

WHEN THESE FORMS ARE COMPLETED

PLEASE RETURN TO:

**DALTON-WHITFIELD ZONING
P O Box 248
Dalton GA 30722**

Physical Location: 201 S Hamilton Street, Dalton GA 30720

PHONE: (706) 876-2533

FAX: (706) 275-7501

ATTENTION

The applicant for a rezoning/special use request shall obtain a list of all abutting and/or adjoining property owners from the Whitfield County Tax Assessor's Office. The applicant shall supply these names and addresses, along with stamped envelopes to Dalton-Whitfield Zoning. The zoning staff will verify the mailing list and mail each adjoining property owner a copy of this application. If these are not received with the rezoning application, the application will be considered incomplete.

REZONING/SPECIAL USE PROCESS

1. Applicant shall make initial appointment with a city/county zoning official to discuss proposed actions. Applicant shall submit completed Rezoning/Special Use application to Dalton-Whitfield Zoning on or before the 10th of the month after consultation with a city/county zoning official.
2. Dalton-Whitfield Zoning will notify applicant by letter of the date and time of the public hearing.
3. **At least 30 days prior to the public hearing, the property is posted, adjacent property owners are notified, and the newspaper advertisement is published.**
4. At the public hearing before the Dalton-Whitfield County Planning Commission:
 - (a) The Planner will make brief remarks regarding the application and will orient the Commission as to the location of the property;
 - (b) The applicant will be asked to come forward and state his/her reasons for the request;
 - (c) Any other persons present who wish to speak in favor of the application will be given an opportunity to speak;
 - (d) Any persons present who wish to speak against the application will be given an opportunity to speak;
 - (e) The applicant will be given an opportunity to rebut any statements made opposing the application;
 - (f) After all other Rezoning/Special Use applications are heard, the Dalton-Whitfield Planning Commission members will vote on each application; this vote will be forwarded in the coming week to the appropriate governing authority;
 - (g) **Approximately two (2) weeks after the public hearing, the appropriate governing authority will make a final decision regarding the application at their regular monthly meeting;**
 - (h) **The applicant will be notified by mail of the final decision.**

NOTE: The Whitfield County Board of Commissioners are in attendance at the public hearing when text amendments are sought or when Rezoning/Special Use requests involve properties within the unincorporated area of Whitfield County.

**UNIFIED REZONING
PRELIMINARY SITE PLANS**

Date Of Submittal: _____

Name of Project: _____

Name of Owner/Developer: _____

Address: _____

Phone: _____

All Items must be addressed and checked before plans will be accepted for rezoning consideration. **This document must be completed, checked and submitted with Preliminary Site Plans by the tenth (10th) of the preceding month for rezoning consideration by the Planning Commission meeting which occurs on the fourth Monday of the month.** Your cooperation is appreciated.

Preliminary Site Plan. For all parcels which seek rezoning to R-6, R-7, MU, or PUD for a proposed use or which require a Special Use for a proposed use, a Preliminary Site plan, as described herein, shall be submitted with such application unless specifically waived, in whole or in part, by the Zoning Administrator. Such application shall remain incomplete without such required information. The Governing Authority may hereafter conditionally approve such request based upon information set forth in such site plan. Each Preliminary Site Plan shall include, but not be limited to, the following information:

- (a) Preliminary Name of the proposed development; name(s), address(es), and telephone number of the owner(s) and the designer(s) of the site plan.
- (b) Scaled Boundaries. Scaled boundaries of the entire tract and their relationship to adjoining properties, public rights-of-way, and easements.
- (c) Sewage Management Systems, On-Site (Septic Systems); Sewage Treatment System, Public or Community (Central Sewage Treatment Plant). Written statement from the Environmental Health Department indicating the optimum number of units the property will accommodate based on a soils report by a soils scientist and an on-site inspection by a county environmental specialist. If public sewer is available, written approval shall be provided from Dalton Utilities for the number of desired sewer taps.
- (d) Septic System Absorption Field and Replacement Area and Building Locations. Approximate location of the septic fields, all proposed buildings, their shape, size, and setback in appropriate scale.
- (e) Rights-of-Way. Location and right-of-way of streets, roads, alleys, railroads, public crosswalks, with lengths and widths, road names, or designations.
- (f) Buffers and vegetation. Existing and proposed vegetation and the use of vegetation to provide buffers and landscaping for the proposed development.
- (g) Flood Plain areas. Location of the 100-year flood plain as determined by the past history of flooding or the best available data.
- (h) Proposed improvements. The names, where appropriate, and locations and dimensions of proposed roads, alleys, sidewalks, easements, buildings, parking and loading, dumpsters, recreation areas and facilities, yards and other open spaces.

Article VIII -- Buffers

8-1 **Buffer Requirement.** A buffer, as specified herein below, shall be required when a proposed development abuts property in a less intense zone district, unless the adjacent zone district is already developed with uses similar to the proposed uses. Refer to the following table for the required buffer:

	DISTRICTS REQUIRED TO BUFFER										
	R-6	R-7	PUD	MU	C-1A	C-1	C-2	C-3	C-4	M-1	M-2
<i>Abutting District</i>	Width of Required Buffer										
<i>GA</i>	15'	15'	TBD	TBD	15'	20'	20'	20'	20'	30'	30'
<i>SA</i>	15'	15'	TBD	TBD	15'	20'	20'	20'	20'	30'	30'
<i>R-1</i>	15'	15'	TBD	TBD	15'	20'	20'	20'	20'	30'	30'
<i>R-2</i>	15'	15'	TBD	TBD	15'	20'	20'	20'	20'	30'	30'
<i>R-3</i>	15'	15'	TBD	TBD	15'	20'	20'	20'	20'	30'	30'
<i>R-4</i>	15'	15'	TBD	TBD	15'	20'	20'	20'	20'	30'	30'
<i>R-5</i>	None	15'	TBD	TBD	15'	20'	20'	20'	20'	30'	30'
<i>R-6</i>	None	None	TBD	TBD	15'	15'	15'	15'	15'	30'	30'
<i>R-7</i>	None	None	TBD	TBD	15'	15'	15'	15'	15'	30'	30'
<i>PUD</i>	None	None	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
<i>MU</i>	None	None	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
<i>C-1A</i>	None	None	TBD	TBD	None	None	None	None	None	None	None
<i>C-1</i>	None	None	TBD	TBD	None	None	None	None	None	None	None
<i>C-2</i>	None	None	TBD	TBD	None	None	None	None	None	None	None
<i>C-3</i>	None	None	TBD	TBD	None	None	None	None	None	None	None
<i>C-4</i>	None	None	TBD	TBD	None	None	None	None	None	None	None
<i>M-1</i>	None	None	TBD	TBD	None	None	None	None	None	None	None
<i>M-2</i>	None	None	TBD	TBD	None	None	None	None	None	None	None

TBD – To be determined by the applicable governing body during the Special Use review approval-process.

- 8-1-1 Buffers shall be located within and along the outer perimeter of a lot or parcel along the side and/or rear lot lines. Buffers shall not be located upon any portion of existing, dedicated, or reserved public or private road right-of-way.
- 8-1-2 No building permit shall issue for any lot or parcel development requiring a buffer until such time as that buffer, as specified herein, shall be substantially in place or until acceptable surety for the cost of the buffer installation shall be provided to the Building Inspector. Acceptable surety shall consist either of an irrevocable letter of credit from an approved lending institution or a performance bond from an approved insurer in an amount not less than fifteen dollars (\$15.00) per linear foot of area to be buffered. The required buffer must be completed and in place within thirty (30) days before any such surety shall lapse or within six (6) months of the issuance of the building permit, whichever shall occur sooner.
- 8-1-3 If the required buffer shall not be completed and in place as set forth herein, then, in such circumstance, the Zoning Administrator or designee shall have authority to go upon such areas of the subject parcel as reasonable and necessary to construct the required buffer, utilizing the surety previously provided. The Governing Authority shall not be liable for such action unless the Zoning Administrator or his or her designee shall act with gross negligence in coming upon and/or damaging such parcel.

- 8-2 **Passive Use.** A buffer may be used for some forms of passive recreation such as pedestrian, bicycle, or equestrian trails; or a buffer may be used to locate a stormwater retention area provided that:
- 8-2-1 No planted materials shall be eliminated.
 - 8-2-2 The total width of the buffer shall be maintained.
 - 8-2-3 A buffer shall not be used for any active recreational use such as playfields, stables, swimming pools and tennis courts.
- 8-3 **More Intense Use Must Provide Buffer.** When adjoining properties are zoned in dissimilar use districts, the property within the more intensive use district shall be required to provide the buffer. However, when adjoining vacant parcels are in dissimilar use districts, no buffer is required when the parcel zoned for the less intensive use seeks a building permit.
- 8-4 **General Buffer Design.** All buffers required by this Article shall conform to the following specifications:
- 8-4-1 Prior to development, a buffer plan shall be required to show the types and locations of all screening devices within a required buffer. If a site development plan is required, a buffer plan may be incorporated as part of the site development plan.
 - 8-4-2 Landscaping within buffer areas shall be used to screen objectionable views or nuisances, such as parking and service areas, refuse containers, air conditioning units and transformers. Existing on-site plantings may be credited as landscaped open space meeting the requirements of this section if such plant materials achieve the purposes of this section.
- 8-5 **Zoning Buffer Standards.**
- 8-5-1 **General.**
 - (a) Buffer areas shall contain no driveways, access easements, parking areas, patios, storm water detention facilities, or any other structures or accessory uses except for a fence, wall or earthen berm constructed to provide the visual screening required to meet the standards of this Article.
 - (b) Underground utilities including closed storm drains may be permitted to cross perpendicular to a buffer if the screening standards of this Article will be subsequently achieved.
 - (c) Vehicular access through a buffer may be allowed only as a condition of rezoning, Special Use or Planned Unit Development zoning approval by the Governing Authority.
 - 8-5-2 **Minimum required screening.**

A required zoning buffer must create a barrier that substantially blocks the sight lines, noise transmission, and the transfer of artificial light and reflected light up to a height of not less than six (6) feet at the property line (or such greater height as required by conditions of zoning approval on a particular property).
 - 8-5-3 **Natural buffers.**

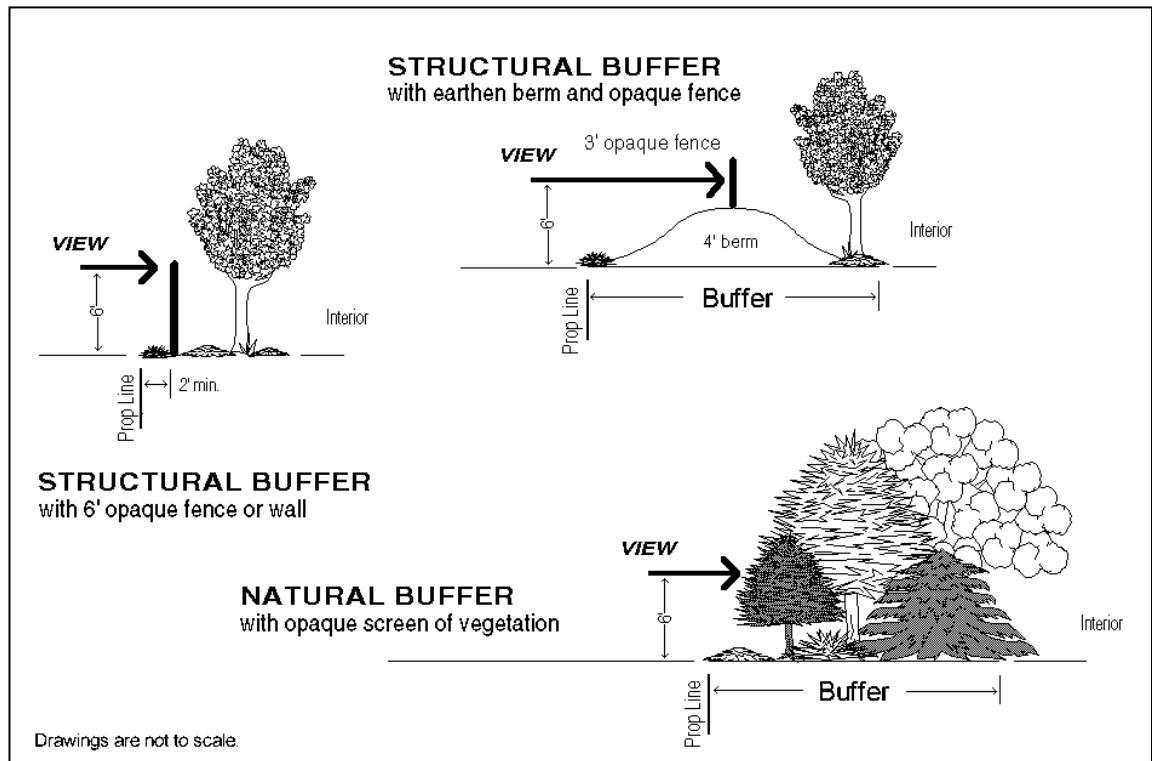
Natural buffers shall be composed of healthy plants with growth characteristics to produce a dense, compact visual screen not less than six (6) feet in height. Natural buffers may contain deciduous or perennial vegetation, but shall contain existing or planted evergreen shrubs and trees suitable to local growing conditions that will provide an opaque visual screen during all seasons of the year.
 - 8-5-4 **Structural buffers.**

A structural buffer shall provide a continuous visual screen throughout its entire length, and may consist of any combination of the following, as approved by the Zoning Administrator: Opaque fencing constructed of cedar, redwood, treated and stained or painted wood, vinyl replicating wood, or other suitable all-weather material; masonry walls of brick or stone; concrete block walls treated with a decorative finish; planted or natural vegetation; or earthen berms. Structural buffers shall meet the following criteria:

 - (a) Structural buffers shall be vegetated throughout the minimum area required for the buffer around any fences or walls and upon any earthen berms, which may include ground covers, shrubs and trees, and areas that are mulched.
 - (b) All earthen berms shall have a maximum side slope of fifty percent (50 %) (one (1) foot of vertical rise to two (2) feet of horizontal run.) Earthen berms shall not be constructed within the

drip line of any existing trees that will remain on the property; new trees that overhang the berm may be planted after the berm is constructed.

- (c) Trees shall be located or planted within any structural buffer at a density of not less than one tree for each twenty-five (25) feet of buffer length or portion thereof (or every thirty-five (35) feet for shade trees). New deciduous trees shall have a caliper of not less than two (2) inches upon planting, and new evergreens shall be at least six (6) feet tall when planted. Trees may be clustered following professional landscaping standards for spacing, location and design
- (d) Fences and freestanding walls shall present a finished and decorative appearance to the abutting property, and shall be located not closer to the property line than two (2) feet. Shrubs, ground covers, or other vegetation shall be provided between the fence or wall and the property line so as to provide a decorative effect, following professional landscaping standards for spacing, location and design.
- (e) Examples of buffers are shown in the following illustration:



- 8-6 **Maintenance of buffers.** Every buffer required under this Article shall be maintained by the owner of the property where the buffer is located, so as to provide an opaque visual screen to a height of six (6) feet on a continuous, year-round basis. Dead or dying plants or trees must be replaced immediately with the same or an equivalent species.
- 8-7 **Reduction for unnecessary buffers.** The Governing Authority may reduce a zoning buffer requirement to a temporarily appropriate level of screening if the Comprehensive Plan anticipates future development on the adjoining property in a land use category such that a zoning buffer would not be required or may be reduced by this Ordinance once the adjoining property is rezoned or developed. Such determination shall be based upon the Future Development Map in the Comprehensive Plan, surrounding land use and zoning patterns, and the propriety of a future zoning change on the adjoining property.
- 8-8 **Variations.** The requirements of this Article may be altered, amended, or waived by the Board of Zoning Appeals, depending upon circumstances, if it is shown by clear and convincing evidence either that the existing topography and/or vegetation will achieve the purposes of the Article or that, because of the topography, no required screening device could screen the ground level activities of the more intense use from the ground level activities of the abutting less intense use.

FOR OFFICE USE ONLY:
DATE RECEIVED: _____

ACTION BY THE GOVERNING AUTHORITY:
APPROVED: _____ DISAPPROVED: _____

**APPLICATION FOR AMENDMENT OF THE
UNIFIED ZONING ORDINANCE/MAP**

Dalton: _____
Varnell: _____
Whitfield Co: _____

Fee: \$200
Make check payable to: DALTON-WHITFIELD ZONING

Application is hereby made for amendment of the Unified Zoning Ordinance/Map, and if granted, the applicant agrees to conform to all laws, ordinances and resolutions regulating same.

Name of Applicant: _____ Telephone: _____

Mailing Address: _____

Email: _____

Address of Property to be Rezoned: _____

Amendment to: Zoning Map _____ Text Section _____

If an amendment to the Zoning Text, include on separate sheets the proposed amendment.

If an amendment to the Zoning Map, indicate the following:

Size of Property: _____ acres; _____ square feet

Existing Zone Classification: _____

Proposed Zone Classification: _____

Present Use of Property: _____

Proposed Use of Property: _____

If multi-family, total number of units: _____

Average size of unit (optional): _____ square feet

Preliminary Site plan is required for Special Use and zoning districts of R-6, R-7, MU, and PUD

Include on separate sheets a legal description of the property and a map of the property showing:

- a) Actual dimensions of property
- b) Location and type of existing structures
- c) Zone and land use of surrounding property

I hereby certify that the above information is true and correct.

Signed: _____

Date: _____

VERIFICATION

The undersigned is the/an owner of an interest in the lands described in the attached Application for Amendment of the Unified Zoning Ordinance/Map and concurs in the application. The undersigned's interest in the lands described in the application is as follows:

(describe parcel or parcels of interest and percentage of interest)

I appoint _____
my attorney in fact with full authority, my name, place, and stead, to apply for the zoning amendment set forth in the attached application.

Owner

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

Notary Public

(SEAL)

1
DISCLOSURE REPORT OF PROPERTY/FINANCIAL INTEREST
2
BY APPLICANT

(Required by Title 36, Chapter 67A, O.C.G.A.)

Date of Rezoning Application: _____

Does any member of the Planning Commission or applicable governing authority have a property interest (direct or indirect ownership, including any percentage of ownership less than total) in the subject property?

(yes or no)_____

If so, describe the nature and extent of such interest:

Does any member of the Planning Commission or applicable governing authority have a financial interest (direct ownership interests of the total assets or capital stock where such ownership interest is ten (10) percent or more) in 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?

(yes or no)_____

If so, describe the nature and extent of such interest:

1

If the answer to any of the above is "Yes," then the member of the Planning Commission or applicable governing authority must immediately disclose the nature and extent of such interest, in writing, to the applicable governing authority Board or Council. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

2

Applicant means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of the applicant for a rezoning action.

Does any member of the Planning Commission or applicable governing authority have a spouse, mother, father, brother, sister, son, or daughter who has any interest as described above?

(yes or no) _____

If so, describe the relationship and the nature and extent of such interest:

I certify that the foregoing information is true and correct to the best of my knowledge and belief, this _____ day of _____, _____.

Applicant's Signature

[Note: Any local government official or any applicant for rezoning action knowingly failing to make any disclosure as required by O.C.G.A. Chapter 36 - 67A shall be guilty of a misdemeanor.]

**DISCLOSURE REPORT OF CAMPAIGN CONTRIBUTIONS AND GIFTS
BY APPLICANT*
(Required by Title 36, Chapter 67A, O.C.G.A.)**

Date of Rezoning Application: _____

Has the applicant* made, within two (2) years immediately preceding the filing date of this application, campaign contributions aggregating two hundred fifty dollars (\$250) or more or made gifts having in the aggregate a value of two hundred fifty dollars (\$250) or more to a member or members of the Planning Commission or applicable governing authority who will consider this application?

(Yes or No)

If so, the applicant and the attorney or other person representing the applicant must file a disclosure report with the appropriate governing authority Board or Council within ten (10) days after this application is first filed. The following information will be considered as the required disclosure:

1) List the name and official position of the governing authority member or Planning Commission member; 2) the dollar amount and date of each applicable campaign contribution; and 3) an enumeration and description of each gift having a value of \$250 or more.

I certify that the foregoing information is true and correct to the best of my knowledge and belief, this _____ day of _____, _____.

Applicant's Signature

[Note: Any local government official or any applicant for rezoning action knowingly failing to make any disclosure as required by O.C.G.A. Chapter 36 - 76A shall be guilty of a misdemeanor.]

* Applicant means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of the applicant for a rezoning action.

CHECK LIST FOR REZONING/SPECIAL USE APPLICATION

1. APPLICATION PAGE

- A. If the property owner is the applicant, is every property owner listed?
- B. Signature of applicant or property owner(s).
- C. Names and addresses of adjacent property owners; stamped envelopes.

2. VERIFICATION PAGE

- A. List of property owner(s) and % interest in property.
- B. Signature of property owner(s) if
 - 1. giving power of attorney to a third party; or
 - 2. applicant is not the property owner

3. ALL OTHER PAGES

- Signature of applicant and any other person appointed on Verification Page as having power of attorney.
- 4. Typed legal description of property.
- 5. Plat whose boundaries match those of the legal description.
- 6. If the requested zone is R-6, R-7, MU or PUD or Special Use, then a Preliminary Site Plan must be provided listing all those items required for a preliminary site plan.