

**Instructions for Applicant:**

Complete this form and the appropriate attachments in order to apply for a Rezoning on a property. Refer to Section 11-2 of the Unified Development Code for more detail.

Fill in the top boxes and have your signature notarized. Deliver the original of the application and all attachments to the Community Development Department at 4488 Pineview Drive, Powder Springs 30127. You can reach the Planning & Zoning Department at 770-943-1666 during normal working hours to discuss your application or if you have any questions.

**NOTE: If your application qualifies as a "Development of Regional Impact" (see Section 11-12 of the Code) then you must follow additional procedures BEFORE your application can be considered. The Community Development Department will assist you with the DRI process, which is mandated by State and GRTA requirements.**

- Fill in your name, address, telephone number, the property's location and Land Lot in which the property is located.
- Check the appropriate box as to whether you are the property owner, an attorney representing the property owner, or someone else representing the owner.
- If you do not personally own a majority interest in the property, have the owner(s) prepare an Owner's Authorization giving you permission to file the application, and attach it to the application (see the Owner's Authorization Form that is in this application package).
- Indicate the current zoning district of the property, and the zoning district you are requesting.
- Check the appropriate box showing what you are applying for: a Rezoning, or a change in a stipulation that was imposed by the Mayor and City Council when the property was previously rezoned.

**NOTE: File a separate application for each Rezoning request naming a different zoning district. A Special Use request can be combined with a Rezoning request on the same property by separate application.**

- Check the boxes for all of the items that you have attached:
  - Application fee: attach a check or money order for the appropriate fee made out to the City of Powder Springs. DO NOT ATTACH CASH.
  - Attach a legal description of the property accurately describing the boundary of the property for which the change is requested. You may find this on your deed or from a boundary survey made for the property.
  - Fill out a Review Checklist for your Rezoning request and attach to the application (see the form included in this application package).
  - Attach a Sketch Plan if what you are proposing will involve any new construction or alteration of the site for a multi-family or nonresidential use, or a MDR or MXU zoning. A Plan Review Checklist for a Sketch Plan is included in this application package for your information. (A Sketch Plan is not required for single-family or duplex residential use.)
  - Attach a completed Campaign Contribution Disclosure form, listing ALL owners of the property. Also indicate contributions or gifts you or your attorney have made over the past two years that in the aggregate total \$250 or more to any Powder Springs elected official or Planning Commissioner.
  - Attach any impact studies required by Section 11-2(c) of the Code. This applies to any project that will have 500,000 square feet of nonresidential floor area or 350 dwelling units, or more.

## Public Notice Requirements:

The Code requires public notice of your Rezoning request. The Community Development Department will tell you when and where the Planning and Zoning Commission will hold their public hearing on your application.

- The City will publish a legal notice in the newspaper regarding your application and announcing the time and place of the public hearing.
- At least 15 days before the Planning and Zoning Commission's public hearing on your application, the Community Development Department will give you a sign to post in a conspicuous location along each street frontage of the property. (If the property has no street frontage, the sign is to be placed on each street where you will have access to the property.)
  - The signs must remain posted until a final decision by the City has been rendered on your rezoning.
  - It is your responsibility to post the signs and to maintain the signs during the posting period. Failure to post and maintain the signs continuously may prohibit consideration of the application at any scheduled public hearing. In the event the signs are not posted continuously, the City, in its sole discretion, may require the reposting and readvertising prior to any future public hearing, for which the applicant shall pay an additional readvertising fee. The City may also in its sole discretion, continue, hold, approve, or dismiss the application. Any dismissal under the provisions of this paragraph shall be with prejudice unless specifically noted as being without prejudice by the City.
- At least 15 days before the Planning & Zoning Commission's public hearing, you are to mail a notice to all persons owning property within 200 feet of the property that is the subject matter of the zoning change. The Code says:
  - The written notice is to be mailed by "**Certified Mail-Return Receipt Requested**" to the property owners as such names and addresses appear on the County's current ad valorem tax records.
  - At least 15 days before the Planning Commission's public hearing, you must also submit an affidavit with a copy of the notice to the Community Development Director listing the property owners and certifying the date that the notices were mailed.
  - The notice is to state the time, place and purpose of the hearings, and include a page size copy of the sketch plan submitted with the application.

## City Actions:

The Community Development Department will date your application when it is received. The Community Development Department has 5 working days in which to determine that your application is complete or to return it to you for additional information. The application will not be scheduled for public hearing until it is complete.

The Planning Commission's public hearing will be held at the time advertised. At the public hearing, you will be allowed to speak first in order to present the application. Others in support of the application may then speak, followed by those in opposition to the application. You may then be allowed time for rebuttal if adequate time remains. Rebuttal must be limited to points or issues raised by opponents to the application at the hearing.

After the Planning Commission has made their recommendation, the Mayor and City Council will consider approval or denial of the application for rezoning at their own public hearing. You or a representative thereof with authority to make binding commitments to the City with respect to any stipulations that may be offered in connection with such application shall attend the meetings, and make a presentation following the same procedure as the Planning Commission hearing.

The final action taken by the Mayor and City Council will be indicated on the application form, along with any stipulations that they impose on the property if approved, and a copy will be given to you as official notice of their final action.

If the application is withdrawn (see Section 11-2(f) for details), it will be noted on the application form and a copy will be given to you for your records.

**NOTE: Applications for rezoning on the same property may not be considered more often than once every 12 months, unless the Mayor and City Council reduces the waiting period to 6 months. See Code Section 11-2(a)(5) for details.**

## FEE SCHEDULE - ZONING

<u>Description</u>	<u>Current Amount</u>
Zoning - Design Review	\$25.00
Zoning - Certificate of Appropriateness	\$25.00
Zoning - Map, 11" X 17"	\$5.00
Zoning - Map, 22" X 36"	\$10.00
Zoning - Copy, Unified Development Code, hardcopy	\$65.00
Zoning - Copy, Unified Development Code, CD	\$5.00
Zoning - photocopies	\$.25 /page
Zoning - Verification	\$10.00
Zoning - Variance, residential	\$250.00
Zoning - Variance, commercial	\$450.00
Zoning - Special Use	\$250.00
Zoning - Appeal of Admin. Decision	\$25.00
Zoning - Admin. Variance Application	\$100.00
Zoning - Temporary Event	\$55.00
Zoning - Temporary Event (nonprofit)	\$0.00
Zoning - Gravel Permit	\$25.00
Zoning - Rezoning Application, single family, 0-5 acres	\$250.00
Zoning - Rezoning Application, single family, 6-10 acres	\$700.00
Zoning - Rezoning Application, single family, 11-20 acres	\$1,000.00
Zoning - Rezoning Application, single family, 21-100 acres	\$1,500.00
Zoning - Rezoning Application, single family, $\geq$ 101 acres	\$1,500 + \$30 /acre
Zoning - Rezoning Application, undeveloped med/high density residential, 0-5 acres	\$700.00
Zoning - Rezoning Application, undeveloped med/high density residential, 6-10 acres	\$1,200.00
Zoning - Rezoning Application, undeveloped med/high density residential, 11-20 acres	\$1,500.00
Zoning - Rezoning Application, undeveloped med/high density residential, 21-100 acres	\$2,000.00
Zoning - Rezoning Application, undeveloped med/high density residential, $\geq$ 101 acres	\$2,000 + \$40 /acre
Zoning - Rezoning Application, undeveloped non-residential, 0-5 acres	\$900.00
Zoning - Rezoning Application, undeveloped non-residential, 6-10 acres	\$1,500.00
Zoning - Rezoning Application, undeveloped non-residential, 11-20 acres	\$1,800.00
Zoning - Rezoning Application, undeveloped non-residential, 21-100 acres	\$2,200.00
Zoning - Rezoning Application, undeveloped non-residential, $\geq$ 101 acres	\$2,200 + \$50 /acre
Zoning - Rezoning Application, developed med/high density residential, 0-20,000 SF	\$700.00
Zoning - Rezoning Application, developed med/high density residential, 20,0001-50,000 SF	\$1,200.00
Zoning - Rezoning Application, developed med/high density residential, 50,001-100,000 SF	\$1,500.00
Zoning - Rezoning Application, developed med/high density residential, 100,001-500,000	\$2,000.00
Zoning - Rezoning Application, developed med/high density residential, $\geq$ 500,001 SF	\$2,000 + \$90 /100,000 SF
Zoning - Rezoning Application, developed non-residential, 0-20,000 SF	\$900.00
Zoning - Rezoning Application, developed non-residential, 20,001-50,000 SF	\$1,500.00
Zoning - Rezoning Application, developed non-residential, 50,001-100,000 SF	\$1,800.00
Zoning - Rezoning Application, developed non-residential, 100,001-500,000 SF	\$2,200.00
Zoning - Rezoning Application, developed non-residential, $\geq$ 500,001 SF	\$2,200 + \$115 /100,000 SF

The fee for high/medium density, commercial 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 proposed rezoning site, whichever fee is greater.

**Powder Springs Application Form**

**REZONING**

Applicant: William S. Smith Telephone No.: 678-249-8952  
 Applicant's Address: 3214 Flintlock Way, Marietta Ga 30064  
 Property Location: Corner Powder Springs & Carter Rd. Land Lot No.: \_\_\_\_\_  
 Applicant is:  Property Owner  Other:  Attorney for Property Owner (Attach Owner's Authorization)  
 Other Representative of the Owner (Attach Owner's Authorization)

Current Zoning: NRC  
 Type of Application  
 Rezoning to: CRC with Gas Pumps  
 Change in Stipulations of Approval

**Attachments**  
 Application Fee  Review Checklist  
 Boundary Description  Other: \_\_\_\_\_  
 Sketch Plan  (Not Required) \_\_\_\_\_  
 Impact Studies  (Not Required) \_\_\_\_\_  
 Campaign Contribution Form \_\_\_\_\_

I attest that this Application and its attachments are accurate to the best of my knowledge.

William S. Smith  
 Signature of Applicant (to be notarized)

Sworn to and subscribed before me this 5<sup>th</sup> day of March, 2019  
Adrienne Wilhite  
 Notary Public  
 WILHITE MAJOR  
 NOTARY PUBLIC  
 GEORGIA  
 EXPIRES JUNE 4, 2022  
 PAULDING COUNTY

DO NOT WRITE IN THE BOXES BELOW

DRI  Forms filed with ARC/DCA/GRTA on: \_\_\_\_\_  Final determination received on: \_\_\_\_\_

Application Received Date: 3/5/19  
 Scheduled for Public Hearing on:  
 Planning Commission Date: March 25  
 Mayor & City Council Date: April 1<sup>st</sup>  
 Signs Provided Date: \_\_\_\_\_  
 Newspaper Ad Date: \_\_\_\_\_  
 Affidavit Received Date: \_\_\_\_\_  
 Notes:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Planning Commission**  
 Public Hearing: Date: \_\_\_\_\_  
 Tabled Until: Date: \_\_\_\_\_  
**Recommendation**  
 Approval  
 Approval with Stipulations  
 Denial  
 No Recommendation  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Mayor & Council**  
 Public Hearing: Date: \_\_\_\_\_  
 Tabled Until: Date: \_\_\_\_\_  
 Returned to P.C. Date: \_\_\_\_\_  
**Final Action**  
 Approved  
 Approved with Stipulations  
 Denied  
 Stipulations Attached  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



**Application Withdrawn**  
 By Planning Director  
 By P.C. or Mayor & Council

Date: \_\_\_\_\_  
 Without time restriction  
 Restriction: Cannot be refiled for \_\_\_\_\_ months

Applicant: William J. Smith Current Zoning: NRC Proposed Zoning: CRC

Property Location: CORNER Powder Springs Rd + Carter Rd Land Lot No. \_\_\_\_\_

Standards for rezoning consideration

The Planning Commission and the Mayor and City Council shall consider the following standards in considering any rezoning proposal, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:

Standard	YES	NO	Comments
a. Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed use consistent with the stated purpose of the zoning district that is being requested?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
d. Will the existing use or usability of adjacent or nearby property not be adversely affected by the proposed use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
e. Are their substantial reasons why the property cannot or should not be used as currently zoned?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
f. Are or will public facilities such as schools, water or sewer utilities, and police or fire protection be adequate to serve the proposed use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
g. Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
h. Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Prepared... Date: 3/5, 2019 for William J. Smith Applicant

Date: \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_ Powder Springs Staff

Date: \_\_\_\_\_, 20\_\_\_\_ by Other: \_\_\_\_\_

This is to certify that (  I am  we are  I am the Corporate Secretary of a Corporation that is) the owner of a majority interest in the property that is the subject of the attached application.

By execution of this form, this is to authorize the person named as "applicant" below, acting on behalf of the owner, to file for and pursue a request for approval of the following:

( Check each that applies and  cross out each that does not apply)

- Rezoning
- Special Use
- Appeal from Administrative Decision
- Special Exception
- Hardship Variance
- Flood Protection Variance

Applicant:

William J. Smith

Applicant's Address:

3214 Flintlock Way  
Marietta, Ga. 30064

Date this Authorization becomes null and void: 3/5, 20 19. ( Not applicable)

[Signature]  
Signature of Owner

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Signature of Owner

(Notarized)  
EXPIRES  
GEORGIA  
JUNE 4, 2022  
(Notarized)  
PUBLIC  
PAULDING COUNTY

[Signature]

(Notarized)

(Notarized)

Attach additional sheets as needed

Corporations – attach copy of corporate resolution approving authorization

Applicant:

William J. Smith

Applicant's Address:

324 Flintlock way  
Marion, Ga 30064

Applicant's Attorney:

GARVIS SAMS

Attorney's Address:

\_\_\_\_\_  
\_\_\_\_\_

The following information is provided in accordance with the Georgia Conflict of Interest in Zoning Actions Act, O.C.G.A. 36-67A-1 et seq.

The property that is the subject of the attached application is owned by:

- Individual(s)
- Corporation
- Partnership
- Limited Partnership
- Joint Venture

All persons, corporations, partners, limited partners, or joint venturers party to ownership of the property that is the subject of the attached application are listed below:

William J. Smith \_\_\_\_\_

Veronica J. Smith \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**APPLICANT:** Within the two years preceding the date of the attached application, **the applicant** has made campaign contributions or gifts aggregating \$250 or more to the Mayor, to members of the Powder Springs City Council, or to members of the Planning Commission, as follows:

Name of Official	Amount of Contribution or Gift	Date of Contribution or Gift
<u>N/A</u>	_____	_____
_____	_____	_____
_____	_____	_____

**ATTORNEY:** Within the two years preceding the date of the attached application, **the attorney representing the applicant** has made campaign contributions or gifts aggregating \$250 or more to the Mayor, to members of the Powder Springs City Council, or to members of the Planning Commission, as follows:

Name of Official	Amount of Contribution or Gift	Date of Contribution or Gift
_____	_____	_____
_____	_____	_____
_____	_____	_____

Applicant: William J. Smith Current Zoning: NRD Proposed Zoning: CRC <sup>with gas pump</sup>

Property Location: CORNER Powder Springs Rd & Carter Rd Land Lot No. \_\_\_\_\_

A sketch plan is required to accompany a rezoning application for an MDR or MXU Development, or a multifamily or nonresidential use or project, if any new construction alteration of the site is proposed.

The sketch plan may be prepared by the applicant, a professional engineer, a registered land surveyor, a landscape architect, a land planner or any other person familiar with land development activities.

The sketch plan must be drawn to approximate scale on a boundary survey of the tract or on a property map showing the approximate location of the boundaries and dimensions of the tract.

The sketch plan must show the following:

- Name and address of the property owner.
- Name, address, and telephone number of the applicant (if different than the owner).
- If drawn on a boundary survey: date of survey and source of datum,
- Date of plan drawing, and revision dates, as appropriate.
- North point and approximate scale of the drawing.
- Location (Land District and Land Lot) and size of the property in acres (or in square feet if less than an acre).
- Location sketch of the property in relation to the surrounding area with regard to well known landmarks such as arterial streets or railroads. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than 1 inch equal to 2,000 feet. US. Geological Survey maps may be used as a reference guide for the location sketch.
- Zoning district classification of the subject property and all adjacent properties, and current zoning district boundaries if they cross the property.
- Man-made features within and adjacent to the property, including existing streets and names, city limit lines, and other significant information such as location of bridges, utility lines, existing buildings to remain, and other features as appropriate to the nature of the request.
- Proposed use of the property, including a statistical summary of development factors such as density, nonresidential floor area, number of lots or dwelling units, and minimum unit sizes, as may be pertinent to the type of project.

The proposed project layout including:

- For office or industrial parks and residential subdivisions included within an MDR or MXU development, approximate lot lines and street right-of-way lines, along with the front building setback line on each lot.
- For multi-family and nonresidential development projects, the approximate outline and location of all principal buildings, and the location of all minimum building setback lines, trash receptacle locations, outdoor storage areas, buffers, parking and loading areas, and driveways.
- A statement as to the source of domestic water supply.
- A statement as to the provision for sanitary sewage disposal.
- The approximate location of proposed storm water detention facilities.
- Such additional information as may be useful to permit an understanding of the proposed use and development of the property.