



**City of Acworth
Development Department**

4415 Center Street
Acworth, Georgia 30101
Office: (770) 974-2032
zoning@acworth-ga.gov
www.acworth-ga.gov

**REZONING / ANEXATION
APPLICATION AND
CHECKLIST**

The following items are to be included in the application:

- _____ 1. **Application Form** attached hereto.
- _____ 2. **Authorization** from the property owner.
- _____ 3. **Letter of Intent** which outlines the details of the request, the reason for requesting a zoning map ammendment, and addresses each of the following criteria:À
- _____ 4. **Rezoning fee** paid according to the following schedule for rezonings only:

	<u>R-1</u>	<u>All other Residential</u>	<u>All other Properties</u>
0 – 5 Acres	\$270.00	\$750.00	\$950.00
5 – 10 Acres	\$750.00	\$1,260.00	\$1,575.00
10 – 20 Acres	\$1,575.00	\$2,100.00	\$2,320.00
20 – 100 Acres	\$1,575.00 + \$30 / Acre	\$2,000 + \$40 / Acre	\$2,310.00 + \$50 / Acre

- _____ 5. **An advertising fee of \$270.00**, payable to the City of Acworth.
- _____ 6. **One (1) copy of the preliminary site development plan**, showing the proposed concept for redevelopment of the property, if applicable. Existing Site Resources Map, showing changes in elevation, topographical conditions, and existing structures upon the tract.
- _____ 7. **One (1) copy of the plat of the property or boundary survey**. All copies must be folded with the exception of 8 1/2 x 11 inches. A copy of the survey shall be submitted in an AutoCAD file on CD-Rom or flash drive in State Plane Coordinates.
- _____ 8. **A copy of the deed** for said property that includes the full legal description.
- _____ 9. **Traffic Study** for any project with an estiamted ADT of 1,000 or more as estimated by the area dedicated to each land use.
- _____ 10. **A copy of the current taxes paid in full** for said property from the Cobb County Tax Department.
- _____ 11. **Statement of Campaign Contributions** certifying that the applicant has/has not made campaign contributions or gifts aggregating \$250 or more to the Mayor, any member of the Board of Aldermen, or any member of the Planning and Zoning Commission. See attached form.

The Applicant is also advised of the following:

1. The Property Owner or representative must attend the Planning and Zoning Commission Hearing (held on the fourth Tuesday of the month at 7:00 PM), the Mayor and Board of Aldermen Public Hearing (held on the Monday preceding the first and third Thursdays of the month at 6:30 PM) and is encouraged to attend the Mayor and Board of Aldermen Public Meeting at which the application will be considered (held on the first and third Thursdays of the month at 7:00 PM).
2. Signs supplied by the Zoning Administrator must be posted on the property prior to the first advertisement appearing in the *Marietta Daily Journal*. Signs must be posted as to be readily visible from the street at least three (3) feet high above the ground.
3. A copy of the complete Zoning Ordinance may be purchased for the copy fee of \$25.00 from the City Clerk's office. A copy is also available online on the City of Acworth website (www.acworth-ga.gov).
4. All site plans are to be folded and accompanied by an AutoCAD file on CD-Rom or flash drive in State Plane Coordinates. The site plan shall be submitted in an electronic PDF format.

Submitted as required:

Owner/Agent

Date

Zoning Administrator

Date



City of Acworth Rezoning Application

Applicant: _____ Business Telephone: _____

(Representative's Name, Printed) Address: _____

(Representative's Signature) Business Telephone: _____

e-mail: _____

Signed, sealed and delivered in the presence of:

_____ My Commission Expires: _____

Titleholder: _____ Telephone: _____

Signature: _____ Address: _____
Signed, sealed and delivered in presence of:

My Commission Expires: _____

Zoning Request From: _____ To: _____
(Present Zoning) (Proposed Zoning)

For the purpose of: _____

Size of Tract: _____ Acre(s)

Location: _____

Land Lot(s): _____

Parcel(s): _____



CAMPAIGN CONTRIBUTIONS

Please CIRCLE the appropriate statements:

The undersigned Applicant herein certifies that he/she **has / has not** made campaign contributions or gifts aggregating \$250 or more to the Mayor, any member of the Board of Aldermen, or any member of the Planning and Zoning Commission within the two (2) years preceding the filing of this Application for Rezoning.

FINANCIAL INTEREST

The undersigned Petitioner herein certifies that, to the best of its knowledge, information, and belief, the Mayor, any member of the Board of Aldermen, or any member of the Planning and Zoning Commission **does / does not:**

Have a property interest (direct or indirect ownership, including any percentage of ownership less than total) in the subject property;

- (1) 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; and
- (2) Have a spouse, mother, father, brother, sister, son, or daughter who has any interest as described above.

The undersigned Petitioner certifies that all information contained in this Application for Rezoning and all information furnished in support of this Application is true and complete to the best of its knowledge, information, and belief.

_____ (Signature)

BY: _____

TITLE: _____

Signed, sealed and delivered in the presence of:

(Corporate Seal)

Address: _____

Notary Public Commission Expires: _____

Telephone: _____

73-11.5 Rezoning (Map Amendment)

73-11.5.1 Applicability

The provisions of this Section apply to amendments of the official Zoning Map of the City of Acworth.

73-11.5.2 Initiation of Rezoning

- A. An application for rezoning may be initiated for any property within the City of Acworth by any of the following:
 - 1. The Mayor and Board of Aldermen
 - 2. The City Manager
 - 3. Any person, or agent for such person, who seeks to rezone their own property.
- B. For rezoning applications filed by other than those initiated by the City of Acworth governing body or staff, where properties are held in ownership by multiple persons or entities, it shall be the responsibility of the applicant to ensure they have obtained proper consent to the rezoning from all persons or entities with an ownership stake in the rezoning.
- C. If the applicant is the agent of the owner, the agent shall file authorization that the agent may file on their behalf. No application shall be accepted which does not meet these requirements.

73-11.5.3 Application Procedures

- A. Prior to the submittal of an application for rezoning, the applicant shall have participated in the pre-application meeting.
- B. Applications shall, at minimum, include the following information:
 - 1. Application Form
 - 2. Property Owner Authorization
 - 3. Contribution Disclosure Forms
 - 4. Site Survey
 - 5. Site Plan, showing the proposed concept for redevelopment of the property, if applicable.
 - 6. Existing Site Resources Map, showing changes in elevation, topographical conditions, and existing structures upon the tract.
 - 7. Traffic Study for any project with an estimated ADT of 1,000 or more trips as estimated by the area dedicated to each land use.
 - 8. Letter of Intent, which outlines the details of the request, the reason for requesting an amendment to the zoning map, and addresses the criteria in Section 73-11.5.7 Review Standards for Rezoning Application.
- C. Supplemental or alternative materials may be required during the review process.

73-11.5.4 Required Public Notice

Public notice shall be provided in accordance with procedures in Section 73-11.2 Public Notices.

73-11.5.5 Review by Planning and Zoning Commission

A. Consideration by Planning and Zoning Commission

All rezoning applications shall be considered by the Planning and Zoning Commission at a public meeting prior to a public hearing before the Mayor and Board of Aldermen. The public meeting before the Planning and Zoning Commission is not a public hearing and does not require compliance with Public Notice provisions in Section 73-11.2.

B. Standards and Criteria

The Planning and Zoning Commission shall review and make recommendation on the proposed rezoning based upon the standards in Section 73-11.5.7 Review Standards for Rezoning Applications.

C. Planning and Zoning Commission Recommendation

A recommendation shall be prepared and forwarded to the Mayor and Board. The recommendation shall indicate if the proposed rezoning should be:

1. Approved;
2. Approved with conditions;
3. Approved with an alternative zoning district that is lesser intensity than that which was advertised; or
4. Denied.

73-11.5.6 Action by Mayor and Board of Aldermen

Upon receipt of the recommendations from the reviewing bodies, the application shall be forward to the Mayor and Board of Aldermen for final action.

A. Public Hearing

The Mayor and Board shall hold a minimum of one (1) public hearing to consider the proposed rezoning after receiving a recommendation from the applicable review body.

B. Standards

The Mayor and Board of Aldermen shall evaluate the proposed rezoning based upon the standards in Section 73-11.5.7 Review Standards for Rezoning Applications.

C. Actions by the Mayor and Board of Aldermen

Following the public hearing, the Mayor and Board of Aldermen shall take one of the following actions:

1. Approve;
2. Approve with Conditions;
3. Approve with Alternative Zoning District;
4. Deny;
5. Any other action within the scope of the Mayor and Board's authority as outlined elsewhere in this Ordinance, the Acworth Municipal Charter, or State Law.

73-11.5.7 Review Standards for Rezoning Applications

The following are the standards which govern the exercise of zoning power by the City:

A. Suitability and Community Need

1. Whether the range of uses permitted by the proposed zoning district is more suitable than the range of uses that is permitted by the current zoning district.
2. Whether the proposed zoning district addresses a specific need in the County or City.

B. Compatibility

1. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
2. Whether the zoning proposal is compatible with the present zoning pattern and conforming uses of nearby property and the character of the surrounding area.
3. 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.

C. Consistency

Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan and other adopted plans, such as a redevelopment plan or small area plan.

D. Reasonable Use

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

E. Adequate Public Services

Whether adequate school, public safety and emergency facilities, road, ingress and egress, parks, wastewater treatment, water supply and stormwater drainage facilities are available for the uses and densities that are permitted in the proposed zoning district.

73-11.5.8 Annexation Criteria

When a rezoning request is accompanied by an annexation request, the following criteria shall be considered when reviewing the annexation request:

- A. Compliance with applicable sections of O.C.G.A 36-36 for lawful Annexation of Territory and 489 Agreement, as adopted and amended over time;
- B. Adequacy of access to the site;
- C. Consistency of the proposal with the City's adopted Comprehensive Plan, including but not limited to goals and policies for urbanization, housing, cultural, historic and natural resources, infrastructure, and provision of public infrastructure and community services;
- D. Adequacy and availability of the following public facilities and services at the time of development;
 - 1. Transportation. The urbanization of the site can be accommodated with existing transportation infrastructure in conjunction with proposed improvements.
 - 2. Sewer. The urbanization of the site can be accommodated based on current sewer capacity.
 - 3. Water. The urbanization of the site can be accommodated based on current water capacity.
 - 4. Stormwater. The urbanization of the site can be accommodated based on current stormwater capacity.
 - 5. Police, Fire, and Emergency Services. Police, fire, and emergency services can adequately serve the site;
 - 6. Parks. The urbanization of the site can be accommodated based on current parks resources.
 - 7. Schools. The urbanization of the site is analyzed for school capacity in a school forecast approved by the Cobb County School District.
- E. The annexation is in the best interest of the City. Generally, the Mayor and Board may consider the annexation is in the best interest of the City if it meets two (2) or more of the following criteria:
 - 1. It provides a needed solution for existing problems resulting from insufficient sanitation, water service, public safety, code enforcement, or other urban service-related problems;
 - 2. It provides land for development to meet urban needs including jobs and/or housing in an orderly and logical growth pattern;
 - 3. It fills in gaps in existing islands or other types of non-contiguous boundaries;
 - 4. It provides needed routes for utility and transportation networks.

73-11.5.9 Successive Applications for Rezoning

If the Mayor and Board deny an application for the rezoning of property, a successive application shall not be submitted to rezone on any part or all of such property for a period of six (6) months from the date of the vote by the Mayor and Board.