



2019 MODIFICATION APPLICATION PACKAGE



PROCEDURES AND INFORMATION FOR FILING A MODIFICATION, ADMINISTRATIVE MODIFICATION AND CONCURRENT VARIANCE APPLICATION

ALL application forms are obtained from the Department of Public Works, 141 Pryor Street SW Suite 6001, Atlanta, GA 30303 or at www.fultoncountyga.gov/fcpsd-home. **PLEASE READ ALL INSTRUCTIONS BEFORE FILING. NO FAXED COPIES NOR COPIES OF FAXED MATERIAL WILL BE ACCEPTED AS PART OF THIS APPLICATION PACKET.**

TYPES OF MODIFICATION:

1. **ADMINISTRATIVE MODIFICATION:** A modification of conditions to a Zoning or Use Permit that do not require a public hearing. A decision will be made by the Director of the Department of Public Works and will be confirmed by the Fulton County Board of Commissioners.
2. **ZONING MODIFICATION:** A modification of conditions to a Zoning or Use Permit, where public interest has been determined. This requires a public hearing by the Fulton County Board of Commissioners. The Department of Public Works will make a recommendation to the Board. A concurrent variance may be sought in connection with Zoning Modification requests and may be considered by the Board of Commissioners, if filed concurrently with the Zoning Modification petition.

FILING REQUIREMENTS:

Applications will not be accepted after 4:00 PM.

1. **PRE-APPLICATION REVIEW FORM:** Prior to submitting a modification of conditional zoning, you are required to meet with a current planner, who will review your proposal and issue a pre-application review form, which becomes part of your application packet. Call 404-612-7400 to make an appointment.
2. **APPLICATION FORMS: Three (3) copies are required.** ALL application forms must have the original signature(s) of the property owner, or attach a Power-of-Attorney, or documents showing an option to purchase the property.
3. **LEGAL DESCRIPTIONS: Three (3) copies are required.** 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.
4. **SITE PLAN: Five (5) copies are required,** one of which must be 8½" x 11". The site plan must illustrate the requested modification(s) and or concurrent variance(s). Site plans must be folded, drawn to scale and must not exceed 24" x 36". The required number is subject to change.
5. **TRANSPARENCY: One (1) 8½" x 11" is required** for each site plan submitted. A transparency is required only for Zoning Modifications.
6. **LETTERS OF INTENT: Three (3) copies are required.** The letter of intent must explain the circumstances upon which the requested change of condition is based. Include the reason why development or use of the

property cannot be accomplished without modification of a condition and identify the zoning/use permit case number and specific condition(s) being addressed.

7. **CONCURRENT VARIANCES TO ZONING MODIFICATIONS:** One (1) extra copy of the application form, legal description, letter of intent, and site plan is required. Concurrent variances sought in connection with a zoning modification may be considered by the Board of Commissioners if submitted for the same agenda. See Articles 22 and 28 of the Fulton County Zoning Resolution for additional information.
8. **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 Fulton County 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 County staff. Applicants are required to submit a Public Participation Plan (Form D) at the time of the filing of the modification application. (See Pages 8-10)
9. **PUBLIC PARTICIPATION PLAN REPORT:** A Public Participation Plan Report must be completed on Form E and filed no later than 7 days before the Board of Commissioners hearing. (See Pages 8-10)
10. **ADJACENT PROPERTY OWNERS/NEIGHBORHOOD ASSOCIATION LETTERS:** Two (2) copies are required at the time of filing.
11. **DEPARTMENTAL SIGN-OFF LETTERS:** Two (2) copies are required. If a request for an ADMINISTRATIVE MODIFICATION requires a sign-off by a Fulton County department or staff person, such as the Traffic Engineer or the Arborist, this letter is required at the time of filing.
12. **DISCLOSURE FORM:** If the owner, applicant and/or applicant's representative has made a campaign contribution to any member of the Board of Commissioners for \$250.00 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, No should be circled and Section 4 of the form completed. Provide Two (2) copies
13. **FEES:** Make check payable to **FULTON COUNTY, GEORGIA**. The policy for refunds of application fees will be as per Sec. 22.13.5 of the Fulton County Zoning Resolution.

FEES

MODIFICATION BASE FEE:	
\$300 PLUS \$100 FOR EACH ADDITIONAL MODIFICATION REQUEST ON THE SAME PROPERTY	
CONCURRENT VARIANCE:	
· SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS (E.G. R-1, R-2) · AG-1 FOR RESIDENTIAL USES ONLY	\$250 PLUS \$50 FOR EACH ADDITIONAL VARIANCE REQUESTED ON THE SAME PIECE OF PROPERTY
· NON SINGLE RESIDENTIAL DISTRICTS (E.G. R-6) · MULTI-FAMILY DISTRICTS (TR, A, A-L, O-I, MIX, C-1, C-2, M-1A, M-1, M-2) ZONING DISTRICTS · AG-1 FOR NON-RESIDENTIAL USES ONLY · ALL SIGNS	\$350 PLUS \$100 FOR EACH ADDITIONAL VARIANCE REQUESTED ON THE SAME PIECE OF PROPERTY
REVISIONS:	
\$50 PER REVISION	

MEETING AND PUBLIC HEARINGS:

- **SCHEDULE:** A schedule with deadlines and public hearing dates for ZONING MODIFICATIONS is obtainable from the Department of Public Works or on our website at www.fultoncountyga.gov/fcpcsd-home
- **COMMUNITY ZONING INFORMATION MEETING (CZIM):** The CZIM is not a public hearing but rather an informal meeting held on the second Thursday of each month (unless otherwise noted in the schedule) prior to the Board of Commissioners public hearing the following month. The meeting runs from 6:00 p.m. until 7:30 p.m., at a location to be determined at the time of filing an application. This meeting is open to all interested citizens and applicants are strongly encouraged to attend.
- **BOARD OF COMMISSIONERS (BOC) MEETING:** The Board of Commissioners (BOC) holds a public hearing on the first Wednesday of each month at 10:00 AM in the Government Center Assembly Hall at 141 Pryor Street, Atlanta.

POSTING OF SIGNS:

- **COMMUNITY ZONING INFORMATION MEETING (CZIM) SIGN:** Orange signs posted along the frontages of properties subject to zoning and/or use permit modifications that notify area residents of the Community Zoning Information Meeting (CZIM).
- **BOARD OF COMMISSIONERS AND COMMUNITY ZONING BOARD PUBLIC HEARING NOTICE SIGN:** Yellow signs posted along the frontages of properties subject to zoning and/or use permit modifications that notify area residents of the Board of Commissioners public hearing. Applicants are required to post sign(s) in conspicuous places along the property's public street frontage(s) no later than 20 days before the BOC 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. *THERE ARE NO EXCEPTIONS TO THE PROPER POSTING THESE SIGNS.*
- If the sign is mutilated and/or removed, it is the applicant's responsibility to obtain and re-post a new sign(s).

NOTIFICATION FOR ZONING MODIFICATION:

- Notice is mailed (via U.S. Mail) by Fulton County to all property owners within a quarter mile of the subject property. Said notice is mailed no later than 15 days prior to the public hearing to property owners of record as shown on the real estate tax records of Fulton County as retrieved by the County's Geographic Information System.
- **PUBLIC PARTICIPATION PLAN.** Required for applications. (See pages 8-10)
- A published notice in a newspaper of general circulation is done by Fulton County no later than 15 days prior to the public hearing. The published notice contains the time, place, purpose of the hearing and the location of the property.



APPLICATION FOR ADMINISTRATIVE OR ZONING MODIFICATIONS AND CONCURRENT VARIANCES

The undersigned, having an interest in the property herein described respectfully request:

SECTION I

MODIFICATION #: _____
(To be assigned by Fulton County)

[] A. **ADMINISTRATIVE MODIFICATION:** A modification of a condition(s) of zoning or Use Permit that does not require a public hearing. A decision will be made by the Director of Planning and Community Services, and will be confirmed by the Fulton County Board of Commissioners.

[] B. **ZONING MODIFICATION:** A modification of a condition(s) of zoning or Use Permit where public interest has been determined. This requires a public hearing by the Fulton County Board of Commissioners. The Department of Public Works will make a recommendation to the Board.

If "A" was denied, list previous case number: #M _____

- 1) State the name of the Planner, who determined the type of Modification you should file. _____

- 2) Identify the specific condition(s) being modified as provided by the Planner. State the condition number(s) and letter(s) (e.g. 2-b, 2-e). _____; _____; _____; _____; _____; _____.
- 3) Petition number of the Zoning or Use Permit to which this application applies _____
Current zoning district _____
- 4) Attach a copy of Legal Description [must be metes and bounds], or complete the following information if the property is within a recorded subdivision.

SUBDIVISION NAME: _____ UNIT/PHASE: _____

LOT NUMBER: _____ BLOCK DESIGNATION: _____ LAND LOT(S): _____

DISTRICT/SECTION: ____/____ RECORDED IN PLAT BOOK: _____ PAGE: _____

ROAD NAME: _____

SECTION II

[_____] C. **CONCURRENT VARIANCE REQUEST[S]** TO MODIFICATION #VC _____
(To be assigned by Staff)

CONCURRENT VARIANCE REQUEST 1) _____

REF: ARTICLE _____ SECTION _____

CONCURRENT VARIANCE REQUEST 2) _____

REF: ARTICLE _____ SECTION _____

CONCURRENT VARIANCE REQUEST 3) _____

REF: ARTICLE: _____ SECTION _____

CONCURRENT VARIANCE REQUEST 4) _____

REF: ARTICLE _____ SECTION _____

SECTION III

NOTICE: Sections III or IV below MUST be signed and notarized when application is submitted. If Section III is signed and notarized, applicant need only complete Section IV as "Applicant", notarization of Section IV is not necessary.

Owner states under oath that he/she is the owner of property described in the attached legal description, which is made part of this application for a Modification.

TYPE OR PRINT OWNER'S NAME

ADDRESS

CITY & STATE ZIP CODE

OWNER OF PROPERTY (SIGNATURE)

PHONE NUMBER

Sworn to and subscribed before me this
_____ day of _____ 20____

NOTARY PUBLIC

SECTION IV

Applicant, if different from the Owner, states under oath that:

- 1) Applicant is the executor or attorney-in-fact under a Power-of-Attorney for the Owner. Attach copy of Power-of-Attorney and type name of Owner as indicated in Section III; or
- 2) Applicant has an option to purchase said property conditioned upon the property being granted a modification. Attach copy of contract and type name of Owner as indicated in Section III; or
- 3) Applicant has an estate for years which permits the applicant to apply for a modification. Attach a copy of lease and type name of Owner as indicated in Section III.

APPLICANT (SIGNATURE)

Sworn to and subscribed before me this

TYPE/PRINT NAME OF APPLICANT

_____ day of _____ 20____

ADDRESS

NOTARY PUBLIC

CITY & STATE ZIP CODE

PHONE NUMBER

Indicate which of the above is applicable: 1 _____ 2 _____ or 3 _____

SECTION V

Attorney or Agent, if different from the applicant and/or owner

SIGNATURE OF ATTORNEY/AGENT

CHECK ONE: [_____] ATTORNEY [_____] AGENT

ADDRESS

CITY & STATE ZIP CODE

PHONE NUMBER



DISCLOSURE REPORT FORM C

Office use only:

PETITION #: _____ BOARD OF COMMISSIONER'S MEETING DATE: _____

- Within the (2) years immediately preceding the filing of this zoning petition have you, as the applicant, owner and/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 \$250.00 or more or made gifts having an aggregate value of \$250.00 to a member of the Board of Commissioners.

CIRCLE ONE: YES NO

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

If the answer is NO, complete only section 4.

1. **CIRCLE 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 Valued at \$250.00 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 for all modification applications. The plan must be filed simultaneously with the application and implemented before the first public hearing. 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 modification 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) which is required no later than seven (7) business days before the scheduled Board of Commissioners 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

Applicant: _____

1. The following individuals (property owners within a quarter mile of the property), homeowners associations, political jurisdictions, other public agencies, etc., will be notified in accordance with the requirements of Article 28.4.7 of the Zoning Resolution:

2. The individuals and others listed in 1. above will be notified of the requested modification 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 REPORT FORM E

Applicant: _____ Petition No. _____

Date: _____

1. The following parties were notified of the requested modification:

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.

Attach additional sheets as needed.



UNINCORPORATED FULTON COUNTY, GEORGIA 2018 ZONING MODIFICATION SCHEDULE

FILING DEADLINE DATE	COMMUNITY ZONING INFORMATION MEETING (CZIM)	PUBLIC NOTIFICATION SIGN POSTING DEADLINE	PUBLIC PARTICIPATION PLAN REPORT DUE	BOARD OF COMMISSIONERS (BOC) HEARING
January 29, 2019	February 14, 2019	February 14, 2019	February 27, 2019	March 6, 2019
February 26, 2019	March 21, 2019	March 14, 2019	April 2, 2019	April 10, 2019*
March 26, 2019	April 11, 2019	April 11, 2019	April 24, 2019	May 1, 2019
April 30, 2019	May 16, 2019	May 09, 2019	May 29, 2019	June 5, 2019
May 28, 2019	June 20, 2019	June 13, 2019	July 2, 2019	July 10, 2019*
June 25, 2019	July 08, 2019	July 11, 2019	July 31, 2019	August 7, 2019
July 30, 2019	August 15, 2019	August 08, 2019	August 28, 2019	September 4, 2019
August 27, 2019	September 12, 2019	September 12, 2019	September 25, 2019	October 2, 2019
September 24, 2019	October 17, 2019	October 10, 2019	October 30, 2019	November 6, 2019
October 29, 2019	November 14, 2019	November 14, 2019	November 27, 2019	December 4, 2019
December 17, 2019	January 16, 2020**	January 09, 2020	January 29, 2020	February 5, 2020

THE **COMMUNITY ZONING INFORMATION MEETING** IS HELD FROM 6:00 PM TO 7:30 PM, LOCATION TO BE DETERMINED AT TIME OF APPLICATION FILING.

THE **BOARD OF COMMISSIONERS MEETING** BEGINS AT 10:00 AM AT THE FULTON COUNTY GOVERNMENT CENTER, ASSEMBLY HALL, 141 PRYOR STREET, ATLANTA, GEORGIA 30303

NOTES: THE ABOVE DATES ARE SUBJECT TO CHANGE
*Date changed due to Board of Commissioner action.