City of Dunwoody
41 Perimeter Center East
Dunwoody, GA 30346
Phone: (678) 382-6800
Fax: (770) 396-4828

Rezoning Application

A Rezoning is a Public Hearing process whereby the zoning classification of a subject property is changed from one category or condition to a different category or condition, so that an applicant may develop the property to meet certain desired uses or dimensional standards. If an applicant needs to further relax the dimensional standards of the Zoning Ordinance for a specific property for the purpose of construction, s/he can request a variance to the text of the Zoning Ordinance. Such a request might seek to modify the strict terms of the height, area, placement, setback, yard, buffer, landscape strip, parking and loading or other regulations, but these applications will not occur concurrently, and the approval of one does not indemnify the approval of the other. The City Council, following recommendation by the planning commission, shall determine whether the proposed rezoning, in the particular location contemplated, meets the standards and criteria set forth in the Comprehensive Plan. Such rezoning may further require, and the City Council shall be authorized to impose, special conditions in order to assure their compatibility with surrounding uses and to minimize adverse impacts of the rezoning on surrounding property.

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 attended and held a publicized pre-submittal community meeting(s) with property owners within five hundred (500) feet of the subject property. A notice of the pre-submittal community meeting shall be made in writing by the applicant, meaning an advertisement will be printed in the newspaper of general circulation and a letter will be drafted and mailed to those property owners. The pre-submittal community meeting shall take place at a facility within two (2) miles of the subject property and shall not take place less than fifteen (15) days after the date of the written notice nor more than one hundred twenty (120) days prior to the application submittal to the City. If there is more than one community meeting relating to the proposal, the 120-day timeline shall begin as of the date of the final meeting in the series. Applicants are required to provide documentation that verifies the occurrence of said meeting(s), including but not limited to a copy of the notice letter and sign-in sheets or correspondence from the residents from the community before the application can be considered complete.

The Rezoning process for the City of Dunwoody involves five public meetings, one of which occurs by the applicant's authority, and two of which are state-mandated Public Hearings. The first meeting occurs as described above at the applicant's request in front of the neighboring property owners at a location central to the subject property. The second meeting occurs at City Hall in front of the Community Council, where the item is first introduced in front of the City at large. The Community Council meets the second Thursday of every month at 7:00 PM in the Mayor & Council chambers downstairs at 41 Perimeter Center East.

The third meeting, and first Public hearing, is in front of the Planning Commission, where the item will be heard and a recommendation will be made that goes in front of the Mayor & City Council. The Planning Commission meets the 2nd Tuesday of each month at 7:00 PM. at Dunwoody City Hall, located at 41 Perimeter Center East, Dunwoody, GA 30346. At that hearing, the Planning Commissioners review the applicant's submittal materials and a report generated by city staff related to the proposal. During the Public Hearing portion of the meeting, the applicant presents the proposal to the Planning Commission and answers questions posed by the Commissioners, and the public at-large is entitled to speak in support or opposition to the application. The commissioners' deliberations are transmitted to the Mayor and City Council in the form of a non-binding recommendation to approve the application, approve it with conditions, or deny the application.

The fourth & fifth meetings, and the second Public Hearing, are first and second readings of the proposal

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before the Mayor and City Council who ultimately vote in favor or against the proposal. Following the Planning Commission Public Hearing, the application will be heard in front of the Mayor and City Council on the fourth Monday of the month for a final decision based on the applicant's submittal information, the report generated by city staff, and the non-binding recommendation from the Planning Commission.

To initiate a request for a Rezoning within the City of Dunwoody, an applicant must also attend a pre-application conference with the city Planning & Zoning staff. Those meetings occur weekly on Thursday mornings. The purpose of the pre-application conference is to establish an expectation on the part of both staff and the applicant for the special land use process. At the conference, the applicant should display any preliminary site plans and/or other illustrative documents as necessary. The applicant will then detail an overview of their proposed application and their reasoning for why the application is necessary. Staff can then inform the applicant of the City's process to affect the change proposed, and offer a preliminary analysis of the feasibility of the proposal, including ways upon which the proposal may need improvements or revisions.

Following the pre-submittal meeting and the pre-application conference, applicants can submit their application and required supplemental materials (detailed in the following checklist) to the Community Development Department, located at 41 Perimeter Center East, Dunwoody, GA 30346. Our mailing address for correspondence is 41 Perimeter Center East, Suite 250, Dunwoody, Georgia 30346. Public notification of the pending action (in a conspicuous location on the subject property and via US Mail) is the responsibility of the City for all meetings except the pre-submittal meeting; however all costs associated with the noticing is the responsibility of the applicant. In all cases, legal advertisements in the City's legal organ (currently the Dunwoody Crier) shall be placed by the City no fewer than 45 days prior to the Mayor and City Council meeting, and not less than 15 days prior to the Planning Commission meeting.

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Rezoning Application Checklist

- ❑ Pre-submittal Meeting.
- ❑ Letter of intent.
- ❑ Completed application with all applicable information.
- ❑ **Electronic version of the entirety of your application submittal, saved as a single PDF.**
- ❑ Survey Plat of the subject property prepared and sealed w/in the last 10 years by a professional engineer, landscape architect or surveyor. Must include:
    - All property boundaries
    - All existing buildings and structures
    - Floodplain notation
    - Total acreage/square footage of the property.
- ❑ Signed and notarized affidavits of all owners. Use attached sheet.
- ❑ Written legal description of the property.
- ❑ Zoning Impact Analysis: Please answer the following questions, in your own words, as required by state law § 36-66-4 and City of Dunwoody Zoning Ordinance § 27-1437 (use additional pages where necessary):

    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 property.

    e) Whether there is 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 buildings, sites, districts, or archaeological resources.

    g) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

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Site Plan Checklist

All items must be included on the Site Plan; separate sheets may be used.

- ❑ Key and/or legend and site location map with North arrow.
- ❑ Boundary survey of subject property which includes dimensions along property lines that match the metes and bounds of the property's written legal description and clearly indicates the point of beginning.
- ❑ Acreage of subject property.
- ❑ Location of land lot lines and identification of land lots.
- ❑ Existing, proposed new dedicated and future reserved rights-of-way of all streets, roads, and railroads adjacent to and on the subject property.
- ❑ Proposed streets on the subject site.
- ❑ Current zoning of the subject site and adjoining properties.
- ❑ Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on the subject property.
- ❑ Existing buildings' locations and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvement on adjacent properties within 200 feet of the subject property.
- ❑ Location of proposed buildings with total square footage.
- ❑ Layout and minimum lot size of proposed single family residential lots.
- ❑ Topography on the subject site and adjacent property up to 200 feet as required to assess runoff effects.
- ❑ Location of overhead and underground electrical and pipeline transmission/conveyance lines.
- ❑ Required and/or proposed setbacks.
- ❑ 100-year flood plain horizontal limits and flood zone designations as shown on survey or FEMA FIRM maps.
- ❑ Required landscape strips, undisturbed buffers, and any other natural areas as required or proposed.
- ❑ Required and proposed parking spaces; Loading and unloading facilities.
- ❑ Lakes, streams, wetlands, and Waters of the State and associated buffers.
- ❑ Proposed stormwater management facilities.
- ❑ Community wastewater facilities including preliminary areas reserved for septic drain fields and points of access.
- ❑ Availability of water system and sanitary sewer system.
- ❑ Tree lines, woodlands and open fields on subject site.

The following items may be required:

- ❑ Environmental Site Analysis Form
- ❑ Traffic Impact Study
- ❑ Development of Regional Impact Review
- ❑ Environmental Impact Report

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Rezoning Application

Applicant	Name:		
	Address:		
	Phone:	Fax:	Email:
Property Owner	Owner's Name:		
	Owner's Address:		
	Phone:	Fax:	Email:
Property Information	Property Address:		Parcel ID:
	Current Zoning Classification:		
	Requested Zoning Classification:		
Questionnaire	1. Is the zoning proposal in conformity with the policy and intent of the comprehensive plan?		
	2. Will the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby properties?		
	3. Will the affected property of the zoning proposal have a reasonable economic use as currently zoned?		
	4. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?		
	5. Are other existing or changing conditions affecting the existing use or usability of the development of the property which give supporting grounds for either approval or disapproval of the zoning proposal?		
	6. Will the zoning proposal adversely affect historic buildings, sites, districts, or archaeological resources?		
	7. Will the zoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?		
Affidavit	*To the best of my knowledge, this zoning application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinance.*		
	Applicant's Name:		Date:
	Applicant's Signature:		Date:
Notary	Sworn to and subscribed before me this _____ Day of _____, 20_____		
	Notary Public:		
	Signature:		
	My Commission Expires:		

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Property Owner(s) Notarized Certification

The owner and petitioner acknowledge that this Zoning Map Petition application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application for zoning amendment, and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

Property Owner (If Applicable)	Signature:		Date:
	Address:	City, State:	Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20_____ Notary Public:		
Property Owner (If Applicable)	Signature:		Date:
	Address:	City, State:	Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20_____ Notary Public:		
Property Owner (If Applicable)	Signature:		Date:
	Address:	City, State:	Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20_____ Notary Public:		

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Applicant/Petitioner
Notarized Certification

Petitioner states under oath that: (1) he/she is the executor or Attorney-In-Fact under a Power-of-Attorney for the owner (attach a copy of the Power-of-Attorney letter and type name above as "Owner"); (2) he/she has an option to purchase said property (attach a copy of the contract and type name of owner above as "Owner"); (3) he/she has an estate for years which permits the petitioner to apply (attach a copy of lease and type name of owner above as "Owner").

Applicant / Petitioner	Signature:		Date:
	Address:	City, State:	Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20_____ Notary Public:		
Attorney / Agent	Signature:		Date:
	Address:	City, State:	Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20_____ Notary Public:		

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Campaign Disclosure Ordinance

Campaign Disclosure Ordinance
Please read the law and complete the Campaign Disclosure Statement on the following page if you are requesting a Rezoning, Concurrent Variance, or Conditional Use.

GA Citation/Title
GA Code 36-67A-3, Disclosure of campaign contributions
*38069 Code, 36-67A-3

CODE OF GEORGIA TITLE 36. LOCAL GOVERNMENT PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS
(Current through 2000 General Assembly)

36-67A-3 Disclosure of campaign contributions.

a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating $250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

    1) The name and official position of the local government official to whom the campaign contribution was made; and
    2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.

c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating $250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority respective local government showing:

    1) The name and official position of the local government official to whom the campaign contribution was made; and
    2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the
first hearing by the local government of any of its agencies on the rezoning application.

(Code 1981, 36-67A-3, enacted by Ga. L. 1986, p. 1269, 1; Ga. L. 1991, p. 1365, 1; Ga. L. 1993, p. 91, 36.)

Official Code of Georgia Annotated Copyright 1982 – 2000 State of Georgia.

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Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating $250.00 or more to a member of the City of Dunwoody City Council or a member of the City of Dunwoody Planning Commission? ❑ YES ❑ NO

Applicant / Owner	
	Signature:
	Address:
	Date:

If the answer above is yes, please complete the following section:

Date	Government Official	Official Position	Description	Amount

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Thresholds for Additional Studies, Reports & Forms

Traffic Impact Study: When a project equals or exceeds the thresholds listed below, a Traffic Impact Study must be submitted. The Traffic Impact Study shall be prepared by a qualified traffic engineer or transportation planner in accordance with professional practices.

Thresholds for Traffic Impact Study	
Use	Size
Single family residential	500 units
Multi-family residential	700 units
Office	300,000 square feet
Hospital	375 beds
Commercial	175,000 square feet
Hotel / Motel	600 rooms
Industrial	500,000 square feet
Any mixed-use development that exceeds 500 peak hours trips as based on the standards of the Institute of Transportation Engineers (ITE) Handbook.	

Development of Regional Impact (DRI): The Department of Community Affairs (DCA) has formulated development thresholds as listed on the next page. When a development meets or exceeds the thresholds, the Atlanta Regional Commission (ARC) and the Georgia Regional Transportation Authority (GRTA) shall review the project concurrently. Applicants shall first file the rezoning/use permit request with the City of Dunwoody. After the ARC/GRTA findings are complete, the rezoning/use permit request will be placed on the next available appropriate agenda. It si the applicant's responsibility to contact and follow all ARC and GRTA review procedures. For details, contact the ARC at www.georgiaplanning.com/planners/dri/ and GRTA at www.grta.org/dri/home/htm or at 404-463-3000.

Development of Regional Impact – Tiers and Development Thresholds	
Type of Development	Metropolitan Region
Office	Greater than 400,000 square feet
Commercial	Greater than 300,000 square feet
Wholesale & Distribution	Greater than 500,000 square feet
Hospitals and Health Care Facilities	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day
Housing	Greater than 400 new lots or units
Industrial	Greater than 500,000 gross square feet; or employing more than 1,600 workers; or covering more than 400 acres
Hotel	Greater than 400 rooms
Mixed Use	Gross square feet greater than 400,000 (with residential units calculated at 1,800 sq. ft. per unit toward the total gross sq. ft.); or covering more than 120 acres; or if any of the individual uses meet or exceed a threshold as identified herein
Airports	All new airports, runways and runway extensions
Attractions and Recreational Facilities	Greater than 1,500 parking spaces or a seating capacity of more than 6,000
Post Secondary Schools	New school with a capacity of more than 2,400 students; or expansion by at least 25% of capacity
Waste Handling Facilities	New facility or expansion of use of existing facility by 50% or more
Quarries, Asphalt and Cement Plants	New facility or expansion of existing facility by 50%
Wastewater Treatment Facilities	New facility or expansion of existing facility by 50%
Petroleum Storage Facilities	Storage greater than 50,000 barrels if within 1,000 feet of any water supply; otherwise storage capacity greater than 200,000 barrels
Water Supply Intakes/Reservoirs	New facilities
Intermodal Terminals	New facilities
Truck Stops	A new facility with more than three diesel fuel pumps; or containing a half acre of truck parking or 10 truck parking spaces
Any other development types not identified above (includes parking facilities)	1,000 parking spaces

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Environmental Impact Report: Projects having any appreciable impact on the environment --either on site or in the region-- as a result of this proposed action may be required to submit an Environmental Impact Report detailing the impact as a result of the proposed project, and the attenuation measures (Erosion/Sediment Control Plan, water quality devices, noise & lighting barricades, etc.) proposed.

Environmental Site Analysis (ESA) Form

Analyze the impact of the proposed rezoning and provide a written point-by-point response to Points 1 through 3:

1. **CONFORMANCE WITH THE COMPREHENSIVE PLAN**. Describe the proposed project and the existing environmental conditions on the site. Describe adjacent properties. Include a site plan that depicts the proposed project.

Describe how the project conforms to the Comprehensive Land Use Plan. Include the portion of the Comprehensive Plan Land Use Map which supports the project's conformity to the Plan. Evaluate the proposed project with respect to the land use suggestion of the Comprehensive Plan as well as any pertinent Plan policies.

2. **ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT**. For each environmental site feature listed below, indicate the presence or absence of that feature on the property. Describe how the proposed project may encroach or adversely affect an environmental site feature. Information on environmental site features may be obtained from the indicated source(s).

a. Wetlands
   - U. S. Fish and Wildlife Service, National Wetlands Inventory (http://wetlands.fws.gov/downloads.htm)
   - Georgia Geologic Survey (404-656-3214)
   - Field observation and subsequent wetlands delineation/survey if applicable

b. Floodplain
   - Federal Emergency Management Agency (http://www.fema.org)
   - Field observation and verification

c. Streams/stream buffers
   - Field observation and verification

d. Slopes exceeding 25 percent over a 10-foot rise in elevation
   - United States Geologic Survey Topographic Quadrangle Map
   - Field observation and verification

e. Vegetation
   - United States Department of Agriculture, Nature Resource Conservation Service
   - Field observation

f. Wildlife Species (including fish)
   - United States Fish and Wildlife Service
   - Georgia Department of Natural Services, Wildlife Resources Division, Natural Heritage Program
   - Field observation

g. Archeological/Historical Sites
   - Historic Resources Survey
   - Georgia Department of Natural Resources, Historic Preservation Division
   - Field observation and verification

3. **PROJECT IMPLEMENTATION MEASURES**. Describe how the project implements each of the measures listed below as applicable. Indicate specific implementation measures required to protect environmental site feature(s) that may be impacted.

a. Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors.
b. Protection of water quality
c. Minimization of negative impacts on existing infrastructure
d. Minimization on archeological/historically significant areas
e. Minimization of negative impacts on environmentally stressed communities where environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses.
f. Creation and preservation of green space and open space
g. Protection of citizens from the negative impacts of noise and lighting
h. Protection of parks and recreational green space
i. Minimization of impacts to wildlife habitats