

**A RESOLUTION TO AMEND THE DEKALB COUNTY GEORGIA
2018 REZONING CALENDAR**

WHEREAS, DeKalb County has increasingly become one of the most densely populated counties in the State of Georgia since 1970, due in part to social, political and economic factors; and

WHEREAS, DeKalb County's rapid residential growth and development has outpaced the County's ability to attract commercial and business development; and

WHEREAS, DeKalb County wants to encourage commercial and business development in order to increase the commercial property tax base and increase the services and amenities that are available to DeKalb County citizens; and

WHEREAS, DeKalb County wants to encourage its commercial ventures in DeKalb County and the creation and improvement of such ventures will encourage DeKalb County citizens to frequent DeKalb County businesses; and

WHEREAS, the rezoning of property to residential zoning districts, including those of increased density has adversely affected the ability of DeKalb County to protect the health, safety and welfare of the citizens of DeKalb County in various areas including, but not limited to: (1) adequate infrastructure; (2) sewage disposal; (3) watershed protection; and (4) storm water runoff; and

WHEREAS, the DeKalb County Board of Commissioners recognizes the need to provide opportunities for the involvement of citizens in the development and re-development of their communities and neighborhoods in order that they may fully participate as stakeholders in the land use planning and rezoning process; and

WHEREAS, past experience has established that the involvement of the County's Planning and Sustainability staff prior to the filing of a land use plan amendment application or an application for an amendment to the official zoning map or special land use permit can be beneficial to the applicant and the Board and ultimately produce a better development and a more desirable outcome for the community; and

WHEREAS, the involvement of the County's Planning and Sustainability staff prior to the filing of a land use plan amendment application, an application for an amendment to the official zoning map or a special land use permit has the potential to eliminate the numerous deferrals that currently arise where the applicant has filed an application but said application has deficiencies and the applicant is not ready to present a coherent application to the Board of Commissioners; and

WHEREAS, the involvement of the residents of communities surrounding property that is the subject of a land use plan amendment application, an application for an amendment to the official zoning map or a special land use permit prior to the filing of said application will eliminate the numerous deferrals that currently arise where the applicant has filed an application and has not engaged the community in a meaningful manner prior to the Board of Commissioners' exercise of its legislative power; and

WHEREAS, the DeKalb County Board of Commissioners believes that the 2018 rezoning calendar is necessary to protect the interests of DeKalb County and that it is in the best interests of the public health, safety and welfare of the citizens of DeKalb County that this calendar be established; and

WHEREAS, in order to achieve the aforementioned goals and purposes and to advance the policy reflected above, the Board of Commissioners proposes the 2018 Zoning and Land use Plan Amendment Calendar with specific processing requirements that must be satisfied in order for an applicant to be placed upon the annual zoning calendar schedule; and

NOW, THEREFORE, BE IT RESOLVED AND IT IS DECLARED BY THE BOARD OF COMMISSIONERS OF DEKALB COUNTY, GEORGIA, AS FOLLOWS:

1. This resolution and the Rezoning and Land Use Plan Amendment Calendar dated November 14, 2017 (hereinafter referred to as the 2018 Rezoning Calendar) attached hereto and imposed hereby incorporates the findings and statements set forth in the preceding "Whereas" clauses, and such clauses are made a part of this resolution and the rezoning calendar.
2. The 2018 rezoning calendar and the attached checklist for complete applications are attached as Exhibit 1 and 2 respectively and are hereby incorporated herein by reference.
3. For the purposes of this resolution the following terms are defined as follows:

“Complete application” means an application (1) to amend the official zoning map, (2) amend the comprehensive land use plan; (3) file for a special land use permit; or (4) file an application for a major amendment/modification to zoning conditions that has complied with the applicable requirements of the Code of Dekalb County; that has complied with the applicable requirements set forth in the checklist attached hereto and has complied with the applicable provisions of this resolution.

“Mandatory pre-application conference” means a meeting(s) before filing an application (1) to amend the official zoning map; (2) to amend the comprehensive land use plan; (3) for a special land use permit; (4) for a major amendment/modification to zoning conditions. In this meeting, the applicant and county staff will discuss the necessary steps, filing deadlines, copies, and attachments for the application. Additionally, they will have the opportunity to discuss the details of the proposed project including, but not limited to, any available site plan drawn to scale, elevations, landscape plans, setbacks, tree surveys, parking calculations, buffers, compatibility, transportation, access and other related planning issues. Staff recommendations for changes will be documented and provided to the applicant. The planning staff shall advise the applicant to discuss the proposed application with the relevant District Commissioner and Super District Commissioner.

“Pre-submittal community meeting” means a meeting(s) at a publicized time, date and place with members of, or representatives from surrounding neighborhood associations, and communities.

“Rezoning cycle” means the cycle for processing rezoning applications which begins in March, May, July, September, November 2014 and January 2015, as depicted in the 2014 Rezoning Calendar attached hereto.

“Surrounding neighborhood associations” means an organized existing association of residents or a homeowners association provided that members of such association reside in or own property within one half (1/2) mile of the property that is the subject of the relevant application.

4. The Board of Commissioners and Planning Commission may hear a maximum of twenty (20) applications each rezoning cycle with the exception of deferred cases and companion land use amendments. For the months of March, May, July, November 2018 and January 2019, the Board shall authorize the following:
 - (a) Five (5) complete applications for rezoning to residential zoning districts;
 - (b) Five (5) complete applications for rezoning to non-residential zoning districts or residential zoning districts that include a non-residential component of at least twenty-five (25) percent of the total square footage of all structures to be constructed or existing within the property that is the subject of the relevant application;
 - (c) Special Land Use Permit (“SLUP”) applications shall be limited to five (5) cases on any agenda. SLUPs with companion rezoning items may be heard simultaneously or consecutively at BOC public hearings;
 - (d) Text Amendments shall be limited to two (2) cases per rezoning cycle and shall be heard at the public hearings held at the PM meetings of the BOC;
 - (e) Major modifications/ amendment to conditions of zoning shall be limited to three (3) cases per rezoning cycle and shall be heard at the public hearings held at the PM meetings of the BOC;
 - (f) July BOC shall be reserved for non-residential applications for official zoning map amendments to commercial, office, industrial, and mixed use (with a minimum of 25% non-residential square footage) zoning categories and related applications for SLUPs;
 - (g) An additional two (2) complete applications for rezoning to non-residential or Mixed Use zoning districts and street name change may be added to a rezoning cycle should the need arise as determined by, and within the discretion of, the Planning and Sustainability Director;

- (h) Any application that exceeds the case cap referred to previously in Section 4 (a) through (g) will be scheduled for the next appropriate available rezoning cycle. If additional slots are open after filling the agenda in accordance with Section (6) (a) through (g) of this resolution, the agenda may be filled with additional SLUPs, Rezones, Land Use Amendments, Major Modifications, Text Amendments and Street Name Change Requests on a first filed basis, not to exceed a maximum of 20-cases. However, it shall be the goal to place all related filings on the same agenda; and
 - (i) Deferred applications and companion land use amendments are not subject to the 20-case cap and may be scheduled by the Board of Commissioners to a specified time and agenda.
- 5. The Board of Commissioners and Planning Commission will hear applications for Land Use Amendments to the Comprehensive Plan in the months of March and September, in accordance with Section 4 (a) and (b) above. To be considered for an alternate cycle, the applicant must make a written request stating justification to the Director of Planning and Sustainability and the initiation of the application shall be subject to the approval of the District Commissioner and Super District Commissioner. If there are any remaining slots, the slots may be filled with Rezones, SLUPs, Text Amendments and Major Modifications in accordance with Section 4 (a) through (i) above, not to exceed the maximum 20-cases for the March and September public hearings.
- 6. The Rezone Calendar adopted in companion with this Resolution establishes a rezone cycle and timeline for posting, advertising and setting the schedule for Community Council, Planning Commission and Board of Commissioners public hearings.
- 7. The Community Council and the Planning Commission will hear the items on the agenda and make recommendations on each case that is forwarded to the Board of Commissioners. Recommendations for deferral are forwarded to the Board of Commissioners for final action.
- 8. When the need arises, the Planning Commission shall sit for a second evening of public hearings which hearing shall be held following adequate public notice within a newspaper of general circulation within the county.
- 9. No application for an amendment to the land use plan, an amendment to the official zoning map, a special land use permit or a major amendment/modification to a condition of zoning shall be advertised until such time as the applicant has held (1) a pre-application meeting with the planning staff, and (2) held a pre-submittal meeting with the surrounding neighborhood associations, groups and community.
- 10. ***Pre-application meeting*** -- the applicant has attended a mandatory pre-application conference with the Planning and Sustainability Department director or designee. A request for a pre-application conference shall be made in writing to the planning director or designee, which shall hold such meeting within ten (10) business days of receipt of the written request.
 - a. ***Pre-submittal Community Meeting*** -- No application for an amendment to the land use plan, an amendment to the official zoning map or special land use permit or a major amendment/modification to a condition of zoning shall be filed and/or accepted for filing

until such time as the applicant has conducted a publicized pre-submittal community meeting(s) with surrounding neighborhood association(s)/community groups within one-half (1/2) mile of the subject property and adjacent and nearby property owners within five hundred (500) feet of the subject property. A notice of the pre-submittal community meeting shall be made in writing. The pre-submittal community meeting shall be scheduled at 7:00 p.m. in a facility within one-half (1/2) mile of the subject property and shall take place on a weekday no less than fifteen (15) days after the date of the written notice. Applicants are required to provide documentation that verifies the occurrence of said meeting(s), including but not limited to notice letter, sign-in sheets or correspondence from the neighborhood association(s) or residents from the community before the application can be considered complete by the published Filing Deadline.

12. All advertised applications will be placed on the Board of Commissioners' P.M. agenda after a public hearing before the Planning Commission and meeting with the Community Council, unless otherwise acted on by the Board of Commissioners. When the need arises the Board of Commissioners shall sit for a second evening of public hearings. The hearing date shall be published on the adopted 2018 Rezone Calendar and held following adequate public notice within a newspaper of general circulation within the county.
13. The applicant will be required to submit to a pre-application conference and to conduct a pre-submittal community meeting as defined above, but the acceptance of an application to amend the land use plan, the official zoning map, or to obtain a special land use permit in connection with or related to a development of regional impact (DRI) shall not entitle an applicant to have that application considered by the Community Council, Planning Commission or the Board of Commissioners until such time as the DRI has been subject to complete review and consideration of such application(s) by the appropriate state agency.
14. The County shall provide the applicant/agent with a sign for announcing the date and time of the Community Council meeting. The applicant shall be responsible for posting the sign on the subject property at least fifteen (15) days prior to community council meeting. The applicant/agent shall sign an affidavit attesting to the intention of posting the sign.
15. If any section, subsection, sentence, clause, phrase or other portion of this Resolution, or its application to any person, entity or circumstance, is held by a court of competent jurisdiction to be unconstitutional or invalid, the remainder of the Resolution, or application of the provision to other persons, entities or circumstances shall not be affected.

ADOPTED by the DeKalb County Board of Commissioners,

this ____ day of _____, 2017.

KATHIE GANNON
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer

this ____ day of _____, 2017.

MICHAEL THURMOND
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

APPROVED AS TO FORM:

BARBARA H. SANDERS
Clerk
Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

O. V. BRANTLEY
County Attorney

APPROVED AS TO SUBSTANCE:

ANDREW BAKER
Director
DeKalb County Department of
Planning & Sustainability