Application for Rezoning, Conditional Use, Conditional Exception, Variance and Modifications to Zoning Conditions

2010

Thank you for your interest in the City of Locust Grove, Georgia. This packet includes the necessary documents for rezoning, conditional use, conditional exception, variance and Modifications to Zoning Conditions to be heard by the Locust Grove City Council.

Please note: All fees are non-refundable. there are no exceptions. In addition, be sure to review current zoning, as new amended sections of code are to be adopted over the year 2009.

Should you need further assistance, please feel free to contact our office between 8:00 AM to 5:00 PM, Monday through Friday (Closed for Lunch Noon – 1:00 PM) at:

(770) 692-2321 or (770) 957-5043

the location of all City Council meetings is:

3644 Highway 42
Locust Grove, GA 30248

WWW.LOCUSTGROVE-GA.GOV

Community Development Department

Zoning Application Checklist

PLEASE COMPLETE THIS FORM WHEN ACCEPTING ALL REZONING, CONDITIONAL USE, VARIANCE AND MODIFICATIONS TO ZONING APPLICATIONS. ATTACH THE CHECKLIST TO THE APPLICATION AND SIGN.

ALL DOCUMENTS ARE REQUIRED IN ORDER TO ACCEPT APPLICATION;
PLEASE DO NOT ACCEPT INCOMPLETE APPLICATIONS.

REQUIRED ITEMS	COPIES	PROCEDURE	CHECK
Application Form	01	1. Signed and **notarized** by owner. Original signature 2. In lieu of owner's signature, applicant has signed and **notarized** 3. A copy of "Contract", "Power of Attorney" or "Lease"	
Applicant Disclosure Form	01	Required for all applicants filed whether yes or no and must be **notarized**	
Letter of Ownership	01	Letter stating that the owner is aware of the zoning request and owns the property in question	
Letter of Intent	01	Must clearly state the proposed use and development intent	
Legal Description	01	Legal Description of property to be considered for zoning action. Must be submitted as part of ordinance of rezoning, conditional use, variance, etc.	
Sketch Site Plans (24 x 36 max.)	01	Must show minimum details: Buildings, setbacks, buffers, road frontage, correct scale, north arrow, present zoning classification, topographic information to show elevation and drainage, location and extent of required buffers, proposed lot layout. For PD zoning, applicant must submit all additional paperwork as established in Chapter 17.04 of the Code of Ordinances.	
Survey Plat (8 ½ x 11 minimum, 17" by 22" maximum)	01	Subject Property, prepared and sealed within the last ten years by a professional engineer, landscape architect or land surveyor registered in the State of Georgia. Said survey plat shall: 1) indicate the complete boundaries of the subject property and all buildings and structures existing therein; 2) Include a notation as to whether or not any portion of the subject property is within the boundaries of the 100 year floodplain; and 3) Include a notation as to the total acreage or square footage of the subject property **Electronic copies via PDF and/or AutoCad are required, if available.**	
Letter from the Henry County Water and Sewerage Authority	01	This letter must be available and accompany application at the time of submittal. For city water and/or sewer service, the availability and suitability will be determined in the rezoning evaluation by staff. **Follow new procedure from HCWSA. For City Water/Sewer, Fill out form attached.**	
Letter from the Health Department (if property is not on sewer)	01	This letter must be available and accompany application at the time of submittal. **This is required if on septic system.**	

Community Development Department

Application Procedures and Requirements

The following application procedures and requirements apply to all amendments to the official zoning map. Any deviation from these standards as prescribed by Section 17.04.312 of the Code of the City of Locust Grove, shall be discussed and considered by the Community Development Director.

- Rezoning
- Conditional Use
- Conditional Exception
- Modifications to Zoning Conditions
- Variance

APPLICATIONS WILL NOT BE ACCEPTED WITHOUT ALL THE REQUIRED INFORMATION AS STATED FOR THE FOLLOWING. ALL FEES ARE NON-REFUNDABLE.

ARTICLE XVI. AMENDMENTS

Section 17.04.311 Amendments to Chapter and to Official Zoning Map.

This Chapter, including the official zoning map, may be amended by the City Council that shall become effective after review and comment in a public hearing.

Section 17.04.312 Application for amendment.

(a) A zoning map amendment may be proposed by any public agency or department of Locust Grove, Georgia or by the City Council. Unless initiated by one (1) of the above bodies, all applications for map amendments must be submitted by an individual with fifty-one (51) or more percent ownership in fee simple of the subject property being petitioned for rezoning, or his legal agent authorized in writing over the owner's signature.

(b) Any petition for amendment of the Locust Grove Zoning Ordinance or official zoning map shall be accompanied by a filing fee maintained by the Locust Grove Community Development Department office.

(c) Applications for zoning map amendments shall be filed with the Locust Grove Community Development Department, which will schedule the application for public hearing before the City Council..

(d) Applications for a zoning map amendment must contain the following:

(1) A completed and signed copy of the application for zoning map amendment.

(2) A sketch plat/site plan representing information on the location, extent and type of proposed development, which may include, depending upon the type of development, the following minimum types of information:

a. Correct scale and north arrow.
b. The present zoning classification of all adjacent parcels.
c. The location of the parcel relative to existing or proposed public streets.

d. Required zoning yard setbacks for the zoning district requested.

e. Topographic information sufficient to show elevation and drainage conditions of the land.

f. Existing conditions or improvements on the property.

g. The location and extent of required buffer areas, including the extent of natural vegetation or fences as required.

h. Proposed lot layout of the property if it is to be a subdivision for residential, commercial or industrial development, with required building line setbacks and buffer areas shown.

i. Commercial or industrial development on existing individual lots, or proposed shopping center developments shall also indicate the location and dimensions of proposed buildings, parking and loading areas, driveways and storage areas.

j. Report from the Henry County Health Department and the Henry County Water and Sewerage Authority and/or (as applicable) the City Utility Department.

k. The Community Development Department may require additional information, or information different from the above depending upon the type of development, to properly evaluate the zoning map amendment.

(3) A copy of the proposed restrictive covenants to be placed upon property that a rezoning application is being made therefore.

Section 17.04.313 Review of application for amendment.

(a) All proposed amendments to this chapter or to the official zoning map with required site plans shall be transmitted to the Community Development Department Director and City Council for analysis and public hearing. The Community Development Department Director shall study the need and justification of the following facts:

(1) The possible effects of the change in the regulations or map on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community.

(2) The relation that the proposed amendment bears to the purpose of the overall zoning scheme with due consideration given to whether or not the proposed change will help carry out the purposes of this chapter.

(3) Consistency with the Land Use Plan.

(4) The potential impact of the proposed amendment on county infrastructure including water and sewerage systems.

(5) The impact of the proposed amendment on adjacent thoroughfares and pedestrian and vehicular circulation and traffic volumes.

(6) The impact upon adjacent property owners should the request be approved.

(7) The ability of the subject land to be developed as it is presently zoned.

(8) The physical conditions of the site relative to its capability to be developed as requested, including topography, drainage, access, and size and shape of the property.

(9) The merits of the requested change in zoning relative to any other guidelines and policies for development which the City Council may use in furthering the objectives of the land use plan.

(b) After completing the analysis and review, the City Council shall conduct a public hearing on the proposed zoning map amendment.

Section 17.04.314 Notification and public hearing.

(a) If Locust Grove, Georgia is taking action resulting in a zoning decision, it shall provide for a hearing on the proposed action. At least fifteen (15) but not more than forty-five (45) days prior to the date of the hearing, the Community Development Department shall cause to be published within a newspaper of general circulation within the City limits and Henry County a notice of the hearing. The notice shall state the time, place and purpose of the hearing.

(b) If a zoning decision of Locust Grove, Georgia is for the rezoning of property and the rezoning is initiated by a party other than City officials or a City department then:

(1) The notice, in addition to the foregoing requirements, shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property; and

(2) A sign containing information required by this chapter shall be placed in a conspicuous location on the property not less than fifteen (15) days prior to the date of the hearing.

(c) If the property proposed for rezoning does not have frontage on a public street, then the sign may be posted on the right-of-way of the nearest public street which provides access to the site. No public hearing may be held by the City Council until said sign(s) have been posted for at least fifteen (15) days. Said signs shall remain posted until final action has been taken by the City Council.

(d) Before enacting an amendment to this Chapter, whether the proposed amendment is a text or map amendment, the City Council shall hold a public hearing thereon for the purpose of receiving and considering public comment on the merits of the proposed amendment. Said hearings shall be held only after full compliance with all required public notification of the hearing as set forth herein.

(e) If the zoning decision of the City Council is to deny the rezoning request, then the same property may not again be considered for rezoning until the expiration of at least six (6) months immediately following the defeat of the rezoning by the City Council.

Section 17.04.315 Procedure for Hearing Before City Council.

(a) All proposed amendments to this chapter or to the official zoning map with required site plans shall be considered at public hearing. The City Council shall consider the following:

(1) The possible effects of the change in the regulations or map on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community.
(2) The relation that the proposed amendment bears to the purpose of the overall zoning scheme with due consideration given to whether or not the proposed change will help carry out the purposes of this Chapter.
(3) Consistency with the Land Use Plan.
(4) The potential impact of the proposed amendment on City infrastructure including water and sewerage systems.
(5) The impact of the proposed amendment on adjacent thoroughfares and pedestrian vehicular circulation and traffic volumes.
(6) The impact upon adjacent property owners should the request be approved.
(7) The ability of the subject land to be developed as it is presently zoned.
(8) The physical conditions of the site relative to its capability to be developed as requested, including topography, drainage, access, and size and shape of the property.
(9) The merits of the requested change in zoning relative to any other guidelines and policies for development which the Community Development Commission and City Council may use in furthering the objectives of the Land Use Plan.

(b) The following rules of procedure shall govern the public hearing before the City Council:

(1) Each applicant shall appear before the Council, identify himself/herself by name, address and whether or not applicant is owner or agent for owner.

(2) Each applicant or other interested party who provides the Council with documents shall have each document numbered and shall identify each document and each such document submitted shall be made a part of the official record of the hearing.

(3)

a. Each applicant shall have thirty (30) minutes to present facts pertinent to the application. An applicant may have additional time to address the Council if the applicant notifies the City Clerk prior to the start of the public hearing that applicant needs additional time. The additional time shall be limited to ten (10) minutes.

b. Each person in opposition to rezoning of property and amendment to the zoning ordinance shall have ten (10) minutes to address the Council and shall provide the City Clerk with name and address; however, the total time for all interested parties in opposition shall be thirty (30) minutes unless the applicant requests for additional time in subsection (a) above, and then the total time shall not exceed forty (40) minutes.

(4) At the conclusion of the hearing, the City Council shall make a final decision and its next regular public meeting and direct the Community Development Department to notify the applicant in writing of the Council's decision. The decision shall be based on the information contained in Section 17.04.315 (a) and from the public hearing. The written notification shall immediately be entered on the minutes and made a part of the record on the date that written notification is given to the applicant.

(5) Any aggrieved party shall have thirty (30) days from the date of written notification to file an appeal from the Council's decision with the superior court.

Section 17.04.316 Conditional zoning.

(a) In deciding upon any application for zoning map amendment, the City Council may, on their own motion or upon the suggestion of the applicant, or on consideration of the recommendations of the Community Development Department, grant the application subject to certain conditions necessary to promote and protect the health, safety and general welfare.

(b) The City Council may grant approval of a zoning map amendment and include conditional approval as follows:

(1) Such conditions as deemed necessary to protect neighboring properties and to lessen any potentially adverse effects of the zoning change;
(2) That the rezoning is conditional upon the condition that the applicant or any successor in title may construct only those uses and only in such a manner as depicted upon any site plan submitted and approved with the application; and,
(3) That the rezoning is conditional upon any written conditions proposed by the applicant and/or City Council, and as further set forth on an approved site plan.

(c) Prior to a final vote being taken upon any application for a zoning map amendment for which such conditions shall be imposed, such conditions shall be announced at the public hearing and made a part of the motion to approve. If the applicant finds such conditions to be unacceptable, it may, at the time, withdraw the application for zoning map amendment. Such withdrawal shall not enable the applicant to re-file the same zoning map amendment for the same property until six (6) months have elapsed from the date of withdrawal.

(d) Any zoning map amendment which is adopted with conditions shall be indicated on the official zoning map. The property shall be indicated on the official zoning map with the suffix "c" to indicate that the property has been rezoned with conditions. Such conditions shall remain imposed upon the property until removed or modified by the City Council.

(e) Conditional requirements may be imposed upon either permitted and/or conditional use within any zoning district. In ruling upon such requirements, the City Council shall utilize the standards of review contained in section 17.04.313 of this Chapter.

Section 17.04.317 Types of zoning conditions.

In adopting an amendment to the zoning map, or approving a conditional use permitted in any zoning district, the City Council may impose conditions, such as, but not limited to, the following:

(1) Setback requirements from any lot line;
(2) Specified or prohibited locations for buildings, parking, loading or storage areas;
(3) Restrictions on land use activities to be permitted;
(4) Maximum building dimensions and height;
(5) Landscaping or planted area which may include the location, type and maintenance of plant materials within a designated buffer area;
(6) Fences, walls, earthen berms, or other landscape buffer provisions or protective measures;
(7) Preservation of existing trees and vegetation;
(8) Special conditions to eliminate or reduce undesirable views, light, glare, dust or odor;
(9) Hours of operation;
(10) Architectural details to be compatible with existing buildings in the area;
(11) Adherence to specific site plans as adopted; and
(12) Any other requirements that the City Council may deem appropriate and necessary for the protection of public health and welfare.

Section 17.04.318 Reversion.

After an approval has been granted for a map amendment to create or extend any zoning district, the applicant, agent or property owner has twelve (12) months in which to make substantial progress in developing the property. Substantial progress shall mean the point of construction at which time the first inspection is carried out. If no substantial construction or alteration of the property or other affirmative action to develop the property has occurred within twelve (12) months of the granting of an application for rezoning, the City Council shall review the situation and report its findings with who can, at a public hearing change, the zoning category to its prior or other appropriate zoning district classification.

Contacts

Henry County Water and Sewer Authority
1695 Highway 20 West
McDonough, GA 30253
tel. (770) 957-6659

Henry County Fire Department
664 Industrial Boulevard
McDonough, GA 30253
tel. (770)954-2280

Henry County Health Department
Environmental Health Section
137 Henry Parkway
McDonough, GA 30253
tel. (770) 954-2078

City of Locust Grove
PO Box 900
3644 Highway 42 South
Locust Grove, GA 30248
Tel. (770) 957-5043
Community Development (770) 692-2321
Public Works/Water-Sewer (770) 692-2333

NOTE: Projects that exceed minimum thresholds for Development of Regional Impact (DRI) review as established by the Department of Community Affairs will be withheld from final Public Hearings until a Notice of Decision is received.

Request for Zoning Map Amendment

Name of Applicant _____ Phone: _____ Date: _____

Address Applicant: _____ Fax _____ Pager/Cell # _____

City: _____ State: _____ Zip: _____ E-mail: _____

Name of Agent _____ Phone: _____ Date: _____

Address Agent: _____ Fax _____ Pager/Cell # _____

City: _____ State: _____ Zip: _____ E-mail: _____

THE APPLICANT NAMED ABOVE AFFIRMS THAT THEY ARE THE OWNER OR AGENT OF THE OWNER OF THE PROPERTY DESCRIBED BELOW AND REQUESTS: (PLEASE CHECK THE TYPE OF REQUEST OR APPEAL AND FILL IN ALL APPLICABLE INFORMATION LEGIBLY AND COMPLETELY).

Concept Plan Review ☐ Conditional Use ☐ Conditional Exception ☐ Modifications to Zoning Conditions ☐

Variance ☐ Rezoning ☐ DRI Review/Concurrent ☐

Request from _____ (Current Zoning)) to _____ (Requested Zoning)

For the Purpose of _____
(Type of Development)

Address of Property: _____

Nearest intersection to the property: _____

Size of Tract: _____ acre(s), Land Lot Number(s): _____, District(s): _____ 2nd _____

Gross Density: _____ units per acre Net Density: _____ units per acre

Property Tax Parcel Number: _____ **(Required)**

_____ Witness' Signature _____ Signature of Owners/s

_____ Printed Name of Witness _____ Printed Name of Owner/s

_____ Notary _____ Signature of Agent

(For **Office Use** Only)

Total Amount Paid $_____ Cash____ Check #_____ Received by: _____ *(FEES ARE NON-REFUNDABLE)*

Application checked by: _____ Date: _____ Map Number(s): _____

Pre-application meeting: _____ Date: _____

Public Hearing Date: _____

Council Decision: _____ Ordinance: _____

Date Mapped in GIS: _____ Date: _____

DRI Number: _____ NOD Date: _____

Applicant Campaign Disclosure Form

Has the applicant[1] made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating $250 or more or made gifts having in the aggregate a value of $250 or more to a member of the Locust Grove City Council and/or Mayor who will consider the application?

Yes _____ **No** _____

If **Yes**, the applicant and the attorney representing the applicant must file a disclosure report with the Henry County Board of Commissioners within ten (10) days after this application is first filed. Please supply the following information that will be considered as the required disclosure:

Commissioner/Planning Commission Member Name	Dollar amount of Campaign Contribution	Description of Gift $250 or greater given to Board Member

We certify that the foregoing information is true and correct, this ___day of _____, 2010.

_____ _____

Applicant's Name - Printed Signature of Applicant

_____ _____

Applicant's Attorney, if applicable - Printed Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this _____day of _____, 2010.

_____

Notary Public

1 Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for rezoning or other action.

City Water and Sewer Service Capacity Form:

Please fill out the necessary items above for determination of available capacity for water and sewer service.

Applicant:_____

Address/Location of Rezoning Request:_____

Type of Project: Commercial Residential Mixed Use

For residential or mixed-use residential, number of lots or units:_____

For commercial, amount of square feet:_____

Estimated water usage:_____(GALLONS)

Estimated sewer usage:_____(GALLONS)

STAFF ANALYSIS

Is this project within current water and sewer delivery area:_____

Does the project have access to adequate water supply:_____

Does city have adequate sewer treatment capacity for this project:_____

Are any improvements required as a result of this project:_____

If so, what types of improvements are necessary?

Meeting Schedule

Locust Grove City Council - 2010

Deadline for Application	Typical Workshop for Public Hearing	City Council Meeting (for decision)
By 4 PM of Day Listed	7:00 pm	7:00 pm
December 15, 2008	January 19, 2010	February 1, 2010
January 4, 2010	February 16, 2010	March 1, 2010
February 5, 2010	March 16, 2010	April 5, 2010
March 5, 2010	April 20, 2010	May 3, 2010
April 9, 2010	May 18, 2010	June 7, 2010
May 7, 2010	June 15, 2010	July 6, 2010
June 4, 2010	July 20, 2010	August 2, 2010
July 6, 2010	August 17, 2010	September 7, 2010
August 6, 2010	September 21, 2010	October 4, 2010
September 10, 2010	October 19, 2010	November 1, 2010
October 8, 2010	November 16, 2010	December 6, 2010
November 5, 2010	December 21, 2010	TBA (2011)

Note: These meeting dates are subject to change. Additionally, projects that may require DRI will be held until the Notice of Decision is reached prior to formal Public Hearings.