

APPLICATION

FOR

REZONING

AND

CONDITIONAL USE PERMITS

FOR THE CITY OF COMMERCE  
Department of Planning & Development  
(706) 335-3164

ONLY COMPLETE APPLICATIONS  
ACCEPTED

# REZONING AND CONDITIONAL USE PERMIT PROCESS

All applications are reviewed by the Planning Staff and the City of Commerce Planning Commission prior to being submitted to the Mayor and City Council for final Action. Applications must be filed with the City Clerk no less than 45 days prior to the Planning Commission meeting that addresses the application.

1. Pre-application information concerning rezoning and conditional use permits may be obtained from the Planning and Development Department. Completed applications are filed with the City Clerk's Office.
2. The Planning and Development Department reviews the application and makes a written recommendation to the Planning Commission.
3. A public notice is required to be printed in a newspaper of general circulation in the City of Commerce. The notice appears in the Commerce News at least 15 days before its public hearing date with the planning commission.
4. A public hearing sign is erected on the property at least 15 days prior to the public hearing date. This sign will be erected by the City of Commerce.
5. The Planning Commission reviews the facts in the case at its regularly scheduled meeting. A recommendation is decided upon following a public hearing. This recommendation is forwarded to the Mayor and City Council. The Planning Commission meets the fourth (4<sup>th</sup>) Monday of each month for rezoning and related Conditional Use Permit applications. Meetings are held at 7:00 P.M. at the Commerce Civic Center, 110 State Street, Commerce, Georgia.
6. The Mayor and Council meet on the second Monday of each month to take final action on all applications forwarded by the Planning Commission. This meeting is held at 6:30 P.M. at the Commerce Civic Center, 110 State Street, Commerce, Georgia.
7. No application or reapplication affecting the same land shall be acted upon within 6 months from the date of the last action of the Planning Commission. In no case shall an application or re-application be acted upon in less than 6 months from the date of last action by Planning Commission.
8. A change in the conditions of zoning or conditional use permit approval will be processed as a new rezoning or conditional use permit application and will be subject to the required waiting period. All application filing deadlines, requirements and fees will apply to a request for a change in conditions.
9. All applicants, their attorneys, and representatives, must submit information as required by the Official Code of Georgia Section 36-76A-1, et. Seq., "Conflict of Interest in Zoning Actions" and must individually complete conflict of interest certification forms.

## ATTACHMENTS:

1. Rezoning and Conditional Use Permit Process Information.
2. Fee Schedule
3. Official Code of Georgia, Section 36-67A-1, et. Seq., "Conflict of Interest in Zoning Actions."
4. Application Forms.
5. Applicant Certification
6. Conflict of Interest and Disclosure of Campaign Contribution Form
7. Paid Property Taxes Verification Form
8. Rezoning Submission Package Checklist

## REZONING AND CONDITIONAL USE PERMIT INFORMATION

The items listed below are necessary to process a Rezoning or Conditional Use Permit application. A Pre-application conference with the Planning Staff to discuss the proposal is recommended, but is not required. Any amendments to an application must be submitted to the Planning Division for staff review prior to the Planning Commission hearing.

### REQUIRED ITEMS

1. APPLICATION FORM:

One (1) copy of the appropriate application form with a plat containing a legal description of the subject property must be submitted. Separate applications will be required for non-contiguous property and a separate application will be required for each zoning classification requested (R-1 and R-3 for example would require two applications) even if properties are contiguous.

2. APPLICATION FEE:

See Fee Schedule for appropriate fees. A cashier's check or personal check is the preferred method of payment.

3. LEGAL DESCRIPTION:

As mentioned above when submitting a plat the attached legal description must be a "metes and bounds" description. It must establish a point of beginning and from the point of beginning give each dimension bounding the property, calling the directions (such as north, northeasterly, southerly, etc.) which the

boundary follows around the property returning to the point of beginning. If there are multiple property owners, all properties must be combined into one legal description. If the properties are not contiguous, a separate application and legal description must be submitted for each property. In addition, requests for multiple zoning districts require a separate application and legal description for each zoning district requested.

4. BOUNDARY SURVEY (PLAT):

Six (6) copies of a boundary survey to scale for the subject property, displaying all metes and bounds must be included with the application. This is not necessary if the Site Plan (next item) includes this same information.

5. SITE PLAN:

Six (6) copies of a Site Plan (when submitted) to scale except rezoning applications requesting one (1) single family lot. This site Plan must show:

- A. Total acreage
- B. Existing and proposed streets (paving and right-of-way)
- C. Proposed building line locations
- D. Driveways
- E. Parking spaces
- F. Required or proposed setbacks and buffers including greenspace
- G. Flood Plain if applicable
- H. Existing building and other pertinent items

One (1) 8 ½ X 11" reduced copy of the site plan and any other supporting documents/exhibits must be provided by the applicant.

6. LETTER OF INTENT:

One (1) copy of a Letter of Intent must be typed giving details of the proposed use of the property and should include at least the following information:

- A. A statement as to what the property is to be used for
- B. The acreage or size of the tract
- C. The existing and proposed zoning classifications
- D. The number of lots and/or number of dwellings units proposed
- E. House sizes proposed
- F. The density in terms of gross square footage per acre for proposed commercial, office and industrial use
- G. The number of parking spaces
- H. The height of buildings
- I. Any requested change in buffers.

7. NOTARIZED SIGNATURES:

The application form must have notarized signatures of both the property owner(s) and the applicant(s), or an attachment if multiple owners or applicants are involved.

8. CONFLICT OF INTEREST CERTIFICATION FORM:

This form must be signed, notarized and submitted with the required information within ten (10) days of when the application was first filed, and must be completed by the applicant(s) and his attorney or representative.

9. PROOF OF PAID PROPERTY TAXES:

The applicant must provide proof that current property taxes have been paid on the land proposed for Rezoning or Conditional Use Permit. This form must be signed by the applicant, verified by the Tax Commissioner's Office and the City's Tax Office and submitted when the application is filed.

10. AVAILABILITY OF WATER/SEWER UTILITIES:

A completed utility availability letter shall be required for all Rezoning and Conditional Use Permit applications which propose new or additional development. The standard form letter confirming utility availability must be obtained from the City of Commerce's Water and Sewer Director or appropriate municipal department.

ADDITIONAL EXHIBITS (If Required)

1. Traffic Study – A traffic study is required for a Rezoning or Conditional Use Permit proposal that meets any of the following criteria:
  - A. Office proposals in excess of 200,000 gross square feet
  - B. Commercial proposals in excess of 250,000 gross square feet
  - C. Industrial proposals that would employ over 500 persons
  - D. Multi-family residential proposals in excess of 200 units
  - E. When required by the planning staff

Applicants should obtain guidelines for preparing traffic impact studies from the Planning Office.

2. For a Conditional Use Permit within a Residential Zoning District

For a Conditional Use Permit within a residential zoning district, and which use is proposed to operate in a residential dwelling or as an accessory use to a dwelling is subject to the following additional requirements:

- A. The Conditional Use shall operate within the dwelling on the property or if approved by the Planning Commission and the City Council, in an accessory structure.
- B. The exterior character of the dwelling shall be preserved in its residential state and there shall be no outside evidence of the operation of the Conditional Use to the neighborhood, except for any accessory structure approved by the Planning Commission and City Council.
- C. The owner of the property shall occupy the property and shall operate any business associated with the conditional use.
- D. The owner of the property shall submit with the application, a signed statement in which he/she agrees that the Conditional Use Permit, if approved, shall automatically terminate in the event that the property is sold, transferred or otherwise conveyed or discontinued. The owner shall also agree to notify the Planning and Development Staff in writing upon the occurrence of any of these events.
- E. In addition to the information and/or site plans required by the Zoning Regulations, the owner of the property shall submit with the application for a Conditional Use Permit, information regarding the ownership of any business associated with the use, the experience and background qualifications related to the operation of said business, prior similar businesses operated, applicable State of Georgia certifications, licenses and like information.
- F. The conditional use for which a Conditional Use Permit is granted shall commence operations or construction within 12 months of the date of approval by the City Council. If, at the end of this 12 month period, the Building Official determines that active efforts are not proceeding toward operation or construction, a report may be forwarded to the City Council through the Planning Commission that may recommend that action be taken to remove the Conditional Use Permit from the property.

# PLANNING AND DEVELOPMENT FEES

## REZONING:

Residential and Agricultural	\$250.00
Commercial	\$350.00
Multi-Family	\$350.00
P.U.D.	\$350.00
Industrial	\$450.00

CONDITIONAL USE \$250.00

SOIL EROSION:	1 <sup>st</sup> Ten Acres	\$ 75.00
	Per Acre After Ten Acres	\$ 2.50
	Residential Grading Permit	\$10.00 per lot
	Non-Residential Grading Permit	\$10.00 per acre

## SUBDIVISIONS:

Preliminary Plat	\$250.00 Plus \$ 20.00/Lot over 25 lots
Final Plat	\$ 10.00 per lot
PUD Development Plan (final)	\$ 3.00 per lot

# CONFLICT OF INTEREST IN ZONING ACTIONS

Article 1 Chapter 1.03: Definitions

Article 5 Chapter 5.09.001: Disclosure of Financial Interests

Article 5 Chapter 5.09.002: Disclosure of Campaign Contributions

## 1.03 Definitions

As used in this chapter, the term:

- A. "Applicant" means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.
- B. "Business entity" means any corporation, partnership, limited partnership, firm, enterprise, franchise, association or trust.
- C. "Campaign contribution" means a "contribution" as defined in paragraph A. or B. of Code Section 5.09.001.
- D. "Financial interest" means all direct ownership interests of the total assets or capital stock of a business entity where such ownership interest is 10% (percent) or more.
- E. "Local Government" means any county or municipality of this state
- F. "Local government official" means any member of the governing authority of a local government or any member of a planning or zoning commission.
- G. "Member of the family" means the spouse, mother, father, brother, sister, son or daughter of a local government official.
  - (1) "Opponent" means any person who opposes a rezoning action or any attorney or other person representing or acting on behalf of a person who opposes a rezoning action.
  - (2) "Oppose" means to appear before, discuss with, or contact, either orally or in writing, any local government or local government official and argue against a rezoning action.
  - (3) "Person" means an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.
- H. "Property interest" means the direct or indirect ownership of real property and includes any percentage of ownership less than total ownership.
- I. "Real Property" means any tract or parcel of land, and if developed any buildings or structures located on the land.

- J. "Rezoning action" means action by local government adopting an amendment to a zoning ordinance which has the effect of rezoning real property from one zoning classification to another.

#### 5.09.001 Disclosure of financial interests

A local government official who knew or reasonably should have known he or she:

- A. Has a property interest in any real property affected by a rezoning action which that official's local government will have the duty to consider;
- B. Has a financial interest in any business entity which has a property interest in any real property affected by a rezoning action which that official's local government will have the duty to consider;  
or
- C. Has a member of the family having any interest described in paragraph (A) or (B) of this Code Section; shall immediately disclose the nature and extent of such interest, in writing to the Planning Commission or Mayor and Council, as appropriate.
- D. Regularly conducts business with the applicant or has conducted business relative to the zoning action.

The city official who has an interest as defined in paragraph (A) or (B) of 5.09.001 of this ordinance, shall disqualify himself from voting on the zoning action. The disqualified city official shall not take any other action on behalf of himself or any other person to influence action on the application for zoning. Disclosures provided for in this section shall be a public record and available for public inspection at any time during normal working hours.

#### 5.09.002 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 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 or owner to the city official during the two years immediately preceding the filing of the application for the zoning action and the date of each such contribution.

- B. The required disclosures shall be filed within five calendar days after the application for the rezoning action is first filed.
- C. Any person knowingly failing to comply with the disclosure requirements or violating the provisions of this section is guilty of a misdemeanor.

# REZONING APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP  
OF THE CITY OF COMMERCE, GEORGIA

## APPLICANT INFORMATION

## OWNER INFORMATION\*

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_  
STATE: \_\_\_\_\_  
PHONE: \_\_\_\_\_

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_  
STATE: \_\_\_\_\_  
PHONE: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_ PHONE: \_\_\_\_\_

FAX NUMBER: \_\_\_\_\_

\* Includes any person having a property interest and/or financial interest in any entity associated with this activity (use additional sheets if necessary).

APPLICANT IS THE:

\_\_\_\_ OWNER'S AGENT    \_\_\_\_ PROPERTY OWNER    \_\_\_\_ CONTRACT/PURCHASER

PRESENT ZONING DISTRICT(S): \_\_\_\_\_ REQUESTED ZONING DISTRICT: \_\_\_\_\_

MAP NO. \_\_\_\_\_ PARCEL NO. \_\_\_\_\_ ACREAGE: \_\_\_\_\_

ADDRESS OF PROPERTY: \_\_\_\_\_  
\_\_\_\_\_

PROPOSED DEVELOPMENT: \_\_\_\_\_

### RESIDENTIAL DEVELOPMENT

### NON-RESIDENTIAL DEVELOPMENT

NO. OF LOTS/DWELLING UNITS: \_\_\_\_\_

NO. OF BUILDING/LOTS: \_\_\_\_\_

DWELLING UNITS SIZE (sq.ft.) \_\_\_\_\_

TOTAL GROSS SQUARE FEET: \_\_\_\_\_

DENSITY: \_\_\_\_\_

DENSITY: \_\_\_\_\_

SIGNATURE AND DATE OF THE  
PERSON COMPLETING THIS FORM: \_\_\_\_\_

(PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS BEING PROPOSED)

## REZONING APPLICANT'S CERTIFICATION

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR RE-APPLICATION AFFECTING THE SAME LAND SHALL BE SUBMITTED WITHIN SIX (6) MONTHS FROM THE DATE OF THE LAST ACTION BY THE PLANNING COMMISSION OR THE CITY COUNCIL.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Type/Print Applicant's Name and Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Date

(SEAL)

## REZONING PROPERTY OWNER'S CERTIFICATION

THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE SUBMITTED WITHIN SIX (6) MONTHS FROM THE DATE OF THE LAST ACTION BY THE PLANNING COMMISSION OR THE CITY COUNCIL.

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

\_\_\_\_\_  
Type or Print Owner's Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Date

(SEAL)

CONFLICT OF INTEREST CERTIFICATION FOR REZONINGS

THE UNDERSIGNED BELOW, MAKING APPLICATION FOR REZONING, HAS COMPLIED WITH THE OFFICIAL CODE OF GEORGIA, SECTION 36-67A-1, ET. SEQ., CONFLICT OF INTEREST IN ZONING ACTIONS, AND HAS SUBMITTED OR ATTACHED THE REQUIRED INFORMATION ON THE FORMS PROVIDED.

Signature of Applicant Type or print name and title Date

Signature of Applicants Type or print name and title Date

Signature of Notary Public Date Notary Seal

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of the application, made campaign contributions aggregating \$250.00 or more to a member of the governing body which may hear this application?

Yes Your Name

No Your Name

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

Attach additional sheets if necessary to disclose or describe all contributions.

Name & Official Position Contributions Date Contribution Was Made Of Government Official (List all which aggregate to \$250 or more) (Within last 2 years)

Three horizontal lines for listing contributions.

Signature of Notary Public



# ANNEXATION PETITION REQUEST

## 100 PERCENT METHOD

\_\_\_\_\_  
(Date)

To the Mayor and City Council of the City of Commerce, Georgia.

We, the undersigned, all of the owners of all real property of the territory described herein respectfully request that the City Council of the City of Commerce annex this territory into the City of Commerce, Georgia, and extend the city boundaries to include the same.

The territory to be annexed is unincorporated and is contiguous (as described in O.C.G.A. 36-36-20) to the existing corporate limits of Commerce, Georgia and the description of such territory is as follows:

(See attached plat or description)

	<u>Name</u>	<u>Address</u>	<u>Signature</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____

# REZONING SUBMISSION PACKAGE CHECKLIST

THE FOLLOWING IS A CHECKLIST OF INFORMATION REQUIRED FOR SUBMISSION OF A REZONING APPLICATION AND/OR A CONDITIONAL USE PERMIT APPLICATION. INCOMPLETE APPLICATION PACKAGES WILL NOT BE PROCESS.

- \_\_\_\_\_ Application Form
- \_\_\_\_\_ Applicant Certification with Notarized Signature
- \_\_\_\_\_ Property Owner Certification with Notarized Signature
- \_\_\_\_\_ Verification of Paid Property Taxes
- \_\_\_\_\_ Conflict of Interest Certification/Disclosure of Campaign Contribution Statement
- \_\_\_\_\_ Boundary Survey with Legal Description
- \_\_\_\_\_ Site Plan (Six (6) copies and one (1) 8 ½ X 11" reduction)
- \_\_\_\_\_ Letter of Intent
- \_\_\_\_\_ Availability of Water/Sewer
- \_\_\_\_\_ Application Fee – (Make check payable to the City of Commerce)

## ADDITIONAL EXHIBITS (if required):

- \_\_\_\_\_ Traffic Study
- \_\_\_\_\_ Other \_\_\_\_\_
- \_\_\_\_\_ Other \_\_\_\_\_
- \_\_\_\_\_ Other \_\_\_\_\_

PLEASE BRING THIS CHECKLIST WHEN FILING YOUR APPLICATION