



# [APPLICATION FOR MODIFIED REZONING PLAN]

CITY OF DULUTH, GEORGIA  
DEPARTMENT OF PLANNING & DEVELOPMENT  
3167 MAIN STREET  
DULUTH, GA 30096



# CITY OF DULUTH

## MODIFIED REZONING PLAN APPLICATION

### Section 1

### Application Instructions

- A. The accompanying application package must be completed in full in order to be accepted. Applications are only accepted on deadlines as outlined on the City of Duluth Planning Commission Public Schedule.
- B. Upon submittal of an application, you will be given a tentative hearing date. All deadlines and requirements found on the Planning Commission Public Schedule must be adhered to in order for the case to be heard on the tentatively scheduled date.
- C. **The applicant must submit the following forms with ORIGINAL signatures:**
1. Application for Modified Rezoning Plan
  2. Conflict of Interest Certification
  3. Applicant Response and/or written narrative of proposal
  4. Disclosure Statement
  6. Authorization by Property Owner
  7. Verification of Current Paid Property Taxes

**Additional submittals required for the Case File:**

1. All fees as listed in the current Fee Schedule.
2. 1 copy of Legal description
3. List of adjoining property owner's names and mailing addresses
4. 2 copies of the site plan to scale
5. Reduced copy of the site plan (no larger than 11" x 17")
6. Digital copies of all photos, maps and site plans are required. *Submit these in adobe portable document (pdf) format on cd/dvd with your application.*

**Initial Review Period.** Planning Staff will process your application for completeness during the first 24 hours starting on a business day following your submittal. After this review period, you will be contacted via e-mail with an approval or denial notice of your application. This notice will include specific information such as your case number, Case Manager within the City of Duluth and tentative hearing dates. Applications will only be denied if they are incomplete.

- D. **Applicant Withdrawal.** Once an application has been filed, the applicant has three (3) days to withdraw the application. Withdrawal must be submitted in writing to the Department.
- E. **Public Notification.** It is your responsibility to provide public notification regarding the hearing of your request. Please see section 5 for more details and templates.
- D. **Planning Commission Hearing.** Once your case manager has authorized your case to proceed to the Planning Commission for review (all applicable deadlines have been met), a hearing will be held to consider and take action upon your request.
- E. **Notice to Proceed.** Upon the approval of the subsequent Planning Commission minutes to ensure adequate documentation of the appropriate conditions, the City of Duluth will transmit a notice of final approval to the applicant.



# CITY OF DULUTH

## MODIFIED REZONING PLAN APPLICATION

### Section 2

### Site Plan Requirements

*All applications for a variance or conditional use shall be accompanied by a plat prepared and stamped by a registered land surveyor, engineer, architect or landscape architect containing the following information:*

**The site plan shall be clearly legibly 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.**

**The following information shall be depicted on the site plan, if applicable.**

- Project name;
  - Project owner and address (both local and permanent addresses if different) and telephone and fax number(s);
  - Date, scale and north arrow;
  - Vicinity map;
  - Proposed use of property to be developed;
  - Required yard setbacks appropriately dimensioned;
  - Total acreage;
  - Total number of lots and minimum lot sizes (if applicable);
  - Size, location, and names of adjoining existing streets or access drives and proposed rights-of-ways and roadways;
  - Topography with contour interval no greater than 10 feet;
  - Proposed method of sewerage disposal (express as a note);
  - Property lines and dimensions (showing bearings and distances);
  - All contiguous property under the ownership or control of the applicant, except those lands specifically to be excluded by the Department. Areas not planned for development at the time of the submittal shall be shown as "Future Development";
  - Location of ingress and egress points;
  - Location of 100-year floodplain, lakes, ponds and other water courses;
  - Dumpster location;
  - Existing and proposed landscaping;
  - Building heights;
  - 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.
  - Location of existing and proposed sidewalks;
  - Existing zoning of the property and adjoining properties;
  - Land lot and district;
  - Name of person or company preparing the plat;
  - Boundaries of the Chattahoochee River Corridor and Chattahoochee River Tributary Protection Areas, if applicable;
  - 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.;
  - 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;
- \*Additional information may be requested by Planning Staff if needed for proper evaluation.



# CITY OF DULUTH MODIFIED REZONING PLAN APPLICATION

## Section 3

## Application Form

CASE \_\_\_\_\_

Application Date: \_\_\_\_\_

### Applicant Information

Name: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

### Owner Information

Name: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail Address\*: \_\_\_\_\_

Phone Number: \_\_\_\_\_

### Property Information

Present Zoning: \_\_\_\_\_

Proposed Zoning: \_\_\_\_\_

Address: \_\_\_\_\_

Parcel ID Number: \_\_\_\_\_

Use of Property: \_\_\_\_\_

Parcel Area: \_\_\_\_\_

Original Case Number: \_\_\_\_\_

I hereby certify that the above information and all attached information is true and correct.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date



# CITY OF DULUTH MODIFIED REZONING PLAN APPLICATION

## DISCLOSURE STATEMENT

Nothing in Title 36 of O.C.G.A. (36-67A-3) 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.

- No, I have not made any campaign contributions to City officials voting on this application exceeding \$250 in the past two years.
- Yes, I have made campaign contributions to City officials voting on this application exceeding \$250 in the past two years.

To whom: \_\_\_\_\_

Value of contribution: \_\_\_\_\_

Date of contribution: \_\_\_\_\_

I have read and understand the above and hereby agree to all that is required by me as the applicant.

\_\_\_\_\_  
Signature of Applicant

Personally appeared before me

\_\_\_\_\_  
Applicant (print)

who on oath deposes and says that the above is true to the best of his or her knowledge and belief.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Date



# CITY OF DULUTH MODIFIED REZONING PLAN APPLICATION

## AUTHORIZATION BY PROPERTY OWNER

If there is more than one owner, a separate form must be submitted with the original signature of each owner.

\_\_\_\_\_, being duly sworn upon his/her oath, being of sound mind and legal age deposes and states: That he/she is the owner of the property which is subject matter of the attached application, as is shown in the records of Gwinnett County, Georgia.

He/She authorizes the person named below to act as applicant in the pursuit of a VARIANCE on this property.

I hereby authorize the staff of the City of Duluth Department of Planning and Development to inspect the premises which are subject of this application.

Name of applicant \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_\_

\_\_\_\_\_  
Signature of Owner

Personally appeared before me

\_\_\_\_\_  
Owners Name (print)

who swears that the information contained in this authorization is true and correct to the best of his or her knowledge and belief.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Date



# CITY OF DULUTH MODIFIED REZONING PLAN APPLICATION

## VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR APPLICATION

The undersigned below is authorized to make this application. The undersigned certifies that all Gwinnett County and City of Duluth property taxes billed to date for the parcel listed below have been paid in full to the Tax Commissioner of Gwinnett County, Georgia, and to the Tax Officer of the City of Duluth, Georgia. In no case shall an application or reapplication for variance be processed without such property verification.

**\*NOTE: A separate verification form must be completed for each tax parcel included in the variance request. This form is required to be completed by the Applicant.**

**Parcel I.D. Number**

(Map Reference Number)

\_\_\_\_\_-\_\_\_\_\_-\_\_\_\_\_  
District Land Lot Parcel

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Type or Print Name

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(Payment of all property taxes billed to date for the above referenced parcel has been verified as paid current and confirmed by the signature below.)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

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**CITY OF DULUTH TAX OFFICER'S USE ONLY**

(Payment of all property taxes billed to date for the above referenced parcel has been verified as paid current and confirmed by the signature below.)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



# CITY OF DULUTH

## MODIFIED REZONING PLAN APPLICATION

### **Section 4**

### **Applicant Response**

The applicant 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 form of a written narrative that must be submitted with the application. The response must be in this format. Any additional information may be included at the discretion of the applicant. Answers should cite specific examples.

- (A) How the proposed modification will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- (B) How the proposed modification will adversely affect the existing use or usability of adjacent or nearby property.
- (C) Whether the property to be affected by a proposed modification has a reasonable economic use as currently zoned.
- (D) Whether the proposed modification 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 modification is in conformity with the policy and interest of the Comprehensive Plan; Land Use Plan; transportation plans and other plans adopted for guiding development within the City of Duluth.
- (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 modification.





# CITY OF DULUTH

## MODIFIED REZONING PLAN APPLICATION

### **Section 5**

### **Notification Requirements**

As the applicant, you are responsible for providing notification to the public regarding the Planning Commission and City Council hearings of your request. Proof of the fulfillment of all notification requirements is due in the office by 4:30 p.m. on the date indicated by the attached Planning Commission Public Schedule.

The following forms of notification are required:

1. Posting of a legal advertisement in the Gwinnett Daily Post stating the nature of the request, name of the applicant, location of the property and date and location of the hearing.
2. Delivery (via USPS certified mail) of a hard copy letter of notification to all adjoining property owners. This letter should express the nature of your request, a detailed description of any operations to take place, the name and address of the applicant and the date, time and place of the hearing.

Templates for each of the requirements are attached to this package. In order to submit proof of notification to the City of Duluth Department of Planning and Development, you should prepare and submit the following prior to the listed "Proof of Public Notification" due date on the Planning Commission public schedule:

1. A copy of the receipt received for payment of and placing of the legal advertisement in accordance with requirement number 2 above.
2. A copy of the letter required by number 3 above should also be sent to our office with a list of all adjoining property owners to whom the required letter was sent. When available, the certified mail receipts should be submitted to our office.



# CITY OF DULUTH MODIFIED REZONING PLAN APPLICATION

## Legal Advertisement Template

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### PUBLIC HEARING

### CITY OF DULUTH, GEORGIA

Notice is hereby given to the public that an application has been filed with the City of Duluth, Georgia for a rezoning case [Insert Case Number] submitted by [Insert Applicant Name] of [Insert Applicant City, State] to construct a [Insert description of request]. The location related to this request is [Insert property address] also known as parcel number [Insert Parcel ID Number].

All interested parties are invited to attend a public hearing before the **Duluth Planning Commission / City Council** on the rezoning request at Duluth City Hall, 3167 Main Street on **[Insert Hearing Date]** at 7:00 p.m. Case file and map of the proposed development are available for review in the Department of Planning and Development, Monday-Friday 8:00 a.m. – 5:00 p.m. or by calling 770-476-1790. Handicap accessibility is at the rear of the building.

#### **Notice to Applicant**

The required legal notice above must appear in the Gwinnett Daily Post no less than 15 calendar days prior to the hearing date. Please see the following contact information:

**Legal Notices:** Hours are 8 a.m. to 5 p.m., Mon.-Fri. The fax number is 770-339-8082. Cindy Carter is the legal notice coordinator. She can be reached at 770-963-9205 ext.1160. E-mail [legals@gwinnettdailypost.com](mailto:legals@gwinnettdailypost.com).

Once you have placed the advertisement, please submit a signed publisher's affidavit as proof of placement of this notification. This document can be provided by the Gwinnett Daily Post.



# CITY OF DULUTH MODIFIED REZONING PLAN APPLICATION

## **Adjoining Property Owner Notification Requirements (Page One)**

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Notification of your request should be mailed via the United States Postal Service Certified Mail to all adjoining property owners. Notification should be in the following form:

[Insert Date]

### **NOTIFICATION OF REZONING APPLICATION**

This Letter is to inform you that an application for rezoning has been submitted to the City of Duluth Planning Commission / City Council on a tract of land adjacent to your property. Please be advised of the following information pertaining to the Rezoning request and public hearings.

Case Number:	
Applicant Name:	
Applicant Address:	
Applicant Phone Number:	
Present Zoning:	
Requested Zoning:	
Property Address:	
Proposed Use:	
Planning Commission Hearing:	[INSERT DATE]
City Council Hearing:	[Insert Date]
Location of Hearings:	3167 Main Street, Duluth GA 30096

For further information, please call the City of Duluth Planning Department at 770.476.1790. If for any reason hearings are continued or tabled to another date, no further notice will be provided. It is advisable to call the above number to confirm that this case is on the agenda prior to arriving.

Sincerely,

[Applicant Name]



# CITY OF DULUTH

## MODIFIED REZONING PLAN APPLICATION

### **Adjoining Property Owner Notification Requirements (Page Two)**

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In addition to the above letter, the mailing should include the following:

1. A copy of the site plan and or any drawings reduced to 8 ½ "x 11 ".
2. A copy of the zoning map for the site (can be provided by the city upon request).