

REZONING, CHANGE IN CONDITIONS AND
SPECIAL USE PERMIT APPLICATION
PROCEDURES AND INSTRUCTIONS



Gwinnett County
Department of Planning & Development
Planning Division

446 West Crogan Street, Suite 250
Lawrenceville, Georgia 30046

(678) 518-6000

ONLY COMPLETE APPLICATIONS ACCEPTED

GWINNETT COUNTY PLANNING DIVISION REZONING/CHANGE IN CONDITIONS/ SPECIAL USE PERMIT PROCESS

All applications are reviewed by the Planning Division Staff, the Municipal-Gwinnett County Planning Commission, and the Gwinnett County Board of Commissioners. The following steps outline the application process:

- (1) An application is submitted to the Current Planning Section of the Gwinnett County Planning Division. Applications must be submitted in person. Please refer to the Public Hearing Schedule for filing deadlines and public hearing dates. Current Planning is located at 446 West Crogan Street, Suite 275, Lawrenceville, Georgia 30046.
- (2) The Planning Division reviews the application and makes both a written recommendation and an oral presentation at public hearing. The written recommendation is mailed to the applicant approximately 1-2 weeks before the Planning Commission public hearing. Additional copies of the report may be obtained from the Planning Division at (678) 518-6000.
- (3) The Planning Division will place a legal notice in the Gwinnett Daily Post newspaper at least 15 days before the first public hearing. The legal notice normally appears in the Wednesday edition of the newspaper.
- (4) A public hearing sign is erected on the property at least 15 days before the first public hearing. This sign will be erected by the Applicant. The Applicant is also required to mail notice to property owners within 1,000-feet of the subject property (by U.S. Mail) and provide proof of mailings to the Planning Division. For an SUP accessory to, or operating out of a residential dwelling, the Department of Planning and Development will provide letters to the adjoining property owners. The applicant will receive an instruction packet approximately a month prior to the scheduled case, detailing the mailing and sign posting requirements. If the applicant fails to post the sign by the deadline stated in the mailings, the case will be administratively withdrawn, and no refund issued.
- (5) The Planning Commission reviews the facts in the case at its scheduled meeting. A recommendation is decided upon following the public hearing. This recommendation is forwarded to the Board of Commissioners. The Planning Commission generally meets on the first Tuesday of each month for rezonings, related Special Use Permit applications and Change in Conditions; and the third Tuesday of each month for Special Use Permits, Moved-In-House and BRD applications. Meetings are held at 7:00 p.m. at the Gwinnett Justice and Administration Center Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

REZONING/CHANGE OF ZONING CONDITIONS/SPECIAL USE PERMIT PROCESS

- (6) The Board of Commissioners generally meets on the fourth Tuesday of each month to consider applications. This meeting is held at 7:00 p.m. at the Gwinnett Justice and Administration Center Auditorium, 75 Langley Drive, Lawrenceville, Georgia.
- (7) Once an application is made, the applicant may withdraw the application without prejudice only before legal advertisement of a public hearing is placed in the newspaper. No application may be withdrawn by the applicant under any circumstance after the legal advertisement of a public hearing has been placed. All applications advertised shall receive final action by the Board of Commissioners. **Please refer to the Public Hearing Schedule for withdrawal deadlines.** Written notification of withdrawal is required.
- (8) If an application is withdrawn before placement of the legal advertisement, a refund of the application fee will be issued.
- (9) No application or reapplication affecting the same land shall be acted upon within 12 months from the date of last action by the Board of Commissioners unless waived by the Board of Commissioners. A request to consider such a waiver is submitted to the Planning Division. In no case shall an application or reapplication be acted upon in less than 6 months from the date of last action by the Board of Commissioners.
- (10) A request to change the conditions of zoning or special use permit approval will be processed as a separate change in conditions (CIC) 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.
- (11) All applicants, their attorneys, or representatives, must submit information as required by the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions (included in the separate Rezoning/CIC/SUP applications).

REZONING, SPECIAL USE PERMIT AND CHANGE IN CONDITIONS INFORMATION

The items listed in the following instructions are necessary to process a Rezoning, Special Use Permit, or Change in Conditions application. Please note that the Gwinnett County Planning Division processes applications for unincorporated Gwinnett County. Please refer to the Public Hearing Schedule for filing deadlines and public hearing dates.

The Planning Division recommends a pre-application conference to discuss the proposal. However, it is not required. A walk-in appointment with the Current Planning Section staff is suggested. Current Planning is located at 446 West Crogan Street, Suite 275, Lawrenceville, Georgia 30046. Current Planning is open 8-5, Monday thru Friday.

The Board of Commissioners has limited the number of rezoning cases considered at their public hearing to fourteen (14) per month, the number of Special Use Permits to eight (8) per month and the number of Change in Conditions to six (6) per month.

In order to ensure fair and equal treatment to all concerned, all applications must be complete. **IF NOT COMPLETE, THE APPLICATION CANNOT BE ACCEPTED BY THE PLANNING DIVISION FOR PROCESSING.**

Any amendments to an application must be submitted to the Planning Division for staff review prior to the Planning Commission hearing.

INSTRUCTIONS FOR REQUIRED ITEMS

1) **APPLICATION FORM**

One (1) copy of the appropriate Application Form must be submitted. Separate applications will be required for non-contiguous property and a separate application will be required for each zoning classification requested (C-I and O-I, for example, would require two applications) even if properties are contiguous.

2) **APPLICATION FEE**

See pages 12 and 13 for Fee Schedules. Acceptable payment methods are: cash, check, ATM, debit or credit card (Visa, MasterCard, or Discover). Checks should be made payable to Gwinnett County.

3) **LEGAL DESCRIPTION**

The 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. For requests for multiple zoning districts, a separate application and legal description must be submitted for each district requested.

4) **BOUNDARY SURVEY**

One (1) copy of a boundary survey to scale for the subject property, displaying all metes and bounds. This is not necessary if the Site Plan (next item) includes this information.

5) **SITE PLAN**

Four (4) copies of a Site Plan to scale (except rezoning applications requesting one single family residence). This site plan must show (as applicable):

- Gross and net acreage (net acreage excludes 50% of 100-year floodplain or electric/gas transmission easements)
- Existing and proposed streets (paving and right-of-way)
- Existing and proposed building locations
- Driveways and parking spaces
- Required or proposed setbacks and buffers
- Floodplain
- Additional exhibits as required below for CSO, R-ZT, OBP, Modified, CSO, HRR, R-SR, MUO and MUD developments.

One 8-1/2" X 11" reduction of the site plan and any other supporting documents/exhibits shall be provided by the applicant.

6) **ADDITIONAL SITE PLAN REQUIREMENTS**

The 1985 Zoning Resolution requires additional site plan exhibits for R-ZT, OBP, Modified Single-Family or Conservation Subdivision Overlay Developments, R-TH, HRR, R-SR, MUO and MUD developments.

7) **LETTER OF INTENT**

- A. One (1) copy of a Letter of Intent
- B. The Letter of Intent must give details of the proposed use of the property and should include at least the following information (as applicable):
- A statement regarding the proposed use of the property
 - The acreage or size of the tract
 - The zoning classification requested
 - The number of lots or number of dwelling units proposed house size proposed
 - The density in terms of gross square footage per acre for proposed commercial, industrial, office or institutional use)
 - The number of parking spaces
 - The height of buildings
 - Any requested change in buffers

8) **NOTARIZED SIGNATURES**

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

9) **CONFLICT OF INTEREST CERTIFICATION FORM**

This form must be signed, notarized and submitted with the required information.

10) **PROOF OF PAID PROPERTY TAXES**

The applicant must provide proof that current property taxes have been paid on the land proposed for rezoning, change in condition or Special Use Permit. The form provided must be signed by the applicant, verified and signed by the Tax Commissioner's Office, and submitted when the application is filed. The Tax Commissioner's Office is located at the Gwinnett Justice and Administration Center, 75 Langley Drive, Lawrenceville, GA 30045.

ADDITIONAL EXHIBITS (if required)

1) **ADJACENT PROPERTY OWNER NOTIFICATION**

In addition to standard written notification requirements, if the property is within 300 feet of an adjacent county, the petitioner must also provide written notification to owners of property in the adjoining county lying within 300 feet of the subject property.

2) **FOR A SPECIAL USE PERMIT WITHIN RESIDENTIAL ZONING**

For a Special Use Permit 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:

- The Special Use Permit shall be valid for no more than a two-year period. Upon or before the expiration of a Special Use Permit, the owner shall make application to continue the Special Use Permit if continuance is desired.
- The Special Use shall operate within the dwelling on the property or, if approved by the Board of Commissioners, in an accessory structure.

- 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 special use to the neighborhood, except for any accessory structure approved by the Board of Commissioners.
- The owner of the property shall occupy the property and shall operate any business associated with the special use.
- The owner of the property shall submit with the application, a signed statement in which he/she agrees that the Special Use Permit, if approved, shall automatically terminate in the event that the property is sold, transferred or otherwise conveyed to any other party, or the business which operates the special use is sold, transferred or otherwise conveyed or discontinued. The owner shall also agree to notify the Planning Director in writing upon the occurrence of any of these events.
- In addition to the information and/or site plans required by this Section, the owner of the property shall submit with the application for a Special 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.
- The special use for which a Special Use Permit is granted shall commence operations or construction within 12 months of the date of approval by the Board of Commissioners. If, at the end of this 12-month period, the Director determines that active efforts are not proceeding toward operation or construction, a report may be forwarded to the Board of Commissioners through the Planning Commission which may recommend that action be taken to remove the Special Use Permit from the property.

3) **BUILDING CODE COMPLIANCE FOR CONVERSION OF RESIDENTIAL STRUCTURES TO A COMMERCIAL USE AND SPECIAL USE PERMIT APPLICATIONS FOR RESIDENTIALLY-ZONED PROPERTY**

- When a special use permit or non-residential rezoning for conversion of an existing one-family or two-family residential structure is requested, the applicant must apply for a Building Compliance Inspection from the Building Plan Review Unit.
- The Building Compliance Inspection application must be filed at the same time the rezoning or special use permit application is filed. If a Building Compliance Inspection has been completed in the past, the applicant may submit a letter showing compliance for that use from the Building Plan Review Unit. If a Building Compliance Inspection is not completed, the rezoning or Special Use Permit application will be held and may be subject to administrative withdrawal. If the application is administratively withdrawn, the rezoning and/or special use permit application fees will be refunded.
- When the inspection is complete, the Building Plan Review Unit will forward a copy of the completed inspection report to the Planning Division within five working days.

4) **DEVELOPMENTS OF REGIONAL IMPACT**

If the proposed development meets any of the following thresholds, regional review as a Development of Regional Impact (DRI) must be completed by the Atlanta Regional Commission (ARC) and Georgia Regional Transportation Authority (GRTA). The review must be initiated by the Planning Division staff. For information regarding this process, contact the Current Planning Section at 678-518-6000.

TYPE OF DEVELOPMENT	THRESHOLD
Office	Greater than 400,000 gross sq. ft.
Commercial	Greater than 300,000 gross sq. ft.
Wholesale & Distribution	Greater than 500,000 gross sq. ft.
Hospitals and Health Care Facilities	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 sq. ft; or employing more than 1,600 workers; or covering more than 400 acres
Hotels	Greater than 400 rooms
Mixed Use	Gross square feet greater than 400,000 (with residential units calculated at either 1800 square feet per unit or, if applicable, the minimum square footage allowed by local development regulations); or covering more than 120 acres; or if any of the individual uses meets or exceeds a threshold as identified herein
Airports	All new airports, runways, and runway extensions
Attractions & 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 an existing facility by 50% or more
Quarries, Asphalt & Cement Plants	New facility or expansion of existing facility by more than 50%

Wastewater Treatment Facilities	New major conventional treatment facility or expansion of existing facility by more than 50 percent. Community septic treatment facilities exceeding 150,000 gallons per day or serving a development project that meets or exceeds an applicable threshold as identified herein.
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 Facility
Intermodal Terminals	New Facility
Truck Stops	A new facility with more than three (3) diesel fuel pumps; or containing a half acre of truck parking, or ten (10) truck parking spaces
Any other development types not identified above (includes parking facilities)	1,000 parking spaces or, if available, more than 5,000 daily trips generated

5) **TRAFFIC STUDIES**

A traffic study is required for a Rezoning or Special Use Permit proposal which meets any of the following criteria:

- Office proposals in excess of 200,000 gross square feet
- Commercial proposals in excess of 250,000 gross square feet
- Industrial proposals which would employ over 500 persons
- Multi-family residential proposals in excess of 200 units

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

FEE SCHEDULE
(Revised: January 1, 2010)

I. **Rezoning, Change-in-Conditions and Special Use Permit Fees - Residential Zoning Districts** (note: a Special Use Permit related to a rezoning case shall not incur an additional fee)

A. For the following single-family residential zoning districts: **RA-200, R-140, R-LL, R-100, R-75, RL, MHS.**

<p><u>Fee:</u></p> <p>0 - 5 Acres = \$ 500 > 5 - 10 Acres = \$ 1,000 > 10 - 20 Acres = \$ 1,500 > 20 - 100 Acres = \$ 2,000 > 100 - Acres = \$ 2,500 plus \$40 for each additional acre over 100</p> <p><u>Maximum Fee:</u> \$10,000</p>
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B. For the following single and multifamily residential zoning districts: **R-TH, RMD, RM-6, RM-8, RM-10, RM-13, R-SR, MH, R-60, R-ZT, R-75 MODIFIED or CSO, and R-100 MODIFIED or CSO.**

<p><u>Base Fee #1:</u></p> <p>0 - 5 Acres = \$ 750 > 5 - 10 Acres = \$1,500 > 10 - 20 Acres = \$2,000 > 20 - 100 Acres = \$2,500 > 100 - Acres = \$3,000 plus \$40 for each additional acre over 100</p> <p><u>Base Fee #2:</u> \$15 per dwelling unit</p> <p><u>Maximum Fee:</u> \$10,000</p>
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- The fee is based on the total number of acres or the total number of dwelling units, whichever base fee is greater.

2. **Rezoning, Change-in-Conditions and Special Use Permit Fees - Non-Residential Zoning Districts** (note: a Special Use Permit related to a rezoning case shall not incur an additional fee)

For the following office, commercial and industrial zoning districts: **C-1, C-2, C-3, O-1, OBP, M-1, M-2, HS, NS.**

<p><u>Base Fee #1:</u></p> <p>0 - 5 Acres = \$ 750 > 5 - 10 Acres = \$1,500 > 10 - 20 Acres = \$2,000 > 20 - 100 Acres = \$2,500 > 100 - Acres = \$3,000 plus \$50 for each additional acre over 100</p> <p><u>Base Fee #2:</u></p> <p>0 - 20,000 sq. ft. = \$ 750 > 20,000 - 50,000 sq. ft. = \$1,500 > 50,000 - 100,000 sq. ft. = \$2,000 > 100,000 - 500,000 sq. ft. = \$2,500 > 500,000 = \$3,000 plus \$100 per 100,000 sq. ft. over 500,000</p> <p><u>Maximum Fee:</u> \$10,000</p>

➤ The fee is based on the total number of acres or the total square footage of the proposed building(s), whichever base fee is greater.

3. **Mixed-Use (MUD and MUO) or High Rise Residential (HRR) Application Fee – \$1,000 plus \$50 per acre (maximum fee - \$10,000).**
4. **Moved-In-House Application Fee - \$300.**
5. **Chattahoochee Corridor Review** (involving a public hearing) - **\$150.**
6. **Buffer Reduction (Greater than 50%) Application Fee - \$500.**
7. **Zoning Certification Letter - \$25** (per non-contiguous parcel).
8. **Zoning Text Modification - \$200** (per proposal).
9. **Zoning Notice Sign Deposit - \$150 per sign (\$100 is refundable upon return of sign).**