Cobb County...Expect the Best!

# REQUIREMENTS FOR COMPLETING APPLICATION FOR REZONING
## COBB COUNTY, GEORGIA

Application must be submitted in person to the Zoning Division, located at 191 Lawrence Street in Building E, Marietta, Georgia, no later than **4:00 p.m. on the first Thursday of each month** (see attached hearing schedule) in order to be considered for the next scheduled public hearing.

> EXAMPLE: A complete application filed by the first Thursday of March would be considered by the Planning Commission on the first Tuesday in May [unless otherwise scheduled] then by the Board of Commissioners on the third Tuesday in May [unless otherwise scheduled]. You are ***not*** required to wait until the first Thursday of each month to file an application.

**NOTE**: There will not be a filing date in the month of November for Rezoning Applications. The first Thursday of December will be the cut off date for the February hearing. There will not be a Zoning Hearing in the month of January.

**NOTE**: The preliminary zoning analysis, correspondence concerning rezoning applications, revised plans, the final zoning analysis and other business agenda items will be posted on the Cobb County Website (www.cobbcounty.org)

The following items are required for submitting an application for rezoning:

1. **Original** notarized signatures of **titleholder(s)** and **representative(s).**

2. If the **titleholder(s)** is a domestic or foreign corporation, then the following documentation shall also be required:

   Written authentication with the presence of the corporate seal, or a facsimile thereof, attested by the secretary or assistant secretary of the corporation, or other officer to whom the bylaws or the directors have delegated the responsibility for authenticating records of the corporation, shall attest:

   a) That the corporate seal or facsimile thereof affixed to the document is in fact the seal of the corporation of true facsimile thereof, as the case may be;

   b) That any officer of the corporation executing the document does in fact occupy the official position indicated, that one in such position is duly authorized to execute such document on behalf of the corporation, and that the signature of such officer subscribed thereto is genuine; and

   c) That the execution of the document on behalf of the corporation has been duly authorized.

3. A copy of the warranty deed that reflects the current owner(s) of the property.

4. A current legal description of the subject property. If the application consists of several tracts, a legal description of each tract is required. A separate legal description of each zoning classification is also required, as well as an overall description of all tracts and/or classifications combined. No legal description should include more property than what has been requested for rezoning.

5. A copy of the paid tax receipt for the subject property or a statement signed by an official in the Tax Commissioner's Office or other official document issued by the Tax Commissioner's Office indicating the taxes have been paid.

6. A copy of current site plan and current boundary survey drawn to scale by a **registered engineer, architect, land planner,** or **land surveyor** currently registered in accordance with applicable state laws. (**Plans must be stamped**). These plans must include: a) north arrow; b) land lot lines; c) district lines; d) lot lines; e) angles; f) bearing and distances; g) adjoining street with right-of-way (present and proposed); h) paving widths; i) the exact size and location of all buildings along with intended use; j) buffer areas; k) parking spaces; l) lakes and streams; m) utility easements; n) limits of the 100-year flood plain and acreage of flood plain; o) cemeteries; p) wetlands; q) access points; and r) stream buffers (minimum 50' buffer).

   **NOTE: Five (5) drawings shall be no larger than 36" x 48" and two (2) copies must be 8½ " x 11".**

7. If the property is or will be on septic tank, contact the Cobb County Health Department (770-435-7815). A site plan and soils analysis will be required for review by the Environmental Health District Project Manager. Approval by the Cobb County Health Department must be obtained prior to the filing of the application for Rezoning.

8. Zoning Application Disclosure forms attached hereto **must** be completed.

9. Every application for rezoning involving a request for a non-residential zoning district shall include a complete written, documented analysis of the impact of the proposed rezoning with respect to each of the following matters:

   (a) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

   (b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

   (c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

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

   (e) Whether the zoning proposal is in conformity with the policy and intent of the land use plan; and

   (f) Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal.

10. Applicant, or representative for applicant, **must** attend the Zoning Hearings. Failure to attend may result in dismissal with prejudice, rejection of the application or continuance of the hearing at the Board's sole discretion.

11. Application fee for rezoning, please see attached Rezoning Fee Structure.

12. In addition to the application fee, there is a **deposit of $300.00** for signs, which will be refunded if signs are returned within **thirty** ***(30)*** days after the final decision by the Board of Commissioners. The signs **must** be returned to qualify for the refund.

13. Signs provided by the Zoning Division **must** be posted on or near the right-of-way of the nearest public street thirty (30) days before the public hearing. Both a zoning sign and pursuant sign **must** be posted for every 500 feet of public road frontage. Failure to post and maintain signs continuously may prohibit consideration of the application at any scheduled public hearing. It is the responsibility of the applicant to ensure that signs remain posted throughout the advertising period, **including the day of the public hearings and to remain posted until the final decision by the Board of Commissioners.**

14. Summary of Intent attached hereto **must** be completed.

15. It shall be the duty of the applicant/representative to notify in writing regarding a pending rezoning application, which includes the Planning Commission and the Board of Commissioners Hearing dates to all property owners within a ***1,000-foot radius*** of the subject property being rezoned as shown on the most current tax records. Such notice shall be satisfied by the applicant/representative mailing a copy of the application that includes notification of the Planning Commission and Board of Commissioners hearing dates and proposed site plan to the property owners within a 1,000-foot radius of the subject property by ***first class mail. Said notification must be postmarked 14 calendar days prior to the Planning Commission Hearing.*** The applicant/representative shall also be required to file with the Zoning Division, a ***certificate of mailing*** from the United States Post Office verifying the attempt to notify all the property owners within a 1,000-foot radius of the property. The certificate of mailing **must** be submitted to the Zoning Division no later than 12:00 noon on Wednesday of the week preceding the Planning Commission Zoning Hearing for which the application is scheduled to be considered.

16. Any application for a rezoning involving a request of more than 75 residential dwelling units or 50,000 square feet of non-residential building space, in single or multiple phases, (exempting redevelopment projects) shall be required to submit two copies of a traffic impact study (prepared in accordance with industry accepted standards, including at a minimum, level of service impacts for adjacent roadways and intersections) and mitigation package to address the cumulative effects from the project's impact. Said applicant shall also be required to coordinate and fund any recommended mitigation measures limited to project related improvements with applicable federal, state and local agencies including the Georgia Regional Transportation Authority and the Atlanta Regional Commission. The required elements needed for the traffic study are available in the Zoning Division Office.

    Any application for a rezoning involving a request of more than 150 residential dwelling units or

(Continued on the next page)

100,000 square feet of non-residential building space, in single or multiple phases, (exempting redevelopment projects) shall be required to submit a traffic impact study (prepared in accordance with industry accepted standards, including at a minimum, level of service impacts for adjacent roadways and intersections), the scope of which shall be determined by the Director of the Cobb County Department of Transportation or his/her designee and shall at a minimum address conditions and impacts resultant from the project within a 10 year scope. Said applicant shall also be required to coordinate and fund any recommended mitigation measures limited to project related improvements with applicable federal, state and local agencies including the Georgia Regional Transportation Authority and the Regional Commission. The required elements needed for the traffic study are available in the Zoning Division Office.

These requirements shall not apply to a "Development of Regional Impact", as defined by the Georgia Department of Community Affairs or Georgia Regional Transportation Authority, as may be amended from time to time.

17. The State of Georgia, Department of Community Affairs has established specific thresholds for the identification of Developments of Regional Impact (DRI). Please refer to TABLE I - Development of Regional Impact Tiers and Development Thresholds that is attached to this application to determine if the proposed project meets or exceeds any of the development thresholds. If the proposed project meets or exceeds any of the development thresholds, a Development of Regional Impact Review **must** be conducted prior to the Planning Commission Hearing. The rules and procedures for a DRI REVIEW are available in the Zoning Division Office.

18. Any developments that are less than 400,000 net square feet or 350 dwelling units may be required to submit one or all of the above mentioned studies upon request by the affected department. A final decision, by the Board of Commissioners, may not be made until these studies are received with the zoning application.

19. In addition to the above requirements, all retail/commercial, office/institutional and industrial uses must also comply with the Cobb County Architectural Guidelines for development, redevelopment or building renovations.

**NOTES:** **NO APPLICATION WILL BE ACCEPTED BY THE ZONING DIVISION UNLESS FILLED OUT IN ITS ENTIRETY, ALONG WITH ALL STAMPED SITE PLANS AND BOUNDARY SURVEYS.**

**ANY APPLICATION REJECTED BY THE BOARD OF COMMISSIONERS CANNOT BE RESUBMITTED TO THE ZONING DIVISION FOR A PERIOD OF ONE YEAR.**

EACH SITE WILL BE INSPECTED BY COBB COUNTY ZONING STAFF TO ENSURE ZONING SIGNS HAVE BEEN PROPERLY POSTED.

**Table I**
**Development of Regional Impact**
**Tiers and Development Thresholds**
**Effective January 1, 2005**

| Type of Development | Metropolitan Regions | Non-metropolitan Regions |
|---|---|---|
| (1) Office | Greater than 400,000 gross square feet | Greater than 125,000 gross square feet |
| (2) Commercial | Greater than 300,000 gross square feet | Greater than 175,000 gross square feet |
| (3) Wholesale & Distribution | Greater than 500,000 gross square feet | Greater than 175,000 gross square feet |
| (4) Hospitals and Health Care Facilities | Greater than 300 new beds; or generating more than 375 peak Hour vehicle trips per day | Greater than 200 new beds; or generating more than 250 peak hour vehicle trips per day |
| (5) Housing | Greater than 400 new lots or units | Greater than 125 new lots or units |
| (6) Industrial | Greater than 500,000 gross square feet; or employing more Than 1,600 workers; or covering more than 400 acres | Greater than 175,000 gross square feet; or employing more than 500 worker or covering more than 125 acres |
| (7) Hotels | Greater than 400 rooms | Greater than 250 rooms |
| (8) Mixed Use | Gross square feet greater than 400,000 (with residential units calculated at 1,800 square feet per unit toward the total gross square footage); or covering more than 120 acres; or if any of the individual uses meets or exceeds a threshold as identified herein | Gross square feet greater than 125,000 (with residential units calculated at 1800 square feet per unit toward the total gross square footage); or covering more than 40 acres; or if any of the individual uses meets or exceeds a threshold as identified herein |
| (9) Airports | All new airports, runways and runway extensions | Any new airport with a paved runway; or runway additions of more than 25% of existing runway length |
| (10) Attractions & Recreational Facilities | Greater than 1,500 parking spaces or a seating capacity of more than 6,000 | Greater than 1,500 parking spaces or a seating capacity of more than 6,000 |
| (11) Post-Secondary Schools | New school with a capacity of more than 2,400 students, or expansion by at least 25 percent of capacity | New school with a capacity of more than 750 students, or expansion by at least 25 percent of capacity |
| (12) Waste Handling Facilities | New facility or expansion of use of an existing facility by 50 percent or more | New facility or expansion of use of an existing facility by 50 percent or more |
| (13) Quarries, Asphalt & Cement Plants | New facility or expansion of existing facility by more than 50 percent | New facility or expansion of existing facility by more than 50 percent |
| (14) Wastewater Treatment Facilities | New facility or expansion of existing facility by more than 50 percent | New facility or expansion of existing facility by more than 50 percent |
| (15) Petroleum Storage Facilities | Storage greater than 50,000 barrels if within 1,000 feet of any water supply; otherwise, storage capacity greater than 200,000 barrels | Storage greater than 50,000 barrels if within 1,000 feet of any water supply; otherwise, storage capacity greater than 200,000 barrels |
| (16) Water Supply Intakes/Reservoirs | New Facilities | New Facilities |
| (17) Intermodal Terminals | New Facilities | New Facilities |
| (18) Truck Stops | A new facility with more than three diesel fuel pumps; or containing a half acre of truck parking or 10 truck parking spaces. | A new facility with more than three diesel fuel pumps; or containing a half acre of truck parking or 10 truck parking spaces. |
| (19) Any other development types not identified above (includes parking facilities) | 1000 parking spaces | 1000 parking spaces |

# Application for Rezoning
# Cobb County, Georgia

**(Cobb County Zoning Division – 770-528-2035)**

**Application No.** _____

**PC Hearing Date:** _____

**BOC Hearing Date:**_____

**Applicant** _____ **Business Phone**_____
(applicant's name printed)

**Address** _____ **Home Phone** _____

_____ **Address** _____
(representative's name, printed)

_____ **Business Phone**_____ **Cell Phone**_____
(representative's signature)

**Signed, sealed and delivered in presence of:**

_____ **My commission expires:** _____
**Notary Public**

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**Titleholder** _____ **Business Phone**_____**Home Phone** _____
(titleholder's name, printed)

**Signature** _____ **Address** _____
(attach additional signature, if needed)

**Signed, sealed and delivered in presence of:**

_____ **My commission expires:** _____
**Notary Public**

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**Zoning Request From** _____ **to** _____
(present zoning) (proposed zoning)

**For the Purpose of** _____**Size of Tract** _____**Acre(s)**
(subdivision, restaurant, warehouse, apt., etc.)

**Location** _____
(street address, if applicable; nearest intersection, etc.)

**Land Lot(s)** _____**District(s)**_____

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**We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there <u>are/are no</u> such assets. If any exist, provide documentation with this application.**

_____
(applicant's signature)

**We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there <u>is/is not</u> such a cemetery. If any exist, provide documentation with this application.**

_____
(applicant's signature)

**Application No. _____**

# Summary of Intent for Rezoning

**Part 1. Residential Rezoning Information (attach additional information if needed)**

a) **Proposed unit square-footage(s):** _____

b) **Proposed building architecture:** _____

c) **Proposed selling prices(s):** _____

d) **List all requested variances:** _____

_____

_____

_____

**Part 2. Non-residential Rezoning Information (attach additional information if needed)**

a) **Proposed use(s):** _____

_____

b) **Proposed building architecture:** _____

_____

c) **Proposed hours/days of operation:** _____

_____

d) **List all requested variances:** _____

_____

_____

_____

**Part 3. Other Pertinent Information (List or attach additional information if needed)**

_____

_____

_____

_____

_____

_____

_____

# SITE PLAN REQUIREMENTS

- Site Plan stamped with seal of Engineer, Land Surveyor, etc.
- North arrow
- Land lot lines
- District Lines
- Lot lines
- Angles
- Total acreage
- Bearing and distance
- Adjoining street width right-of-way (present and proposed)
- Paving widths
- Exact size and location of all buildings along with intended use
- Building setback and/or parking deck location
- Buffer areas
- Parking spaces
- Lakes and streams
- Utility easements
- Limits of the 100-year flood plain and acreage of flood plain
- Cemeteries
- Wetlands
- Access points
- Architectural or Archeological landmarks
- Detention/Retention areas
- Stream Buffers with required widths

***General note:*** If any of the above requirements do not apply to property, please list which ones do not apply.

# REZONING FEE STRUCTURE

| **Acres/Square Footage** | **Single-Family Residential** (R-80, RR, R-40, R-30, R-20, R-15, CS) | **Medium/High Density Residential** (RD, RA-5, SC, RM-8, RSL, FST, RM-12,, MHPS, MHP) | **Commercial, Industrial, Office** (LRO, NRC, LRC, OI, UVC, PVC, CRC, OMR, UC, OHR, OS, PSC, TS, GC, RRC, LI, HI) |
|---|---|---|---|
| 0 – 5 Acres | $ 250 | $ 700 | $ 900 |
| 5 – 10 Acres | $ 700 | $1,200 | $1,500 |
| 10 – 20 Acres | $1,000 | $1,500 | $1,800 |
| 20 – 100 Acres | $1,500 | $2,000 | $2,200 |
| 100 + Acres | $1,500 + $30 per acre | $2,000 + $40 per acre | $2,200 + $50 per acre |
| 0 to 20,000 sq. ft. | | $ 700 | $ 900 |
| 20,001 to 50,000 sq. ft. | | $1,200 | $1,500 |
| 50,001 to 100,000 sq. ft. | | $1,500 | $1,800 |
| 100,001 to 500,000 sq. ft. | | $2,000 | $2,200 |
| 500, 001 + sq. ft. | | $2,000 + $90 per 100,000 sq. ft | $2,200 + $ 115 per 100,000 sq. ft. |

NOTE: The **maximum** fee for any rezoning application $5,000.

***(Effective September 11, 2001)*** Any single-family residential rezoning application being filed for the sole purpose of changing the zoning classification to reflect the existing lot sizes(s) and/or lot configuration, that proposes no increase in density or additional development activities, will be charged an application fee of $100.00 plus a refundable $300.00 sign bond.

The fee for medium/high density residential, commercial, industrial, or office rezoning applications will be based on the total number of acres being rezoned or the total square footage of the proposed building(s) on the rezoning site, **whichever fee is greater.**

There is also a **deposit fee of $300.00** for sign(s), which will be refunded if the sign(s) are returned within **thirty (30)** days after the final decision by the Board of Commissioners.

# PROPERTY/FINANCIAL DISCLOSURE REPORT[1] BY APPLICANT[2]

## (A separate form must be completed by each applicant* - please see definition below)

Does any member of the Board of Commissioners or Planning Commission have a property interest (direct or indirect ownership, including any percentage of ownership less than total) in the subject property?_____
_____
_____

If so, describe the nature and extent of such interest:_____
_____
_____

Does any member of the Board of Commissioners or Planning Commission have a financial interest (direct ownership interests of the total assets or capital stock where such ownership interest is ten percent (10%) or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property?_____

If so, describe the nature and extent of such interest: _____
_____
_____

Does any member of the Board of Commissioners or Planning Commission have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above?_____

If so, describe the relationship and the nature and extent of such interest:_____
_____
_____

I certify that the foregoing information is true and correct, this _____day of _____, 20____.

_____
Applicant's Signature

[1]If the answer to any of the above is "Yes," then the member of the Board of Commissioners or Planning Commission must immediately disclose the nature and extent of such interest, in writing, to the Board of Commissioners of Cobb County, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

[2]Applicant means any person who applies for a rezoning action and any attorney, or other person representing or acting on behalf of a person who applies for a rezoning action.

# CAMPAIGN DISCLOSURE REPORT[1] BY APPLICANT[2]

## (A separate form must be completed by each applicant* - please see definition below)

Has the applicant[2] made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating two hundred fifty dollars ($250.00) or more or made gifts having in the aggregate a value of two hundred fifty dollars ($250.00) or more to a member or members of the Board of Commissioners or Planning Commission who will consider the application?

_____

If so, the applicant and the attorney representing the applicant must file a disclosure report with the Board of Commissioners of Cobb County within ten (10) days after this application is first filed.

Please apply the following information that will be considered as the required disclosure:

The name of the member(s) of the Board of Commissioners or Planning Commission to whom the campaign contribution or gift was made: _____

_____

The dollar amount of each campaign contribution made by the applicant to the member(s) of the Board of Commissioners or Planning Commission during the two (2) years immediately preceding the filing of this application and the date of each such contribution:_____

_____

_____

An enumeration and description of each gift having a value of two hundred fifty dollars ($250.00) or more made by the applicant to the member(s) of the Board of Commissioners or Planning Commission during the two (2) years immediately preceding the filing of this application: _____

_____

_____

I certify that the foregoing information is true and correct, this _____day of _____, 20_____.

_____

Applicant's Signature

[1]If the answer to any of the above is "Yes," then the member of the Board of Commissioners or Planning Commission must immediately disclose the nature and extent of such interest, in writing, to the Board of Commissioners of Cobb County, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

[2]Applicant means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.

# COBB COUNTY COMMUNITY DEVELOPMENT

## 2008 ZONING SCHEDULE

| LAST FILING DAY | POST SIGNS | PLANNING COMMISSION HEARING | BOARD OF COMMISSIONERS HEARING |
|---|---|---|---|
| 12-06-07 | 01-06-08 | 02-05-08 | 02-19-08 |
| 01-03-08 | 02-03-08 | 03-04-08 | 03-18-08 |
| 02-07-08 | 03-02-08 | 04-01-08 | 04-15-08 |
| 03-06-08 | 04-06-08 | 05-06-08 | 05-20-08 |
| 04-03-08 | 05-04-08 | 06-03-08 | 06-17-08 |
| 05-01-08 | 06-01-08 | 07-01-08 | 07-15-08 |
| 06-05-08 | 07-06-08 | 08-05-08 | 08-19-08 |
| 07-03-08 | 08-04-08 | *09-03-08 (Wednesday) | 09-16-08 |
| 08-07-08 | 09-07-08 | 10-07-08 | 10-21-08 |
| 09-04-08 | 10-05-08 | 11-04-08 | 11-18-08 |
| 10-02-08 | 11-02-08 | 12-02-08 | 12-16-08 |
| No Last Filing Date In November | N/A | No January Hearing | |
| 12-04-08 | 01-04-09 | 02-03-09 Tentative | 02-17-09 Tentative |

* Not on regular scheduled day or time.

The last filing day is on the first Thursday of each month until 4:00 p.m.

Zoning Meetings start at 9:00 a.m. on Tuesday's (unless otherwise indicated) and are held in the Commissioner's Meeting Room, 2nd Floor of the Cobb County Building A, 100 Cherokee Street, Marietta, Georgia.

Revised: September 20, 2007