

Land Use Petition Application

All applications and plans must be submitted through the Project Portal

<https://Cityworks.BrookhavenGA.gov/ProjectPortal>



This application applies to:

- Zoning Map Amendments (Rezoning)
- Major Modification to a previous Rezoning case
- Special Land Use Permit

The Planning Commission (PC) is a body of 7 residents in the City of Brookhaven who are appointed by the Brookhaven Mayor & City Council and volunteer their time to evaluate Land Use Petitions. The Planning Commission meets on the first Wednesday of each month at 7:00 PM in the Brookhaven City Hall Council Chambers, located at 4362 Peachtree Road, Brookhaven, GA 30319.

Following the Planning Commission public hearing, the application is typically scheduled for the Mayor and City Council on the fourth Tuesday of the month. Based on the applicant's submittal information, the report generated by City Staff, public comments, and the recommendation from the Planning Commission.

Decisions by the Mayor and City Council are based on the applicant's submittal information, the Staff Recommendation, and feedback from the public. The Community Development Department Recommendation weighs the Land Use Petition against the applicable criteria outlined on pages 4 & 5 based on applicant submittal information, City & County records, outside research, and feedback from the surrounding community.

Processing schedules are dictated by The State of Georgia (O.C.G.A. § 36-66-1) which regulates zoning hearings procedures and sets the minimum and maximum amounts of time for public notice. Applications cannot be expedited due to the state minimum procedures. All amendments require at least two public hearings to be held by the City. The first meeting is a public hearing and is held in front of the Planning Commission, where the item will be heard and a recommendation will be made that is then forwarded to the City Council.

The following procedures outlined herein are granted and guided by the minimum requirements of the Georgia Zoning Procedures Law (O.C.G.A. § 36-66-1). All applicants are entitled to due process of the law.

Pre-Application Meetings

To initiate an application Land Use Petition, an applicant must schedule and hold a pre-application meeting with the Planning & Zoning staff. Pre-Application meetings can be scheduled by emailing planning@brookhavenga.gov

Pre-Application meetings for Land Use Petitions **must take place by the deadline of 4pm on the Friday** preceding the application submission deadline on the last Wednesday of the month. These meetings are scheduled as needed and the purpose of the pre-application meeting is to establish an expectation on the part of both staff and the applicant for the Land Use Petition process.

The **applicant shall provide preliminary/finalized site plans, a letter of intent regarding the request, and/or other illustrative documents as necessary at the time of the pre-application meeting.** The applicant will then provide an overview of their proposed application. Staff can then inform the applicant of the City's process to consider the proposed change, and offer a preliminary analysis for strength and/or weakness of the proposal.

Following the pre-application meeting, applicants can submit their application and required supplemental materials (detailed in the following checklist) by the deadline of 4pm on the **last Wednesday** of each month online at:

<https://cityworks.brookhavenga.gov/ProjectPortal>

Land Use Petition Application

LAND USE PETITION APPLICATION PROCESS



All amendments require at least two public hearings held by the City. The first meeting is a public hearing and is held in front of the Planning Commission, where the item will be heard and a recommendation will be made that is then forwarded to the City Council.

** For Land Use Petitions that relate to an amendment of the zoning ordinance to revise one or more zoning classifications or definitions relating to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning, the Georgia Zoning Procedures Law states that the zoning decision shall be adopted at two regular meetings of the local government making the zoning decision, during a period of not less than 21 days apart; AND prior to the first meeting provided for in subparagraph (A) of this paragraph, at least two public hearings shall be held on the proposed action. Such public hearings shall be held at least three months and not more than nine months prior to the date of final action on the zoning decision. Furthermore, at least one of the public hearings must be held between the hours of 5:00 P.M. and 8:00 P.M.*

LAND USE PETITION APPLICATION CHECKLIST

(Incomplete applications will not be accepted)

- Pre-Application Meeting (A staff-signed pre-application form must be submitted with application - this will be provided by staff after the meeting occurs)
 - Pre-Application meeting may be scheduled by emailing a proposed site plan to Planning@BrookhavenGA.Gov
 - Pre-application meeting shall be held by the Friday preceding the submission deadline.
- Completed Application – See page 18
- Signed and Notarized affidavits of all property applicants. Use separate sheets for multiple applicants. – See page 19
- Signed and Notarized affidavits of all property owners. Use separate sheets for multiple owners. – See page 19
- Signed Campaign Disclosure Statement – See pages 20 & 21
- Written legal description narrative of the metes and bounds of the property matching the site plan
- Public Participation Plan – See page 7
- Environmental Site Analysis – See pages 8 & 9
 - Point-by-point response to items **1** (a, b, c, d, & e), **2** (a, b, c, d, e, f & g), and **3** (a, b, c, d, e, f, g, h & i)
- Housing Affordability Impact Statement (Workforce Housing Requirements – Forms A and B) – See pages 10 - 13
- Letter of Intent – point-by-point narrative addressing all applicable criteria – See pages 4 & 5
- Complete and detailed site plan of the proposed use prepared, signed and sealed by an architect, landscape architect or engineer licensed in the State of Georgia, showing the following, as relevant:
 - o All buildings and structures proposed to be constructed and their location on the property;
 - o Height of proposed building(s);
 - o Proposed use of each portion of each building;
 - o All driveways, parking areas, and loading areas;
 - o Location of all trash and garbage disposal facilities;
 - o Setback and buffer zones required in the district in which such use is proposed to be located;
 - o Landscaping plan for parking areas; and
 - o All additional requirements outlined on Site Plan Requirements on page 5
- Building Elevations (required for attached residential & non-residential developments)

The following items may be required based on thresholds outlined on pages 14 & 15:

- Traffic Impact Study – See Page 14
- Development of Regional Impact Review – See Page 15
- Environmental Impact Report – See Page 15
- DeKalb County Department of Watershed Management Capacity Letter

Land Use Petition Application

REVIEW CRITERIA

Zoning Map Amendment

The following review and approval criteria shall be used in reviewing and taking action on zoning map amendments:

1. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan;
2. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties;
3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
4. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
5. Whether there are other existing or changing conditions affecting the use and development of the property that provide supporting grounds for either approval or disapproval of the zoning proposal;
6. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources;
7. Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools; and
8. Whether the aesthetic and architectural design of the site is compatible with the intent and requirements of the Comprehensive Plan, the Character Area Study, and any Overlay District.

Special Land Use Permit

The following review and approval criteria shall be used in reviewing and taking action on all special land use permit applications: No application for a special land use permit may be granted by the city council unless satisfactory provisions and arrangements have been made concerning each of the following considerations:

1. Whether the proposed use is consistent with the comprehensive plan and other adopted policies of the city;
2. Whether the proposed use complies with the requirements of this zoning ordinance;
3. Whether public services, public facilities and utilities are adequate to serve the proposed use;
4. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of:
 - a. Noise, smoke, odor, dust or vibration generated by the proposed use;
 - b. Hours or manner of operation of the proposed use; and
 - c. Traffic volumes generated by the proposed use;
5. Whether the proposed use would result in an over-concentration of the subject use type within the area of the proposed use;
6. Whether the aesthetic and architectural design of the site is compatible with the intent and requirements of the comprehensive plan, the character area study, and all applicable zoning ordinance regulations; and
7. Whether the proposed use is compatible with adjacent properties and land uses, based on consideration of the size, scale and massing of proposed buildings and the overall site design.

Master Planned Development

In reviewing and making decisions on proposed MPD rezonings and preliminary development plans, review and decision-making bodies shall consider at least the following factors:

1. The preliminary development plan's consistency with any adopted plans for the area;
2. The preliminary development plan's consistency with the MPD district provisions of Division 6-3; and
3. The sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the MPD in the case of a plan that proposes development over a long period of time.

Concurrent Variances

Please describe your situation and how your variance request is related to the conditions below:

1. The grant of the variance will not be detrimental to the public health, safety or welfare or injurious to property or improvements;
2. The variance request is based on conditions that are:
 - a. Unique to the subject property;
 - b. Not generally applicable to other properties in the same zoning district;
 - c. Not the result of the subject property owner's or applicant's actions;
3. Because of the particular conditions, shape, size, orientation or topographic conditions, the strict application of the requirements of this zoning ordinance would deprive the property owner of rights and privileges enjoyed by other similarly situated property owners;
4. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other similarly situated properties;
5. The literal interpretation and strict application of the applicable provisions or requirements of this zoning ordinance would cause undue hardship or practical difficulty, as distinguished from a mere inconvenience; and
6. The requested variance would be consistent with the spirit and purpose of this zoning ordinance and the comprehensive plan.

SITE PLAN REQUIREMENTS

All applicable items must be included on the Site Plan; separate sheets may be used.

- Key and/or legend and site location map with North arrow.
- Boundary survey of subject property which includes dimensions along property lines that match the metes and bounds of the property's written legal description and clearly indicates the point of beginning.
- Acreage of subject property.
- Location of land lot lines and identification of land lots.
- Existing, proposed new dedicated and future reserved rights-of-way of all streets, roads, and railroads adjacent to and on the subject property.
- Proposed streets on the subject site.
- Current zoning of the subject site and adjoining properties.
- Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on the subject property.
- Existing buildings' locations and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvement on adjacent properties within 200 feet of the subject property.
- Location of proposed buildings with total square footage.
- Layout and minimum lot size of proposed single family residential lots.
- Topography on the subject site and adjacent property up to 200 feet as required to assess runoff effects.
- Location of overhead and underground electrical and pipeline transmission/conveyance lines.
- Required and/or proposed setbacks.
- Lakes, streams, wetlands, and Waters of the State and associated buffers.
- 100-year flood plain horizontal limits and flood zone designations as shown on survey or FEMA FIRM maps.
- Required landscape strips, undisturbed buffers, and any other natural areas as required or proposed.
- Required and proposed parking spaces; Loading and unloading facilities.
- Proposed stormwater management facilities.
- Community wastewater facilities including preliminary areas reserved for septic drain fields and points of access.
- Availability of water system and sanitary sewer system.
- Location of existing trees and trees to be removed, or a statement that there are none, and whether the trees identified are specimen trees. (A specimen tree is any hardwood (oak, hickories, poplars, etc.) or softwood (pines, evergreens, etc.) tree with a diameter at breast height (DBH) of 30 inches and larger, or a small tree (dogwoods, redbuds, sourwoods, etc.) with a DBH of 10 inches and larger. If no specimen trees exist on the site, note their absence on the plans. If a specimen tree is to be removed, provide a calculation for recompense at 1.5x the diameter.)

PUBLIC PARTICIPATION PLAN & REPORT

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. It is entirely the responsibility of the applicant to plan a meeting with the neighborhood surrounding the proposed amendment to discuss the plans and get feedback on said plans. This meeting happens separately from the two public hearing requirements outlined in the application above and *must occur no later than the first business day of the month preceding the Planning Commission hearing date.*

The requirement for a Public Participation Plan does not give communities decision making powers or force a consensus on issues. Applicants are not obligated to make any concessions or changes based upon input from citizens. Non-attendance at a community information meeting, by those on the mailing list, does not mean that an applicant fails to meet the requirements of the Public Participation Plan.

Part 1 – Public Participation Plan

All rezonings, amendments to the comprehensive plan and/or Special Land Use Permit applications must include a Public Participation Plan which *must be filed simultaneously with the application.*

Applicant shall provide the following with the initial application submittal:

- A mailing list identifying all property owners within 500-feet of the subject property/properties including the name, street address, and tax parcel identification.
(Staff would suggest also including homeowners’ associations, environmentally stressed communities, political jurisdictions, and any other public agencies or organizations which may be affected by an application but is not necessarily within 500 feet of the property boundaries)
- A copy of the letter to be mailed to affected parties that identifies the date, location within the City of Brookhaven, and time of the information meeting to be scheduled no later than the first business day of the month preceding the Planning Commission hearing date.

Part 2 – Public Participation Report

Part 2 of the Public Participation Program is the Public Participation Report which is required to be submitted to the Community Development Department *no later than the last day of the business week of which the information meeting was held.*

Applicant shall submit:

- A sign-in sheet of meeting attendees
- A summary of concerns of issues expressed by interested parties.
- A summary of the applicant’s response to concerns and issues expressed.

ENVIRONMENTAL SITE ANALYSIS

Analyze the impact of the proposed rezoning and provide a written point-by-point response to Points 1 - 3:

1. Conformance to the Comprehensive Plan:

- a. Describe the proposed project and the existing environmental conditions on the site.
- b. Describe adjacent properties. Include a site plan that depicts the proposed project.
- c. Describe how the project conforms to the Comprehensive Land Use Plan.
- d. Include the portion of the Comprehensive Plan Land Use Map which supports the project's conformity to the Plan.
- e. Evaluate the proposed project with respect to the land use suggestion of the Comprehensive Plan as well as any pertinent Plan policies.

2. Environmental Impacts of The Proposed Project

For each environmental site feature listed below, indicate the presence or absence of that feature on the property. Describe how the proposed project may encroach or adversely affect an environmental site feature. Information on environmental site features may be obtained from the indicated source(s).

- a. Wetlands
 - U. S. Fish and Wildlife Service, National Wetlands Inventory (<http://wetlands.fws.gov/downloads.htm>)
 - Georgia Geologic Survey (404-656-3214)
 - Field observation and subsequent wetlands delineation/survey if applicable
- b. Floodplain
 - Federal Emergency Management Agency (<http://www.fema.org>)
 - Field observation and verification
- c. Streams/stream buffers
 - Field observation and verification
- d. Slopes exceeding 25 percent over a 10-foot rise in elevation
 - United States Geologic Survey Topographic Quadrangle Map
 - Field observation and verification
- e. Vegetation
 - United States Department of Agriculture, Nature Resource Conservation Service
 - Field observation
- f. Wildlife Species (including fish)
 - United States Fish and Wildlife Service
 - Georgia Department of Natural Services, Wildlife Resources Division, Natural Heritage Program
 - Field observation
- g. Archeological/Historical Sites
 - Historic Resources Survey
 - Georgia Department of Natural Resources, Historic Preservation Division • Field observation and verification

3. Project Implementation Measures

Describe how the project implements each of the measures listed below as applicable. Indicate specific implementation measures required to protect environmental site feature(s) that may be impacted.

- a. Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors.
- b. Protection of water quality
- c. Minimization of negative impacts on existing infrastructure
- d. Minimization on archeological/historically significant areas
- e. Minimization of negative impacts on environmentally stressed communities where environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses
- f. Creation and preservation of green space and open space
- g. Protection of citizens from the negative impacts of noise and lighting
- h. Protection of parks and recreational green space
- i. Minimization of impacts to wildlife habitats

WORKFORCE HOUSING REQUIREMENTS

General Requirements

1. **Mandatory Minimum Requirement** - Whenever the city approves a special land use permit for or the rezoning of property, and such property is subsequently developed with a residential housing project, the developer shall be required to restrict at least ten percent (10%) of the dwelling units in the residential housing project as workforce housing.
2. **Density** - Workforce housing units provided to meet mandatory requirements or incentive-based workforce housing provisions shall not be counted as dwelling units for purpose of calculating the maximum allowable density allowed on the subject property.
3. **Required agreements** - Workforce housing units provided to meet mandatory minimum requirements or qualify for workforce housing incentives shall be restricted for occupancy as workforce housing units for at least 20 years. Deed restrictions or other binding agreements governing the design, location and restricted occupancy of workforce housing units shall be provided in a form approved by the city attorney.

Housing Affordability Impact Statement

Housing Impact Statements should be provided for all projects that have potentially significant impacts on housing affordability, supply or demand. This includes the following types of projects:

1. Land use petition that is requested to change zoning classification;
2. Any multifamily residential or mixed-use development proposed for rezoning or variance requests; and
3. Any policy or legislation being considered by the City Council which directly impacts housing affordability within the City.

FORM A:

The qualitative analysis of housing affordability shall be used to evaluate the following types of development projects:

- Land use application and variance requests that will impact affordable housing;
- Any policy analysis proposed by the City Council. This policy analysis includes, but is not limited to the following: Master Plan amendments, special studies, neighborhood plans, etc.

FORM B:

The applicant shall be required to provide requested housing data information for rezoning, variance and building permit applications to the best of their ability provided the information is available prior to the issuance of building permit. Form B shall be required under the following circumstances:

- Variance applications requested for multifamily developments;
- Building permits adding, modifying, subtracting housing units;
- Mixed use developments including both commercial and residential development, and shall include information whether the development will be adding, modifying, or removing housing units; and
- Demolition permits affecting the removal of housing units.

HOUSING AFFORDABILITY IMPACT STATEMENT
FORM A: Qualitative Analysis of Housing Affordability

Name of Project/Plan:	
Project/Plan Number:	
Current Zoning:	
Proposed Use:	

Policy Impact on Housing Affordability	
Policy Considerations	Projected Impact
Impact on implementation of vision, goals, and priorities of the Affordable Housing Task Force Recommendations:	<input type="checkbox"/> Increased <input type="checkbox"/> Decreased <input type="checkbox"/> No Impact <i>Explain:</i>
Impact on regulatory barriers to housing development:	<input type="checkbox"/> Increased <input type="checkbox"/> Decreased <input type="checkbox"/> No Impact <i>Explain:</i>
Land use / zoning opportunities for affordable housing development:	<input type="checkbox"/> Increased <input type="checkbox"/> Decreased <input type="checkbox"/> No Impact <i>Explain:</i>
Impact on cost of development:	<input type="checkbox"/> Increased <input type="checkbox"/> Decreased <input type="checkbox"/> No Impact <i>Explain:</i>

Policy Impact on Housing Affordability	
Policy Considerations	Projected Impact
Impact on production of affordable housing	<input type="checkbox"/> Increased <input type="checkbox"/> Decreased <input type="checkbox"/> No Impact <i>Explain:</i>
Proposed Changes Impacting Housing Affordability:	<input type="checkbox"/> Increased <input type="checkbox"/> Decreased <input type="checkbox"/> No Impact <i>Explain:</i>
Alternative Policy Language to Maximize Affordable Housing Opportunities:	<input type="checkbox"/> Increased <input type="checkbox"/> Decreased <input type="checkbox"/> No Impact <i>Explain:</i>
Other Housing Policy Considerations:	<input type="checkbox"/> Increased <input type="checkbox"/> Decreased <input type="checkbox"/> No Impact <i>Explain:</i>
Engagement of stakeholders from different racial/ethnic groups, especially those most adversely affected:	<input type="checkbox"/> Increased <input type="checkbox"/> Decreased <input type="checkbox"/> No Impact <i>Explain:</i>
Evaluate racial/ethnic groups most advantaged and most disadvantaged by the issues the policy seeks to address:	<input type="checkbox"/> Increased <input type="checkbox"/> Decreased <input type="checkbox"/> No Impact <i>Explain:</i>

HOUSING AFFORDABILITY IMPACT STATEMENT
FORM B: Quantitative Analysis of Housing Affordability

Name of Project/Plan:			
Project/Plan Number:			
Current Zoning:			
Proposed Use:			
Addition of Dwelling Units (Increase)			
Number of Bedrooms/Units	Number of Units	Projected: Sales Price or Monthly Rent per Unit (Range)	
Studio/0	+		
1	+		
2	+		
3	+		
4	+		
5+	+		
Total Units:	+		
Addition of Dwelling Units (Decrease)			
Number of Bedrooms/Units	Number of Units	Projected: Sales Price or Monthly Rent per Unit (Range)	
Studio/0	-		
1	-		
2	-		
3	-		
4	-		
5+	-		
Total Units:	-		
Affordable Housing Units			
Area Median Income Level (AMI)	Units Added	Units Lost	Bedroom Mix
30% or below of AMI	+	-	
31% to 50% of AMI	+	-	
51% to 80% of AMI	+	-	
Total Units:	+	-	

TRIP GENERATION REPORT/TRAFFIC IMPACT STUDY

1. A **Trip Generation Report** shall be submitted as a part of zoning applications for all Non-Residential and Mixed Use developments and for Residential Developments with greater than 10 proposed units. Applicants should follow this sample report:

Land Use (ITE Code)	Intensity	Daily Total	A.M. Peak			P.M. Peak		
			In	Out	Total	In	Out	Total
General Office (710)	50,000 Gross Square Feet	782	95	13	108	23	112	135
Townhouse (230)	200 Units	1,157	15	75	90	71	35	106
	TOTAL	1,939	110	88	198	94	147	241

2. A **Traffic Impact Study** shall be submitted as part of the zoning application for developments that produce 100 or more peak hour trips or at the discretion of the Public Works Department based on review of the request at the pre-application meeting. The minimum requirements of the Traffic Impact Study shall be as follows:

Land Use	ITE Code	Variable	Rate Trips/Var	Minimum Size for 100 Peak Hour Trips
Residential				
Single Family Detached	210	Housing Units	1.01	99 Units
Apartment	220	Housing Units	0.62	161 Units
Townhome/Condo	230	Housing Units	0.52	192 Units
Retail				
Shopping Center	820	1000 sf GLA	3.71	26 ksf GLA
Specialty Center	826	1000 sf GLA	5.02	20 ksf GLA
Pharmacy - no drive-thru	880	1000 sf	8.4	11.5 ksf
Pharmacy - w/drive-thru	881	1000 sf	9.91	10 ksf
Services				
Fast Food	934	1000 sf	45.42	2.2 ksf
Sit Down Restaurant	932	1000 sf	10.81	9 ksf
Coffee/Donut Shop	937	1000 sf	100.58	1 ksf
Bank no drive-thru	911	1000 sf	12.13	8 ksf
Bank w/drive-thru	912	1000 sf	24.3	4 ksf
Gas Station	944	Pumps	13.87	7 pumps
Institutional				
Day Care	565	Students	0.81	123 Students
Private School (K-8)	534	Students	0.9	111 Students
Private School (K-12)	536	Students	0.81	123 Students
Office				
General Office	710	1000 sf	1.56	64 ksf
Medical Office	720	1000 sf	3.57	28 ksf
Lodging				
Hotel	310	Rooms	0.6	166 Rooms

Thresholds for Additional Studies, Reports & Forms

Development of Regional Impact

The Department of Community Affairs has formulated development thresholds as listed on the next page. When a development meets or exceeds the thresholds, the Atlanta Regional Commission (ARC) and the Georgia Regional Transportation Authority (GRTA) shall review the project concurrently. Applicants shall first file the rezoning/use permit request with the City of Brookhaven. After the ARC/GRTA findings are completed, the rezoning/use permit request will be placed on the next available appropriate agenda. It is the applicant’s responsibility to contact and follow all ARC and GRTA review procedures. For details, contact the ARC at <http://www.dca.ga.gov/DRI> and GRTA at <http://www.grta.org/dri> or at 404-463-3000.

Development of Regional Impact – Tiers and Development Thresholds	
Type of Development	Metropolitan Region
Office	Greater than 400,000 square feet
Commercial	Greater than 300,000 square feet
Wholesale & Distribution	Greater than 500,000 square feet
Hospitals and Health Care	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day
Housing	Greater than 400 new lots or units
Industrial	Greater than 500,000 gross square feet; or employing more than 1,600 workers; or covering more than 400 acres
Hotel	Greater than 400 rooms
Mixed Use	Gross square feet greater than 400,000 (with residential units calculated at 1,800 sq. ft. per unit toward the total gross sq. ft.); or covering more
Airports	All new airports, runways and runway extensions
Attractions and Recreational Facilities	Greater than 1,500 parking spaces or a seating capacity of more than 6,000
Post-Secondary Schools	New school with a capacity of more than 2,400 students; or expansion by at least 25% of capacity
Waste Handling Facilities	New facility or expansion of use of existing facility by 50% or more
Quarries, Asphalt and Cement Plants	New facility or expansion of existing facility by 50%
Wastewater Treatment Facilities	New facility or expansion of existing facility by 50%
Petroleum Storage Facilities	Storage greater than 50,000 barrels if within 1,000 feet of any water supply; otherwise storage capacity greater than 200,000 barrels
Water Supply Intakes/Reservoirs	New facilities
Intermodal Terminals	New facilities
Truck Stops	A new facility with more than three diesel fuel pumps; or containing a half acre of truck parking or 10 truck parking spaces
Any other development types not identified above (includes parking facilities)	1,000 parking spaces

Environmental Impact Report

Projects having any appreciable impact on the environment --either on site or in the region-- as a result of this proposed action may be required to submit an Environmental Impact Report detailing the impact as a result of the proposed project, and the attenuation measures (Erosion/Sediment Control Plan, water quality devices, noise & lighting barricades, etc.) proposed.

Land Use Petition Application

LEGAL NOTICE REQUIREMENTS

POSTED NOTICE ON PROPERTY

- Georgia Zoning Procedures Law (O.C.G.A. § 36-66-1) requires signage to be posted on any property requesting a Land Use Petition or Variance. There shall be at least one sign for each 500-feet of street frontage, or fraction thereof.
- The City will order signs and it is the responsibility of the property owner or applicant to pick up the signage from City Hall and post on the property during the specified timeframe for the appropriate meeting City Staff will confirm its placement.
- All posted signage must comply with the following regulations:
 - Sign(s) must be placed on the property at least 30 days, but not more than 45 days before the scheduled public hearing.
 - Sign(s) must be visible from the road and oriented so that the face of the sign is perpendicular to the street. (See example image to the right)
 - Sign(s) must remain on the property until the final decision is issued by the Mayor & City Council. Once the signage is posted, it is the applicant/property owner’s responsibility to ensure that the signage remains posted on the property in accordance with these requirements until the final decision is issued. City Staff will update existing signage if public hearing dates are changed. In case of damaged or missing signage, replacement signage will be at the applicant’s expense.



NEWSPAPER NOTICE

Per Georgia Zoning Procedures Law (O.C.G.A. § 36-66-1), public notice shall be published in a newspaper of general circulation within the city at least 30 days, but not more than 45 days before the hearing with the Mayor & City Council. City Staff manages this requirement.

MAILED NOTICE

Per Georgia Zoning Procedures Law (O.C.G.A. § 36-66-1), notice shall be mailed to the applicant and all owners of property within 250 feet of the subject property at least 30 days, but not more than 45 days before the hearing with the Mayor & City Council.

HELPFUL LINKS

Application Deadlines & Processing Calendar:

<https://www.brookhavenga.gov/commdev/page/meeting-calendarsdeadline-schedules>

Fee Schedule:

<https://www.brookhavenga.gov/commdev/page/city-brookhaven-fee-schedule>

Comprehensive Building Permit Checklist:

<https://www.brookhavenga.gov/commdev/page/comprehensive-building-permit-checklist>

Project Portal:

<https://cityworks.brookhavenga.gov/ProjectPortal>

Code of Ordinance:

https://library.municode.com/ga/brookhaven/codes/code_of_ordinances

Land Use Petition Application

All applications and plans must be submitted through the Project Portal

<https://Cityworks.BrookhavenGA.gov/ProjectPortal>



Land Use Petition Application

PROPERTY

Site Address(es):	Parcel #:	Zip:
--------------------------	------------------	-------------

Project Name (If applicable):

TYPE OF REQUEST (Select all applicable)

<input type="checkbox"/> Rezoning	<input type="checkbox"/> Special Land Use Permit	<input type="checkbox"/> Concurrent Variances	<input type="checkbox"/> Modification of Conditions
Current Zoning		Proposed Zoning	
Current Use		Proposed Use	

OWNER INFORMATION

Name:			
Address:			
Email:		Phone:	

APPLICANT

Name:			
Address:			
Email:		Phone:	

AFFIDAVIT

To the best of my knowledge, this variance application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Brookhaven Zoning Ordinance. I understand that failure to supply all required information (per the relevant Applicant Checklists and Requirements of the Brookhaven Zoning Ordinance) will result in the rejection of this application. I have read the provisions of the Georgia Code Section 36-67A-3 as required regarding Campaign Disclosures. My Signed Campaign Disclosure Statement is included.

Applicant's Name:			
Applicant's Signature:		Date:	

NOTARY

Sworn to and subscribed before me this	Day of	20
Notary Public:		
Signature:		Date:

Land Use Petition Application

All applications and plans must be submitted through the Project Portal

<https://Cityworks.BrookhavenGA.gov/ProjectPortal>



Property Owner(s) Notarized Certification

The owner and petitioner acknowledge that this variance application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application for variance(s), and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

Property Owner			
Name:			
Address:		City, State:	Zip:
Signature:		Date:	
Sworn to and subscribed before me this _____ day of _____, 20____			
Notary Public:			

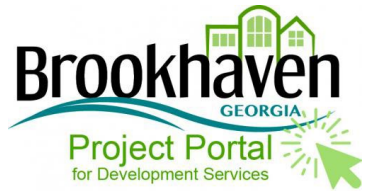
Additional Property Owner (if applicable)			
Name:			
Address:		City, State:	Zip:
Signature:		Date:	
Sworn to and subscribed before me this _____ day of _____, 20____			
Notary Public:			

Additional Property Owner (if applicable)			
Name:			
Address:		City, State:	Zip:
Signature:		Date:	
Sworn to and subscribed before me this _____ day of _____, 20____			
Notary Public:			

Land Use Petition Application

All applications and plans must be submitted through the Project Portal

<https://Cityworks.BrookhavenGA.gov/ProjectPortal>



Campaign Disclosure Ordinance

Please read the law and complete the Campaign Disclosure Statement on the following page if you are requesting a Rezoning, Concurrent Variance, or Conditional Use.

GA Citation/Title

GA Code 36-67A-3, Disclosure of Campaign Contributions

*38069 Code, 36-67A-3

CODE OF GEORGIA TITLE 36. LOCAL GOVERNMENT PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS (Current through 2000 General Assembly)

36-67A-3 Disclosure of Campaign Contributions.

- a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
 1. The name and official position of the local government official to whom the campaign contribution was made; and
 2. The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.
- c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority respective local government showing:
 1. The name and official position of the local government official to whom the campaign contribution was made; and
 2. The dollar amount and description of each campaign contribution made by the opponent to the local
 3. government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government of any of its agencies on the rezoning application.

(Code 1981, 36-67A-3, enacted by Ga. L. 1986, p. 1269, 1; Ga. L. 1991, p. 1365, 1; Ga. L. 1993, p. 91, 36.)

Official Code of Georgia Annotated Copyright 1982 – 2000 State of Georgia

Land Use Petition Application

All applications and plans must be submitted through the Project Portal

<https://Cityworks.BrookhavenGA.gov/ProjectPortal>



Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Brookhaven City Council or a member of the City of Brookhaven Planning Commission?

Yes

No

Applicant/Property Owner			
Name:			
Address:		City, State:	Zip:
Signature:		Date:	

If the answer above is yes, please complete the following section:

Date	Government Official & Position	Description	Amount