

Procedures and Instructions

Rezoning, Change in Conditions, and
Special Use Permit Applications

Department of Planning & Development
Planning Division

EFFECTIVE JUNE 30, 2023



Table of Contents

Procedures	2
Submittal and Review Process.....	2
Instructions.....	5
Pre-Application Meeting	5
Application Form	5
Application Fee	6
Letter of Intent	6
Boundary Survey including Existing Conditions.....	7
Legal Description.....	7
Site Plan	7
Additional Application Requirements	8
Building Elevations	10
Standards of Review	11
Conflict of Interest Certification Form.....	11
Verification of Current Paid Property Taxes	11
Proof of Mailing for Public Notification Letters.....	11
Traffic Impact Study.....	12
Sewer Capacity Certification	12
Developments of Regional Impact.....	13

Application Procedures

The following information is related to rezoning, change in conditions, and special use permit applications. Please note that the Planning Division processes applications for unincorporated Gwinnett County only. Refer to the [Public Hearing Schedule](#) for filing deadlines and public hearing dates.

For further information regarding each application type, please see the following sections of the Unified Development Ordinance (UDO):

- [Section 270-20 – Zoning Ordinance Text and Map Amendments \(Rezoning\)](#)
- [Section 270-30 – Special Use Permits](#)
- [Section 270-20.9 – Change in Conditions of Zoning](#)

The Board of Commissioners has limited the number of rezoning requests considered at their public hearings to fourteen (14) per month, the number of special use permit requests to eight (8) per month, and the number of change in conditions requests to six (6) per month.

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

Submittal and Review Process

Note: Each application type requested requires a separate application.

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

- A. A pre-application meeting is required prior to application submittal per the [Public Hearing Schedule](#). See the [Instructions](#) section of this document for additional information regarding pre-application requirements.
- B. Applications must be submitted electronically to the following the County's [ZIP Portal](#). All required fees will be invoiced following official application acceptance. Fees are not required at time of application submittal. See [Instructions](#) for additional details. **Note: Once the application is officially accepted and fees are paid, no refunds will be issued.**
- C. Staff reviews the application for completeness and communicates with the applicant regarding any missing information. Generally, applicants will receive an initial notification that the application has been received, followed by a complete or incomplete letter within seven (7) business days. If an incomplete letter is received, applicants will generally have

two (2) business days to submit any required revisions or additional documents. If these items are not received as prescribed above, the application will be moved to the following month's public hearing cycle.

- D. The Planning Division will place a legal notice in the Gwinnett Daily Post newspaper and post one or more public notice signs on the property at least 15 days prior to the Planning Commission public hearing.
- E. The applicant will receive an instruction packet approximately one month prior to the scheduled Planning Commission public hearing date, detailing the public notice mailing requirements. If the applicant fails to mail notices by the stated deadline, the case will be administratively held. The applicant is required to mail public notices to property owners within 1,000-feet of the subject property (by U.S. Mail) and provide proof of mailing. Instructions and a mailing list will be provided.
- F. Once an application is officially accepted, the applicant may withdraw the application prior to the published withdrawal deadline. Following this deadline, all applications must proceed through the public hearing process and must receive final action by the Board of Commissioners. **Please refer to the [Public Hearing Schedule](#) for withdrawal deadlines.** Written notification, via email, of a request to withdrawal is required. Withdrawals are not approved until the receipt of the request is confirmed by the Planning Division via email.
- G. A staff case report is prepared, and generally includes a recommendation of approval, approval with conditions, or denial. A copy of the report is provided to the applicant via email prior to the Planning Commission public hearing. Please note that this is only a recommendation. The Board of Commissioners makes the final decision on all applications.
- H. A public hearing is required before the Planning Commission. The applicant, or the applicant's representative, must be present during the public hearing. Failure to appear at the Planning Commission meeting could result in a recommendation of denial. Those in support of the application and those in opposition of the application will each be provided up to ten (10) minutes per application to speak at the public hearing. A recommendation is made by the Planning Commission to the Board of Commissioners following the public hearing. The Planning Commission generally meets on the first Tuesday of each month. Additional meetings are scheduled as necessary. Meetings are typically held at 7:00 p.m. at the Gwinnett Justice and Administration Center Auditorium, 75 Langley Drive, Lawrenceville, Georgia. Please note that the Planning Commission only provides a recommendation. The Board of Commissioners makes the final decision on all applications.
- I. A public hearing is required before the Board of Commissioners. The applicant or the applicant's representative must be present during the public hearing. Failure to appear at the Board of Commissioners' meeting could result in denial of the request. Those in support of the application and those in opposition of the application will each be provided up to ten (10) minutes per application to speak at the public hearing. The Board of Commissioners generally meets on the fourth Tuesday of each month to consider

applications. This meeting is typically held at 7:00 p.m. at the Gwinnett Justice and Administration Center Auditorium, 75 Langley Drive, Lawrenceville, Georgia. A resolution verifying the Board of Commissioner's decision, along with any conditions of approval, will be provided to the applicant typically within 30 calendar days.

- J. The Planning Commission and the Board of Commissioners may also vote to table or continue the public hearing. In this case, the public hearing, recommendation, and/or decision will be tabled or continued to a specific future meeting.
- K. No application or reapplication affecting the same parcel of land shall be acted upon within twelve (12) months from the date of last action by the Board of Commissioners unless such twelve (12) month period is waived by the Board of Commissioners. A request to consider such a waiver is submitted on forms provided by the Planning Division. In no case, shall an application or reapplication be acted upon in less than six (6) months from the date of last action by the Board of Commissioners.

Application Instructions

Pre-Application Meeting Required

A pre-application meeting is required prior to the submittal of any rezoning, change in conditions, special use permit, or waiver application. This process provides applicants an opportunity to meet with staff to discuss and review submittal information prior to submitting an official application. Please see the [Public Hearing Schedule](#) for submittal deadlines.

Requests for Pre-application meetings must be submitted electronically through the County's [ZIP Portal](#). On the ZIP Portal homepage, select Zoning Applications to find the Pre-application request page. Minimum concept plan requirements for pre-application meetings include:

- Project/building locations or lot design/layout;
- Proposed density (for residential uses);
- Proposed square footage (for non-residential uses);
- Location and percentage of open space/common area;
- Location of access driveways and parking;
- Location of any known easements;
- Required buffers, landscape and building setbacks; and
- Anticipated stormwater management facility location(s).

The applicant is required to attend the pre-application meeting; however, the applicant's design professionals and other representatives are also encouraged to attend if being utilized for the application. At the conclusion of the pre-application meeting, the applicant and a staff member will sign a required pre-application acknowledgment form. **This signed form must be included with the official application submittal.** A record of comments during the pre-application meeting will be provided to the applicant via email. All pre-application meetings are held virtually.

Note: Please see the [Traffic Impact Study](#) and [Sewer Capacity Certification](#) sections of these instructions prior to requesting a pre-application meeting. Representatives from the Department of Transportation and the Department of Water Resources will attend the pre-application meeting to answer any questions related to these requirements.

Application Submittal

All applications are submitted through the County's [ZIP Portal](#). On the ZIP Portal homepage, select Zoning Applications to find the correct application type request page. In addition, a separate request is required for each zoning district and application type being requested (rezoning, special use permit, and change in conditions). See below for additional documents required at time of submittal.

Concurrent Requests

Variances from Title 2 of the UDO and Waivers from Title 3 of the UDO may be requested concurrently with zoning applications. See [Section 270-100.7](#) of the UDO for information regarding prohibited variances.

Alternative Architectural Reviews (AAR) for deviations from the Gwinnett [Architectural Design Standards](#) included in the UDO shall be reviewed and approved by the Planning Commission. Creative, innovative, and unique designs are encouraged, but care must be taken to maintain compatibility with surrounding buildings and community features. Detailed [Building Renderings](#) shall be submitted that demonstrate the details of the AAR request.

All concurrent requests shall be included in the applicant's [letter of intent](#) and are requested through the ZIP Portal.

Application Fee

Fee payment is not required upon initial application submittal. All required fees will be invoiced following official application acceptance by the Planning Division. Applicants will receive instructions regarding online fee payment via email. Refer to the [Rezoning, Change in Conditions, and Special Use Permit Fees](#) for details regarding application fees.

Letter of Intent

One (1) electronic copy of a letter of intent must be uploaded with the application. This letter must give details of the proposed use and development of the property. For change in conditions requests, the letter must specify proposed modifications to the current zoning conditions and the reason for each proposed change. The letter of intent shall include a summary of all concurrent requests.

For special use permits proposed to operate within a residential dwelling, or as accessory use to a residential dwelling, the letter must also include the following:

- A **signed statement** in which the applicant agrees that the special use permit, if approved, shall automatically terminate if 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 Division Director in writing upon the occurrence of any of these events; and
- Any 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.

Boundary Survey including Existing Conditions

One (1) electronic copy of a current boundary survey must be uploaded with the application. The boundary survey must be to scale, prepared by a registered surveyor, and display all metes and bounds and existing site conditions. Existing site conditions include, but are not limited to, all impervious surfaces, environmental features, and easements. For special use permits within a non-residential building of an established commercial center, a survey is not necessary if the Site Plan (see below) shows the required information.

Legal Description

One (1) electronic copy of a legal description, uploaded as a separate document, is required for all requests. The legal description must be a "metes and bounds" description matching the metes and bounds calls on the current boundary survey. If multiple parcels are involved in the request, all properties must be combined into one legal description reflecting the boundary of the zoning request. **If the properties are not contiguous, (including those divided by a right-of-way) a separate legal description must be submitted for each property.** For requests for multiple zoning districts, a separate legal description must be submitted for each district requested. Total acreage of the described properties must be noted on each legal description. If the property is a lot within a recorded subdivision, a metes and bounds description is not required. In this case, indicating the lot and block number on the application and providing a copy of the final recorded plat is sufficient.

Site Plan

One (1) electronic copy of a high-resolution site plan drawn to scale and reduced to 8.5" x 11" must be uploaded with each application. This site plan must show the proposed conditions of the site. Existing features to be removed shall not be shown on the Site Plan, as they are included in the boundary survey. The following features are required:

- External property lines with dimensions;
- Proposed zoning district(s) and adjoining property zoning districts;
- Proposed internal lot lines and parcels with dimensions;
- Proposed FAR;
- Existing and proposed streets (paving, curb and gutter, and right-of-way dimensions) and indication whether private or public;
- Existing and proposed building and structure locations labeled with total square footage and maximum height;
- Dumpster locations;
- Listing of unit breakdown for residential uses including number of bedrooms and square footage;
- Existing and proposed sidewalks and trails;
- Stormwater management facilities;
- Driveways, loading docks, and parking spaces with parking calculations;
- Required setbacks and buffers;

- Proposed setbacks and buffers;
- Floodplain, wetlands, state waters (including streams), dam breach zones, lakes, ponds, and associated buffers and setbacks;
- Drainage and utility easements;
- Location of any existing or proposed septic fields;
- Fences and retaining walls with maximum height and materials;
- Landscape strips and required landscaped areas;
- Open space and common area locations, dimensions, and features;
- Proposed common amenities;
- Property address of subject site and adjoining parcels;
- North arrow, vicinity map, legend, and scale; and
- Additional items as may be required.

Any other site plan elements required by the [Unified Development Ordinance \(UDO\)](#), as detailed below in the [Additional Application Requirements](#), shall be uploaded by the Applicant.

Additional Application and Site Plan Requirements

The Unified Development Ordinance (UDO) requires additional zoning exhibits be uploaded for certain zoning districts, as follows:

- A. One (1) electronic copy of a location map indicating existing zoning on the site and of adjacent areas along with such other architectural and engineering data, as may be required by the Department, for rezoning requests to the following zoning districts:
 - a. [OSC, Open Space Conservation District](#);
 - b. [TND, Traditional Neighborhood Development](#);
 - c. [R-SR, Senior Oriented Residence](#);
 - d. [R-TH, Single-Family Townhouse](#);
 - e. [HRR, High-Rise Residence](#); and
 - f. [MU-N, Neighborhood Mixed-Use, MU-C, Community Mixed-Use, and MU-R, Regional Mixed-Use](#).

- B. One (1) copy of a conceptual signage plan is required for rezoning requests for the following zoning districts:
 - a. [TND, Traditional Neighborhood Development](#); and
 - b. [MU-N, Neighborhood Mixed-Use, MU-C, Community Mixed-Use, and MU-R, Regional Mixed-Use](#)

- C. The following additional information must be included on submitted site plans for rezoning requests to the districts below:
 - a. [R-TH, Single-Family Townhouse](#) site plans must be drawn to a scale no smaller than 1-inch equals 100 feet, and include the following additional information:

- i. Topography with contour intervals greater than 20 feet;
 - ii. Amount of common space in square feet;
 - iii. Proposed recreation facilities (if applicable); and
 - iv. Pedestrian circulation and connectivity.
 - b. [HRR, High-Rise Residence](#) site plans must include the following additional information:
 - i. Street trees;
 - ii. Topography; and
 - iii. Percentage of Open Space.
 - c. [R-SR, Senior Oriented Residence](#) site plans must include the following additional information:
 - i. Street trees; and
 - ii. Topography.
 - d. [TND, Traditional Neighborhood Development](#) site plans must include the following additional information:
 - i. Street trees;
 - ii. Land use category calculations; and
 - iii. Topography.
 - e. [OSC, Open Space Conservation District](#) site plans must include the following additional information:
 - i. Street trees;
 - ii. Primary and secondary conservation space with percentages; and
 - iii. Topography.
 - f. [MU-N, Neighborhood Mixed-Use, MU-C, Community Mixed-Use, and MU-R, Regional Mixed-Use](#) site plans must include the following additional information:
 - i. Land use category calculations;
 - ii. Street trees; and
 - iii. Topography.
- D. An Existing Features Site Analysis Plan prepared by an authorized registered professional, botanist, ecologist, or a biologist or a combination thereof is required for rezoning requests to the [OSC, Open Space Conservation District](#) and must include the following elements:
- a. Delineation of areas that have been identified as worthy of permanent protection in conservation space because of their environmental values.
 - b. Set forth the particulars of the site, including but not limited to boundary, flora and fauna ecosystems, topographic data (minimum 4-foot contour intervals), existing structures and utility easements in a plan that shall include at a minimum the following information:
 - i. Closed boundary of the site;
 - ii. Flora and fauna ecosystems with their locations mapped and delineated on the plan;

- iii. The date in which the flora and fauna were surveyed;
- iv. Identification of protected plant species as listed by the Georgia Department of Natural Resources, to be certified by a forester, arborist, biologist, botanist or horticulturist;
- v. Perennial and intermittent streams, FEMA designed 100-Year Flood Hazard Zones and Wetlands. The source of this information shall also be indicated;
- vi. Identification of tree lines, native woodlands, open fields or meadows, peaks or rock outcroppings, and prime agricultural land;
- vii. Delineation of tree resource areas by type such as hardwoods, pines or mixed; and old or new growth;
- viii. Delineation of steep slope areas (25 percent or greater). Slopes greater than 25 percent shall be undisturbed except for vegetation needed to deter erosion;
- ix. Identification of historical, archaeological or other significant features;
- x. The plan also shall include certification by the owner that timber harvesting activity has not occurred on the property in the previous 24 months prior to filing an application for OSC zoning; and
- xi. Identification of Primary Conservation Space, Secondary Conservation Space and other common areas

Building Elevations

One (1) electronic copy of scaled, high-resolution, color elevations of all sides of proposed buildings reduced to 8.5" x 11" and/or one (1) electronic copy of color photography of all sides of existing buildings to remain must be uploaded with the application. Elevations must include notation of specific material types and finishes including color names with an associated legend. Elevations meeting these requirements are also required for proposed canopies.

Individual, detailed elevations are not required for proposed individual single-family detached and attached structures within a residential development. Instead, typical, color elevations demonstrating the general design characteristics of the front, side, and rear of homes within the development may be submitted. Elevations are not required for applications related to requests within existing, individual, single-family detached residential lots or homes.

The [Gwinnett County Architectural Design Standards](#) apply to all buildings and structures in the County. See the Architectural Design Standards for Zoning Districts [Table](#) to determine what standards apply based on the current or proposed zoning district and proposed development type. Any proposed alternate building designs, architectural materials, or color selections that vary from the architectural design standards must be reviewed and approved by the Planning Commission as an [Alternative Architectural Review](#). Any such requests should be requested through the ZIP Portal, detailed in the applicant's [Letter of Intent](#), and noted on the submitted building elevations.

Standards of Review

The following standards of review must be addressed during application submittal through the County's ZIP Portal or through a separate document uploaded with the application. A response of "Yes" or "No" is not sufficient when addressing these standards. For rezoning, change in conditions, and special use permit applications, the Board of Commissioners finds that the following standards shall govern the exercise of zoning power:

- A. Whether a proposed rezoning, change in conditions, or special use permit will permit a use that is suitable in view of the use and development of adjacent and nearby property;
- B. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property;
- C. Whether the property to be affected by a proposed rezoning, change in conditions, or special use permit has a reasonable economic use as currently zoned;
- D. Whether the proposed rezoning, change in conditions, or special use permit will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
- E. Whether the proposed rezoning, change in conditions, or special use permit is in conformity with the policy and intent of the [Unified Plan and Future Development Map](#); and
- F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning, change in conditions, or special use permit.

Conflict of Interest Certification Form

One (1) electronic copy of a signed and notarized Conflict of Interest Certification Form for each party associated with the request. This includes all applicants, property owners, and their representatives. Conflict of Interest Certification Forms must be uploaded with the application.

Verification of Current Paid Property Taxes

The applicant must upload proof that property taxes have been paid on all land proposed for a rezoning, change in conditions, or special use permit. This [form](#) must be signed by the applicant and verified and signed by the [Tax Commissioner's Office](#). The Tax Commissioner's Office is located at the Gwinnett Justice and Administration Center, 75 Langley Drive, Lawrenceville, GA 30046.

Proof of Mailing for Public Notification Letters

Applicants must mail public notification letters to all properties within 1,000 feet of any site subject to a rezoning, change in conditions, or special use permit application. Directions and a mailing list will be provided to the applicant following [application submittal](#) and official acceptance. Letters must be mailed with first class postage (certified or registered mail is not required). Applicants **MUST** use [Postal Service Form\(s\) 3877](#) and include the itemized name and address of each

addressee. This form must be postmarked no later than the notification deadline provided with the mailing list. Each 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 uploaded to the [ZIP Portal](#) by the notification deadline in the [Public Hearing Schedule](#).

Traffic Impact Study

The Gwinnett County Department of Transportation (GCDOT) has [guidelines](#) to complete Traffic Impact Studies (TIS) as part of the zoning process. The guidelines establish uniform criteria in developing a TIS and are intended to facilitate communication and coordination between all parties who conduct business within Gwinnett County.

The level of analysis for a TIS is proportional to the size, scope, and trip generation of the proposed development as described in the GCDOT Traffic Impact Study Guidelines. Levels of analysis range from a Level 1 analysis for projects generating 20 or less peak hour trips to a Level 4 analysis for a Development of Regional Impact, as defined below, and/or projects generating 500 or more peak hour trips. The TIS is required to be completed by an engineer or firm that is prequalified by the Georgia Department of Transportation (GDOT) in Area Class 3.06 – Traffic Operations Studies. It is recommended that the PE also have a Professional Traffic Operations Engineer (PTOE) certification to complete a Level 3 or Level 4 TIS. The GCDOT reserves the right

A TIS is not required for the following:

- All single-family residential (detached and townhouses) developments less than 8 units;
- All commercial developments less than 10,000 square feet, including building additions;
- Agricultural development with daily trips below 1,000 trips (per Institute of Transportation Engineers [ITE] Trip Generation Manual);
- Any application for existing development with no proposed change in use.
- Rezoning for refinancing purposes only; or
- If the TIS requirement is waived by GCDOT.

An electronic copy of a Traffic Impact Study meeting the requirements above must be uploaded at time of application submittal to the Department of Planning and Development.

Sewer Capacity Certification

The Gwinnett County Department of Water Resources (DWR) implements a Sewer Capacity Certification program. This program verifies capacity in the public sewer system for new developments or re-developments. This program ensures that new development flows can safely connect to the existing wastewater system without exceeding the capacity of the existing pipes, pump stations, or treatment facilities.

All new developments or redevelopments to be served by the County's water and sewer system must apply for Sewer Capacity Certification. A rezoning, change in conditions, or special use permit application meeting any of the following criteria will require Sewer Capacity Certification at time of submittal the Department of Planning and Development:

- All mixed-used and multi-family residential developments;
- All single-family residential (detached and townhouses) developments greater than 7 units;
- All commercial developments greater than 10,000 square feet, including building additions;
- All industrial and institutional developments;
- Any development within an existing building with a change in use requiring increased water usage; or
- Agricultural development (vertical farms, hydroponic, and other urban agricultural operations)

Applications meeting any of the following criteria will not require Sewer Capacity Certification prior to rezoning:

- Applications for an existing building or tenant space with no change in use or increased water usage;
- Rezoning for refinancing purposes only;
- Single-family residential (detached and townhouses) developments less than or equal to 7 units; or
- Developments to be served by private septic systems.

Applicants are encouraged to contact DWR early in the planning process to confirm sewer capacity availability and water connection requirements. For sewer capacity forms and requirements please visit the [Department of Water Resources Developer Resources](#).

An electronic copy of an approved Sewer Capacity Form must be uploaded at time of application submittal to the Department of Planning and Development.

Developments of Regional Impact

Certain developments require regional review as a Development of Regional Impact (DRI) facilitated by the Atlanta Regional Commission (ARC) and Georgia Regional Transportation Authority (GRTA). The DRI review will be initiated by the Planning Department upon submittal of an application. For additional information about DRI's please visit [ARC's Developments of Regional Impact \(GRTA/DRI\) Review \(atlantaregional.org\)](#).