

Procedures and Instructions

Rezoning, Change in Conditions, and
Special Use Permit Applications

Department of Planning & Development
Planning Division

EFFECTIVE JANUARY 1, 2024



Table of Contents

- Application Procedures 2
 - Submittal and Review Process..... 2
- Application Submittal Instructions 5
 - Pre-Application Meeting Minutes..... 5
 - Letter of Intent 5
 - Boundary Survey including Existing Conditions..... 5
 - Legal Description..... 5
 - Site Plan 5
 - Additional Site Plan Requirements 6
 - Building Elevations 7
 - Standards of Review 8
 - Conflict of Interest Certification Form..... 8
 - Verification of Current Paid Property Taxes 8
 - Traffic Impact Study..... 8
 - Sewer Capacity Certification 9
 - Public Participation Plan..... 10
 - Developments of Regional Impact..... 10
- Fee Schedule 11

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 270-20.10 – Change in Conditions of Zoning](#)
- [Section 270-30 – Special Use Permits](#)

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 Gwinnett County Planning Commission, and the Gwinnett County Board of Commissioners. The following steps outline the application submittal and review process:

- A. **Pre-Application Meeting.** A Pre-Application Meeting is required prior to application submittal in accordance with the [Public Hearing Schedule](#). A Pre-Application Meeting may be scheduled by emailing the [Pre-application Information Form](#) and concept plan to P&D-PlanningZoning@gwinnettcountry.com. The applicant is required to attend the pre-application meeting; however, the applicant's design professionals and other representatives are also encouraged to attend. Following the Pre-Application Meeting, staff will provide the applicant with Pre-Application Meeting Minutes via email. **The Pre-Application Meeting Minutes must be included with the official application submittal.** 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 may attend the pre-application meeting to answer any questions related to these requirements.

- B. **Application Submittal.** Applications must be submitted electronically to the Planning Division email address: P&D-PlanningZoning@gwinnettcountry.com in Adobe PDF format. A separate request is required for each zoning district and application type (rezoning, special use permit, and change in conditions). Variances from Title 2 of the UDO may be requested concurrently with zoning applications. See [Application Submittal Instructions](#) for required documents at time of submittal. Please see the [Public Hearing Schedule](#) for submittal deadlines. Fees are not required at time of application submittal, and will be invoiced following official application acceptance.
- C. **Application Acceptance.** 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 have two (2) business days to submit missing information. If these items are not received and deemed complete as prescribed above, the application will be rejected and must be resubmitted for further consideration.
- D. **Fee Payment.** 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 [Fee Schedule](#) for details. **Note: Once the application is officially accepted and fees are paid, no refunds will be issued.**
- E. **Public Participation Meeting and Report.** An **in-person** Public Participation Meeting is required for all applications that meet the criteria outlined in the [Public Participation Requirements](#). The meeting shall be held early in the process, at a convenient location and time. All interested parties identified in the Public Participation Plan shall be notified by written notice, a minimum of 14 days before the meeting. Following the Public Participation Meeting, a Public Participation Report shall be completed and provided to the Planning Division in accordance with the [Public Hearing Schedule](#). This report will be made a part of the official file and will be provided to the Planning Commission and the Board of Commissioners.
- F. **Legal Notice.** The Planning Division will place a legal notice in the Gwinnett Daily Post newspaper and post one notice sign on the property for each road frontage, at least 15 days prior to the Planning Commission public hearing.
- G. **Public Notice Mailing.** 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. The applicant will receive an instruction packet approximately one month prior to the Planning Commission public hearing date, detailing the public notice mailing requirements. 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 Postal Service 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 emailed to P&D-PlanningZoning@gwinnettcountry.com by the notification deadline.

If the applicant fails to mail notices by the stated deadline, the case will be administratively held.

- H. **Application Withdrawal.** The applicant may withdraw the application prior to the withdrawal deadline in accordance with the [Public Hearing Schedule](#). Following this deadline, all applications must proceed through the public hearing process and must receive final action by the Board of Commissioners. Written notification, via email, of a request to withdraw is required. Withdrawals are not approved until the receipt of the request is confirmed by the Planning Division via email. **No refunds will be issued.**
- I. **Staff Case Report.** 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. **Staff cannot modify the report once it is published. Please note that this is only a recommendation. The Board of Commissioners makes the final decision on all applications.**
- J. **Planning Commission Public Hearing.** 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 delay of the public hearing or 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 to speak at the public hearing. Following the public hearing, the Planning Commission will make a recommendation to the Board of Commissioners. Please refer to the [Public Hearing Schedule](#) for Planning Commission hearing dates. 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.**
- K. **Board of Commissioners Public Hearing.** 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 delay of the public hearing or 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 to speak at the public hearing. Please refer to the [Public Hearing Schedule](#) for Board of Commissioners hearing dates. This meeting is typically held at 7:00 p.m. at the Gwinnett Justice and Administration Center Auditorium, 75 Langley Drive, Lawrenceville, Georgia. Staff will provide the applicant with a resolution verifying the Board of Commissioner's decision along with any conditions of approval, typically within 30 calendar days.
- L. 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.
- M. No application or reapplication affecting the same parcel of land shall be acted upon within six (6) months from the date of last action by the Board of Commissioners.

Application Submittal Instructions

Pre-Application Meeting Minutes

One electronic copy of the Pre-Application Meeting Minutes must be submitted with the application.

Letter of Intent

One electronic copy of a letter of intent must be submitted 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 variance and waiver requests, the applicant must provide references to specific code sections to vary from.

Boundary Survey including Existing Conditions

One electronic copy of a current boundary survey must be submitted 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 in an established commercial center, a survey is not necessary if the Site Plan shows the required information.

Legal Description

One electronic copy of a legal description, submitted as a separate document, is required. 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 recorded plat is sufficient.

Site Plan

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

- External property lines with dimensions;
- Property address of subject site and adjoining parcels;
- Proposed zoning district(s) and adjoining property zoning district(s);

- Proposed internal lot lines with dimensions;
- Required and proposed setbacks, buffers, and landscape strips;
- Existing and proposed building and structure locations labeled with total square footage and maximum height;
- Required and proposed lot coverage (impervious surface areas);
- Proposed residential density and minimum square footage for all residential development;
- Breakdown of housing types for single-family development;
- Breakdown of unit mix by the number of bedrooms for multifamily development;
- Proposed FAR (LRR, MRR, HRR, O-I, C-1, C-2, C-3, M-1, M-2, MU-M, MU-C, and MU-R);
- Existing and proposed streets (paving, curb and gutter, and right-of-way dimensions) and indication whether private or public;
- Existing and proposed sidewalks and trails;
- Driveways, loading spaces, and parking spaces with parking calculations;
- Dumpster locations;
- Open space and common area locations, dimensions, percentage, and features;
- Floodplain, wetlands, state waters (including streams), dam breach zones, lakes, ponds, and associated buffers and setbacks;
- Stormwater management facilities;
- Location of any existing or proposed septic fields;
- Existing and proposed easements (drainage, utility and access);
- Topography;
- Fences and retaining walls with maximum height and materials;
- 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 shall be submitted by the applicant.

Additional Site Plan Requirements

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

- A. A **Land Use Category Calculation** must be included on submitted site plans for rezoning requests to the [TND District](#) and [Mixed-Use Districts \(MU-N, MU-C, MU-R\)](#).
- B. A **Phasing Plan** must be included for rezoning requests to the [Mixed-Use Districts \(MU-N, MU-C, MU-R\)](#). Such Phasing Plan shall describe and illustrate in written and graphic format the incremental implementation of the mixed-use development over time, including the sequence, timing, and responsibility for construction of each building, support facilities, infrastructure, and utilities.
- C. An **Existing Features Site Analysis Plan** prepared by an authorized registered professional, botanist, ecologist, or a biologist is required for rezoning requests to the [OSC 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

Building Elevations

One electronic copy of scaled, high-resolution, color elevations of all sides of proposed buildings reduced to 8.5" x 11" and/or one electronic copy of color photography of all sides of existing buildings to remain must be submitted 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 single-family detached and attached buildings within a residential development. Instead, color elevations demonstrating the general design characteristics of the front, side, and rear of homes 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. Any proposed alternate building designs, architectural materials, or color selections that vary from the architectural design standards must be reviewed and approved by the Director of Planning and Development or the Planning Commission as an Alternative Architectural Review. Any such requests should be 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 submitted as a separate document or filled out with the application. **A response of “Yes” or “No” is not sufficient when addressing these standards.**

- 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, change in conditions, or special use permit 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 electronic copy of a signed and notarized Conflict of Interest Certification Form for each party associated with the request must be submitted with the application. This includes the applicant(s), property owner(s), and their representative(s).

Verification of Current Paid Property Taxes

The applicant must submit 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.

Traffic Impact Study

An electronic copy of a Traffic Impact Study that meets the requirements below must be submitted at time of application submittal to the Department of Planning and Development, if applicable. 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, 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 professional engineer also has a Professional Traffic Operations Engineer (PTOE) certification to complete a Level 3 or Level 4 TIS.

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 the latest version of the Institute of Transportation Engineers 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.

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, to ensure that development flows can safely connect to the existing wastewater system without exceeding the capacity of the existing pipes, pump stations, or treatment facilities.

A rezoning, change in conditions, or special use permit application meeting any of the following criteria will require Sewer Capacity Certification at time of application submittal to 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:

- 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 submitted at time of application submittal to the Department of Planning and Development, if applicable.

Public Participation Plan

For any rezoning, special use permit, or change in conditions application that meets any of the following criteria, a Public Participation Plan shall be completed and submitted as part of the application. See the [Public Participation Requirements](#) for additional details.

1. Rezoning Applications:

- a) Resulting in the creation of more than 10 new residential lots and/or units.
- b) Resulting in the construction of more than 5,000 square feet of non-residential buildings and/or additions to buildings.
- c) Resulting in more than 10,000 square feet of land disturbance.

2. Special Use Permit Applications:

- a) Resulting in the construction of more than 5,000 square feet of non-residential buildings and/or additions to buildings.
- b) Resulting in more than 10,000 square feet of land disturbance.

3. Change-in-Conditions Applications:

- a) Resulting in the creation of more than 10 additional residential lots and/or units.
- b) Resulting in the construction of more than 5,000 square feet of additional non-residential buildings and/or additions to buildings.
- c) Resulting in more than an additional 10,000 square feet of land disturbance.
- d) Requesting any increase in building height, reduction of any building setback from an external property line, reduction of buffers, changes to the architecture of exterior façades, change in use or mixture of uses, or major changes to approved site plans as determined by the Planning and Development Director.

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 Division upon acceptance of an application. For information about DRI, please visit [ARC's Developments of Regional Impact \(GRTA/DRI\) Review](#).

Fee Schedule

Note: The maximum application fee is \$10,000. No additional fee is required for a special use permit related to a rezoning application.

- For **RA-200, R-LL, R-100 and R-75** Zoning Districts.

<p>Fee:</p> <p>0 - 5 Acres = \$ 500</p> <p>> 5 - 10 Acres = \$ 1,000</p> <p>> 10 - 20 Acres = \$ 1,500</p> <p>> 20 - 100 Acres = \$ 2,000</p> <p>> 100 - Acres = \$ 2,500 plus \$40 for each additional acre over 100</p>
--

- For **OSC, R-60, TND, R-SR, R-TH, R-IF, LRR, and MRR** Zoning Districts.

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

- For **C-1, C-2, C-3, O-1, M-1, and M-2** Zoning Districts.

<p><i>The fee is based on the site acreage or the square footage of the proposed building(s), whichever is greater.</i></p> <p>Base Fee #1:</p> <p>0 - 5 Acres = \$ 750</p> <p>> 5 - 10 Acres = \$1,500</p> <p>> 10 - 20 Acres = \$2,000</p> <p>> 20 - 100 Acres = \$2,500</p> <p>> 100 - Acres = \$3,000 plus \$40 for each additional acre over 100</p> <p>Base Fee #2:</p> <p>0 - 20,000 sq. ft. = \$ 750</p> <p>> 20,000 - 50,000 sq. ft. = \$1,500</p> <p>> 50,000 - 100,000 sq. ft. = \$2,000</p> <p>> 100,000 - 500,000 sq. ft. = \$2,500</p> <p>> 500,000 = \$3,000 plus \$100 per 100,000 sq. ft. over 500,000</p>

- For **MU-N, MU-C, MU-R and HRR** Zoning Districts.

Fee:

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