

## **Athens-Clarke County Unified Government Planned Development Application**

Any area may be rezoned as a Planned Development District if any one of the following conditions are met:

- A. More than one principal land use is proposed for development on a single or multiple ownership.
- B. Separate land uses, which would not otherwise be permitted to locate within the same zoning district, are proposed for development on one or more adjacent parcels under single or separate ownership.
- C. Exceptions or variations to the size, dimensional changes in standards required, or other requirements of the Zoning Ordinance are being sought to provide design flexibility.

### **Planned Development Approval Procedures**

The application for the Planned Development shall be executed by all property owners, including holders of Deeds to Secure Debt, as recorded in the official records of the Superior Court of Athens-Clarke County, or their authorized agents.

Any request pertaining to the establishment of a Planned Development zoning district shall be considered an amendment to the Zoning Ordinance and shall be administered and processed as a Type I or Type II Procedure as defined in Chapter 9-4 of the Zoning Ordinance, depending upon the agreement of the proposed zoning classification with the Future Land Use Map. Appropriate application forms must be completed and submitted to the Planning Department according to the corresponding deadlines.

If the applicant contends that the current zoning classification of the property in issue constitutes a constitutional taking, written notice of such contention, and a written evaluation using the factors set forth in 9-4-3(B) supporting the contention, must be filed with the application; otherwise, the applicant shall be deemed to have waived such contention. Affidavits of fact, appraisals, and related studies shall be filed with the application, in support of applicant's position. A Public Hearing shall be held before the Planning Commission in accordance with its rules of procedure. The applicant shall make its presentation, followed by the Staff evaluation. The Commission shall then entertain comments from other proponents or opponents. Before concluding the hearing, the Chair shall recognize the applicant for a brief rebuttal. The Planning Commission shall adopt and publish written rules governing its hearing procedures, which shall be available for distribution at the hearing.

### **Notification to Surrounding Property Owners**

The applicant shall provide to the Athens-Clarke County Planning Department blank, stamped envelopes of a number sufficient to provide notice to all property owners of parcels lying in whole or in part within a distance of 400 feet of the proposed Re-zoning as measured from the subject property lines. The owners of record shall be as shown on the Athens-Clarke County Tax Commissioner's records. The Planning Department shall address the stamped envelopes to send letters by regular mail giving notice of the public hearing and

of the purpose of the request for a change to the zoning classification. Stamped envelopes are due at the Planning Department at the time of the application deadline.

### **Preliminary Development Plan and Application**

A petition for Planned Development zoning must be accompanied by a plan and preliminary written report of the project and will only be accepted after a Pre-Application Conference. It is intended that this step in the process will provide an opportunity for the owner and planning commission to arrive at a conceptual agreement on the project prior to the preparation of more detailed plans. Any actions taken by the Planning Commission will constitute a tentative recommendation to the application and will not be binding.

The Planning Director may waive this step (preliminary development plan) of the process for amendments to approved planned development projects, nonresidential projects, or projects that are clearly consistent with adopted community plans and whose adverse impacts are clearly insignificant.

### **Master Development Plan**

Following the planning commission's review of the preliminary development plan, the owner shall submit a master development plan for consideration as a Type II planning action. If approved by the governing body, the planned development regulations shall become the zoning for the property. A Master Development Plan shall contain all information required for a ***Site Review Permit*** (Chapter 9-25), excluding that required in Section 9-25-6 regarding stormwater management engineered information, and a ***Preliminary Plat for Subdivisions*** (Chapter 9-26 of the Development Regulations).

After review and recommendation by the Planning Commission any adjustment or amendment submitted to binding site plans by the petitioner, beyond those recommended by the Planning Commission, shall be considered a new application and cause the original rezoning request to be returned to the Planning Commission for reconsideration. The Planning Commission, if necessary, may take up to 60 days to review the new application. All fees normally associated with a rezoning request shall also be applicable.

If the Planning Commission recommends changes to the binding site plan, and petitioner decides to include such changes to his or her request, then said petitioner must make appropriate changes to the binding site plan. The changed plan must be submitted to the planning department by 5:00 p.m. on the Monday of the week preceding the week during which the Mayor and Commission will meet (the third Tuesday of the month). The changed plan must include on the plan a statement signed by the preparer (applicant) outlining the changes and stating that no other changes have been made except those requested.

***The approved master development plan constitutes a binding site plan unless specifically stated in the master development plan or report to the contrary.***

### **Phased Site Plans**

Following the approval of the master development plan, the owner shall submit a detailed site plan of each project phase to the planning director for approval prior to the issuance of any permits. The planning director may refer, at his/her discretion, and, shall refer, upon the request of the owner, approval of the site plan to the full Planning Commission. If the project will not be phased over time, the owner may submit the detailed site plan for consideration by the planning director with the master development plan, subject to the governing body ultimately approving the master development plan. If the project is to be phased, the owner may submit the site plan for the first phase for similar consideration by the planning director with the master development plan.

The detailed site plan shall be drawn to scale, fully dimensioned, and shall include the same information as required for the Master Plan.

The planning director shall approve, and may only approve, the phase site plan if it conforms to the master development plan. Any deviation from the Master Development Plan shall be grounds for denial of the site plan and shall necessitate the petitioning for approval of an amendment of the master development plan and Planned Development zoning before the site plan can be approved. Approval will be through a Staff Permit Procedure.

The approval of the site plan and related information for each phase shall allow the owner to proceed with the installation of improvements and submit (when appropriate) a final subdivision plat for approval, all in accordance with the procedures set forth in Chapter 9-26 of the Development Regulations.

## Application of Regulations

1. For the purposes of zoning compliance, a planned development property shall be treated as one lot.
2. Planned developments shall normally be located on a street having a minimum functional classification of "collector."
3. Uses permitted in a Planned Development district shall include all uses permitted in the underlying district. In the case of an underlying residential district, retail and service uses designed and located within the project primarily for the benefit and convenience of the residents of the project shall be permitted; but shall be limited to no more than ten percent of the total project acreage. Permitted retail and service uses serving a residential Planned Development are any uses permitted in the "C-N" District. Total commercial space shall be limited to 50 square feet per residential unit
4. Total project residential density shall be compatible with that normally permitted in the underlying district, including any density transfers or density bonuses.
5. Adequate guarantee shall be provided for the permanent retention as "open space" for all of the residual open land area resulting from the planned development approval. The guarantee shall be in the form of private reservation for the use of project residents through covenants, deed restrictions, or similar documents, or through dedication as common open space, or as land held in a common undivided interest dedicated to a recognized land trust, or dedicated to Athens-Clarke County. The care and maintenance of such private open space areas shall be similarly provided for.
6. To ensure adequate and proper construction of the following facilities listed below in "a" through "e," the Mayor and Commission may require that a performance bond or other financial guarantee be submitted by the owner. Such guarantee, if required, shall be in an amount set by the Mayor and Commission and sufficient to allow Athens-Clarke County to construct the stipulated facilities. In addition, the owner shall be required to grant right-of-entry to Athens-Clarke County to construct such improvements where a bond is required. The bonding requirements shall be the same as required of a subdivision (See 9-26-5 of the Development Regulations).
  - a. Recreation lands and appurtenances;
  - b. Streets and sidewalks;
  - c. Drainage facilities;
  - d. Grading improvements;
  - e. Sewer, water, and other utilities

**Site Plan Requirements for  
*Preliminary Development Plan and Master Development Plan***

1. Project name.
2. Vicinity map.
3. Scale.
4. North arrow.
5. Date.
6. Street names and locations of all existing and proposed streets within or on the boundary of the proposed development, pavement widths, sidewalks, and bikeways, and all existing and proposed transit stops, and parking facilities.
7. Lot layout with dimensions for all lot lines, and easements on the site.
8. Zoning designations of the proposed development.
9. Zoning designations adjacent to the proposed development.
10. Location and use of all building envelopes, existing buildings, proposed buildings (if applicable), fences and structures within the proposed development. Indicate which buildings are to remain and which are to be removed, and all buildings within one hundred sixty (160) feet of the site boundaries.
11. Location and size of all existing and proposed public and private utilities, stormwater and stormwater management facilities in and adjacent to the proposed development with the locations shown of:
  - a. Water lines and diameters.
  - b. Sewers, manholes and cleanouts.
  - c. Storm drains and catch basins.
  - d. Electric and gas.
  - e. Telecommunication.
12. The proposed location of:
  - a. Connection to the water system.
  - b. Connection to the sewer system.
  - c. The proposed method of drainage of the site.
  - d. The proposed method of erosion and sedimentation control.
13. Location of drainage ways, environmental buffer zones, or public utility easements in and adjacent to the proposed development. All Environmental Areas defined in Chapter 8-6, Protected Environmental Areas, and buildable areas as defined in Chapter 9-2 of the Development Regulations.
14. Locations, sizes and uses of contemplated and existing public areas within the proposed development. Public uses, including schools, parks, playgrounds, open spaces and trails.
15. Fire hydrants proposed to be located within the site.
16. A professionally prepared topographic map at a contour interval as specified by the Soil Erosion and Sediment Control Ordinance and in accordance with State law.
17. Location of all parking areas and all parking spaces, ingress and egress on the site, and on site circulation.
18. Use designations for all areas not covered by buildings, parking, or landscaping.
19. Locations of all significant landscape features including, but not limited to, any existing healthy trees of a caliper greater than eighteen (18) inches, generally forested areas, and creeks, wetlands, 100 year floodplains, or ponds existing on the site. Indicate any planned modifications to a natural feature. General areas of cut and fill.

The location of natural features such as ponds, wetlands, forested areas, and isolated trees of greater than 18" DBH.

20. A landscape plan showing in detail the location, type, and size of the proposed landscaping and plantings.
21. The elevations, surface area in sq. ft., illumination type, height, and construction (material and style), and locations of all proposed signs for the development.
22. Architectural elevations for all buildings proposed on the property. Such plans shall indicate the maximum building height of the structure, material, windows, doors, and other design features of the building, including all visible mechanical equipment, such as for heating and cooling. Elevations shall be submitted drawn to scale of one (1) inch equals ten (10) feet or greater. In the case of subdivisions which contain attached units or lots of less than 8,000 square feet, plans for homes which may be built on lots may be submitted without specifying which lot the unit is to be located on; however, building envelopes on the lot must be sufficient to accommodate the units planned for the lot. In lieu of plans, the applicant may prepare and submit design standards to be adopted as part of the covenants of the development that address the elements listed above.
23. A written summary included within the Notes on the site plan. The summary should include the following:
  1. If the project is to be built in phases, the areas contained in each phase, delimited on a map;
    - a. For commercial and industrial developments:
      1. The total area contained in the area proposed to be developed.
      2. The area and percentage of the lot covered by structures.
      3. The area and percentage of the lot covered by other impervious surfaces.
      4. The total number of parking spaces.
      5. The total area of all landscaped areas.
      6. A Tree Management Plan in accordance with Section 8-7-17.
    - b. For residential developments:
      1. The total area in the development.
      2. The number of dwelling units in the development (include the units by the number of bedrooms in each unit, e.g., ten (10) one (1) bedroom, 25 two-bedroom, etc).
      3. Area and percentage of lot coverage by:
        - i Structures.
        - ii Streets, roads, and alleys.
        - iii Sidewalks.
        - iv Recreation areas.
        - v Landscaping.
        - vi A Tree Management Plan in accordance with Section 8-7-17.
        - vii Parking areas.

## APPLICATION FOR REZONING AS A PLANNED DEVELOPMENT

**APPLICATION  
NUMBER:**

*(assigned by Planning Dept)*

**APPLICATION  
DATE:**

The application for the Planned Development shall be executed by all property owners, including holders of Deeds to Secure Debt, as recorded in the official records of the Superior Court of Athens-Clarke County, or their authorized agents. If more than one person or entity owns the property, attach a list of property owners with name, address, city, state, zip, telephone, fax and e-mail information for each. Also, a Declaration of Ownership (page 9), Campaign Disclosure (page 11), and, if appropriate, a form to Authorize an Agent (page 10) must be signed by each. Make copies of these pages as necessary.

PROPERTY OWNER(S):

ADDRESS:

CITY, STATE, ZIP:

TELEPHONE:

FAX NUMBER

E-MAIL ADDRESS

If the person submitting the request is not the Property Owner but is acting as the agent for the zoning request, please fill out the following information and submit the attached Authorization by Property Owner.

AUTHORIZED AGENT:

ADDRESS:

CITY, STATE, ZIP:

TELEPHONE:

FAX NUMBER

E-MAIL ADDRESS

## PROPERTY INFORMATION

PROPERTY ADDRESS: \_\_\_\_\_  
COUNTY TAX PARCEL NUMBER: \_\_\_\_\_  
NEAREST ROAD INTERSECTION: \_\_\_\_\_

<b>A LEGAL DESCRIPTION MUST BE ATTACHED TO THIS APPLICATION</b>
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PROPERTY'S DIRECTION  
FROM INTERSECTION: \_\_\_\_\_  
CURRENT ZONING \_\_\_\_\_  
PROPOSED ZONING: \_\_\_\_\_  
CURRENT USE: \_\_\_\_\_  
PROPOSED USE: \_\_\_\_\_  
ACREAGE: \_\_\_\_\_  
SEWAGE: \_\_\_\_\_  
WATER: \_\_\_\_\_  
WHEN WAS PROPERTY  
PURCHASED? \_\_\_\_\_

A petition for Planned Development zoning will only be accepted after a pre-application conference. Please provide the date of the Pre-Application Conference for this project: \_\_\_\_\_

### Notification to Surrounding Property Owners

The applicant shall provide to the Athens-Clarke County Planning Department blank, stamped envelopes of a number sufficient to provide notice to all property owners of parcels lying in whole or in part within a distance of 400 feet of the proposed Planned Development as measured from the subject property lines. The owners of record shall be as shown on the Athens-Clarke County Tax Commissioner's records. The Planning Department shall address the stamped envelopes to send letters by regular mail giving notice of the public hearing and of the purpose of the request for a change to the zoning classification. Stamped envelopes are due at the Planning Department at the time of the application deadline.

## DECLARATION OF OWNERSHIP

**The application for the Planned Development shall be executed by all property owners, including holders of Deeds to Secure Debt, as recorded in the official records of the Superior Court of Athens-Clarke County, or their authorized agents.**

I swear that I am the owner of the property located at (property address):

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which is the subject matter of the attached application, as is shown in the records of Athens-Clarke County, Georgia.

Owners Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

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

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

**AGENT'S  
AUTHORIZATION BY PROPERTY OWNER  
APPLICATION FOR REZONING AS A PLANNED DEVELOPMENT**

**ATHENS-CLARKE COUNTY, GEORGIA**

I swear that I am the owner of the property located at (property address):

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which is the subject matter of the attached application, as is shown in the records of Athens-Clarke County, Georgia.

I authorize the person named below to act as applicant or agent in the pursuit of the rezoning of this property.

Name of Applicant or Agent:

Address:

City, State, Zip Code:

Telephone Number:

Fax Number:

E-mail Address:

Signature of Owner:

Date:

**PROPERTY OWNER'S  
DISCLOSURE OF CAMPAIGN CONTRIBUTIONS  
APPLICATION FOR REZONING AS A PLANNED DEVELOPMENT  
ATHENS-CLARKE COUNTY, GEORGIA**

Pursuant to Section 36-67A-1 et seq. of the Georgia Code Annotated, adopted by the Georgia General Assembly, effective July 1, 1986, the following disclosure is mandatory. When any applicant for rezoning action has been 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, it shall be the duty of the applicant and the agent representing the applicant to file a disclosure report with the governing authority of the respective local government.

Any applicant for rezoning action knowingly failing to make any disclosure as required by Code Section 36-67A-1 et seq. shall be guilty of a misdemeanor.

A. Name of local government official to whom the campaign contribution or gift was made:

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B. The dollar amount 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:

Amount: \$

Date of Contribution:

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C. Enumeration and description of each gift having a value of \$250.00 or more made by the applicant to the local government official during the two years immediately preceding the filing of this application for rezoning.

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\_\_\_\_\_  
Signatures of owner(s)

\_\_\_\_\_  
Date

\*Agents who are representing property owners must fill out the attached campaign disclosure form.

**AGENT'S**

**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS  
APPLICATION FOR REZONING AS A PLANNED DEVELOPMENT  
ATHENS-CLARKE COUNTY, GEORGIA**

Pursuant to Section 36-67A-1 et seq. of the Georgia Code Annotated, adopted by the Georgia General Assembly, effective July 1, 1986, the following disclosure is mandatory. When any applicant for rezoning action has been 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, it shall be the duty of the applicant and the agent representing the applicant to file a disclosure report with the governing authority of the respective local government.

Any applicant for rezoning action knowingly failing to make any disclosure as required by Code Section 36-67A-1 et seq. shall be guilty of a misdemeanor.

A. Name of local government official to whom the campaign contribution or gift was made:

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B. The dollar amount 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:

Amount: \$

Date of Contribution:

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D. Enumeration and description of each gift having a value of \$250.00 or more made by the applicant to the local government official during the two years immediately preceding the filing of this application for rezoning.

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Signatures of agent(s)

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Date

## Report

In addition to the application, a report must be prepared and submitted by the applicant for both Preliminary Development Plans and Master Development Plans. Please provide information necessary to evaluate the following, at a minimum, within that report:

1. The proposed Planned Development must meet all objective criteria set forth for that use provided in the Zoning Ordinance and must conform to the purpose and intent of the Comprehensive Plan and all its elements (such as the Future Land Use Map.) If the proposed use does not conform to the purpose and intent of the Comprehensive Plan, it is considered a Type I application. See the ordinance regarding Type I applications.
2. The present ownership of all the land included within the development.
3. The maintenance program for common open areas, buildings, private thoroughfares, private septic systems, stormwater facilities, and utility easements.
4. Detail how the project meets the requirements which make it eligible for zoning as a Planned Development: Specifically, how the project is characterized by one or more of the following (a-c):
  - a. More than one principal land use is proposed for development on a single or multiple ownership.
  - b. Separate land uses, which would not otherwise be permitted to locate within the same zoning district, are proposed for development on one or more adjacent parcels under single or separate ownership.
  - c. Exceptions or variations to the size, dimensional changes in standards required, or other requirements of the Zoning Ordinance are being sought to provide design flexibility.
5. The proposed time schedule and a phasing plan of the development.
6. Public Services, which include physical facilities and staff capacity, exist sufficient to service the proposed rezoning or special use.
7. Existing land use pattern surrounding the property in issue.
8. Possible creation of an isolated district unrelated to adjacent and nearby districts.
9. Population density pattern and possible increase or over-taxing of the load on public facilities including, but not limited to, schools, utilities, and streets. Provide information on increases or decreases in population as a result of the re-zoning. Include or attach the Transportation Impact Analysis (TIA).
10. The cost of the Unified Government and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures.

11. The possible effects on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.
12. Whether the proposed zoning amendment will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
13. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning; provided, however, evidence that the economic value of the property, as currently zoned, is less than its economic value if rezoned as requested will not alone constitute a significant detriment.
14. The aesthetic effect of existing and future use of the property as it relates to the surrounding area.

If you have any questions regarding the application or procedures,  
please call the Planning Staff at (706) 613-3515,  
e-mail at [acczone@co.clarke.ga.us](mailto:acczone@co.clarke.ga.us) ,  
or write to  
120 W. Dougherty Street; Athens, GA 30601