REZONING APPLICATION
AND FILING PROCEDURES

City of Smyrna
Community Development Office
3180 Atlanta Road
Smyrna, GA 30080
(770) 319-5387
SUBMITTAL AND PUBLIC HEARING INFORMATION

Rezoning applications are due Friday by 4:00 pm, 30 days prior to the Planning and Zoning Board meeting. A copy of the rezoning package can be downloaded from the Community Development Section of the City of Smyrna Website (www.smyrnacity.com). Appointments are required to submit an application to the Community Development Office located at 3180 Atlanta Road. Please call Joey Staubes at (678) 631-5355 to schedule an appointment.

The City of Smyrna Planning and Zoning Board meets the second Monday of each month beginning at 6:00 pm. The Mayor and Council meet on the third Monday of each month beginning at 7:00 pm. Both groups meet in the Council Chambers in City Hall at 2800 King Street. *Under COVID-19 Protocol, meetings will be held at the Community Center Gymnasium at 200 Village Green Circle. Applicant will be notified of the current meeting location by Community Development. Please call (678) 631-5355 to confirm dates. The following are currently scheduled dates and deadlines.

<table>
<thead>
<tr>
<th>Deadline</th>
<th>Planning &amp; Zoning Board</th>
<th>Mayor and Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dec. 11, 2020</td>
<td>Jan. 11, 2021</td>
<td>Feb. 15, 2021</td>
</tr>
<tr>
<td>Jan. 8, 2021</td>
<td>Feb. 8, 2021</td>
<td>Mar. 15, 2021</td>
</tr>
<tr>
<td>Feb. 12, 2021</td>
<td>Mar. 8, 2021</td>
<td>Apr. 19, 2021</td>
</tr>
<tr>
<td>Mar. 12, 2021</td>
<td>Apr. 12, 2021</td>
<td>May 17, 2021</td>
</tr>
<tr>
<td>Apr. 9, 2021</td>
<td>May 10, 2021</td>
<td>June 21, 2021</td>
</tr>
<tr>
<td>May 14, 2021</td>
<td>June 14, 2021</td>
<td>July 19, 2021</td>
</tr>
<tr>
<td>June 11, 2021</td>
<td>July 12, 2021</td>
<td>Aug. 16, 2021</td>
</tr>
<tr>
<td>July 9, 2021</td>
<td>Aug. 9, 2021</td>
<td>Sept. 20, 2021</td>
</tr>
<tr>
<td>Sept. 10, 2021</td>
<td>Oct. 11, 2021</td>
<td>Nov. 15, 2021</td>
</tr>
<tr>
<td>Oct. 8, 2021</td>
<td>Nov. 8, 2021</td>
<td>Dec. 20, 2021</td>
</tr>
<tr>
<td>Nov. 12, 2021</td>
<td>Dec. 13, 2021</td>
<td>Jan. 18, 2022</td>
</tr>
</tbody>
</table>

*** Dates are subject to change due to holidays.

Visual Presentations
Equipment is available for Power Point presentations.

Handouts are not permitted during the meeting or large renderings and plats that require use of an easel.

Any questions regarding presentations can contact: Heather Corn, City Clerk at 770-319-5303
INSTRUCTIONS AND REQUIRED DOCUMENTS

INSTRUCTIONS

1. The Community Development office will accept no application unless completely filled out and submitted with all required documents.

2. Please call (678)631-5355 for current Zoning and Land Use information before completing the application.

3. Appointments are required to submit an application to the Community Development Office. Please call Joey Staubes at (678)631-5355 regarding application questions and to schedule an appointment for submittal.

4. Revisions to the application must be received no later than seven (7) calendar days prior to the Planning Zoning Board hearing or the Mayor and Council hearing.

5. The City will provide and post signs on or near the right-of-way of the nearest public street, seven (7) days before the Planning and Zoning Board meeting. It is the responsibility of the applicant for the signs to remain posted throughout the advertising period.

6. Applicant or agent for applicant must attend the Planning and Zoning Board meeting and the Mayor and Council hearing, or the case will not be heard. If the applicant wishes to table or withdraw a rezoning request, notification must be presented in writing to the Community Development Office and the City Clerk’s Office no later than five (5) business days prior to the Planning and Zoning Board meeting or the Mayor and Council meeting.

7. The Mayor and City Council will table rezoning proposals that undergo a major plan change after leaving the Planning and Zoning Board. The rezoning will be sent back to the Planning and Zoning Board to start the rezoning process over again with another $500.00 re-filing fee assessed.

APPLICATION FEES:

<table>
<thead>
<tr>
<th>Rezoning Fees:</th>
<th>Single-Family (&lt;4.5 units/acre)</th>
<th>Medium/High Density Residential (&gt;4.5 units/acre)</th>
<th>Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Size</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 - 5 Acres</td>
<td>$500.00</td>
<td>$700.00</td>
<td>$900.00</td>
</tr>
<tr>
<td>5 - 10 Acres</td>
<td>$700.00</td>
<td>$1,200.00</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>10 - 20 Acres</td>
<td>$1,000.00</td>
<td>$1,500.00</td>
<td>$1,800.00</td>
</tr>
<tr>
<td>20 - 100 Acres</td>
<td>$1,500.00</td>
<td>$2,000.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>Tree Protection Plan Review Fee:</td>
<td>$500.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land Use Change Fee:</td>
<td>$500.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>**Sewer Capacity Analysis Fee:</td>
<td>$1,000.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
REQUIRED DOCUMENTS

1. One (1) completed original application with all required supplemental documentation (items #5 - #15 below). The signatures of all titleholders and applicant are required on original rezoning application.

2. **Five (5) copies of the original application and all supplemental documentation.**

3. Submit one (1) flash drive containing all documents in either PDF or Word format (as appropriate). Each digital document shall be provided individually as opposed to summiting all documents as one file (i.e. There shall be separate digital files for the zoning application, legal description, warranty deed, etc...).

4. Completed rezoning application with the signatures of all titleholders and applicants.

5. A copy of the deed that reflects the current owner(s) of the property. If the application consists of several tracts, a deed of each tract is required.

6. The property address and tax parcel identification of the subject property. **If the application consists of several tracts, the property address and tax parcel identification of each tract is required.**

7. A copy of the paid tax receipts (City and County) for the subject property or a statement signed by an official in the Tax Commissioner’s Office. If the application consists of several tracts, a copy of the paid tax receipts of each tract is required.

8. For residential developments with less than 10 units, the applicant will provide a sewer availability letter from Smyrna’s Public Works. **For Commercial or Mixed Use Developments, and Residential Developments of 10 units or more, a sewer capacity analysis is required at a fee of $1,000.00. Contact Frank Martin, Public Works Director, at 678-631-5431.**

9. If the property is or will be on a septic tank, contact the Cobb County Health Department. Approval must be obtained prior to the filing of the application for rezoning.

10. Provide a set of building elevations and floor plans for each proposed building, along with a description of exterior wall coverings and finishes to be used. These shall be either 8 ½” x 11” or 11” x 17”.

11. Provide both a full-sized scaled survey of the existing property and a 11”x17” copy of the survey by a registered engineer, architect, land planner, or land surveyor currently registered in accordance with applicable state laws. **Plans must be stamped and folded (full sized scaled plans shall be engineer folded).**
12. Provide both a full-size scaled conceptual site plan and a 11” x 17” copy of that plan by a registered engineer, architect, land planner, or land surveyor currently registered in accordance with applicable state laws. **Plans must be stamped and folded (full sized scaled plans shall be engineer folded).**

****The conceptual site plans must show property & lot dimensions, adjoining streets with right-of-way (present and proposed), paving widths, curb radii, the exact size and location of all buildings along with the intended use, buffer areas, parking areas and spaces, stormwater management facilities, lakes, streams, utility easements, limits of 100-year flood plain, retaining walls, adjoining property owners, zoning of adjoining property, street address, location of all curb cuts inside & outside the development (including curb cuts on all adjacent and adjoining properties) and distance to the nearest street intersection. **Plans which are rolled (instead of individually folded) will not be accepted.**

13. Sub-division plats must have a legend showing lot density for the total acreage, minimum building setbacks, minimum lot size, average lot size and maximum lot size. In addition, provide a table listing the square footage of each proposed lot.

14. A preliminary hydrology study for the proposed tract(s).

15. Provide both a full-size scaled Tree Protection Plan and a 11” x 17” copy of the Tree Protection Plan. **A registered landscape architect must prepare the Tree Protection Plan.** The Tree Protection Plan shall meet the City’s requirements under Section 106-36 of the City’s Code of Ordinances (Chapter 106 – Tree Conservation Ordinance). **Plans must be stamped and folded (full sized scaled plans shall be engineer folded).** **Plans which are rolled (instead of individually folded) will not be accepted.**

16. A development that exceeds 100,000 net square feet or 75 dwelling units will be required to submit a traffic, water, sewer, and school impact statement with the rezoning application. A development that is less than 100,000 net square feet or 75 dwelling units may be required to submit one or all of the above statements upon request of the City Engineer or the Department of Community Development. A final decision, by the Mayor and City Council, may not be made until these statements are received with the rezoning application. For impact information about traffic, contact City Engineer’s office at 678-631-5381. For School System information, contact the Cobb County Board of Education.

17. Any large development that exceeds the minimum thresholds for a Development of Regional Impact (DRI) review must complete that review prior to moving forward with the zoning request. The minimum development thresholds for DRI review can be found at (https://atlantaregional.org/community-development/comprehensive-planning/developments-of-regional-impact/). Once a completed rezoning package is received by Smyrna’s Community
Development Office, an Initial DRI Information form will be prepared by the office and submitted to the Atlanta Regional Commission, Georgia Regional Transportation Authority, and Georgia Department of Community Affairs to determine whether or not the proposed development should be processed as a DRI. If the proposed development is determined to be a DRI, then a DRI Review Initiation Request form shall be prepared by Smyrna’s Community Development Office and submitted along with any requested information. No rezoning action can be taken by the City until all state agencies have completed their review and comments.
APPLICATION FOR REZONING
TO THE CITY OF SMYRNA

Type or Print Clearly

(To be completed by City)

Ward: ________
Application No: ________
Hearing Date: ________

APPLICANT: ____________________________________________________________

Name: ____________________________________________________________
(Representative’s name, printed)
Address: __________________________________________________________________
Business Phone: ____________ Cell Phone: ____________ Fax Number: ____________
E-Mail Address: __________________________________________________________________
Signature of Representative: ________________________________________________

TITLEHOLDER

Name: ____________________________________________________________________
(Titleholder’s name, printed)
Address: __________________________________________________________________
Business Phone: ____________ Cell Phone: ____________ Home Phone: ____________
E-mail Address: __________________________________________________________________
Signature of Titleholder: ________________________________________________
(Attach additional signatures, if needed)

(To be completed by City)
Received: _______________
Heard by P&Z Board: __________
P&Z Recommendation: ________
Advertised: _______________
Posted: _______________
Approved/Denied: ________

City of Smyrna Rezoning Application - Page 1 of 9
**ZONING REQUEST**

From ___________________________________ to ___________________________________

Present Zoning                          Proposed Zoning

**LAND USE**

From ___________________________________ to ___________________________________

Present Land Use                          Proposed Land Use

For the Purpose of ______________________________________________________________

Size of Tract ____________________________

Location ________________________________

(Street address is required. If not applicable, please provide nearest intersection, etc.)

Land Lot(s) _____________________________ District ________________________________

We have investigated the site as to the existence of archaeological and/or architectural landmarks. I hereby certify that there are no ____ there are ____ such assets. If any, they are as follows:

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

(To be completed by City)

Recommendation of Planning Commission:

______________________________________________________________________________

______________________________________________________________________________

Council’s Decision:

______________________________________________________________________________

______________________________________________________________________________
CONTIGUOUS ZONING

North: ____________________________________________

East: ____________________________________________

South: ____________________________________________

West: ____________________________________________

CONTIGUOUS LAND USE

North: ____________________________________________

East: ____________________________________________

South: ____________________________________________

West: ____________________________________________
INFRASTRUCTURE

WATER AND SEWER

A letter from Frank Martin, Director of Public Works Department is required stating that water is available and the supply is adequate for this project.

A letter from Frank Martin, Director of Public Works Department is required stating that sewer is available and the capacity is adequate for this project.

- If it is Cobb County Water, Cobb County must then furnish these letters.

Comments:

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

TRANSPORTATION

Access to Property? _____________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

Improvements proposed by developer? ______________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

Comments:

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________
ZONING DISCLOSURE REPORT

Has the applicant* made, within two years immediately preceding the filing of this application for rezoning, campaign contributions aggregating $250 or more or made gifts having in the aggregate a value of $250 or more to the Mayor or any member of the City Council or Planning and Zoning Board who will consider this application?

__________________________________________________________________________________

If so, the applicant* and the attorney representing the applicant* must file a disclosure report with the Mayor and City Council of the City of Smyrna, within 10 days after this application is filed.

**Please supply the following information, which will be considered as the required disclosure:**

The name of the Mayor or member of the City Council or Planning and Zoning Board to whom the campaign contribution or gift was made:

__________________________________________________________________________________

The dollar amount of each campaign contribution made by the applicant* to the Mayor or any member of the City Council or Planning and Zoning Board during the two 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 $250 or more by the applicant* to the Mayor and any member of the City Council or Planning and Zoning Board during the two years immediately preceding the filing of this application:

__________________________________________________________________________________

Does the Mayor or any member of the City Council or Planning and Zoning Board have a property interest (direct or indirect ownership including any percentage of ownership less than total) in the subject property?

__________________________________________________________________________________

If so, describe the natural and extent of such interest: ______________________________________

__________________________________________________________________________________

__________________________________________________________________________________

City of Smyrna Rezoning Application - Page 5 of 9
ZONING DISCLOSURE REPORT (CONTINUED)

Does the Mayor or any member of the City Council or Planning and Zoning Board have a financial interest (direct ownership interests of the total assets or capital stock where such ownership interest is 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 the Mayor or any member of the City Council or Planning and Zoning Board 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:

______________________________________________________________________________

If the answer to any of the above is “Yes”, then the Mayor or the member of the City Council or Planning and Zoning Board must immediately disclose the nature and extent of such interest, in writing, to the Mayor and City Council of the City of Smyrna. A copy should be filed with this application**. Such disclosures shall be public record and available for public inspection any time during normal working hours.

We certify that the foregoing information is true and correct, this_____day of _______________, 20___.

_______________________________
(Applicant’s Signature)

_______________________________
(Attorney’s Signature, if applicable)

Notes
* Applicant is defined as any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association or trust) applying for rezoning action.

** Copy to be filed with the City of Smyrna Zoning Department and City Clerk along with a copy of the zoning application including a copy of the legal description of the property.
REZONING ANALYSIS

Section 1508 of the Smyrna Zoning Code details nine zoning review factors which must be evaluated by the Planning and Zoning Board and the Mayor and Council when considering a rezoning request. Please provide responses to the following using additional pages as necessary. **This section must be filled out by the applicant prior to submittal of the rezoning request.**

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

2. Whether the zoning proposal or the use proposed will adversely affect the existing use or usability of adjacent or nearby property.

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
REZONING ANALYSIS (CONTINUED)

4. 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.

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan.

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

6. 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.

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
REZONING ANALYSIS (CONTINUED)

7. Whether the development of the property under the zoning proposal will conform to, be a detriment to or enhance the architectural standards, open space requirements and aesthetics of the general neighborhood, considering the current, historical and planned uses in the area.

8. Under any proposed zoning classification, whether the use proposed may create a nuisance or is incompatible with existing uses in the area.

9. Whether due to the size of the proposed use, in either land area or building height, the proposed use would affect the adjoining property, general neighborhood and other uses in the area positively or negatively.