



**CITY OF SUGAR HILL  
PUBLIC HEARING  
APPLICATION  
FOR  
ANNEXATION  
REZONING  
CHANGE OF CONDITIONS  
SPECIAL USE PERMITS  
(Revised November 2011)**



CITY OF SUGAR HILL PLANNING & DEVELOPMENT DEPARTMENT  
PUBLIC HEARING PACKET

All applications are reviewed by the Planning and Development Department, the Planning Commission, and City Council.

1. An application is submitted to the Planning and Development Department. Applications are reviewed and approved by the Planning Director. Please see the Public Hearing Schedule for submittal and filing deadlines, and Public Hearing Dates.
2. The Planning Director will review the application and make an Administrative Written Recommendation to the Planning Commission and City Council.
3. Legal notice is required to be printed in a newspaper of general circulation in Gwinnett County. This notice appears in the Gwinnett Daily Post at least 15 days before the date on which the public hearing is scheduled. The legal notice appears in the Thursday edition of the newspaper.
4. 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 staff. The Planning and Development Department is also required to notify adjoining property owner(s) of record 15 days before the Public Hearing.
5. The Planning Commission reviews the facts in the case at its scheduled meeting, which is the third Monday of each month at 7:00 p.m. in the City Hall Annex. A recommendation is decided upon following the public hearing. This recommendation is forwarded to the City Council at its regular scheduled meeting.
6. The City Council meets on the Second Monday of each month. This meeting is held at 7:30 p.m. in the City Hall Annex.
7. Once an application is made, the applicant may withdraw the application without prejudice only before the 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 No application may be withdrawn under any circumstances after the legal advertisement of a public hearing has been placed.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 a final action by the City Council. **PLEASE SEE THE PUBLIC HEARING SCHEDULE FOR WITHDRAWAL DEADLINES.** Written notification of withdrawal is required.
8. If an application is withdrawn before placement of the legal advertisement, a refund of the application fee will be made.
9. No application affecting land that has been denied a zoning map amendment, variance or special use permit shall be acted upon within 12 months from the date of the denial by the City Council unless waived by the City Council. A request to consider such a waiver is submitted to the City Council. In no case shall an application be acted upon in less than 6 months from the date of the denial by the City Council.
10. A change in the conditions of zoning approval will be processed as a new rezoning or special use permit application and will be subject to the required waiting period. All application filing deadlines, requirements and fees will apply the same as a rezoning or special use permit.
11. All applicants, their attorneys, or representatives, must submit information as required by the Official Code of Georgia Section 36-67A-1, et seq., Conflict of Interest in Zoning Actions.

The items listed below are necessary to process a Rezoning or Special Use Permit application. Please see attached schedule of submittal, filing & withdrawal deadlines and meeting dates.

The Planning Director strongly urges pre-application conferences to discuss the proposal. However, they are not required. An appointment with the Planning Director is suggested.

The City Council has limited the number of Cases considered at their public hearing to six (6) per month. In order to ensure fair and equal treatment to all concerned, all applications must be complete with all items listed below. **IF NOT COMPLETED, THE APPLICATION CANNOT BE ACCEPTED BY THE PLANNING AND DEVELOPMENT DEPARTMENT FOR PROCESSING.**

*Any amendments to an application must be submitted to the Planning and Development Department for staff review prior to the final filing deadline.*



## Required Items

1. **APPLICATION FORM** One (1) copy of the appropriate Application Form must be submitted to the Planning & Development Department. If there are multiple property owners, a MASTER application shall be submitted for the entire development and all property owners must also fill out separate applications. To accept multiple applications as one (1) case number see Legal Description requirements and site plan requirements below. Separate applications are required for non-contiguous parcels. A separate application is required for each zoning classification requested (i.e. a development containing both RS-100/PRD and BG requires two applications) even if properties are contiguous. If the proposal is a "Development of Regional Impact" (DRI), a DRI Request for Review application including a traffic study and all supporting information and data must be submitted in addition to the application included in this packet. (See DRI).
2. **APPLICATION FEE** See Fee Schedule. A check made payable to **City of Sugar Hill** is the preferred method of payment. However, cash and/or Visa/Master Card are also accepted.
3. **LEGAL DESCRIPTION** The legal description must be a "metes and bounds" description. It must establish a point of beginning and from the point of beginning give each dimension bounding the property, calling the directions (such as north, northeasterly, southerly, etc.) that 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 all the properties are not contiguous, a separate application and legal description must be submitted for each property. Requests for multiple zoning districts, must be filed with a separate application and legal description for each district requested. Please email a copy of this legal description to the Administrative Assistant Kim Landers at [klanders@cityofsugarhill.com](mailto:klanders@cityofsugarhill.com).
4. **Any applicant seeking a rezoning involving property being annexed into the City of Sugar Hill which contains less than five acres and the requested use of the annexed property is the same as the existing use of said property, a rezoning involving a request for RS-100, RS-150, RS-175, or RS-200 which will result in the development of less than three individual building lots, a rezoning for non residential zoning classification in which the property that is the subject of the application contains one acre or less and the proposed development on the property will include a non residential building of less than 10,000 square feet shall initiate the rezoning process by submitting a petition.** Such petition shall be submitted by the owner of record of said property, the owner's agent or by a contract purchaser with the owner's written consent. Such petition shall include but not be limited to the following:
  - a. Petition Application (on form provided by the Department of Planning and Development). The application includes, but not limited to, information on intended use, address of the subject property, Letter of intent, Standards Governing Exercise of the Zoning Power etc.
  - b. Survey of Property to be considered.
  - c. Legal Description in hard copy and digital format (Determined by the Director, Planning & Development).
  - d. Copies of site plan to scale.
  - e. Any other pertaining information, data, traffic studies, utility studies, drainage studies, elevation drawings, and graphics requested by the Director of Planning for an understanding and evaluation of the project which may not have impact on the surrounding areas.
5. **Application for any rezoning other than those set forth above shall be initiated by the filing of a petition.** Such petition shall be submitted by the owner of record of said property, the owner's agent or by a contract purchaser with the owner's written consent. Such petition shall include but not be limited to the following:
  - a. Petition Application (on form provided by the Department of Planning & Development).
  - b. Survey of the property to be considered.
  - c. Legal Description and address of property to be considered.
  - d. Petitioners impact analysis and any additional information as required in Section 1703 below.
  - e. Letter of Intent from applicant.
  - f. State the intended use.
  - g. State the number of lots, residential units, density per acre, square footage if proposed for non-residential building, or square feet per acre of total buildings.
6. **BOUNDARY SURVEY & SITE PLAN** A recorded plat and/or deed filed at the Clerk of the Courts office and a site plan including the below information;



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- a. Five (5) copies "to scale."
- b. One (1) copy reduced to 8½" X 11" with topography, and one (1) copy reduced 8½" X 11" without topography.
- c. One (1) copy reduced 11" X 7" with topography, and one (1) copy reduced 11" X 17" without topography.
- d. One (1) Electronic file copy of the Site Plan. Standard format AutoCAD or ESRI GIS compatible

All applications for a rezoning or special use permit shall be accompanied by a plat prepared and stamped by a registered land surveyor, engineer, architect or landscape architect containing all of the following information:

The site plan shall be clearly legible drawn at a scale of not less than 100 feet to one inch on a sheet size not to exceed 24" X 36". The Director may approve other sheet sizes as deemed appropriate.

- a. Project name;
- b. Project owner and address (both local and permanent address if different) and telephone and fax number(s);
- c. Date, scale and north arrow;
- d. Vicinity map;
- e. Proposed use of property to be developed;
- f. Required yard setbacks appropriately dimensioned;
- g. Total acreage;
- h. Total number of lots and minimum lot sizes (if applicable);
- i. Size, location, and names of adjoining existing streets or access drives and proposed right of ways and roadways;
- j. Topography with contour interval no greater than 10 feet;
- k. Proposed method of sewerage disposal (express as a note);
- l. Property lines and dimensions (showing bearings and distances);
- m. All contiguous property under the ownership or control of the applicant, except those lands specifically to be excluded. Areas not planned for development at the time of the submittal shall be shown as "Future Development"
- n. Location of ingress and egress points;
- o. Location of 100-year floodplain, lakes, ponds and other water courses;
- p. Dumpster location;
- q. Existing and proposed landscaping;
- r. Building heights;
- s. For multi-family and non-residential developments, the approximate location and arrangement of existing buildings, parking areas and other improvements including stormwater detention areas and all required buffers.
- t. Location of existing and proposed sidewalks;
- u. Existing zoning of the property and adjoining properties;
- v. Land lot and district;
- w. Name of person or company preparing the plat;



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- x. Boundaries of the Chattahoochee River Corridor and Chattahoochee River Tributary Protection Areas, if Applicable;
  - y. General Development data (in tabular form) for multi-family or non-residential site developments, such as number of residential units, gross square feet of each building, number of parking spaces, etc;
  - z. General development data (in tabular form) for single family developments, such as minimum lot size, floor area of homes, and all relevant conditions of zoning; and
  - aa. Any other data requested by the Planning Director of Planning Commission necessary for an understanding and evaluation of the project, this additional information may include without limitation, traffic studies, utility studies and drainage studies;
  - bb. Additional information is required when requesting a Planned Unit Development.
7. **LETTER OF INTENT** One (1) copy of a 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
    - price range of homes
    - 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 Special Conditions or Variance requests (set back, parking, buffers, etc.)
  8. **ADJOINING PROPERTY OWNERS** Printed in list form Names, addresses, map reference numbers, and zoning classification of **all** adjoining property owner(s) of record **must** be attached based upon current month available tax records at Gwinnett County. All adjoining properties include **both** sides of the road. A typed set of labels are required to be submitted with the list.
  9. **NOTARIZED SIGNATURES** The application form must have notarized signatures of both the property owner(s) of record and the applicant(s), or an attachment if multiple owners are involved.
  10. **CONFLICT OF INTEREST, DISCLOSURE, & APPLICANT & OWNER RESPONSE/CERTIFICATION FORMS** These forms must be signed, notarized and submitted with the required information within ten (10) days of when the rezoning, change of conditions, or special use permit application was first filed. The conflict of Interest and Disclosure must be filled out by the Owner, Applicant and Applicant Representative if applicable.
  11. **PROOF OF PAID PROPERTY TAXES** The applicant must provide proof that current property taxes have been paid on the land proposed for rezoning or special use permit. This form must be signed by the applicant, verified and signed by the Tax Commissioner's Office, and submitted when the application is filed.
  12. **AVAILABILITY OF WATER/SEWER UTILITIES** A completed utility availability letter shall be required for all rezoning, special use permits, and moved-in-house applications which proposed new or additional development. The standard for a letter confirming utility availability must be obtained from the Records Management Section of the Gwinnett County Department of Utilities, located at the Public Utility Central Facility, 684 Winder Highway, Lawrenceville, Georgia. Please contact Records Management at 678-376-7139 to have this issued.

**ADDITIONAL EXHIBITS (if required)**

13. **TRAFFIC STUDY** A traffic study is required for a rezoning or special use permit proposal which meets **any** of the following criteria:
  - a. Office proposals in excess of 200,000 gross square feet
  - b. Commercial proposals in excess of 250,000 gross square feet
  - c. Industrial proposals which would employ over 500 persons
  - d. Multi-family residential proposals in excess of 200 units.



14. **SPECIAL USE PERMIT WITHIN RESIDENTIAL ZONING** For a special 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 requirements:
- a. 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.
  - b. The special use shall operate within the dwelling on the property or, if approved by the City Council, in an accessory structure.
  - c. 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 an accessory structure approved by the City Council.
  - d. The owner of the property shall occupy the property and shall operate any business associated with the special use.
  - e. 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.
  - f. 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.
  - g. 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 City Council. 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 City Council through the Planning Commission, which may recommend that action be taken to remove the Special Use Permit from the property.
15. **BUILDING CODE COMPLIANCE FOR CONVERSION OF RESIDENTIAL STRUCTURES TO A COMMERCIAL USE AND SPECIAL USE PERMIT APPLICATIONS FOR RESIDENTIALLY-ZONED PROPERTY**
- a. When a special use permit or non-residential rezoning for conversion of an existing one-family or two-family residential structure is requested, the applicant must apply for a Building Compliance Inspection from the Building Plan Review Unit.
  - b. The Building Compliance Inspection application must be filed at the same time the rezoning or special use permit application is filed. If a Building Compliance Inspection has been completed in the past, the applicant may submit a letter showing compliance for that use from the Building Plan Review Unit. If a Building Compliance Inspection is not completed, the rezoning or Special Use Permit application will be held and may be subject to administrative withdrawal. If the application is administratively withdrawn, the rezoning and/or special use permit application fees will be refunded.
  - c. When the inspection is complete, the Building Plan Review Unit will forward a copy of the completed inspection report to the Planning Division within five working days.
16. **DEVELOPMENTS OF REGIONAL IMPACT (DRI)**
- a. If the proposed development meets any of the thresholds, (For more information visit the website: <http://www.rdis.org/planners/dri/> or <http://www.atlreg.com/>) as a Development of Regional Impact (DRI) must be completed by the Atlanta Regional Commission (ARC) and Georgia Regional Transportation Authority (GRTA). The review must be initiated by the Planning & Development staff.



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2010 - 2013  
PUBLIC HEARING SCHEDULE

| FINAL DEADLINE<br>FOR APPROVED COMPLETED<br>PACKAGE 12:00 noon<br>(APPROVED by P & Z<br>PRIOR TO 12:00 NOON) | VARIANCE<br>Submittal Deadline<br>(Requires City Council<br>Hearing Only)<br>12:00 NOON | LAST DATE TO<br>WITHDRAW<br>ANNEXATIONS &<br>REZONINGS | PLANNING<br>COMMISSION<br>PUBLIC<br>HEARING<br>7:00 P.M. | CITY<br>COUNCIL<br>PUBLIC<br>HEARING<br>7:30 P.M. |
|--|---|--|--|---|
| 11-06-09   | 11-30-09  | 11-20-09   | 12-21-09   | 01-11-10  |
| 12-11-09   | 12-28-09  | 12-23-09 Tues  | 01-19-09   | 02-08-10  |
| 01-08-10   | 01-25-10  | 01-22-10   | 02-15-10   | 03-08-10  |
| 02-05-10   | 02-22-10  | 02-19-10   | 03-15-10   | 04-12-10  |
| 03-05-10   | 03-29-10  | 03-19-10   | 04-19-10   | 05-10-10  |
| 04-02-10 Thurs   | 04-26-10  | 04-23-10   | 05-17-10   | 06-14-10  |
| 05-07-10   | 05-28-10 Fri  | 05-21-10   | 06-21-10   | 07-12-10  |
| 06-04-10   | 06-28-10  | 06-18-10   | 07-19-10   | 08-09-10  |
| 07-02-10   | 07-26-10  | 07-23-10   | 08-16-10   | 09-13-10  |
| 08-06-10   | 08-30-10  | 08-20-10   | 09-20-10   | 10-11-10  |
| 09-03-10   | 09-27-10  | 09-17-10   | 10-18-10   | 12-08-10  |
| 10-01-10   | 10-25-10  | 10-22-10   | 11-15-10   | 12-13-10  |
| 11-05-10   | 11-29-10  | 11-19-10   | 12-20-10   | 01-10-11  |
| 12-3-10  | 12-28-10  | 12-24-10   | 01-18-11 Tues  | 02-14-11  |
| 01-06-11   | 01-31-11  | 01-21-11   | 02-21-11   | 03-14-11  |
| 02-04-11   | 02-28-11  | 02-25-11   | 03-21-11   | 04-11-11  |
| 03-04-11   | 03-28-11  | 03-25-11   | 04-18-11   | 05-09-11  |
| 04-01-11   | 04-25-11  | 04-21-11 Thurs   | 05-16-11   | 06-13-11  |
| 05-06-11   | 05-27-11 Fri  | 05-20-11   | 06-20-11   | 07-11-11  |
| 06-03-11   | 06-27-11  | 06-24-11   | 07-18-11   | 08-08-11  |
| 07-01-11   | 07-25-11  | 07-22-11   | 08-15-11   | 09-12-11  |
| 08-05-11   | 08-29-11  | 08-19-11   | 09-19-11   | 10-10-11  |
| 09-02-11   | 09-26-11  | 09-23-11   | 10-17-11   | 11-14-11  |
| 10-07-11   | 10-31-11  | 10-21-11   | 11-21-11   | 12-12-11  |
| 11-04-11   | 11-28-11  | 11-23-11 Wed   | 12-19-11   | 01-09-12  |
| 12-02-11   | 12-26-11  | 12-21-11 Wed   | 01-17-12 Tues  | 02-13-12  |
| 01-06-12   | 01-30-12  | 01-20-12   | 02-20-12   | 03-12-12  |
| 02-03-12   | 02-27-12  | 02-24-12   | 03-19-12   | 04-09-12  |
| 03-02-12   | 03-26-12  | 03-23-12   | 04-16-12   | 05-14-12  |
| 04-05-12 Thurs   | 04-30-12  | 04-27-12   | 05-21-12   | 06-11-12  |
| 05-04-12   | 05-25-12 Fri  | 05-25-12   | 06-18-12   | 07-09-12  |
| 06-01-12   | 06-25-12  | 06-22-12   | 07-16-12   | 08-13-12  |
| 07-06-12   | 07-30-12  | 07-27-12   | 08-20-12   | 09-10-12  |
| 08-03-12   | 08-27-12  | 08-24-12   | 09-17-12   | 10-08-12  |
| 09-07-12   | 09-24-12  | 09-21-12   | 10-15-12   | 11-13-12 Tues                                     |
| 10-05-12   | 10-29-12  | 10-19-12   | 11-19-12   | 12-10-12  |
| 11-02-12   | 11-26-12  | 11-21-12 Wed   | 12-17-12   | 01-14-13  |
| 12-07-12   | 12-31-12  | 12-21-12   | 01-22-13 Tues  | 02-11-13  |
| 01-04-13   | 01-28-13  | 01-25-13   | 02-18-13   | 03-11-13  |
| 02-01-13   | 02-25-13  | 02-22-13   | 03-18-13   | 04-08-13  |
| 03-01-13   | 03-25-13  | 03-22-13   | 04-15-13   | 05-13-13  |
| 04-05-13   | 04-29-13  | 04-19-13   | 05-20-13   | 06-10-13  |
| 05-03-13   | 05-28-13 Tues   | 05-24-13   | 06-17-13   | 07-08-13  |
| 06-07-13   | 06-24-13  | 06-21-13   | 07-15-13   | 08-12-13  |
| 07-05-13   | 07-29-13  | 07-19-13   | 08-19-13   | 09-09-13  |
| 08-02-13   | 08-26-13  | 08-23-13   | 09-16-13   | 10-14-13  |
| 09-06-13   | 09-30-13  | 09-20-13   | 10-21-13   | 11-11-13  |
| 10-04-13   | 10-28-13  | 10-25-13   | 11-18-13   | 12-09-13  |
| 11-01-13   | 11-25-13  | 11-22-13   | 12-16-13   | 01-13-14  |
| 12-06-13   | 12-30-13  | 12-30-13   | 01-20-14   | 02-10-14  |



## APPLICATION FEES

*For all ANNEXATION fees below include applicable Annexation Fee and applicable Rezoning Fee.*

### Annexation Fee

**Residential - \$1,000.00**

**Commercial - \$500.00**

### Rezoning/Change in Conditions/Special Use

#### **Class 1 – AF, RS-200, RS-175, RS-150, RS-100, RM, MH**

1.0 Acre < \$350.00

1-5 Acres \$500.00

5-10 Acres \$1,000.00

> 10 Acres \$1,000.00 + \$30.00/Acre or any portion thereof after 10 acres

#### **Class 2 – OI, HSB, BG, LM, HM-1, HM-2**

1-10 Acres \$500.00

10-15 Acres \$1,000.00

>15 Acres \$1,000.00 + \$50.00/Acre or any portion thereof after 15 acres w/  
\$2,000.00 maximum.



## CONFLICT OF INTEREST IN ZONING ACTIONS

- Sec. 36-67A-1. Definitions
- Sec. 36-67A-2. Disclosure of Financial Interest
- Sec. 36-67A-3. Disclosure of Campaign Contributions
- Sec. 36-37A-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 (7) 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 governing 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 ownership of real property and includes any percentage of ownership less than total ownership.
- (8) **"Real property"** means any tract or parcel of 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 interest.

A local government official who knew or reasonably 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 governing 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. This 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 (2) years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more 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 (2) 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 (2) years immediately preceding the filing of the rezoning action being opposed, campaign contribution 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 governing authority of the respective local government showing:
  1. The name and official position of the local government official to who 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 two (2) 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 knowingly 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 in 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.



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- 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 (3) 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 nor 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 rezoning 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.



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CASE #: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

### APPLICATION

CHECK ONE:  ANNEXATION/REZONING  REZONING  CHANGE IN CONDITIONS  SPECIAL USE PERMIT

#### APPLICANT INFORMATION

Name: \_\_\_\_\_ Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_ Email: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

#### OWNER INFORMATION

IF MULTIPLE PROPERTY OWNERS FILL OUT MASTER APPLICATION AND ONE APPLICATION FOR EACH APPLICANT.

Name: \_\_\_\_\_ Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_ Email: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

#### CONTACT INFORMATION

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_ Email: \_\_\_\_\_

\* Include any person having a property interest and any person having a financial interest in any business entity having property interest (use additional sheets if necessary).

#### PROPERTY INFORMATION:

IF MULTIPLE PROPERTY OWNERS FILL OUT MASTER APPLICATION AND ONE APPLICATION FOR EACH APPLICANT.

Map Reference Number(s) (Tax Parcel Identification Number or PIN #) \_\_\_\_\_ Acreage: \_\_\_\_\_  
Number of Existing Housing Units: \_\_\_\_\_ Number of Proposed Housing Units: \_\_\_\_\_ Current Population: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
PRESENT ZONING DISTRICT: \_\_\_\_\_ REQUESTED ZONING DISTRICT: \_\_\_\_\_  
Proposed Development: \_\_\_\_\_  
Adjacent Zonings: NORTH: \_\_\_\_\_ EAST: \_\_\_\_\_ SOUTH: \_\_\_\_\_ WEST: \_\_\_\_\_

#### Residential Development

# of Lots/Dwelling Units: \_\_\_\_\_  
Dwelling Unit Size (sq. ft.): \_\_\_\_\_  
Net Density: \_\_\_\_\_

#### Non-Residential Development

# of Lots/Buildings: \_\_\_\_\_  
Total Gross Square Feet: \_\_\_\_\_  
Density: \_\_\_\_\_

PLEASE CHECK THE FOLLOWING IF APPLICABLE:  DRI (Development of Regional Impact)  Within 2,000 feet of the Chattahoochee River

Request for Special Conditions or Variance(s) (Set back, Parking, Buffers, etc): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOTE: Special Conditions, and Variance Request must also be explained in the Letter of Intent.



### APPLICATION FOR ANNEXATION

IF MULTIPLE PROPERTY OWNERS FILL OUT AND SUBMIT AN APPLICATION FOR EACH APPLICANT/OWNER/ELECTOR.  
SIGN APPLICABLE SECTION

#### 100% METHOD

This Annexation Application is made pursuant to the provisions of the Official Code of Georgia Annotated 36-36, Article 2, "Annexation Pursuant to Application by one hundred percent (100%) of Landowners". Application is hereby made to the City of Sugar Hill, Georgia by the undersigned property owners, who own 100% of the property to be annexed, to have the following described lands annexed into the corporate limits of the City. All that tract or parcel of land lying and being in Land Lots(s) \_\_\_\_\_ of the \_\_\_\_\_ District(s), Parcel Number(s) \_\_\_\_\_

\_\_\_\_\_ Gwinnett County, Georgia and being more particularly described as: (Attach or Insert Legal description) \_\_\_\_\_

(Note: Also, attach a plat or drawing illustrating the land area to be annexed and its relationship to the existing City Limits. Include lot number, block number, subdivision name, and Plat Book Reference, if available, and the existing zoning classifications of adjacent properties within the City.) It is requested that a zoning classification of \_\_\_\_\_ (\_\_\_\_\_) be assigned to the property upon annexation.

(Note: Different classifications can be requested for various portions of the property).

The property owner(s) intended to develop and/or use the property as follows: \_\_\_\_\_

(Include a timetable for development if available)

|                       |                    |
|-----------------------|--------------------|
| Landowner Name: _____ | Address: _____     |
| Home Phone: _____     | _____              |
| Work Phone: _____     | _____              |
| Fax: _____            | Email: _____       |
| Signature: _____      | Date Signed: _____ |

\* COPIES CAN BE MADE FOR ADDITIONAL LANDOWNER SIGNATURES, ORIGINAL SIGNATURES MUST BE SUBMITTED WITH THE APPLICATION.

#### 60% METHOD

This Annexation Application is made pursuant to the provisions of the Official Code of Georgia Annotated 36-36, Article 3, "Annexation Pursuant to Application by Owners of 60 Percent of Land and 60 Percent of Electors". Application is hereby made to the City of Sugar Hill, Georgia by the undersigned property owners and resident electors residing on the property proposed for annexation, to have the following described lands annexed into the corporate limits of the City. The undersigned state that they represent at least 60% of the owners of the property by acreage and at least 60% of the resident electors residing on the property to be annexed. All that tract or parcel of land lying and being in Land Lots(s) \_\_\_\_\_ of the \_\_\_\_\_ District(s), Parcel Number(s) \_\_\_\_\_ Gwinnett County, Georgia and being more particularly described

as: (Attach or Insert Legal description) \_\_\_\_\_ (Note: Also, attach a plat or drawing illustrating the land area to be annexed and its relationship to the existing City Limits. Include lot number, block number, subdivision name, and Plat Book Reference, if available, and the existing zoning classifications of adjacent properties within the City.)

It is requested that a zoning classification of \_\_\_\_\_ (\_\_\_\_\_) be assigned to the property upon annexation.

(Note: Different classifications can be requested for various portions of the property).

The property owner(s) intended to develop and/or use the property as follows: \_\_\_\_\_

(Include a timetable for development if available)

|  |                    |
|--|--------------------|
| Landowner Name: _____                  | Address: _____     |
| Home Phone: _____                      | _____              |
| Work Phone: _____                      | _____              |
| Fax: _____                             | Email: _____       |
| Signature: _____                       | Date Signed: _____ |
| Elector (Registered Voter) Name: _____ | Address: _____     |
| Home Phone: _____                      | _____              |
| Work Phone: _____                      | _____              |
| Signature: _____                       | Date Signed: _____ |

- COPIES CAN BE MADE FOR ADDITIONAL LANDOWNER AND ELECTOR SIGNATURES, ORIGINAL SIGNATURES MUST BE SUBMITTED WITH THE APPLICATION.
- A SEPARATE SIGNATURE PAGE SHOULD BE FILED FOR EACH LANDOWNER AND EACH RESIDENT ELECTOR.



REZONING APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

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

A. Whether the proposed Rezoning or Special Use Permit 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 proposed Rezoning or Special Use Permit 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 a proposed Rezoning or Special Use Permit has reasonable economic use as currently zoned:

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D. Whether the proposed Rezoning 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:

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E. Whether the proposed Rezoning or Special Use Permit is in conformity with the policy and interest 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 proposed Rezoning or Special Use Permit:

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VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR APPLICATION

The undersigned below is authorized to make this application. The undersigned certifies that all City Taxes/Property taxes, billed to date for the parcel listed below have been paid in full to the Tax Commissioner of Gwinnett County, Georgia. In no case shall an application or reapplication for rezoning, special use permit, and/or change in conditions be processed without such property verification.

\*NOTE: A separate verification for must be completed for each tax parcel included in the Variance request.

Tax Parcel Number: \_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
SIGNATURE OF APPLICANT      DATE      TYPE OR PRINT NAME





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**MAKE SURE THIS CHECKLIST IS RETURNED WITH THE REZONING APPLICATION.**