

WHEREAS, in order to achieve the aforementioned goals and purposes and to advance the policy reflected above, the Board of Commissioners proposes the 2021 Zoning and Land Use Plan Amendment Calendar with specific processing requirements that must be satisfied in order for an applicant to be placed upon the annual zoning calendar schedule; and

NOW, THEREFORE, BE IT RESOLVED AND IT IS DECLARED BY THE BOARD OF COMMISSIONERS OF DEKALB COUNTY, GEORGIA, AS FOLLOWS:

1. This resolution and the Zoning and Land Use Plan Amendment Calendar, dated November 19, 2020 (hereinafter referred to as the 2021 Zoning Calendar), attached hereto and imposed hereby, incorporates the findings and statements set forth in the preceding "Whereas" clauses, and such clauses are made a part of this resolution and the zoning calendar.
2. The 2021 zoning calendar and the attached checklist for complete applications are attached as Exhibits 1 and 2, respectively, and are hereby incorporated herein by reference.
3. For the purposes of this resolution the following terms are defined as follows:

“Complete application” means an application (1) to amend the official zoning map, (2) amend the comprehensive land use plan; (3) file for a special land use permit; or (4) file an application for a major amendment/modification to zoning conditions that has complied with the applicable requirements of the Code of DeKalb County; that has complied with the applicable requirements set forth in the checklist attached hereto and has complied with the applicable provisions of this resolution.

“Mandatory pre-application conference” means a meeting(s) before filing an application (1) to amend the official zoning map; (2) to amend the comprehensive land use plan; (3) for a special land use permit; (4) for a major amendment/modification to zoning conditions. In this meeting, the applicant and county staff will discuss the necessary steps, filing deadlines, copies, and attachments for the application. Additionally, they will have the opportunity to discuss the details of the proposed project including, but not limited to, any available site plan drawn to scale, elevations, landscape plans, setbacks, tree surveys, parking calculations, buffers, compatibility, transportation, access and other related planning issues. Staff recommendations for changes will be documented and provided to the applicant. The planning staff shall advise the applicant to discuss the proposed application with the relevant District Commissioner and Super District Commissioner.

“Pre-submittal community meeting” means a meeting(s) at a publicized time, date and place with members of, or representatives from surrounding neighborhood associations, and communities.

“Zoning cycle” means the cycle for processing zoning applications which begins each March, May, July, September, November 2021 and January 2022, as depicted in the 2021 Zoning Calendar attached hereto.

“Surrounding neighborhood associations” means an organized existing association of residents or a homeowner’s association provided that members of such association reside in or own property within one half (1/2) mile of the property that is the subject of the relevant application.

4. The Board of Commissioners and Planning Commission may hear a maximum of twenty (20) applications each zoning cycle with the exception of deferred cases and companion land use amendments. For the months of March, May, July, November 2021 and January 2022, the Board authorizes the following:

- (a) *Five (5) complete applications for rezoning to residential zoning districts;*
- (b) *Five (5) complete applications for rezoning to non-residential zoning districts or residential zoning districts that include a non-residential component of at least twenty-five (25) percent of the total square footage of all structures to be constructed or existing within the property that is the subject of the relevant application;*
- (c) *Special Land Use Permit (“SLUP”) applications shall be limited to five (5) cases on any agenda. SLUPs with companion rezoning items may be heard simultaneously or consecutively at BOC public hearings.*
- (d) *Text Amendments shall be limited to two (2) cases per zoning cycle and shall be heard at the public hearings held at the PM meetings of the BOC.*
- (e) *Major modifications/ amendment to conditions of zoning shall be limited to three (3) cases per zoning cycle and shall be heard at the public hearings held at the PM meetings of the BOC.*
- (f) *July BOC shall be reserved for non-residential applications for official zoning map amendments to commercial, office, industrial, and mixed use (with a minimum of 25% non-residential square footage) zoning categories and related applications for SLUPs.*
- (g) *An additional two (2) complete applications for rezoning to non-residential or Mixed-Use zoning districts and street name change may be added to a zoning cycle should the need arise as determined by, and within the discretion of, the Planning and Sustainability Director.*

- (h) Any application that exceeds the case cap referred to previously in Section 4 (a) through (g) will be scheduled for the next appropriate available zoning cycle. If additional slots are open after filling the agenda in accordance with Section (4) (a) through (g) of this resolution, the agenda may be filled with additional SLUPs, Rezones, Land Use Amendments, Major Modifications, Text Amendments and Street Name Change Requests on a first filed basis; not to exceed a maximum of 20-cases. However, it shall be the goal to place all related filings on the same agenda.
 - (i) Deferred applications and companion land use amendments are not subject to the 20-case cap and may be scheduled by the Board of Commissioners to a specified time and agenda.
- 5. The Board of Commissioners and Planning Commission will hear applications for Land Use Amendments to the Comprehensive Plan in the months of March and September, in accordance with Section 4 (a) & (b) above. To be considered for an alternate cycle, the applicant must make a written request stating justification to the Director of Planning and Sustainability and the initiation of the application shall be subject to the approval of the District Commissioner and Super District Commissioner. If there are any remaining slots, the slots may be filled with Rezones, SLUPs, Text Amendments and Major Modifications in accordance with Section 4 (a) through (i) above, not to exceed the maximum 20-cases for the March and September public hearings.
- 6. The Zoning Calendar adopted in companion with this Resolution establishes a rezone cycle and timeline for posting, advertising and setting the schedule for Community Council, Planning Commission and Board of Commissioners public hearings.
- 7. The Community Council and the Planning Commission will hear the items on the agenda and make recommendations on each case that is forwarded to the Board of Commissioners. Recommendations for deferral are forwarded to the Board of Commissioners for final action.
- 8. When the need arises, the Planning Commission shall sit for a second evening of public hearings which hearing shall be held following adequate public notice within a newspaper of general circulation within the county.
- 9. No application for an amendment to the land use plan, an amendment to the official zoning map, a special land use permit or a major amendment/modification to a condition of zoning shall be advertised until such time as the applicant has held (1) a pre-application meeting with the planning staff, and (2) held a pre-submittal meeting with the surrounding neighborhood associations, groups and community.
- 10. ***Pre-application meeting*** -- the applicant has attended a mandatory pre-application conference with the Planning and Sustainability Department director or designee. A request for a pre-application conference shall be made in writing to the planning director or designee, which shall hold such meeting within ten (10) business days of receipt of the written request.
 - a. ***Pre-submittal Community Meeting*** -- No application for an amendment to the land use plan, an amendment to the official zoning map or special land use permit or a major amendment/modification to a condition of zoning shall be filed and/or accepted for filing until such time as the applicant has conducted a publicized pre-submittal community

meeting(s) with surrounding neighborhood association(s)/community groups within one-half (1/2) mile of the subject property and 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 7:00p.m. in a facility within one-half (1/2) mile of the subject property and shall take place on a weekday no 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 or correspondence from the neighborhood association(s) or residents from the community before the application can be considered complete by the published Filing Deadline.

12. All advertised applications will be placed on the Board of Commissioners' P.M. agenda after a public hearing before the Planning Commission and meeting with the Community Council unless otherwise acted on by the Board of Commissioners'. When the need arises the Board of Commissioners shall sit for a second evening of public hearings. The hearing date shall be published on the adopted 2021 Rezone Calendar and held following adequate public notice within a newspaper of general circulation within the county.
13. The applicant will be required to submit to a pre-application conference and to conduct a pre-submittal community meeting as defined above, but the acceptance of an application to amend the land use plan, the official zoning map, or to obtain a special land use permit in connection with or related to a development of regional impact, commonly known as a "DRI" shall not entitle an applicant to have that application considered by the community council, planning commission or the board of commissioners until such time as the DRI has been subject to complete review and consideration of such application(s) by the appropriate state agency.
14. The County shall provide the applicant/agent with a sign for announcing the date and time of the Community Council meeting. The applicant shall be responsible for posting the sign on the subject property at least fifteen (15) days prior to community council meeting. The applicant/agent shall sign an affidavit attesting to the intention of posting the sign.
15. If any section, subsection, sentence, clause, phrase or other portion of this Resolution, or its application to any person, entity or circumstance, is held by a court of competent jurisdiction to be unconstitutional or invalid, the remainder of the Resolution, or application of the provision to other persons, entities or circumstances shall not be affected.

ADOPTED by the DeKalb County Board of Commissioners,

this _____ day of _____, 2020.

STEVE BRADSHAW
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer

this _____ day of _____, 2019.

MICHAEL THURMOND
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

APPROVED AS TO FORM:

BARBARA H. SANDERS
Clerk
Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

Viviane Ernstes
County Attorney

APPROVED AS TO SUBSTANCE:

ANDREW BAKER
Director
DeKalb County Department of
Planning & Sustainability

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

REZONING APPLICATION CHECKLIST

Submit 4 printed, collated sets of the complete application (no staples, no binders) and a PDF version on a flash drive

_____ 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 call 404-371-2155 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. Reduced Site Plan**, reduced to 8.5" x 11".

_____ **I. Written Legal Description** of metes and bounds of the subject property (can be printed on site plan or survey).

_____ **J. Building Form Information**. Elevation (line drawing or rendering), or details of proposed materials, in compliance with Article 5 of the Zoning Ordinance.

_____ **K. Completed, signed Pre-application Form** (Provided at pre-application meeting.)

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

DEPARTMENT OF PLANNING & SUSTAINABILITY

**Rezoning Application to Amend the Official Zoning Map of DeKalb
County, Georgia**

Date Received: _____ Application No: _____

Applicant Name: _____

Applicant E-Mail Address: _____

Applicant Mailing Address: _____

Applicant Daytime Phone: _____ Fax: _____

Owner Name: _____

If more than one owner, attach list of owners.

Owner Mailing Address: _____

Owner Daytime Phone: _____

Address of Subject Property: _____

Parcel ID#: _____

Acreage: _____ Commission District: _____

Present Zoning District(s): _____

Proposed Zoning District: _____

Present Land Use Designation: _____

Proposed Land Use Designation (if applicable): _____

DEPARTMENT OF PLANNING & SUSTAINABILITY

IMPACT ANALYSIS

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

Section 27-7.3.5. 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.
- H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources.

DEPARTMENT OF PLANNING & SUSTAINABILITY

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

*Notary seal not needed if answer is "no".

DEPARTMENT OF PLANNING & SUSTAINABILITY

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 Agent or Representative

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

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

DEPARTMENT OF PLANNING & SUSTAINABILITY

FILING FEES

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

<u>Rezoning</u>	<u>FEE</u>
RE, RLG, R-100, R-85, R-75, R-60 MHP, RNC, RSM, MR-1. M-2	\$500.00
HR-1, HR-2, HR-3 MU-1, MU-2, MU-3, MU-4, MU-5 O-L, 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.

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 application that is withdrawn and later re- filed will be treated as a new case and will require a new fee.

DeKalb County Board of Commissioners

Draft Zoning Calendar – 2021

For Zoning, Major Modification, Land Use Plan Amendment, & Special Land Use Permit Applications, and Zoning Ordinance Text Amendments

Deadline for Hosting Community Meeting	Filing Deadline / Amendment Deadline	Legal Ad Appears in Paper	Community Council Meetings 6:30 p.m.					Planning Commission P/H Auditorium 6:30 p.m.		Board of Commission P/H Auditorium 6:30 p.m.	
			District 1	District 2	District 3	District 4	District 5	New Items	(As Needed)	New Items	(As Needed)
12/30/2020	12/31/2020 1/07/2021	2/11/2021	2/16/2021	2/09/2021	2/10/2021	2/16/2021	2/08/2021	3/02/2021 *** Land Use	3/04/2021	3/23/2021 *** Land Use	3/25/2021
2/24/2021	2/25/2021 3/05/2021	4/15/2021	4/19/2021	4/13/2021	4/14/2021	4/20/2021	4/12/2021	5/04/2021	5/06/2021	5/25/2021	5/27/2021
4/28/2021	4/29/2021 5/06/2021	6/17/2021	6/21/2021	6/08/2021	6/09/2021	6/15/2021	6/14/2021	7/08/2021 *** Non-Res	7/13/2021	7/27/2021 *** Non-Res	7/29/2021
6/30/2021	7/01/2021 7/08/2021	8/19/2021	8/16/2021	8/10/2021	8/11/2021	8/17/2021	8/09/2021	9/09/2021 *** Land Use	9/14/2021	9/28/2021 *** Land Use	9/30/2021
9/01/2021	9/02/2021 9/09/2021	10/14/2021	10/18/2021	10/12/2021	10/13/2021	10/19/2021	10/11/2021	11/02/2021	11/04/2021	11/16/2021	11/18/2021
10/27/2021	10/28/2021 11/04/2021	12/16/2021	12/20/2021	12/14/2021	12/08/2021	12/14/2021	12/13/2021	1/04/2022	1/06/2022	1/25/2022	1/27/2022

There shall be a maximum of 20 new applications per zoning cycle, including new applications and cases deferred “FULL CYCLE”.

Total 20 cases shall include: Five (5) complete residential applications, Five (5) complete non-residential applications, or a non- residential component of at least twenty-five (25) percent of the total square footage, Five (5) Special Land Use Permits (SLUPs), two (2) Ordinance/Text Amendment cases per zoning cycle, and three (3) complete Major Modifications. When the need arises, the BOC shall sit for second evening of public hearings. Two (2) additional non- residential cases may be added per zoning cycle. Deferred cases, companion Land Use Amendments and street name change applications are not subject to the 20-case maximum. SLUP applications with companion rezoning applications shall be heard together (consecutively) on the BOC Agenda. ****JULY** is intended for non-residential SLUP & rezoning applications to receive priority on agenda. **New Land Use Plan Amendment applications shall only be heard in March and September.** Slots on the agenda are filled with cases in the order that they are filed, not to exceed 20 maximum cases, per adopted 2021 Zoning Calendar Resolution. Complete filing and calendar requirements are found in the 2021 Board of Commissioners Zoning Calendar/Resolution.