



**ZONING  
MODIFICATION  
APPLICATION PACKET**



# PROCEDURES AND INFORMATION FOR FILING A ZONING MODIFICATION & ADMINISTRATIVE MODIFICATION

Application forms may be obtained from the Office of Planning and Zoning, 26 West Campbellton Street, Fairburn, GA 30213, or online at [www.fairburn.com](http://www.fairburn.com). **Read the following instructions prior to filing and refer to the included filing schedule.**

## TYPES OF MODIFICATIONS:

1. **ADMINISTRATIVE MODIFICATION:** A modification of conditions to a Zoning or Use Permit that only constitutes a *technical change*, does not involve significant public interest, or public interest has been addressed by letters expressing no objections from the property owner(s) with standing and/or neighborhood association. A decision will be made by the Zoning Administrator and will be confirmed by the Fairburn City Council.
2. **ZONING MODIFICATION:** A modification of conditions to a Zoning or Use Permit, where significant public interest has been determined. This requires a public hearing by the Fairburn City Council.

## FILING REQUIREMENTS FOR ALL MODIFICATIONS:

1. **APPLICATION CHECKLIST:** See enclosed Zoning Modification Application Checklist. **Contact Staff at 7700-964-2244 to schedule an appointment for a zoning modification pre-application review meeting.**
2. **APPLICATION FORM:** The application form must be complete, including notarization as indicated. **ALL** application forms must have the original signature(s) of the property owner, or attach a Power-of-Attorney, or documents showing an option to purchase the property.
3. **SURVEY:** Accurate, up-to-date certified survey of the property with metes and bounds shown. Existing thoroughfares; existing drainage areas; existing buildings, structures and facilities; existing utilities on or adjacent to the property; and ownership, zoning and uses of all property adjacent to or within 200 feet of the property should also be shown.
4. **LEGAL DESCRIPTIONS:** Accurate written legal description of the property which matches the metes and bounds shown on the survey.
5. **WARRANTY DEED:** A copy of the recorded Warranty Deed.
6. **LEASE AGREEMENT:** A copy of the lease agreement between the property owner and the applicant, if applicable. Lease must identify party responsible for reclamation of the property.
7. **LETTER OF INTENT:** A letter clearly explaining the circumstances for which a zoning modification is requested. The letter should explain why the development or use of the property, as approved, cannot be accomplished without the modification of the condition.
8. **REVISED CONCEPTUAL SITE PLAN:** A revised site plan which illustrates the requested

modification. The revised site plan must be drawn in accordance with the *Code of Ordinances*, Chapter 62, Article V. The Building Process.

9. **ARCHITECTURAL RENDERINGS:** Architectural renderings or photographs of the proposed building elevations are helpful, but not required unless the proposed zoning is being conditioned to architectural exhibits submitted.

10. **APPLICATION FEE:**

**Administrative Modification**

**\$300.00** payable by cash, check, money order or credit card (*except American Express*)

**Zoning Modification**

**\$300.00** payable by cash, check, money order or credit card (*except American Express*), plus **\$35.00** Notice of Public Hearing Sign

**ALL CHECKS PAYABLE TO THE "CITY OF FAIRBURN." ADMINISTRATIVE AND ZONING MODIFICATION APPLICATION FEES ARE NON-REFUNDABLE**

**MODIFICATION LIMITATIONS:** Please note that no modifications shall be allowed for the following:

- To increase the density or change the use approved under a rezoning case except to allow for the development of a planned development.
- To revise a site plan that, as determined by the Zoning Administrator, results in a significant change in the approved concept. Such a site plan revision shall require a rezoning.
- Relief from the standards of Article VI (*The Appeals Process*) or Article VIII (*The Rezoning Process*)

**PROCEDURES FOR FILING AN ADMINISTRATIVE MODIFICATION APPLICATION:**

1. **APPLICATION SUBMITTAL:** The property owner or applicant should submit a complete application to the Zoning Administrator for review.
2. **STAFF REVIEW:** Completed applications will be reviewed within 10 business days and the Zoning Administrator will make an administrative modification decision.
3. **CITY COUNCIL:** The Zoning Administrator will send the administrative modification decision to the city council for confirmation at the next appropriate regular council meeting.

**PROCEDURES FOR FILING A ZONING MODIFICATION APPLICATION:**

1. **PRE-APPLICATION MEETING:** The property owner or applicant should schedule a pre-application meeting with the Zoning Administrator or his/her designee to discuss the request and necessary documents, fees and schedules pertinent to the request.
2. **APPLICATION SUBMITTAL:** The property owner or applicant shall submit a complete application to the Planning and Zoning Office.
3. **INITIAL STAFF REVIEW:** Completed applications will be distributed to appropriate city staff for review and comment. All staff comments will be submitted to the Planning and Zoning Office within 10 business days.
4. **RESUBMITTAL:** Upon receipt of staff comments, all comments will be consolidated into a single report for distribution to the applicant. The applicant should revise plans according to the comments

received and resubmit plans to the Planning and Zoning Office.

5. **PUBLIC NOTICE:** The Planning and Zoning Office staff will prepare newspaper ads and property signs to assure proper notice of public hearings. Property signs must be placed on the site between 20 to 45 days before the date of the public hearing.
6. **STAFF EVALUATION:** A staff analysis report with a recommendation to the Planning and Zoning Commission will be prepared.
7. **PLANNING & ZONING COMMISSION:** The Planning and Zoning will recommend (vote) approval or denial of the request to the City Council. Conditions may be included as part of the recommendation. The Planning & Zoning Commission meets on the first Tuesday of each month (as needed) at Fairburn City Hall, 56 Malone Street, Fairburn, GA 30213.
8. **CITY COUNCIL:** The City Council shall hold a public hearing on the application and make a decision on the request. The City Council meets on the second and fourth Mondays of each month at Fairburn City Hall, 56 Malone Street, Fairburn, GA 30213.



## ZONING MODIFICATION PUBLIC HEARING INFORMATION

Public hearings are required for Zoning Modifications. Public hearings must be advertised in the manner listed below. Failure to advertise a public hearing as listed will result in the public hearing being removed from the public meeting agenda.

### POSTING OF PUBLIC HEARING SIGNS:

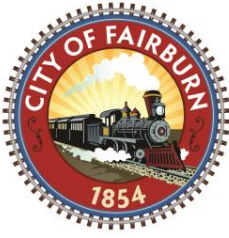
- **CITY COUNCIL PUBLIC HEARING NOTICE SIGN:** Signs posted along the frontages of properties subject to zoning modifications that notify area residents of the City Council public hearing. **Applicants are required to post the public hearing sign in a conspicuous place along the property's public street frontage, no later than 20 days before the City Council hearing.** *Failure to post the signs by this deadline will result in the administrative removal of the public hearing from the agenda.* The sign must remain posted on-site until final action by the City Council. If the sign is mutilated and/or removed, the applicant is responsible for obtaining and re-posting a new sign.

### OTHER PUBLIC NOTIFICATION FOR ZONING MODIFICATION:

- Notice is mailed (via U.S. Mail) by City of Fairburn to all property owners within a 500-foot radius of the subject property. Said notice is postmarked no later than 15 days prior to the public hearing to property owners of record as shown on the real estate tax records of Fulton County as retrieved by the County's Geographic Information Systems.
- A published notice in a newspaper of general circulation is done by the City of Fairburn no later than 15 days prior to the public hearing. The published notice contains the time, place, purpose of the hearing and the location of the property.

### PUBLIC HEARING DATES:

- **CITY COUNCIL MEETING:** Zoning modifications are decided by the City Council. The City Council holds public hearings at regular council meetings, on second and fourth Mondays of each month at 7:00 p.m. A schedule with deadlines and public hearing dates for Zoning Modifications can be found on the final page of this application packet.



# ZONING MODIFICATION APPLICATION CHECKLIST

**ADMINISTRATIVE MODIFICATIONS - One (1) copy** of the following documents is required.

**ZONING MODIFICATIONS - Six (6) copies** of the following documents are required.

ITEM #	REQUIRED ITEM	CHECK <input type="checkbox"/> (Office Use Only)
1.	Application Checklist	
2.	Application Form	
3.	Survey	
4.	Legal Description	
5.	Warranty Deed	
6.	Lease Agreement	
7.	Letter of Intent	
8.	Conceptual Site Plan	
9.	Architectural Renderings	

**Twelve (12) additional copies of the conceptual site plan will be required when a zoning modification application is ready for review by the Planning and Zoning Commission.**

<b>Fees:</b>	<b>Administrative Modification</b>	<b>\$300.00</b> payable by cash, check, money order or credit card (except American Express)
	<b>Zoning Modification</b>	<b>\$300.00</b> payable by cash, check, money order or credit card (except American Express), plus <b>\$35.00</b> Notice of Public Hearing Sign

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.**

**APPLICATIONS ARE ACCEPTED MONDAY – FRIDAY FROM 9:00 A.M. – 3:00 P.M.**



# APPLICATION FOR ADMINISTRATIVE OR ZONING MODIFICATIONS

Date Received: \_\_\_\_\_

MODIFICATION #: \_\_\_\_\_  
*(Office Use Only)*

## SECTION I – GENERAL INFORMATION

### APPLICANT INFORMATION

Applicant Name: _____
Address: _____
Phone: _____ Cell: _____ Fax: _____
Email Address: _____

### OWNER INFORMATION (If different from Applicant)

Owner Name: _____
Address: _____
Phone: _____ Cell: _____ Fax: _____
Email Address: _____

### PROPERTY INFORMATION

Address: _____
Parcel ID#: _____ Land Lot: _____ District: _____

**SECTION II - TYPE OF MODIFICATION REQUEST**

[\_\_\_\_\_] A. **ADMINISTRATIVE MODIFICATION:** A modification of conditions to a Zoning or Use Permit that only constitutes a technical change, does not involve significant public interest, or public interest has been addressed by letters expressing no objections from the property owner(s) with standing and/or neighborhood association. A decision will be made by the Zoning Administrator and will be confirmed by the Fairburn City Council.

[\_\_\_\_\_] B. **ZONING MODIFICATION:** A modification of conditions to a Zoning or Use Permit, where significant public interest has been determined. This requires a public hearing by the Fairburn City Council.

If "A" was denied, list previous case number: \_\_\_\_\_

1) Case number of the Zoning or Use Permit to which this application applies: \_\_\_\_\_

2) Condition number(s) to be modified: \_\_\_\_\_; \_\_\_\_\_; \_\_\_\_\_; \_\_\_\_\_

3) Condition(s) Subject to Modification: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4) Complete the following information if the property is within a recorded subdivision.

Subdivision Name: \_\_\_\_\_ Unit/Phase: \_\_\_\_\_

Lot Number: \_\_\_\_\_ Block Designation: \_\_\_\_\_ Land Lot(s): \_\_\_\_\_

District/Section: \_\_\_\_\_/\_\_\_\_\_ Recorded in Plat Book: \_\_\_\_\_ Page: \_\_\_\_\_

Road Name: \_\_\_\_\_



**SECTION III – AUTHORITY TO PURSUE ADMINISTRATIVE OR ZONING MODIFICATION**

NOTICE: Section III MUST be signed and notarized when application is submitted. If this section is signed and notarized by the property owner, the applicant need only complete Section III as "Applicant", and notarization for the applicant is not necessary.

**Owner states under oath that he/she is the owner of property described in the attached legal description, which is made part of this application for a Modification.**

\_\_\_\_\_  
TYPE OR PRINT OWNER'S NAME

Sworn to and subscribed before me this

\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
CITY & STATE ZIP CODE

\_\_\_\_\_  
OWNER OF PROPERTY (SIGNATURE)

\_\_\_\_\_  
PHONE NUMBER

\_\_\_\_\_  
EMAIL ADDRESS

**Applicant, if different from the Owner, states under oath that:**

- 1) Applicant is the executor or attorney-in-fact under a Power-of-Attorney for the Owner. Attach copy of Power-of-Attorney and type name of Owner as indicated in Section III; *or*
- 2) Applicant has an option to purchase said property conditioned upon the property being granted a modification. Attach copy of contract and type name of Owner as indicated in Section III; *or*
- 3) Applicant has an estate for years which permits the applicant to apply for a modification. Attach a copy of lease and type name of Owner as indicated in Section III.

\_\_\_\_\_  
APPLICANT (SIGNATURE)

Sworn to and subscribed before me this

\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
TYPE/PRINT NAME OF APPLICANT

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
CITY & STATE ZIP CODE

PHONE NUMBER

\_\_\_\_\_  
EMAIL ADDRESS

Indicate which of the above is applicable: 1 \_\_\_\_\_ 2 \_\_\_\_\_ or 3 \_\_\_\_\_

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**Attorney or Agent, if different from the applicant and/or owner**

\_\_\_\_\_  
SIGNATURE OF ATTORNEY/AGENT

CHECK ONE: [\_\_\_\_\_] ATTORNEY [\_\_\_\_\_]AGENT

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
CITY & STATE ZIP CODE

\_\_\_\_\_  
PHONE NUMBER



# CITY OF FAIRBURN, GEORGIA

## 2018 ZONING MODIFICATION SCHEDULE

<b>Application Deadline (<u>1<sup>st</sup> Monday of the month</u>)</b>	<b>Public Hearing Sign Posting Deadline (<u>20 days, no more than 45 days before public hearing</u>)</b>	<b>Meeting Dates for Planning &amp; Zoning Commission (<u>Typically, the 1<sup>st</sup> Tuesday of the month</u>)</b>	<b>Tentative Dates for Mayor &amp; City Council (<u>Typically, 4<sup>th</sup> Monday of the month</u>)</b>
November 6, 2017	January 2, 2018	* January 9, 2018	January 22, 2018
December 4, 2017	February 6, 2018	February 6, 2018	February 26, 2018
January 1, 2018	March 6, 2018	March 6, 2018	March 26, 2018
February 5, 2018	April 3, 2018	April 3, 2018	April 23, 2018
March 5, 2018	May 8, 2018	May 1, 2018	May 28, 2018
April 2, 2018	June 5, 2018	June 5, 2018	June 25, 2018
May 7, 2018	July 3, 2018	* July 10, 2018	July 23, 2018
June 4, 2018	August 7, 2018	August 7, 2018	August 27, 2018
July 2, 2018	September 4, 2018	* September 11, 2018	September 24, 2018
August 6, 2018	October 2, 2018	October 2, 2018	October 22, 2018
September 3, 2018	November 6, 2018	November 6, 2018	November 26, 2018
October 1, 2018	November 20, 2018	December 4, 2018	* December 10, 2018
November 5, 2018	January 8, 2019	* January 8, 2019	January 28, 2019
December 3, 2018	February 5, 2019	February 5, 2019	February 25, 2019

The **CITY COUNCIL MEETING** begins at 7:00pm at Fairburn City Hall, 56 Malone Street, Fairburn, GA 30213

**Meeting dates and times are subject to change. Call 770-964-2244 to verify the date and time of meetings.**

*\* Note: Date changed due to a holiday*