

# **City of Suwanee**

## **Rezoning and Change of Conditions Application Process**

An application is submitted to Suwanee City Hall. Please see the rezoning schedule for filing deadlines and public hearing dates.

The Planning and Inspections Department reviews the application and makes both an oral and a written recommendation. The written recommendation is mailed to the Planning Commission. Additional copies of the report may be obtained by calling the City of Suwanee.

Legal notice is required to be printed in a newspaper of general circulation. This notice appears in the local newspaper at least 15 days before the public hearing.

A public hearing sign is erected on the property at least 15 days before the public hearing. This sign will be erected by the City of Suwanee. The City is also required to notify, by mail, property owners of abutting property that an application has been filed.

For rezoning requests, the City of Suwanee Planning & Zoning Commission reviews the facts in the case at its scheduled meeting. A recommendation is forwarded to the Suwanee City Council. The Planning Commission normally meets on the first Tuesday of each month. It is held in the Council chambers of Suwanee City Hall, 330 Town Center Avenue, Suwanee, Georgia 30024.

The Suwanee City Council normally meets on the fourth Tuesday of each month to consider applications. This meeting is also held in the Council chambers of Suwanee City Hall, 330 Town Center Avenue, Suwanee, Georgia 30024.

Once an application is made, the applicant may withdraw the application without prejudice only before legal advertisement of a public hearing is placed in a newspaper of general circulation in Gwinnett County. No application may be withdrawn under any circumstances after the legal advertisement of a public hearing has been placed. All applications advertised shall receive final action by the City Council. Written notification of withdrawal is required. If an application is withdrawn before placement of the legal advertisement, a refund of the application fee will be made.

No application or reapplication affecting the same land which has been denied shall be acted upon in less than 12 months from the date of last action by the City Council. This time period may be reduced to no less than 6 months by the City Council.

A change in the conditions of zoning will be processed as a new rezoning 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.

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."

**CITY OF SUWANEE REZONING INFORMATION  
REQUIRED ITEMS:**

**A. APPLICATION FORM**

One (1) copy of the appropriate Application Form with a legal description of the subject property must be submitted. Separate applications will be required for noncontiguous property (e.g. separated by a road or property). A separate application will also be required for each zoning classification requested (C-1 and O-I, for example, would require two applications) even if properties are contiguous.

If the proposal is a "Development of Regional Impact", one additional application with legal description together with the appropriate form and all supporting information and data will be required (see Development of Regional Impact).

**B. APPLICATION FEE**

Fees for rezoning and special use requests are the same for all zoning districts, unless the subject property is less than 1.0 acre. The below fees for Special Use Permits only apply to applications that are not accompanied by a rezoning application.

- a. Single Family Residential (<1.0 acre).....\$200.00
- b. Non-Residential/Multi-Family/Mixed Use (<1.0 acre).....\$500.00
- c. 1 acre to <10.0 acres.....\$500.00
- d. 10.0 acres to <15.0 acres.....\$1,000.00
- e. 15.0 acres to <20.0 acres.....\$1,500.00
- f. 20.0 acres or more.....\$2,000.00
- g. Special Use Permit (with an associated rezoning request)..... \$250.00

**C. 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 properties, 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.

**D. 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.

**E. SITE PLAN**

- One Full Size (if necessary) and an 11x17 reduced copy of a Site Plan. This site plan must show:
  - total acreage and net acreage
  - existing and proposed streets (paving and r-o-w)
  - proposed building locations
  - floodplain
  - other pertinent items
  - required setbacks and buffers
  - driveways
  - parking spaces
  - existing buildings
- A digital copy of all plans must be submitted with the application.

**NOTE: REQUESTS FOR THE PMUD CLASSIFICATION REQUIRES ADDITIONAL INFORMATION. PLEASE SEE THE CITY OF SUWANEE ZONING ORDINANCE FOR ALL OF THE REQUIREMENTS.**

**F. LETTER OF INTENT**

The Letter of Intent must give details of the proposed use of the property and should include at least the following information: a statement as to what the property is to be used for, 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, and how the proposal supports the goals of the comprehensive plan.

**G. CONFLICT OF INTEREST CERTIFICATION FORM**

The Conflict of Interest form must be signed, notarized and submitted with the required information within ten days of when the application was first filed.

**H. ADDITIONAL EXHIBITS (if necessary)****DEVELOPMENTS OF REGIONAL IMPACT ("DRI")**

If the proposed development meets any of the following thresholds, two copies of a Request for Review Form must be completed and filed with the rezoning petition for submission to the Atlanta Regional Commission. A Request for Review Form may be obtained from the Atlanta Regional Commission.

<b>Development of Regional Impact Tiers and Development Thresholds</b>	
<i>Type of Development</i>	<i>Threshold for DRI Review</i>
1) Office	Greater than 400,000 gross square feet.
2) Commercial	Greater than 300,000 gross square feet.
3) Wholesale and Distribution	Greater than 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.
5) Housing	Greater than 400 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.
7) Hotels	Greater than 400 rooms.
8) Mixed Use	Total gross square feet greater than 400,000; or covering more than 120 acres.
9) Airports	All new airports, runways and runway extensions
10) Attractions and Recreational Facilities	Greater than 1,500 parking spaces or a seating capacity of more than 6,000.
11) Post-Secondary Schools	New school with capacity of more than 2,400 students, or expansion by at least 25 percent of capacity.
12) Waste Handling Facilities	New facility or expansion of use of an existing facility by 50 percent or more; and located within one-half mile of a jurisdictional boundary.
13) Quarries, Asphalt and Cement Plants	New facility or expansion of use of an existing facility by 50 percent or more; and located within one-half mile of a jurisdictional boundary.
14) Wastewater Treatment Facilities	New facility or expansion of use of an existing facility by 50 percent or more; and located within one-half mile of a jurisdictional boundary.
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; and located within one-half mile of a jurisdictional boundary.
16) Water Supply Intakes/Reservoirs	New Facilities.
17) Intermodal Terminals	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.
19) Parking Facilities	1000 parking spaces.

## CONFLICT OF INTEREST IN ZONING ACTIONS

Sec. 36-67A-1.	Definitions
Sec. 36-67A-2.	Disclosure of Financial Interests
Sec. 36-67A-3	Disclosure of Campaign Contributions
Sec. 36-67A-4.	Penalties
Sec. 36-67A-5	Special Master
Sec. 36-67A-6	Zoning Ordinance or Comprehensive Plan

### 36-67A-1. Definitions

As used in this chapter, the term:

1. "**Applicant**" means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.
2. "**Business Entity**" means any corporation, partnership, limited partnership, firm, enterprise, franchise, association or trust.
- 2.1 "**Campaign Contribution**" means a "contribution" as defined in paragraph (6) of Code Section 21-5-3.
3. "**Financial Interest**" means all direct ownership interests of the total assets or capital stock of a business entity where such ownership interest is 10 percent or more.
4. "**Local Government**" means any county or municipality of this state.
5. "**Local government official**" means any member of the government authority of a local government or any member of a planning or zoning commission.
6. "**Member of the family**" means the spouse, mother, father, brother, sister, son or daughter of a local government official.
- 6.1 "**Opponent**" means any person who opposes a rezoning action or any attorney or other person representing or acting on behalf of a person who opposes a rezoning action.
- 6.2 "**Oppose**" means to appear before, discuss with, or contact, either orally or in writing, any local government or local government official and argue against a rezoning action.
- 6.3 "**Person**" means an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.
7. "**Property interest**" means the direct or indirect ownership of real property and includes any percentage or ownership less than total ownership.
8. "**Real property**" means any tract or parcel or land, and if developed, any buildings or structures located on the land.
9. "**Rezoning action**" means action by local government adopting an amendment to a zoning ordinance which has the effect of rezoning real property from one zoning classification to another.

36-67A-2. Disclosure of Financial Interests.

A local government official who knew or reasonable should have known he or she:

- (1) has a property interest in any real property affected by a rezoning action which that official's local government will have the duty to consider;
- (2) has a financial interest in any business entity which has a property interest in any real property affected by a rezoning action which that official's local government will have the duty to consider; or
- (3) has a member of the family having any interest described in paragraph (1) or (2) of this Code section

shall immediately disclose the nature and extent of such interest, in writing to the government authority of the local government in which the local government official is a member. The local government official who has an interest as defined in paragraph (1) or (2) of this Code section shall disqualify himself from voting on the rezoning action. The disqualified local government official shall not take any other action on behalf of himself or any other person to influence action on the application for rezoning. The disclosures provided for in this Code section shall be a public record and available for public inspection at any time during normal working hours.

36-67A-3. Disclosure of Campaign Contributions.

- (a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
  1. The name and official position of the local government official to whom the campaign contribution was made; and
  2. The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- (b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action if first filed.
- (c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the government authority of the respective local government showing:
  1. The name and official position of the local government official to whom the campaign contribution was made; and
  2. The dollar amount and description of each campaign contribution made by the opponent to the local government official during the five years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- (d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

36-67A-4. Penalties.

Any person knowing failing to comply with the requirements of this chapter or violating the provisions of this chapter shall be guilty of a misdemeanor.

36-67A-5. Special Master

- (a) Where one or more disqualifications required by this chapter result in the inability of the governing authority of the county or municipality to attain a quorum for the purpose of making a final decision when considering a rezoning action, the governing authority immediately shall petition the superior court wherein the property which is the subject of the rezoning is located for appointment of a disinterested special master for the purpose of hearing evidence regarding the proposed rezoning action and making a recommendation to the petitioning governing authority. The court, in its order appointing the special master, shall give such directions for notice and the service thereof as well as for the time in which a hearing must be held and recommendations issued as are just and appropriate under the circumstances and as are consistent with this chapter.
- (b) The disinterested special master provided for in this Code section shall be appointed by the judge or judges of the superior courts of each judicial circuit and shall discharge the duties provided for in this Code section. The special master so appointed must be a competent attorney at law, be of good standing in his profession, and have at least three years' experience in the practice of law. He shall hold office at the pleasure of the judge and shall be removable at any time with or without cause. The court, in its order appointing the special master, shall designate the person or entity responsible for compensating the special master at a rate not less than \$50.00 per day not more than \$250.00 per day for the time actually devoted to the hearing and consideration of the matter.
- (c) The special master shall consider any factors relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property.
- (d) The hearing provided for in this Code section and all records pertinent thereto shall be open and available to the public.
- (e) Nothing contained in this Code section shall be construed as a delegation of the final decision-making powers of the governing authority to the special master and the recommendation of the special master is not a final decision as to the rezoning action. Where a special master has been appointed and has made a recommendation, the disqualification requirement of Code Section 36-67A-2 shall be waived.

36-67A-6. Voting

Nothing in this chapter shall be construed to prohibit a local government official from voting on a zoning decision when the local government is adopting a zoning ordinance for the first time or when a local government is voting upon a revision of the zoning ordinance initiated by the local government pursuant to a comprehensive plan as defined in Chapter 70 of this title.

Section 2. All laws and parts of laws in conflict with this Act are repealed.

## REZONING APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF CITY OF SUWANEE, GEORGIA

APPLICANT INFORMATION*	OWNER INFORMATION*
NAME: _____	NAME: _____
ADDRESS: _____ _____	ADDRESS: _____ _____
PHONE: _____	PHONE: _____

CONTACT PERSON: \_\_\_\_\_ CONTACT PHONE: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_ FAX NUMBER: \_\_\_\_\_

**PROPERTY INFORMATION**

PRESENT ZONING DISTRICT(S): \_\_\_\_\_ REQUESTED ZONING DISTRICT \_\_\_\_\_

PROPOSED DEVELOPMENT: \_\_\_\_\_

TAX PARCELNUMBER(S): \_\_\_\_\_

ADDRESS OF PROPERTY: \_\_\_\_\_

TOTAL ACREAGE: \_\_\_\_\_ PUBLIC ROADWAY ACCESS: \_\_\_\_\_

<b>FOR RESIDENTIAL DEVELOPMENT:</b>	<b>FOR NON-RESIDENTIAL DEVELOPMENT:</b>
NO. OF LOTS/DWELLING UNITS: _____	NO. OF BUILDINGS/UNITS: _____
DWELLING UNIT SIZE (SQ. FT.): _____	TOTAL GROSS SQUARE FEET: _____

### CERTIFICATIONS

I hereby certify that the above and attached information is true and correct. I am also aware that pursuant to Section 2004 no reapplication on the same land which has been denied by the City Council shall be acted upon within 12 months from the date of last action unless said time period is waived by the Council. In no case shall a reapplication be acted upon in less than 6 months from the date of last action by the Council. I am also aware that pursuant to Section 2003 of the Zoning Ordinance any and all conditions which may be attached to the property shall be binding on the property and all subsequent owners.

_____ Signature of Applicant*	_____ Date	_____ Signature of Owner*	_____ Date
_____ Print Name*	_____ Date	_____ Print Name*	_____ Date
_____ Signature of Notary	_____ Date	_____ Signature of Notary	_____ Date

\* If Additional Applicant or Owner Information is Needed Please Complete Additional Application Form(s)

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### CITY OF SUWANEE USE ONLY

Date Received: \_\_\_\_\_ Case No.: \_\_\_\_\_ Accepted By: \_\_\_\_\_

**REZONING APPLICANT'S RESPONSE**  
STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

Pursuant to section 2006 of the 1998 Zoning Ordinance, the city council finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power.

Please respond to the following standards in the space provided or use an attachment as necessary:

(A) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property:

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(B) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:

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(C) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:

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(D) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools:

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(E) Whether the zoning proposal is in conformity with the policy and intent of the land use plan:

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(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 zoning proposal:

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CITY OF SUWANEE USE ONLY

Date Received: \_\_\_\_\_ Case No.: \_\_\_\_\_ Accepted By: \_\_\_\_\_





### REZONING CHECKLIST

The following is a checklist of information required for submission of a rezoning application. The City reserves the right to reject any incomplete applications at any time.

- \_\_\_\_\_ Application Form (w/applicant's and owner's signatures)
- \_\_\_\_\_ Legal Description
- \_\_\_\_\_ Boundary Survey
- \_\_\_\_\_ Site Plan (11x17 reduction)
- \_\_\_\_\_ Standards Governing Exercise of the Zoning Power
- \_\_\_\_\_ Letter of Intent
- \_\_\_\_\_ Conflict of Interest Certification/Campaign Contributions
- \_\_\_\_\_ Application Fee - Make checks payable to the City of Suwanee  
(See fee schedule for correct amounts)
- \_\_\_\_\_ Additional Exhibits (if required)
- \_\_\_\_\_ Review Form for Development of Regional Impact (if applicable)

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#### CITY OF SUWANEE USE ONLY

Date Received: \_\_\_\_\_ Case No.: \_\_\_\_\_ Accepted By: \_\_\_\_\_