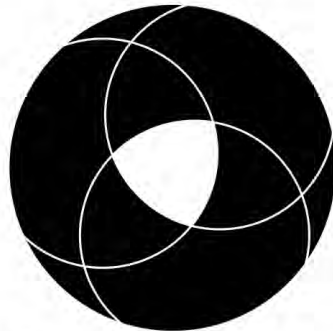


REZONING, CHANGE IN CONDITIONS AND
SPECIAL USE PERMIT APPLICATION
PROCEDURES AND INSTRUCTIONS



Gwinnett

Gwinnett County

Department of Planning & Development
Planning Division

446 West Crogan Street, Suite 300

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) A pre-application meeting is required prior to the submittal of Rezoning, Special Use Permit, Buffer Reduction, and Change in Conditions applications. See **Instructions for Required Items** section of this document for additional information.
- (2) 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 300, Lawrenceville, Georgia 30046.
- (3) 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.
- (4) The Planning Division will place a legal notice in the Gwinnett Daily Post newspaper at least 15 days before the first public hearing.
- (5) A public hearing sign is posted on the property at least 15 days before the first public hearing. This sign will be posted by the Applicant.
- (6) The Applicant is 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.
- (7) If the property is within 300 feet of an adjacent county, the Applicant must provide written notification to owners of property in the adjoining county lying within 300 feet of the subject property.
- (8) 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.
- (9) 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 stated deadline, the case will be administratively withdrawn, and no refund issued.

- (10) 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. Meetings are held at 7:00 p.m. at the Gwinnett Justice and Administration Center Auditorium, 75 Langley Drive, Lawrenceville, Georgia.
- (11) 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.
- (12) 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.
- (13) If an application is withdrawn before placement of the legal advertisement, a refund of the application fee will be issued.
- (14) 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 Commissioner unless such 12-month period is 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.
- (15) 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.
- (16) 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 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.**

If you have any questions, please contact the Planning Division at 678.518.6000 or P&D-PlanningZoning@gwinnettcountry.com. Current Planning is located at 446 West Crogan Street, Suite 300, Lawrenceville, Georgia 30046. The Current Planning Section hours are 8 a.m. to 5 p.m., Monday - Friday.

INSTRUCTIONS FOR REQUIRED ITEMS

1) **PRE-APPLICATION MEETINGS (if applicable)**

A pre-application meeting will be required prior to the submittal of Rezoning, Special Use Permit, Buffer Reduction, and Change in Conditions applications. This process will provide Applicants and staff time to have preliminary discussions and review intended submittal information prior to official application submittal.

The following will require a pre-application meeting prior to official application submittal:

- Single-Family residential zoning district rezoning applications (10 lots or greater);
- Townhouse district rezoning applications;
- Multi-family apartment district rezoning applications;
- Mixed-use district rezoning applications;
- Office, Commercial, and Industrial district rezoning applications;
- Special Use Permit applications (related to the above listed districts);
- Buffer reduction applications; and
- Change in Condition applications.

A pre-application meeting may be scheduled by emailing a site plan of the project to P&D-PlanningZoning@gwinnettcountry.com.

Minimum site plan requirements for the pre-application meeting should include:

- Project/building locations or lot design/layout;
- Gross and net density;
- Open space/common area;
- Access driveways and parking;
- Buffers and setbacks; and
- Anticipated stormwater management facility location(s).

The Applicant is required to attend the pre-application meeting; however, the Applicant's legal counsel and design professionals are also encouraged to attend. At the conclusion of the pre-application meeting, the Applicant and a staff member will sign a required acknowledgment form. The signed form and all action items/site plan changes noted at the pre-application meeting must be included with the future officially submitted application.

2) **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.

3) **APPLICATION FEE**

See attached Fee Schedules. Acceptable payment methods are: cash, check, debit or credit card (Visa, MasterCard, or Discover). Checks should be made payable to Gwinnett County. Fees are also payable via the Zoning, Inspections, and Permitting Records (ZIP) Portal:

<https://eddspermits.gwinnettcountry.com/CitizenAccess/Welcome.aspx>

4) **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.

5) **BOUNDARY SURVEY AND EXISTING CONDITIONS**

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

6) **SITE PLAN**

One (1) digital copy 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 may be required.

And any other supporting documents and/or exhibits shall be provided by the Applicant.

7) **ADDITIONAL SITE PLAN REQUIREMENTS**

The Unified Development Ordinance (UDO) requires additional site plan exhibits for R-TH, HRR, R-SR, TND, OSC, MU-N, MU-C and MU-R developments.

8) **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

9) **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.

10) **CONFLICT OF INTEREST CERTIFICATION FORM**

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

11) **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 30046.

ADDITIONAL EXHIBITS (if required)

1) **NOTIFICATION**

Staff will provide a list of tax parcel numbers and property owner's names and mailing addresses for properties within 1,000 feet of the proposed Rezoning, Change in Conditions, or Special Use Permit.

Each property owner of record within 1,000 feet of the subject property must be sent the following information by mail:

- The rezoning, change in conditions, and/or special use permit case number(s)
- The contact person and phone number
- The dates, time and place of the public hearings (Gwinnett Justice and Administration Center Auditorium, 75 Langley Drive, Lawrenceville, GA 30046)
- The submitted application form (first page only)
- The Applicant's letter of intent
- A vicinity map indicating the location of the property

This mailing must go to the Property Owner of Record with the Tax Commissioner's Office, and not to the tenant or lessee of the property. This list will only include tax parcels within Gwinnett County; if properties in adjacent Counties (within 300 feet) are involved, information from the adjoining County must be obtained directly from their office.

Letters must be mailed with first class postage (certified or registered mail is not required). You **MUST** use Postal Service Form(s) 3877 (copy attached), and include the itemized name and address of each and every addressee, and it must be postmarked no later than the Notification Deadline stated on the parcel list. Each and every PS Form 3877 must be stamped by the U.S. Postal Service showing the date of mailing.

The original Postal Service Form(s) 3877 must be submitted to the Planning Division by the Notification Deadline.

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) **TRAFFIC IMPACT 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.

4) **CONVERSION OF RESIDENTIAL STRUCTURES TO COMMERCIAL OR OFFICE USE**

- Conversion of an existing one-family or two-family residential structure will typically require substantial code related upgrades to the homes mechanical systems and may require new installation of fire and life safety upgrades.
- Concurrent with the zoning process, the Department suggests that the Applicant consult with a registered architect or third-party engineer to determine the extent and costs of these code related improvements.
- You may contact the Building Plan Review and Fire Plan Review Sections (678-518-6000) with any additional questions regarding building and fire code requirements.

5) **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 DRI review will be initiated by the Planning Division staff. The Threshold Table appears on the following pages and is keyed to 2040 UGPM categories. For information regarding the DRI process or assistance interpreting the DRI Threshold Table, please contact the Current Planning Section at 678.518.6000.

Developments of Regional Impact Development Thresholds					
Type of Development	Notification Only	Rural and Developing Rural	Maturing Neighborhoods, Established Suburbs, Developing Suburbs, and other places not mentioned in this table	Regional Centers, and Regional Employment Corridors	Region Core
(1) Office	400,000 gross square feet	400,000 gross	500,000 gross square feet	600,000 gross square feet	700,000 gross square feet
(2) Commercial	Greater than 300,000 gross square feet	300,000 gross square feet	400,000 gross square feet	500,000 gross square feet	600,000 gross square feet
(3) Wholesale & Distribution	Greater than 500,000 gross square feet	500,000 gross square feet	500,000 gross square feet	500,000 gross square feet	500,000 gross square feet
(4) Hospitals and Health Care Facilities	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day	300 new beds	400 new beds	500 new beds	600 new beds
(5) Housing	Greater than 400 new lots or units	400 new lots or units	500 new lots or units	600 new lots or units	700 new lots or units
(6) Industrial	Greater than 500,000 gross square feet; or employing more than 1,600 workers; or covering more than 400 acres	500,000 SF or 1600 workers	500,000 SF or 1600 workers	500,000 SF or 1600 workers	500,000 SF or 1600 workers
(7) Hotels	Greater than 400 rooms	400 rooms	500 rooms	600 rooms	700 rooms

(8) Mixed Use	Gross square feet of 400,000 or more (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	400,000 gross square feet (with residential units calculated at 1800 square feet per unit, or the minimum allowed by the host local government)	500,000 gross square feet (with residential units calculated at 1500 square feet per unit, or the minimum allowed by the host local government)	600,000 gross square feet (with residential units calculated at 1000 square feet per unit, or the minimum allowed by the host local government)	700,000 gross square feet (with residential units calculated at 1000 square feet per unit, or the minimum allowed by the host local government)
(9) Airports	All new airports, runways and runway extensions	New airports and runway extensions of 500 ft. or more	New airports and runway extensions of 500 ft. or more	New airports and runway extensions of 500 ft. or more	New airports and runway extensions of 500 ft. or more
(10) Attractions & Recreational Facilities	Greater than 1,500 parking spaces or a seating capacity of more than 6,000	1,500, seating capacity of 6,000+	1,500, seating capacity of 6,000+	1,500, seating capacity of 6,000+	1,500, seating capacity of 6,000+
(11) Post-Secondary School	New school with a capacity of more than 2,400 students; or expansion by at least 25 percent of capacity	New school with 2,400 students or expansion of at least 25%	New school with 2,400 students or expansion of at least 25%	New school with 2,400 students or expansion of at least 25%	New school with 2,400 students or expansion of at least 25%

(12) Waste Handling Facilities	New facility or expansion of use of an existing facility by 50 percent or more	New facility within 1 mile of public facility (airport, school, reservoir, river, etc.),	New facility within 1 mile of public facility (airport, school, reservoir, river,...), otherwise, notification only	New facility within 1 mile of public facility (airport, school, reservoir, river,...), otherwise, notification only	New facility within 1 mile of public facility (airport, school, reservoir, river,...), otherwise, notification only
(13) Quarries, Asphalt & Cement Plants	New facility or expansion of existing facility by more than 50 percent	New facility within 1 mile of public facility (airport, school, reservoir, river,...),	New facility within 1 mile of public facility (airport, school, reservoir, river,...), otherwise, notification only	New facility within 1 mile of public facility (airport, school, reservoir, river,...), otherwise, notification only	New facility within 1 mile of public facility (airport, school, reservoir, river,...), otherwise, notification only
(14) Wastewater Treatment Facilities	New major conventional treatment facility or expansion of existing facility by more than 50 percent; or 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	Notification only (MNGWPD)	Notification only (MNGWPD)	Notification only (MNGWPD)	Notification only (MNGWPD)
(15) 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	50,000 barrels if within 1,000 ft. of water supply	50,000 barrels if within 1,000 ft. of water supply	50,000 barrels if within 1,000 ft. of water supply	50,000 barrels if within 1,000 ft. of water supply

(16) Water Supply Intakes/Public Wells/Reservoirs/Treatment Facilities	New Facilities	Notification only (MNGWPD)	Notification only (MNGWPD)	Notification only (MNGWPD)	Notification only (MNGWPD)
(17) Intermodal Terminals	New Facilities	New facilities	New facilities	New facilities	New facilities
(18) Truck Stops	A new facility with more than three (3) diesel fuel pumps, or containing a half acre of truck parking or 10 truck parking spaces	10 or more diesel fuel pumps or 20 or more truck parking spaces	10 or more diesel fuel pumps or 20 or more truck parking spaces	10 or more diesel fuel pumps or 20 or more truck parking spaces	10 or more diesel fuel pumps or 20 or more truck parking spaces
(19) Correctional/Detention Facilities	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips
(20) Any other development types not identified above (includes parking facilities)	1000 parking spaces or, if available, more than 5,000 daily trips generated	1000 spaces or 5,000 daily trips	1000 spaces or 5,000 daily trips	1000 spaces or 5,000 daily trips	1000 spaces or 5,000 daily trips

FEE SCHEDULE
(Revised: February 25, 2014)

1. **Rezoning, Change-in-Conditions and Special Use Permit Fees -**
(Note: a Special Use Permit related to a companion rezoning case shall not incur an additional fee)

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

<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: **OSC, R-60, MH, TND, R-SR, R-TH, RM-13 and RM-24.**

<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.

- C. For the following commercial, office and industrial zoning districts: **C-I, C-2, C-3, O-I, O-R, M-I and M-2.**

<u>Base Fee #1:</u>	
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
<u>Base Fee #2:</u>	
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
<u>Maximum Fee:</u> \$10,000	

- 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.

- D. For the following mixed-use and high-zoning districts: **MU-N, MU-C, MU-R and HRR.**

<u>Fee:</u>	
MU-N	= \$1,000 plus \$50 per acre
MU-C	= \$2,000 plus \$100 per acre
MU-R	= \$3,000 plus \$150 per acre
HRR	= \$3,000 plus \$150 per acre
<u>Maximum Fee:</u> \$10,000	

2. Moved-In-House Application Fee - **\$300.**
3. Buffer Reduction (Greater than 50%) Application Fee - **\$500.**
4. Zoning Certification Letter - **\$50** (per non-contiguous parcel).
5. Auto Broker Permit - **\$300.**
6. Zoning Notice Sign Deposit - **\$150 per sign (\$100 is refundable upon return of sign).**