

## **REZONING, USE PERMIT & CONCURRENT VARIANCE**

Submit completed forms to:

City of Milton, Attn: Community Development, 2006 Heritage Walk, Milton, GA 30004. Call 678-242-2500 with questions.

## APPLICANT'S CHECKLIST

ITEM #	REQUIRED ITEM	NUMBER OF COPIES CHEC	К 🗹
1	Pre-Application Review Form	10 copies	
2	Site Plan with Form "F"	17 copies	
3	Application Form	1 original and 10 copies	
4	Legal Description (8 1/2 "x 11")	10 copies	
5	Letter of Intent (8 1/2 "x 11")	10 copies	
6	Environmental Site Analysis with Form "A"	10 copies	
7	PDF of Site Plan	Send via email or flash drive	
8	Impact Analysis (8 1/2 ''x 11'')	10 copies	
9	Disclosure Form(s)	10 copies	
10	Public Participation Plan	10 copies	
11	Public Participation Report	10 copies (Due 7 business days prior to Planning Commission meeting and revised public participation report due 7 business days prior to Milton City Council hearing.)	

#### THE FOLLOWING ITEMS MAY BE REQUIRED. SEE THE FOLLOWING INFORMATION FOR DETAILS.

12	Adjacent Property Owner List (if outside county boundaries)	1 сору	
13	Traffic Impact Study	3 copies	
14	Development of Regional Impact Review Form (DRI)	3 copies (If DRI applicable)	
15	Noise Study Report	3 copies (If applicable)	
16	Environmental Impact Report	3 copies (If report applicable)	

## ALL APPLICABLE ITEMS ARE DUE AT THE TIME OF FILING. AN INCOMPLETE APPLICATION WILL NOT BE ACCEPTED.

**ITEM 1. PREAPPLICATION REVIEW MEETING AND FORM:** Prior to submitting an application, all applicants are required to meet with a staff person from Community Development who will review the applicant's proposal and site plan and complete a Pre-application Review Form. Applicants are required to bring the site plan and tax parcel identification number(s) to the meeting. Call 678-242-2540 to schedule an appointment.

**ITEM 2. SITE PLAN CHECKLIST:** The site plan checklist (Form F) details the minimum requirements for site plans as specified in the Zoning Ordinance. <u>Prior to submitting an application, a review of the site plan and signoff by Plan Review of Form F is required.</u>

**ITEM 3. APPLICATION FORM:** Original and notarized signatures of the property owner(s) and applicant(s) or a notarized statement by the applicant as to ownership are required. If a contract is used in lieu of the owner's signature, the signature on the contract must be an original and the contract must be valid for the duration of the rezoning process. See the application form for additional details.

**ITEM 4. LEGAL DESCRIPTION:** The legal description must be a *metes and bounds* description of the property that establishes a point of beginning and gives directions (bounds) and distances (metes) of property lines. If the property consists of more than one parcel, all parcels must be combined into one legal description.

**ITEM 5. LETTER OF INTENT:** The Letter of Intent should state the requested rezoning and use permit(s) and should include factual details about the proposed use(s), such as number and square footages of buildings, number of residential units, minimum heated floor area of residential units, number of fixed seats in places of worship, number of employees and beds in assisted living facilities, personal care homes and nursing homes, number of employees and students in day care facilities, number of classrooms and number of students in schools, hours of operation, and number and use of playing fields. If concurrent variances are requested, the Letter of Intent should clearly state the requested variances and include explanations of hardships and any other reasons why the development standards cannot be met. If a rezoning request is for a CUP or MIX district, the Letter of Intent should detail the proposed development standards.

**ITEM 6. ENVIRONMENTAL SITE ANALYSIS (ESA):** All rezoning and/or use permit applications must include an Environmental Site Analysis (ESA) identifying environmental conditions on the site to determine if the proposed use may be considered environmentally adverse. Refer to Environmental Site Analysis (Form A) for specific instructions.

ITEM 7. PDF: Electronic file of the site plan is required via email or flash drive.

**ITEM 8. IMPACT ANALYSIS:** All rezoning applications must include an Impact Analysis (Form B). An Impact Analysis is not required for Use Permits.

**ITEM 9. DISCLOSURE FORM:** If the owner, applicant and/or applicant's representative has made a campaign contribution to the Mayor or any member of the City Council for \$250 or more within the past 2 years, sections 1 through 4 of the Disclosure Form (Form C) must be completed. If no contributions have been made, complete Section 4 only.

**ITEM 10. PUBLIC PARTICIPATION PLAN:** The Public Participation Plan is to ensure that applicants pursue early and effective public participation in conjunction with their petitions, ensure that the citizens of the City of Milton have an adequate opportunity to learn about petitions that may affect them, and to ensure ongoing communication between applicants, adjoining property owners, environmentally stressed communities, community associations and other organizations, elected officials and City staff. Applicants are required to submit a Public Participation Plan (Form D) at the time of the filing of the rezoning/use permit application.

**ITEM 11. PUBLIC PARTICIPATION PLAN REPORT:** A Public Participation Plan Report must be completed on Form E and filed no later than 7 business days before the Planning Commission meeting and an updated Public Participation Report is due no later than 7 business days before the Mayor and City Council hearing.

**ITEM 12. ADJACENT PROPERTY OWNER LIST:** If the subject property is within 300 feet of an adjacent city or county, the petitioner must furnish the names and addresses of all property owners in the adjacent city or county that are within 300 feet of the subject property.

**ITEM 13. TRAFFIC IMPACT STUDY:** Rezonings / Use Permits may require a traffic study. Please contact the City of Milton Traffic Engineer at 678-242-2559 to set up a scoping meeting.

**ITEM 14. DEVELOPMENT OF REGIONAL IMPACT (DRI):** The Department of Community Affairs (DCA) has formulated development thresholds as listed below. 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 Milton. After the ARC/GRTA findings are complete, the rezoning/use permit will be placed on the next available appropriate agenda. It is 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.html 404-463-3000.

**ITEM 15. NOISE STUDY REPORT (if applicable):** Any rezoning/use permit located in an area exceeding a DNL (i.e. day-night average sound level) of 65dBA or within 500 feet of a principal arterial and/or expressway.

**ITEM 16. ENVIRONMENTAL IMPACT REPORT:** Any rezoning to M-1A, M-1, or M-2 or specific use categories identified in Article 19.4 of the Zoning Ordinance, as may be deemed environmentally adverse, shall include an Environmental Impact Report as part of the rezoning/use permit process.

### **OTHER RELEVANT INFORMATION**

1. If a project is located in any watershed, it may be subject to the Standards for Protection of Public Water Supply Watersheds.

## **PUBLIC HEARINGS**

- A) The Planning Commission holds a public hearing on the fourth Wednesday of each month at 6:00 PM at City Hall. The Planning Commission makes a recommendation that is forwarded to the Mayor and City Council.
- B) The Mayor and City Council hold public hearings for zoning items on the third Monday of each month at 6:00 PM at City Hall.

## **PUBLIC NOTICE**

- A) Community Zoning Information Meeting (CZIM): Signs posted along the frontages of properties subject to rezonings and/or use permits notify area residents of the Community Zoning Information Meeting (CZIM). This meeting is open to all interested citizens and applicants are required to attend. This meeting is typically held on the fourth Tuesday of the month.
- B) Planning Commission and Mayor and City Council Public Hearing Notice: Signs posted along the frontages of properties subject to rezonings and/or use permits notify area residents of the Planning Commission and Mayor and City Council public hearings. Applicants are required to post signs in conspicuous places along the property's street frontage(s) no later than 20 days before the Planning Commission hearing. Failure to post the signs properly, in accordance with instructions given to applicants at the time of filing, will result in delaying action on the petition until the next available appropriate hearing date.

If an applicant, prior to advertising, defers a petition, it is the responsibility of the applicant to contact the Community Development Director at 678-242-2500 to pick up new signs and re-post on the property. If the Planning Commission or Mayor and City Council defer a petition, it is the applicant's responsibility to contact the Community Development Director at 678-242-2500 to pick up new signs and re-post on the property 20 days prior to the next hearing date. When a petition is deferred by the Mayor and City Council for less than 20 days, posting an updated sign is not required.

**C) Adjacent Owner Notice:** By U.S. Mail, notices are sent by the City to all property owners within 500 feet of properties with a minimum of 75 residents subject to rezonings and/or use permits. Said notices are mailed 14 days prior to the Community Zoning Information Meeting (CZIM) hearing to property owners of record.

**STAFF ANALYSIS:** Prior to the public hearings, the Community Development Department will publish its findings, recommendations and comments in the staff analysis. Please contact the Department at 678-242-2540 for additional information.



# REZONING, USE PERMIT & CONCURRENT VARIANCE

Submit completed forms to:

City of Milton, Attn: Community Development, 2006 Heritage Walk, Milton, GA 30004. Call 678-242-2500 with questions.

## APPLICATION FOR REZONING OR USE PERMIT AND CONCURRENT VARIANCE

DATE: TAX PARC	CEL ID. NO		
SECTION I: REZONING REQUEST			
Office use only			
Zoning Case #:	_ Road Frontage:		
Property Address (if available)			
Existing Zoning	Proposed Zoning		
SECTION II: USE PERMIT REQUEST			
Office use only			
Use Permit Case #:	_ Road Frontage:		
Under the provisions of Article XIV of the Cir hereby made to obtain a Use Permit as follo Current Zoning Use Permit Request SECTION III: CONCURRENT VARIANCE REQ			
Office use only			
Variance Case #:			
Request 1)	Section		
	Section		
Request 2)			
Request 3)	Section		
	Section		

# NOTICE: Part 1 and/or Part 2 below must be signed and notarized when the petition is submitted. Please complete Section IV as follows:

- a) If you are the sole owner of the property and not the petitioner complete Part 1.
- b) If you are the petitioner and not the sole owner of the property complete Part 2.
- c) If you are the sole owner and petitioner complete Part 1.
- d) If there are multiple owners each must complete a separate Part 1 and include it in the application.

**Part 1.** Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application. If the owner is a corporation, limited liability company, limited partnership, limited liability partnership, or other entity recognized by the State of Georgia other than an individual, than the individual signing the petition states under oath that he/she has been authorized by the owner pursuant to the necessary formalities to sign on its behalf.\*

		Sworn to and subscribed before me this the
		Day of 20
ADDRESS		
CITY & STATE	ZIP CODE	NOTARY PUBLIC
PHONE NUMBER		MY COMMISSION EXPIRES
OWNER'S SIGNATURE		

**Part 2.** 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"); or (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"). If the petitioner is a corporation, limited liability company, limited partnership, limited liability partnership, or other entity recognized by the State of Georgia other than an individual, than the individual signing the petition states under oath that he/she has been authorized by the petitioner pursuant to the necessary formalities to sign on its behalf.\*

<ul> <li>Sworn to and subscribed before me this th</li> </ul>	this the
_ Day of 20	
NOTARY PUBLIC	
MY COMMISSION EXPIRES	
	NOTARY PUBLIC

PETITIONER'S SIGNATURE

\*Pursuant to O.C.G.A. 16-10-20, "A person who knowingly and willfully ...makes a false, fictitious, or fraudulent statement or representation...in any matter within the jurisdiction of any department or agency of state government or of the government of any county, city, or other political subdivision of this state, shall upon conviction thereof, be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one or more than five years, or both."

#### **SECTION V: ATTORNEY / AGENT**

If this application is signed by an attorney or agent on behalf of another, the undersigned attorney/agent states under oath that they have been given express permission to execute and submit this application on their behalf.

Check One: 🔲 A	ttorney	🗌 Agent	
TYPE OR PRINT ATTORN	IEY / AGEN	IT NAME	
SIGNATURE OF ATTORN	NEY / AGEN	л	
ADDRESS			
CITY & STATE		ZIP C	ODE
PHONE NUMBER			
PETITIONER'S SIGNATU	RE		

\*Pursuant to O.C.G.A. 16-10-20, "A person who knowingly and willfully ...makes a false, fictitious, or fraudulent statement or representation...in any matter within the jurisdiction of any department or agency of state government or of the government of any county, city, or other political subdivision of this state, shall upon conviction thereof, be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one or more than five years, or both."

## **ENVIRONMENTAL SITE ANALYSIS – FORM A**

Provide a complete Environmental Site Analysis document fully addressing all items as required in sections 1 through 3 below. Attach this Form A to the front of the completed Environmental Site Analysis document (and any subsequent revisions) prior to submission.

ESA Revision Number: \_\_

Applicant: \_

Phone Number:

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://www.fws.gov/wetlands /Data/Mapper.html)
- 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

#### h. Specimen trees

• Identify all specimen trees as defined by the City of Milton Tree Preservation Ordinance

- 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

#### **IMPACT ANALYSIS – FORM B** (NOT REQUIRED FOR USE PERMITS)

Analyze the impact of the proposed rezoning and answer the following questions:

1. Does the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby property? Yes  $\Box$  No  $\Box$ 2. Does the zoning proposal adversely affect the existing use or usability of adjacent or nearby property? Yes 🗆 No 🗖 3. Does the property to be rezoned have a reasonable economic use as currently zoned? Yes  $\Box$  No  $\Box$ 4. Will the zoning proposal result in a use that could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools? Yes 🗆 No 🗆 5. Is the zoning proposal in conformity with the policies and intent of the land use plan? Yes  $\Box$  No  $\Box$ 6. Are there existing or changing conditions that affect the use and development of the property which support either approval or denial of the zoning proposal? Yes D No D 7. Does the zoning proposal permit a use that can be considered environmentally adverse to the natural resources, environment, or citizens of the City of Milton? Yes  $\Box$  No  $\Box$ 

## DISCLOSURE REPORT – FORM C

#### Office use only

Petition #:

 $\_$  Mayor and Council Hearing Date:  $\_$ 

Within the (2) years immediately preceding the filing of this zoning petition have you, as the applicant or opponent for the rezoning petition, or an attorney or agent of the applicant or opponent for the rezoning petition, made any campaign contributions aggregating \$250 or more or made gifts having an aggregate value of \$250 to the Mayor or any member of City Council.

If the answer is YES, proceed to sections 1 through 4.

If the answer is NO, complete only section 4.

1. CHECK ONE: Party to Petition In Opposition to Petition

If party to petition, complete sections 2, 3 and 4 below.

If in opposition, proceed to sections 3 and 4 below.

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition

#### 3. CAMPAIGN CONTRIBUTIONS:

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift at \$250 or more

4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print):

Signature:

Date:

## PUBLIC PARTICIPATION PROGRAM

The Public Participation Program consists of a two-part process designed to enhance dialogue between applicants and communities which may be impacted by a proposed development.

**Part 1** of the process is the Public Participation Plan (Form D) which is required with all rezoning and/or use permit applications. The plan must be filed simultaneously with the application. The minimum standards for the plan are as follows:

- Identification of all property owners within a quarter mile of the site and area homeowners' associations, environmentally stressed communities, political jurisdictions, and any other public agencies or organizations which may be affected by an application as determined by the applicant and the current planner at the time of the pre-application review.
- Explanation of how interested parties will be informed of rezoning/use permit applications.
- Methods for providing opportunities for discussion with interested parties before public hearings are held. Applicants are required to schedule at least one meeting at a convenient location and time and notify all interested parties, as identified above of the purpose, place and time of the meeting.
- Applicant's schedule for completion of the Public Participation Plan.

**Part 2** of the Public Participation Program is the Public Participation Report (Form E) is due no later than seven (7) business days prior to the scheduled Planning Commission meeting and the applicant(s) must turn in a revised copy of the Public Participation Report no later than seven (7) business days prior to the Mayor and City Council hearing. The minimum standards for the report are as follows:

- Provide a list of all parties that were contacted, the methods of notification that were used, and copies of all notification letters.
- Provide dates and locations of all community and/or other meetings that were attended by the applicant to discuss an application. (attach meeting notices, letters, etc.)
- Provide the number of people who participated in meetings held to discuss an application. (attach sign-in sheets)
- A summary of concerns and issues expressed by interested parties.
- A summary of the applicant's response to concerns and issues.

## **PUBLIC PARTICIPATION PLAN – FORM D**

Petition #:

2. The individuals and others listed in 1. above will be notified of the requested rezoning/use permit using the following method(s): (e.g., letters, meeting notices, telephone calls, e-mails, etc.)

3. Individuals and others listed in 1. above will be allowed to participate in the following manner: (At least one meeting at a convenient time and location is required)



Attach additional sheets as needed.

## PUBLIC PARTICIPATION PLAN – FORM E

Applicant:		Date

1. The following parties were notified of the requested rezoning/use permit:

2. The following meetings were held regarding this petition: (Include the date, time and meeting location)

3. The following issues and concerns were expressed:

4. The applicant's response to issues and concerns was as follows:

- 5. Applicants are required to attach copies of sign-in sheets from meetings as well as meeting announcements, i.e., notices, flyers, letters, and any other documentation which supports the opportunity for public input.
  - □ Notice
  - □ Flyer
  - □ Letters
  - Other\_
  - $\Box$  Sign-In Sheet(s)

Attach additional sheets as needed.

# Site Plan Checklist - Form F

Site plans for rezoning and use permit must be folded, drawn to scale, no larger than  $30" \times 42"$ , and shall, at a minimum, include the following information:

DESC	CRIPTION CHECK	$\langle \checkmark$
1	Key and/or legend and site location map with North arrow	
2	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	
3	Acreage of subject property	
4	Location of land lot lines and identification of land lots	
5	Existing, proposed new dedicated and future reserved rights-of-way of all streets, roads, and railroads adjacent to and on the subject property	
6	Proposed streets on the subject site	
7	Posted spee <mark>d limits on all adjoining r</mark> oads	
8	Current zoning of the subject site and adjoining properties	
9	Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on the subject	
10	Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on adjacent properties within 400 feet of the subject site based on aerial photography from an acceptable source as determined by the Director of Community Development	
11	Location of proposed buildings (except single family residential lots) with total square footage	
12	Layout and minimum lot size of proposed single family residential lots	
13	Topography (surveyed or County) on subject site and adjacent property within 200 feet as required to assess runoff effects	
14	Location of major overhead and underground electrical and petroleum transmission/conveyance lines	
15	Required and/or proposed setbacks	
16	100 year flood plain horizontal limits and flood zone designations as shown on survey or FEMA FIRM maps	
17	Required landscape strips, undisturbed buffers, and any other natural areas as required or proposed	
18	Required and proposed parking spaces; Loading and unloading facilities	
19	Lakes, streams and other w <mark>aters</mark> on the site and associated buffers	
20	Proposed stormwater management facilities	
21	Community wastewater facilities including preliminary areas reserved for septic drain fields and points of access	
22	Availability of water system and sanitary sewer system	
23	Tree lines, woodlands and open fields on subject site	
24	Locate all specimen trees on the site, as defined by the City of Milton Tree Preservation Ordinance	
25	Entrance site distance profile assuming the driver's eye at a height of 3.5 feet (See Subdivision Regulations)	
26	Wetlands shown on GIS maps or survey	

Office use only			
I hereby certify that I have completed a preliminary review of the site plan for this project and determined that it meets the minimum standards specified by Sec 64-2153 of the City of Milton Zoning Ordinance.			
Staff signature:	Community Development	_ Date	
Staff printed name:			

The undersigned acknowledges that the site plan is submitted in accordance with Sec 64-2153 of the City of Milton Zoning Ordinance and failure to comply shall render my application incomplete which may result in delay in the process of this application.

Applicant signature:	Date
Applicant printed name:	