

ROCKDALE COUNTY
BOARD OF COMMISSIONERS



ZONING AMENDMENT (REZONING) APPLICATION

UNIFIED DEVELOPMENT ORDINANCE
TITLE II, SECTION 238-4

DEPARTMENT OF
PLANNING AND DEVELOPMENT

958 Milstead Avenue
Conyers, Georgia 30012

Phone: 770-278-7100
Fax: 770-278-8940
www.rockdalecounty.org

Amendments to the zoning map (rezoning) must be consistent with the Comprehensive Plan Future Land Use Map.

If the proposed rezoning is inconsistent with the Comprehensive Plan Future Land Use Map, an application to amend the Future Land Use Map must be filed concurrently with the rezoning application. A separate application and fee shall be required.

DOCUMENTS REQUIRED

Purpose of the Request:

- Request Form (p.4):** Address the nature of your rezoning request and the circumstances surrounding it. The form may be handwritten or typed.
- Site Information (p.5):** General information on the property, services and utilities.
- Justification:** Address each of the Application Review Standards in sub-section 238-4(g)(1) of the Unified Development Code (see p.6). The justification may be handwritten or typed. The application is evaluated based upon this justification. Please provide complete and detailed answers.

Site:

- Survey plat:** Drawn to scale, showing all existing property improvements, signed and sealed by an architect, engineer, landscape architect or land surveyor. If the survey is no larger than 11" x 17" in size, only 1 legible copy is required. If larger than 11"x17" twelve (12) copies are required. A copy of the survey plat may be obtained at the Rockdale County courthouse in the Real Estate Records Room, located on the 1st floor of the courthouse.
- Site plan:** Drawn to scale, showing all existing property improvements, and all proposed improvements. If the site plan is no larger than 11" x 17" in size, only 1 legible copy is required. If larger than 11"x17" twelve copies are required.
- Legal description of the property:** This written description, found on the property deed, contains the metes & bounds of the site.

Legal Statements:

- Ownership Statement (p.7):** If the property is listed in the name of more than one individual or entity, each owner must sign all documents. Property owner(s) signature(s) must be notarized. If the property has been sold within the last 90 days, a copy of the deed with the new owner(s) name(s) is required. Ownership of property will be verified by staff.
- Owner's Campaign Contribution Disclosure Statement (p.7):** The owner(s) of the property is required to disclose political campaign contributions. Disclosures must be notarized.
- Agent Authorization Form and Campaign Disclosure Statement (optional - p.8):** If the owner of the property wishes to have someone represent his/her interest in all matters relating to a rezoning application, the notarized signatures of the owner(s) and agent are required. Agents are required to disclose political campaign contributions. Disclosures must be notarized.
- Attorney Authorization Form and Campaign Disclosure Statement (optional - p.9):** If the owner of the property wishes to have an attorney represent his/her interest in all matters relating to this application, the notarized signatures of the current owner(s) and attorney are required. Attorneys are required to disclose political campaign contributions. Disclosures must be notarized.

Payment:

- Payment:** The non-refundable filing fee is payable at the time of application. Payment may be made by cash (exact amount), check, credit card (VISA or Mastercard) or money order payable to Rockdale County.

APPLICATION PROCESSING

Filing:

Applications must be received by the first business day of the month to be considered at the following month's meeting of the Planning Commission. Applications must be complete with all of the required documents and fees.

One application is required for each individually owned or recorded parcel of land.

Completed applications must be submitted in person or by mail to the Department of Planning and Development:

958 Milstead Avenue, Conyers, Georgia 30012 (in person)

P.O. Box 289, Conyers, Georgia 30012 (by mail)

Only complete applications will be accepted. A pre-application review with the Zoning Administrator is encouraged.

Upon receipt, applications will be reviewed for compliance with all requirements. Applicants of incomplete applications will be notified and required to resubmit for the following month's deadline.

Hearing:

Upon acceptance, an application becomes public record. The subject property will be posted with a Public Notice sign and letters will be sent to adjoining property owners. The notification letters will provide information about the rezoning request and will provide the date and time of public hearings. The applicant will also receive written notification of the public hearings.

At the public hearings, an applicant will be allowed a total of ten (10) minutes to present his/her rezoning request. Speakers in opposition will also have a total of ten (10) minutes to present their arguments against a proposed rezoning. Applicants may reserve a portion of the allowable 10 minutes for rebuttal after the opposition speaks.

The Planning Commission Public Hearing is held on the second Thursday of each month at 7:00 P.M. The Board of Commissioners Zoning Public Hearing is held on the fourth Tuesday of each month at 9:00 A.M. Both meetings are held at the Rockdale County Assembly Hall, 901 North Main Street, Conyers, Georgia.. Applicants or representatives should plan to attend both public hearings.



Filing date: _____
 Case number: _____
 Parcel number: _____
 Planning Commission date: _____
 BOC Zoning Hearing date: _____

ZONING AMENDMENT REQUEST FORM

PROPERTY INFORMATION

Property location:	_____		
Subdivision:	_____		
Land Lot(s):	_____	District(s):	_____
Current Zoning:	_____	Proposed Zoning:	_____
Current Use:	_____	Proposed Use:	_____
Are there conditions of zoning for the property? If so, please list: _____ _____			
Amendment requested and purpose: _____ _____			

CONTACT INFORMATION

Property owner(s): _____	
Owner's address: _____	
Telephone: _____	Email: _____
Agent's Name: _____	
Telephone: _____	Email: _____

I have read and understood the applicable sections of the Rockdale County Unified Development Code, as provided in annex of this application.

Name: _____	Signature: _____
Title: _____	Date: _____

SITE INFORMATION

ADJACENT ROADS: NORTH _____
 SOUTH _____
 EAST _____
 WEST _____

NEAREST SCHOOLS:	NAME	ENROLLMENT	CAPACITY
ELEMENTARY	_____	_____	_____
MIDDLE	_____	_____	_____
HIGH SCHOOL	_____	_____	_____

POTABLE WATER:
 PUBLIC SYSTEM LOCATION OF NEAREST LINE _____
 DIAMETER OF LINE _____
 DISTANCE TO CLOSEST FIRE HYDRANT _____
 WELL

WASTEWATER:
 PUBLIC SEWER NEAREST TREATMENT PLANT _____
 MAXIMUM OPERATING CAPACITY OF PLANT _____
 LEVEL OF OPERATION _____
 SEPTIC TANK EVALUATION BY SOIL SCIENTIST _____
 APPROVAL BY ENVIRONMENTAL HEALTH DPT _____

STORMWATER:
 FIRM PANEL NO. _____
 BODY OF WATER ON OR ADJACENT TO PROPERTY _____
 PROPERTY WITHIN FLOOD PLAIN _____

GAS PROVIDER: _____

ELECTRICITY PROVIDER: _____
 EASEMENT(S) ON PROPERTY _____

Useful contact information:
 Rockdale County Public Schools: 770-483-4713
 Rockdale Water Resources: 770-278-7400
 Rockdale County Transportation: 770-278-7100
 Rockdale County Stormwater Department: 770-278-7100

JUSTIFICATION OF THE REQUEST

In your own words, type or hand write the reason you believe the zoning of the subject property should be amended. Please address the following, and the review standards (see below):

1. The intent of the proposed amendment and the intended timing and phasing of development. State the reasons why you believe the current zoning district classification for the subject rezoning site is incorrect and why approval of a different zoning district classification is appropriate.
2. The impact of the proposed amendment on the capacities of public facilities including, but not limited to, transportation facilities, sewage facilities, water supply, parks, drainage, schools, solid waste and emergency medical facilities.
3. The impact of the proposed amendment on the natural environment, especially existing trees, water bodies and water quality.
4. The contribution of the proposed amendment to an orderly and logical development pattern.

REVIEW STANDARDS UDO SEC. 238-4(g)(1)

Additionally, provide justification for each of the following review standards. The Board of Commissioner, the Planning Commission and the Department will use these standards to evaluate the request.

- a. Whether a proposed rezoning will permit a use that is suitable, in view of the use and development of adjacent and nearby property.
- b. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.
- c. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned.
- d. Whether the proposed rezoning will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
- e. Whether the proposed rezoning is in conformity with the policy and intent of the comprehensive plan.
- f. Whether there are other existing or changing conditions affecting the use and development of the property that give supporting grounds for either approval or disapproval of the proposed rezoning.
- g. Whether, and the extent to which, the proposed amendment would result in significant adverse impacts on the natural environment.
- h. The feasibility of serving the property with public wastewater treatment service and the impacts of such on the wastewater system; and, if an alternative wastewater treatment method is proposed, whether such wastewater treatment method is authorized in Rockdale County and will have a detrimental impact on the environment.

OWNERSHIP STATEMENT & OWNER'S CAMPAIGN DISCLOSURE STATEMENT

To be completed by each owner of the property as it appears on the Rockdale County Tax Records. Husband and wife or other individuals shall each sign individually. Make copies if needed.

As the current owner(s) of the subject property, I (We) respectfully request a variance(s) for the subject property.

Owner's name: _____
 Owner's signature: _____ Date: _____
 Owner's address: _____

<input type="checkbox"/>	No, I have not made, within two (2) years immediately preceding the filing of this application, campaign contributions or gifts of \$250.00 or more to a local government official of Rockdale County, Georgia.
<input type="checkbox"/>	Yes, I have made, within two (2) years immediately preceding the filing of this application, campaign contributions or gifts of \$250.00 or more to a local government official of Rockdale County, Georgia.

If yes, provide the name and official position of the local government official to whom the campaign contribution during the two years immediately preceding the filing of the application, the dollar amount, description of each contribution, and the date each contribution was made. Use the back of this sheet, and continue on a separate sheet if necessary, in the following format:

Name	Position	Amount	Description	Date
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Notary's Signature: _____
 Expiration of term: _____ Date: _____

AGENT AUTHORIZATION FORM

To be completed by the property owner, if they wish to have an agent represent them in all matters related to this application.

I hereby certify that the information provided in this application is true and correct and that I have authorized the following agent to make the request, claims and representation pursuing this application.

Agent's name: _____

Agent's signature: _____ Date: _____

Owner's name: _____

Owner's signature: _____ Date: _____

AGENT'S CAMPAIGN CONTRIBUTION DISCLOSURE STATEMENT

<input type="checkbox"/>	No, I have not made, within two (2) years immediately preceding the filing of this application, campaign contributions or gifts of \$250.00 or more to a local government official of Rockdale County, Georgia.
<input type="checkbox"/>	Yes, I have made, within two (2) years immediately preceding the filing of this application, campaign contributions or gifts of \$250.00 or more to a local government official of Rockdale County, Georgia.

Agent's signature: _____ Date: _____

If yes, provide the name and official position of the local government official to whom the campaign contribution during the two years immediately preceding the filing of the application, the dollar amount, description of each contribution, and the date each contribution was made. Use the back of this sheet, and continue on a separate sheet if necessary, in the following format:

Name	Position	Amount	Description	Date
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Notary's Signature: _____

Expiration of term: _____ Date: _____

ATTORNEY AUTHORIZATION FORM

To be completed by the property owner, if they wish to have an agent represent them in all matters related to this application.

I hereby certify that the information provided in this application is true and correct and that I have authorized the following attorney to make the request, claims and representation pursuing this application.

Attorney's name: _____

Name of Practice: _____

Attorney's signature: _____ Date: _____

Owner's name: _____

Owner's signature: _____ Date: _____

ATTORNEY'S CAMPAIGN CONTRIBUTION DISCLOSURE STATEMENT

<input type="checkbox"/>	No, I have not made, within two (2) years immediately preceding the filing of this application, campaign contributions or gifts of \$250.00 or more to a local government official of Rockdale County, Georgia.
<input type="checkbox"/>	Yes, I have made, within two (2) years immediately preceding the filing of this application, campaign contributions or gifts of \$250.00 or more to a local government official of Rockdale County, Georgia.

Attorney's signature: _____ Date: _____

If yes, provide the name and official position of the local government official to whom the campaign contribution during the two years immediately preceding the filing of the application, the dollar amount, description of each contribution, and the date each contribution was made. Use the back of this sheet, and continue on a separate sheet if necessary, in the following format:

Name	Position	Amount	Description	Date
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Notary's Signature: _____

Expiration of term: _____ Date: _____

UNIFIED DEVELOPMENT ORDINANCE
SEC. 238-4 AMENDMENTS

Sec. 238-4. Amendments.

(a) *Initiation of amendments.*

(1) *Persons entitled to propose amendments.* Amendments to the official zoning map or to the future land use map of the comprehensive plan may be initiated by:

- The owner(s) of the subject property or the authorized agent(s) of the owner(s) of the property, or
- The board of commissioners pursuant to a proposed ordinance introduced by one (1) or more members of the board of commissioners.

Amendments to the text of the comprehensive plan and amendments to Title 2 of the UDO may only be initiated by:

- The board of commissioners pursuant to a proposed ordinance introduced by one (1) or more members of the board of commissioners, or
- Official action of the planning commission, or
- Staff through a proposed ordinance introduced by one or more members of the board of commissioners.

Once an amendment to the future land use map, official zoning map, text of the UDO, or text of the comprehensive plan is initiated, no application for a land disturbance permit or land development or building permit, variance or appeal for property subject to such amendment shall be accepted until final action is taken on the proposed amendment. No amendments to the text of the comprehensive plan or Title 2 of the UDO, the official zoning map or the comprehensive plan land use maps shall become effective unless it has been submitted to the planning commission for public hearing and recommendation pursuant to the requirements of this chapter.

(2) *Application schedule.*

1. a. Amendments to the official zoning map, to the text of the UDO and to the comprehensive plan must be submitted at least 60 days prior to the date on which final action is to be considered by the board of commissioners.
2. b. Review and consideration of text, zoning and comprehensive plan amendments will be scheduled before the planning commission and board of commissioners in accordance with a schedule prepared annually by the department of planning and development.
3. c. An application for an amendment to the comprehensive plan land use maps or the official zoning maps affecting all or a portion of the same property shall not be submitted more than once every 12 months measured from the date of final decision by the board of commissioners. The board of commissioners may waive or reduce this twelve-month time interval by resolution, provided that if the application was denied by the board of commissioners, the time interval between the date of said denial and any subsequent application or amendment affecting the same property shall be no less than six months. This 12-month time interval shall not apply to amendments initiated by the board of commissioners, provided that if such a proposed amendment to the official zoning map or comprehensive plan land use map was denied by the board of commissioners, the time interval between the date of said denial and any subsequent application or amendment shall be no less than six months.
4. d. Following an application for a text, zoning or land use amendment, the department of planning and development shall present an ordinance to the board of commissioners for consideration of a first reading. If the application is initiated by a property owner, the board of commissioners shall refer the application to the planning commission for review and recommendation. If the application is initiated by the board of commissioners pursuant to a proposed ordinance introduced by one or more members of the board of commissioners, or official action of the planning commission, or staff through a proposed ordinance introduced by one or more members of the board of commissioners, the first reading of the application may be approved by the board of commissioners for referral to the planning commission for review and recommendation or the first reading of the application may be denied, terminating the application process.

(3) *Consistency of amendments with the comprehensive plan.*

5. a. No amendment to the text of Title 2 of the UDO shall be adopted if the amendment would be inconsistent with the current comprehensive plan.
6. b. No amendment to the official zoning map shall be adopted if the amendment would be inconsistent with the current comprehensive plan. The applicant must first obtain an appropriate amendment to the comprehensive plan. Such application to amend the official zoning map may not be submitted until after the final approval action of the board of commissioners on the comprehensive plan amendment.

(b) *Content of applications.*

- (1) *Amendments.* Applications to amend the official zoning map or the comprehensive plan shall be submitted on a form available from the department and shall, at a minimum, include the following:

7. a. An application fee as established by the board of commissioners.
8. b. The name, address, telephone number, fax number, and email address (if applicable) of the owner, and the same information from the applicant, if different.
9. c. The street address and a valid legal description of the property to be reclassified.
10. d. The applicant's interest in the property, if the applicant is not the owner.
11. e. An electronic/digital version of a property survey, drawn to scale, showing north arrow, land lot and district, location of the tract, dimensions along all property lines, acreage of the tract and the street names and right-of-way dimensions of abutting streets. The plat shall be prepared by an architect, engineer, landscape architect or land surveyor whose state registration is current and valid. The preparer's signature and seal shall be affixed to the plat.
12. f. A narrative description of the intent of the proposed amendment and the intended timing and phasing of development.
13. g. The current and proposed zoning and land use classification, existing and proposed uses of the property proposed to be reclassified and all zoning and land uses of properties abutting the subject property.
14. h. A written statement addressing how the proposed amendment to the official zoning map or comprehensive plan would impact the capacities of public facilities including, but not limited to, transportation facilities, sewage facilities, water supply, parks, drainage, schools, solid waste and emergency medical facilities.
15. i. A written statement addressing how the proposed amendment to the official zoning map or comprehensive plan would impact the natural environment, especially existing trees, water bodies and water quality.
16. j. A written statement addressing how the proposed amendment to the official zoning map or comprehensive plan would result in an orderly and logical development pattern.
17. k. If the application requests a change in the official zoning map, the applicant shall provide a written statement addressing the standards governing the exercise of zoning as listed in subsection (g)(1) of this section. If the application requests a change in the future land use map, the applicant shall provide a written statement addressing the standards for review of comprehensive plan amendments as listed in subsection (g)(2) of this section.
18. l. Any such other information or documentation as the department may reasonably deem necessary or appropriate to a full and proper consideration and disposition of the particular application consistent with required review standards.
19. m. If the proposed amendment to the official zoning map would meet the thresholds of a development of regional impact (DRI) as described in section 238-5, the applicant shall prepare and submit to the department the necessary documentation required by such section.

- (c) *Withdrawal of applications.* An application for an amendment to the official zoning map or comprehensive plan that is filed prior to the deadline for filing such amendment may be withdrawn with full refund of fees prior to the application deadline upon a written request by the applicant. An application may be withdrawn upon a written request by the applicant prior to the submittal for publication of the required legal advertising in the legal organ of the county; however, there shall be no refund of application fees after the application deadline has passed.

(d) *Procedures for review of applications.*

- (1) *Pre-application conference.* At least ten business days prior to submitting an application for an amendment to the comprehensive plan or official zoning map, the applicant should schedule a pre-application conference with the department. The purpose of this meeting is to acquaint the applicant with the requirements of the UDO and the views and concerns of the county. Within ten business days of such a request, the department shall schedule a pre-application conference with the applicant and other relevant county departments.

- (2) *Application submission.* Within five business days after the established deadline for applications for an amendment to the official zoning map or the comprehensive plan, the department shall determine whether the application is complete. If the department determines the application is not complete, the director shall send a written statement to the applicant (by first-class mail) specifying the application's deficiencies. The application shall be returned to the applicant with a refund of fees paid, and the department shall take no further action on the application until it is re-submitted for a subsequent application cycle. No application that has been determined as complete shall be amended later than the required deadline for advertising in the legal organ of the county prior to the scheduled hearing before the planning commission, except as provided for in this code section.
 - (3) *Application review.* When the department determines an application for an amendment to the official zoning map or the comprehensive plan is complete, the department shall distribute copies of the application for review and comment to representatives from county agencies and departments including planning, zoning, transportation, stormwater, general engineering, GIS, water/sewer, environmental health, 911, county arborist/urban forester, fire marshal, board of education and any other public agencies having jurisdiction over the proposed action that are invited by the department.
 - (4) *Site review.* Prior to issuing its report and recommendation regarding the subject amendment, the department shall conduct a site review of the property and surrounding area and consult with and/or review comments from the representatives of the appropriate county agencies and departments regarding the impact of the proposed amendment upon public facilities and services.
 - (5) *Staff analysis and standards of review.*
 20. a. The department shall prepare an analysis of each proposed amendment and shall present its findings and recommendations in written form to the planning commission. Copies of the written report and recommendations of the staff shall be made available to the public at the planning commission public hearing.
 21. b. In determining whether to recommend approval or denial of an application to amend the official zoning map, the department shall consider and apply the standards in subsection (g)(1) of this section.
 22. c. In determining whether to recommend approval or denial of an application to amend the comprehensive plan, the department shall consider and apply the standards in subsection (g)(2) of this section.
 23. d. *Recommended amendments.* The department's report may recommend amendments to the applicant's request that would reduce the land area for which the application is made, recommend a change in the district requested to a less intensive or lower density than requested, or recommend conditions of approval, as provided in section 238-15 of this chapter.
 - (6) *Public hearing.* Upon notification of the completed application for an amendment to the official zoning map or an amendment to the comprehensive plan, the planning commission shall place it on the agenda of a regular meeting for a public hearing in accordance with the requirements of the UDO.
 - (7) *Public notices.* The public notices and public hearings held by the planning commission and board of commissioners concerning the application shall be in accordance with the requirements of the UDO.
 - (8) *Developments of regional impact (DRI).* If the proposed amendment to the official zoning map would meet the thresholds of a DRI, as described in section 238-5 of this chapter, the county shall follow the procedures outlined in said section 238-5 prior to taking any action to further such proposed amendment in the development process.
- (e) *Notice of public hearings.*
- (1) *Legal notice.* Due notice of public hearings, pursuant to this section, shall be published in a newspaper of general circulation within the county. The legal advertisement shall be published at least 15 days but not more than 45 days prior to the date of each required public hearing. The notice shall state the time, place and purpose of the hearing. If the proposal is to amend the official zoning map or future land use map and is initiated by a party other than the Rockdale County Board of Commissioners, it shall also contain the location of the property, current land use category and zoning district of the property, and the proposed land use and zoning district of the subject property. Notices for variance applications shall include reference to the section of this UDO from which the applicant is seeking a variance.
 - (2) *Signs posted.* For an application to amend the official zoning map or future land use map, or a special use permit, or a variance from the requirements of this UDO, the department shall post a sign or signs at least 15 days prior to each public hearing required by this section. Sign(s) shall be double-faced and a minimum of 24 inches x 36 inches in size. Signs shall be posted in a conspicuous place in the public right-of-way fronting the property or on the property for which an application has been submitted. Faces of sign(s) shall be placed approximately perpendicular to the centerline of the principal abutting street. The sign shall state the date, time and place of the public hearing, the name of the applicant, the purpose of the application, the street address of the property, the current land use category and zoning district of the property, the proposed land use category and zoning district of the property, and the phone number of the department. A sign shall not be required

for amendments to the text of the UDO or comprehensive plan, nor for amendments or ordinances initiated by the board of commissioners.

- (3) *Letters to adjoining property owners.* For an application to amend the future land use map, other than an amendment initiated by the board of commissioners, the department shall send notification of the requested application by regular mail to all adjacent property owners as shown by the county tax records at the time of filing. For an application to amend the official zoning map or for a special use permit, other than an amendment initiated by the board of commissioners, the department shall send notification of the requested application by regular mail to all adjacent property owners as shown by the county tax records at the time of filing. For an application for a variance from the requirements of this UDO, the department shall send notification of the requested variance by regular mail to all adjacent property owners as shown on the county tax records at the time of filing. All such notifications shall be mailed at least 15 days prior to the first required public hearing and shall include a description of the application, and the date, time and place of all scheduled public hearings.
 - (4) When a proposed zoning amendment, variance or special use permit relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, a public hearing shall be held by the planning commission on the proposed action. The hearing required by this subsection shall be at held at least six months and not more than nine months prior to the date of final action on the zoning decision and shall be in addition to other public hearings required under this subsection. The department shall publish a notice of the time, location and date of such hearing that shall include a prominent statement that the proposed action relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency. Such notice shall be given by the following:
 24. a. Posting a sign as provided in subsection (2) of this subsection displaying such notice; and
 25. b. At least 15 days and not more than 45 days prior to the date of the hearing, the department shall publish such notice in a newspaper of general circulation within the county. Such notice shall be at least six column inches in size and shall not be located in the classified advertising section of the newspaper.
- (f) *Rules of procedure for public hearings.*
- (1) *Public hearing procedures for the planning commission.* For each matter concerning the amendment of the comprehensive plan, the official zoning map, text of the UDO or for any matter concerning the issuance of a special use permit or other matter on the agenda that requires a public hearing and a vote of the planning commission, the following procedure shall be followed:
 26. a. Rules of procedure and presentation, as well as standards governing the exercise of the power of zoning, as applicable, shall be in writing and shall be available for distribution to the general public.
 27. b. The chair shall announce each matter to be heard and state that a public hearing is to be held on such matter.
 28. c. The chair shall request a report from the staff regarding its findings and recommendations.
 29. d. The chair shall provide an opportunity for the applicant and any who support the applicant's petition to speak. The chair shall provide equal opportunity for those who wish to speak in opposition to the applicant's petition. The chair may limit the presentation of those for and against a petition to a reasonable length of time, but not less than ten minutes per side. If desired, the applicant may reserve a portion of his/her allotted time for rebuttal and summary comments to be made following presentation of those opposed to the petition.
 30. e. Prior to speaking, each speaker shall identify himself/herself and state his or her current address. Each speaker shall limit remarks to data, evidence and opinions relevant to the proposed petition. Speakers shall address all remarks to the chair.
 31. f. Following the allotted time for proponents and opponents, the chair shall close the public hearing with respect to the subject matter and seek a motion to act upon the petition as provided in subsection (h) of this section.
 - (2) *Public hearing procedures for the board of commissioners.* For each matter concerning the amendment of the comprehensive plan, the official zoning map, text of the UDO or for any matter concerning the issuance of a special use permit or other matter on the agenda that requires a public hearing and a vote of the board of commissioners, the following procedure shall be followed:
 32. a. Rules of procedure and presentation, as well as standards governing the exercise of the power of zoning, as applicable, shall be in writing and shall be available for distribution to the general public.
 33. b. The chair shall announce each matter to be heard and state that a public hearing is to be held on such matter.

34. c. The chair shall request a report from the staff regarding its findings and recommendations.
 35. d. The chair shall provide an opportunity for the applicant and any who support the applicant's petition to speak. The chair shall provide equal opportunity for those who wish to speak in opposition to the applicant's petition. The chair may limit the presentation of those for and against a petition to a reasonable length of time, but not less than ten minutes per side. If desired, the applicant may reserve a portion of his/her allotted time for rebuttal and summary comments to be made following presentation of those opposed to the petition.
 36. e. Prior to speaking, each speaker shall identify himself/herself and state his or her current address. Each speaker shall limit remarks to data, evidence and opinions relevant to the proposed petition. Speakers shall address all remarks to the chair.
 37. f. Following the allotted time for proponents and opponents, the chair shall close the public hearing with respect to the subject matter.
- (3) *Continuance of a public hearing.* All items on an advertised agenda for a public hearing shall be heard on the scheduled date, except in the case of a public hearing of the board of commissioners, if a majority of the members of the board of commissioners present at the public hearing determine that specific circumstances surrounding the matter warrant the continuance of the hearing on the matter to a specific future date and time. In such instances, the department shall provide public notice of the new time, date, and location of the continued hearing consistent with the notices provided in subsections (e)(1), (e)(2), and (e)(3) of this section.
- (g) *Application review standards.*
- (1) *Standards governing the exercise of zoning power.* In reviewing the application of a proposed amendment to the official zoning map, the board of commissioners, the planning commission and the department shall consider the following standards:
38. a. Whether a proposed rezoning will permit a use that is suitable, in view of the use and development of adjacent and nearby property.
 39. b. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.
 40. c. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned.
 41. d. Whether the proposed rezoning will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
 42. e. Whether the proposed rezoning is in conformity with the policy and intent of the comprehensive plan.
 43. f. Whether there are other existing or changing conditions affecting the use and development of the property that give supporting grounds for either approval or disapproval of the proposed rezoning.
 44. g. Whether, and the extent to which, the proposed amendment would result in significant adverse impacts on the natural environment.
 45. h. The feasibility of serving the property with public wastewater treatment service and the impacts of such on the wastewater system; and, if an alternative wastewater treatment method is proposed, whether such wastewater treatment method is authorized in Rockdale County and will have a detrimental impact on the environment.
- (2) *Standards for review of comprehensive plan amendments.* When considering an application to amend the future land use map, the board of commissioners, the planning commission and the department shall consider:
46. a. Whether a proposed future land use map amendment would result in a future land use classification that is more consistent with the text and policies of the comprehensive plan than the current classification of the property on the future land use map.
 47. b. Whether the proposed amendment would result in a land use that is more compatible with the current and future land use of adjacent and nearby property.
 48. c. Whether the proposed amendment would result in more efficient use of publicly financed community facilities and infrastructure.
 49. d. The extent to which the proposed amendment would increase adverse impacts on the natural environment; especially water quality, greenspace preservation and air quality.
 50. e. Whether the proposed amendment would reduce dependence on the automobile.
 51. f. The extent to which the proposed amendment would increase adverse impacts on historic or cultural resources.

52. g. If an amendment would affect only a single parcel, whether it should be made part of an area-wide review of future land use that includes review of future land use for the subject parcel and other surrounding property.
 53. h. The degree to which the proposed amendment would have adverse impacts on land in adjacent municipalities and local governments.
 54. i. Whether the proposed amendment would result in any negative impacts on the public water supply and wastewater collection and treatment systems or would conflict with adopted long-term water and sewer plans.
- (h) *Action by planning commission.* In making a recommendation on the application for an amendment to the comprehensive plan or to the official zoning map, the planning commission shall review and consider the application and materials of record, the recommendations of the department and the applicable standards in subsection (g) of this section.
- (1) *Recommendation.* Within a reasonable time of the conclusion of the public hearing regarding a proposed amendment, the planning commission shall make a recommendation to the board of commissioners to:
 55. a. Approve the proposed amendment as requested by the applicant.
 56. b. Approve an amendment to include a lesser geographic area or a less intense zoning district or land use category.
 57. c. Approve the proposed amendment with conditions.
 58. d. Deny the proposed amendment.
 - (2) *No recommendation.* A motion that fails by majority vote shall not be deemed as approval of the opposite position, and a new motion must be made to approve the opposite position. If the planning commission fails to make a decision on a recommendation regarding an application following at least three motions, it shall be deemed to have given a recommendation of "no recommendation" on the proposed amendment.
- (i) *Action by the board of commissioners.*
- (1) *Public hearing.* Upon receipt of the recommendation of the department and planning commission, the board of commissioners shall place the application on a public hearing agenda of the board of commissioners for a public hearing or hearings, in accordance with the requirements of this chapter.
 - (2) *Considerations by the board of commissioners.* In making a decision on the application for an amendment to the comprehensive plan or the official zoning map, the board of commissioners shall review and consider the application and materials of record, the recommendation of the department, the planning commission, and the applicable standards in subsection (g) of this section. The director shall prepare a proposed ordinance for action by the board of commissioners to effect the proposed amendment.
 - (3) *Actions by board of commissioners.* At the first regularly scheduled board of commissioners' meeting of the following month subsequent to the board of commissioners' public hearing, the board of commissioners shall take one of the following actions regarding the proposed amendment:
 - a. Approve the proposed amendment, as requested by the applicant.
 - b. Approve the proposed amendment with conditions;
 - c. Approve an amendment to include a lesser geographic area or a less intense zoning district or land use category.
 - d. Deny the proposed amendment.
 - e. Refer the matter back to the planning commission for reconsideration at its next regularly scheduled or called meeting; if such referral includes a public hearing, the matter shall be re-advertised in accordance with subsections (e)(1) and (e)(2) of this section.
 - f. Defer final action until the next regularly scheduled or special called meeting.
 - (4) *Notification and final record of action.* Within ten business days following action by the board of commissioners, written notification shall be mailed to the applicant and property owner, if different. Thereupon the department shall record the map amendment on the official zoning map or future land use map, as appropriate.
- (Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2012-01, §§ 1—13, 2-28-2012)

Sec. 238-5. Developments of regional impact (DRI).

- (a) *Application.* When an application for rezoning, special use, variance, preliminary plat review or permit includes any proposed development of a use and intensity that meets the definition of a DRI in the most recently published standards of the GRTA, it shall be deemed to be a DRI. The application for such rezoning, conditional use, variance, preliminary plat review or permit shall include the information required for review of a DRI in accordance with the most recently published procedures of the Georgia Regional Transportation Authority (GRTA) and the Atlanta Regional Commission (ARC).
- (b) *Procedures.* The applicant shall provide all documentation and attend all meetings necessary to meet the most recently published standards and procedures for review of DRI applications required by GRTA and the ARC.
- (c) *Recommendation from the ARC and GRTA.* No required public hearings or final action shall occur on such a rezoning, conditional use, variance, preliminary plat review or permit application by the board of commissioners until a recommendation is received from the ARC and GRTA regarding the DRI.
- (d) *Certified copy of resolution.* After the board of commissioners takes final action on the application, the department shall transmit to ARC and the Georgia Department of Community Affairs a certified copy of the ordinance recording the action, including a record of the total number of members of the board of commissioners that voted for and against approval of the application.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 238-15. Conditional approval and alterations to conditions.

- (a) *Conditions of approval.* The planning commission and the department may recommend and the board of commissioners may impose reasonable conditions upon the approval of any amendment to the comprehensive plan, official zoning map or approval of a special use permit that it finds necessary to ensure compliance with the intent of the comprehensive plan or county ordinance. Such conditions may be used when necessary to prevent or minimize adverse impacts upon property or the environment. For example, conditions may include but shall not be limited to the following:
 - (1) Limitations or requirements on the size, intensity of use, bulk and location of any structure.
 - (2) Increased landscaping, buffer, screening or setback requirements from property lines or water bodies.
 - (3) Greenspace and open space conservation.
 - (4) Driveway curb cut limitations.
 - (5) Restrictions to land uses or activities that are permitted.
 - (6) Prohibited locations for buildings, structures, loading or parking areas.
 - (7) The provision of adequate ingress and egress.
 - (8) Making project improvements for streets, sidewalks, parks or other community facilities.
 - (9) Building height, massing or compatible architectural design features.
 - (10) Hours of operation.
 - (11) The duration of a special use.
 - (12) A requirement that development shall conform to a specific site plan.
 - (13) Other conditions that the board of commissioners finds are necessary as a condition of approval of an amendment to the comprehensive plan, official zoning map or special use permit.
- (b) *Such conditions, limitations or requirements shall be:*
 - (1) Set forth in the motion approving the amendment or special use permit.
 - (2) Set forth in the local ordinance that officially recorded the amendment or special use permit.
 - (3) In effect for the period of time specified in the amendment. If no time period is stated, the conditions shall continue for the duration of the matter which it conditions and become an integral part of the comprehensive plan amendment, official zoning map amendment, or special use permit to which the conditions are attached and shall be:
 - 59. a. Required of the property owner and all subsequent owners as a condition of their use of the property.
 - 60. b. Interpreted and continually enforced by the department in the same manner as any other provision of the UDO.

(c) *Alterations to conditions of approval.*

- (1) Alterations or repeal of conditions attached to any amendment to the comprehensive plan, official zoning map, or approval of a special use permit shall be made only by the board of commissioners following a duly advertised public hearing conducted in accordance with subsection 238-4(f) of this chapter. Notice shall be provided in accordance with subsection 238-4(e).
- (2) Alterations or repeal of conditions attached to a variance granted by the board of adjustment shall be made only by the board of adjustment following a duly advertised public hearing conducted pursuant to procedures provided in subsection 238-9(g) of this chapter. Notice shall be provided in accordance with subsection 238-4(e).

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)