



City of Dacula

P. O. Box 400

Dacula, GA 30019

(770) 963-7451 / Fax (770) 513-2187

REZONING /CHANGE OF CONDITIONS/SPECIAL USE PERMIT

- (1) Please submit *Rezoning/Change of Conditions/Special Use Permit Application* to City Administrator at the Dacula City Hall.
- (2) Filing deadline is forty-five (45) *days* before Public Hearing.
- (3) The Planning Commission will schedule a public hearing and place a legal advertisement in the official news organ (*Gwinnett Daily Post*) at least fifteen (15) days prior to the public hearing.
- (4) All *Rezoning/Change of Conditions/Special Use Permit* requests must be reviewed at a public hearing.
- (5) You will be notified of the date and time of the public hearing.
- (6) The Planning Commission meets the Last Monday of each month at 6:00 PM in the Council Chambers at the Dacula City Hall.
- (7) The Planning Commission will make a recommendation to the City Council. The City Council meets the 1st Thursday of each month at 7:00 PM.
- (8) All *Rezoning/Change of Conditions/Special Use Permit* requests must be approved by the City Council.
- (9) An Economic and Community Infrastructure Facilities Impact Worksheet must be completed and submitted with applications. Impact Worksheet requirement may be waived at the discretion of the City Administrator.



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REQUIRED INFORMATION

The following items are necessary in order to process Rezoning and/or Special Use Permit Applications.

ALL APPLICATIONS MUST BE COMPLETED WITH ALL ITEMS LISTED BELOW.

IF APPLICATION IS NOT COMPLETE, THE APPLICATION CANNOT BE ACCEPTED.

1) **APPLICATION FORM**

Please be specific and complete with all pertinent and required information.

2) **APPLICATION FEE** *(Please make all checks payable to the City of Dacula)*

<i>AG, R-1100, R-1100CZP, R-1200, R-1200CZP, R-1400, R-1400CZP, R-1600, TRD (CHANGE OF CONDITIONS)</i>		<i>R-TH, R-SR, RMD, MH (CHANGE OF CONDITIONS)</i>		<i>C-1, C-2, C-3, O-I, M-1, M-2, PMUD (CHANGE OF CONDITIONS)</i>	
0 - 5 Acres	\$ 500.00	0 - 5 Acres	\$ 1,000.00	0 - 5 Acres	\$ 1,000.00
5 - 10 Acres	\$ 750.00	5 - 10 Acres	\$ 1,500.00	5 - 10 Acres	\$ 1,500.00
10 - 20 Acres	\$ 1,000.00	10 - 20 Acres	\$ 2,000.00	10 - 20 Acres	\$ 2,000.00
20 - 50 Acres	\$ 1,500.00	20 - 50 Acres	\$ 3,000.00	20 - 50 Acres	\$ 3,000.00
50 Acres +	\$ 2,000.00	50 Acres +	\$ 4,000.00	50 Acres +	\$ 4,000.00
+ \$30/Ac *		+ \$40/Ac *		+ \$50/Ac *	
Maximum Fee	\$3,000.00	Maximum Fee	\$5,000.00	Maximum Fee	\$5,000.00

** Or any portion of an acre above 100 Acres*

3) **LEGAL DESCRIPTION**

This legal description should be ***typed*** and should describe, by metes and bounds, only the property to be rezoned or considered for a special use.

4) **BOUNDARY SURVEY- CONCEPT/SITEPLAN**

5) **CONCEPT/SITE PLAN**

Five (5) copies (to scale) of the Concept/Site Plan must be submitted with this application along with one (1) copy reduced to 8½" x 11". Concept/Site Plan should reflect how the property is to be developed. The Plan should show proposed building locations, driveways, parking areas, building setbacks, streets, lot layouts, buffers, creeks, flood plains, etc.

6) **LETTER OF INTENT**

The Letter of Intent should describe in detail your request and why you feel your request is justified.

7) **NOTARIZED SIGNATURES**

The application form must have notarized signatures of both the property owner and the applicant, or an attachment if multiple owners are involved.

8) **ADJOINING PROPERTY OWNERS**

Applicant notifies all adjoining property owners(s) of Rezoning/COC/SUP request. Copy of a list of adjoining property owners(s) and letter(s) of notification must be attached to application.

9) **CONFLICT OF INTEREST FORM**

Must be filed within ten (10) days of filing the Rezoning/COC/SUP Application.

10) **IMPACT ANALYSIS STATEMENT**

11) **CAMPAIGN DISCLOSURE FORM**



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REZONING/ CHANGE OF CONDITIONS/ SPECIAL USE PERMIT APPLICATION

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

(Please Type or Print using BLACK INK)

APPLICANT *	PROPERTY OWNER *
NAME _____	NAME _____
ADDRESS _____	ADDRESS _____
CITY _____	CITY _____
STATE _____ ZIP _____	STATE _____ ZIP _____
PHONE _____ FAX _____	PHONE _____ FAX _____

APPLICANT IS THE:

- ☐ OWNER'S AGENT
- ☐ PROPERTY OWNER
- ☐ CONTRACT PURCHASER

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

CONTACT PERSON _____

COMPANY NAME _____

ADDRESS _____

PHONE _____ FAX _____

EMAIL _____

PRESENT ZONING DISTRICT(S) _____ REQUESTED ZONING DISTRICT _____

LAND LOT(S) _____ PARCEL # _____ DISTRICT(S) _____ ACREAGE _____

PROPOSED DEVELOPMENT OR SPECIAL USE REQUESTED _____

RESIDENTIAL DEVELOPMENT:

NO. OF LOTS/DWELLINGS UNITS _____

DWELLING UNIT SIDE (SQ. FT.) _____

NON-RESIDENTIAL DEVELOPMENT:

NO. OF BUILDINGS/LOTS _____

TOTAL GROSS SQ. FEET _____

LETTER OF INTENT & LEGAL DESCRIPTION OF PROPERTY

*** PLEASE ATTACH A "LETTER OF INTENT" EXPLAINING WHAT IS PROPOSED and
TYPED "LEGAL DESCRIPTION" OF PROPERTY TO BE AMENDED ***

CASE NUMBER

APPLICANT CERTIFICATION

The undersigned is authorized to make this application and is aware that if an application is denied, no application or re-application affecting the same property shall be acted upon within twelve (12) months from the date of last action unless waived by the City.

Signature of Applicant _____ *Date* _____

Type or Print Name/Title _____

Notary Public _____ *Date* _____

PROPERTY OWNER CERTIFICATION

The undersigned, or as attached, is the record owner of the property considered in this application and is aware that if an application is denied, no application or re-application affecting the same land shall be acted upon within twelve (12) months from the date of last action unless waived by the City.

Signature of Property Owner _____ *Date* _____

Type or Print Name/Title _____

Notary Public _____ *Date* _____

FOR ADMINISTRATIVE USE ONLY

DATE RECEIVED _____ RECEIVED BY _____ FEE _____ RECEIPT # _____

LAND LOT _____ DISTRICT _____ PARCEL # _____ HEARING DATE _____

.....

ACTION TAKEN _____

SIGNATURE _____ DATE _____

STIPULATIONS _____



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DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more the Mayor and/or a member of the City Council or a member of the Dacula Planning Commission.

☐ Yes ☐ No

If the answer is *Yes*, please complete the following section:

Name of Government Official	Contributions <i>(All which aggregate to \$250.00+)</i>	Contribution Date <i>(within last 2 years)</i>
<hr/> <hr/> <hr/> <hr/>		

Have you, within the two years immediately preceding the filing of this application, made gifts having in the aggregate a value of \$250.00 or more to the Mayor and/or a member of the City Council or a member of the Dacula Planning Commission.

☐ Yes ☐ No

If the answer is *Yes*, please complete the following section:

Name of Government Official	Description of Gifts <i>(Valued aggregate \$250.00+)</i>	Date Gift was Given <i>(within last 2 years)</i>
<hr/> <hr/> <hr/> <hr/>		

(Attach additional sheets if necessary to disclose or describe all contributions/gifts)

CONFLICT OF INTEREST CERTIFICATION

The undersigned, making application for rezoning/SUP, has complied with the Official Code of Georgia, Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions and has submitted or attached the required information on the forms provided.

*Signature of Applicant*_____ *Date*_____

*Type or Print Name/Title*_____

*Signature of Applicant' Attorney*_____ *Date*_____

*Type or Print Name/Title*_____

*Notary Public*_____ *Date*_____

(Notary Seal)

Official Use Only

DATE RECEIVED_____ ZONING CASE NUMBER_____

RECEIVED BY_____



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IMPACT ANALYSIS STATEMENT

As required by the Zoning Resolution of the City of Dacula, 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. **ALL APPLICATIONS MUST BE COMPLETED WITH THE COMPLETED IMPACT ANALYSIS STATEMENT.**

DATE _____ APPLICANT _____

A. Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property: _____

B. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property: _____

C. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned: _____

D. Whether the proposed rezoning 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 is in conformity with the policy and intent of the Land Use Plan: _____

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: _____

APPENDIX

(For Informational Purposes)

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

Effective Date: This Chapter became effective July 1, 1984.

Cross References: Codes of Ethics and Conflicts of Interest, T. 45, Ch. 10.

Code Commission Notes: Ga. L. 1986, p. 1269, Sec. 1 and Ga. L. 1986, pa. 1496, Sec. 1, both enacted a Chapter 85 of Title 36. The chapter enacted by Ga. L. 1986, p. 1269, Sec. 1 was redesignated as Chapter 67A of Title 36 pursuant to Sec. 26-9-3.

36-67 A-1. Definitions

As used in this chapter, this term:

- (1) “Applicant” means any individual or business entity applying for rezoning action.
- (2) “Business entity” means any corporation, partnership, limited partnership, firm, enterprise, franchise, association or trust.
- (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 country 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.
- (7) “Property interest” means the direct or indirect 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 as the effect of rezoning real property from one zoning classification to another. (Code 1981, Sec. 36-67A-1, enacted by Ga. L. 1986, p. 1269, Sec. 1.)

DISCLOSURE & PENALTIES

36-67 A-2 Disclosure of Financial Interests

A local government official who:

- (1) Has a property interest in any real property affected by a rezoning action upon which that official is authorized to vote.
- (2) Has a financial interest in any business entity which a property interest in any real property affected by a rezoning action upon which that official is authorized to vote; 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. Such disclosures shall be a public record and available for public inspection at any time during normal working hours. (Code 1981, Sec. 36-67A-2, enacted by Ga.L. 1986, p. 1269, Sec.1.).

36-67 A-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 or more or made gifts having in the aggregate a value of \$250.00 or more to a local government official of the local government which will consider the applications, it shall be the duty of the applicant and the attorney representing the applicant to file a disclosure report with the governing authority of the respective local government showing:
 - (1) The name of the local government official to whom the campaign contribution or gift was made;
 - (2) The dollar amount 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; and
 - (3) An enumeration and description of each gift having a value of \$250.00 or more made by the applicant to the local government official during the two years immediately preceding the filing of the application for the zoning change.
- (b) The disclosures required by subsection (1) of this Code shall be filed within ten days after the application for the rezoning action is first filed. (Code 1981, Sec. 36-67A-3, enacted by Ga. L. 1986, p. 1269, Sec. 1)

36-67A-4 Penalties

Any local government official knowingly failing to make a disclosure required by Code Section 36-85-2 shall be guilty of a misdemeanor. Any applicant for rezoning action knowingly failing to make any disclosures as required by Code Section 36-83-3 shall be guilty of a misdemeanor. (Code 1981, Sec. 36-67A-4, enacted by Ga.L. 1986, p. 269, Sec.1.)

ADJOINING PROPERTY OWNER(S)
RECORD NOTIFICATION

DATE: _____

TO: _____

(Sent by First Class Mail and Certified Mail - Return Receipt Requested)

FROM: _____

RE: Application Case #: _____

Application Case #: _____

Application Case #: _____

Property Location: 5th District, Land Lot _____ Parcel _____

LOCATION/ADDRESS: _____

You are hereby notified that an application a zoning change from _____
to _____ has been submitted to the City of Dacula.

The proposed rezoning is contiguous to your property.

The PLANNING COMMISSION Public Hearing/Meeting will be held at the Dacula City Hall,
442 Harbins Rd., Dacula, Georgia on _____ at 6:00 P. M. in the Council
Chambers. (date)

The CITY COUNCIL Public Hearing/Meeting will be held at the Dacula City Hall, 442 Harbins Rd.,
Dacula, Georgia on _____ at 7:00 P. M. in the Council Chambers.
(date)

If you have any comments or concerns concerning this matter, please plan to attend the public
hearings.

Thank you.