



# [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. An application shall contain the following in order to be considered complete:
1. A signed and notarized application form including all of the information required to be supplied by the applicant on the form or attached to it. If the owner is a corporation or partnership then provide an executed Certificate of Corporate authorizing submission of the application.
  2. Letter of intent stating the reasons for the modified rezoning, a description of the proposal, and addressing each of the standards identified in the City's Unified Development Code for map amendments, as applicable.
  3. Response to the standards listed in Section 4.
  4. Payment of fees as set forth in the schedule of fees adopted by the City Council.
  5. Copy of the Deed (with legal description) as proof of ownership.
  6. If the applicant is not the owner of the property, provide a notarized property owner's authorization for the applicant to act on behalf of the owner on the request (accompanied by an executed certificate of corporate resolution if the owner is a corporation).

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

1. 1 copy of Legal description
  2. List of adjoining property owner names and mailing addresses
  3. 2 copies of the site plan to scale
  4. Reduced copy of the site plan (no larger than 11" x 17")
  5. Digital copies of all photos, maps and site plans are required in PDF format.
- D. **Initial Review Period.** Planning Staff will review the application for completeness within 10 days of submission. After this review period, the applicant will be contacted via e-mail with an approval or denial notice of the application. This notice will include specific information such as the case number, case manager and tentative hearing dates. Applications will be denied if they are incomplete.
- E. **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.
- F. **Public Notification.** The City of Duluth will provide legal notification to the public regarding the hearing of your request. The applicant is responsible for sending notice to the adjoining property owners. Please see Section 5 for more information.
- G. **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.
- H. **City Council.** Duluth City Council hearing will be set *after* the Planning Commission hearing is completed.



# CITY OF DULUTH

## MODIFIED REZONING PLAN APPLICATION

### Section 2

### Site Plan Requirements

*All applications for a rezoning 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 is 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 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: \_\_\_\_\_

Proposed Use: \_\_\_\_\_  
\_\_\_\_\_

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

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

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

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

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

\_\_\_\_\_  
Signature of Notary Public                      Date

\_\_\_\_\_  
Signature of Notary Public                      Date

(Notary Seal)

(Notary Seal)



# CITY OF DULUTH MODIFIED REZONING PLAN APPLICATION

## CONFLICT OF INTEREST CERTIFICATION

The undersigned below, making application for a rezoning has complied with the O.C.G.A. § 36-67A-1, ET. seq., Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided. Title 36 relates to disclosure of financial interests, campaign contributions, and penalties for violating O.C.G.A.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Type or print name and title

\_\_\_\_\_  
Signature of applicant's attorney

\_\_\_\_\_  
Date

(If applicable)

\_\_\_\_\_  
Type or print name and title

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Date

(Notary Seal)



# CITY OF DULUTH

## MODIFIED REZONING PLAN APPLICATION

### **DISCLOSURE STATEMENT**

Applicants who have contributed to any campaign of an official who will consider the application must file a disclosure report with the City of Duluth.

- 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 rezoning 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

\_\_\_\_\_  
Owner 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

-----

(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 be as complete as possible and cite specific examples.

1. Whether the proposed modification will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. Whether the proposed modification will adversely affect the existing use or usability of adjacent or nearby property.
3. Whether the proposed modification will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
4. Whether the zoning proposal is consistent with the Land Use Policy Plan, Comprehensive Plan, transportation plans, or other plans adopted for guiding development within the City of Duluth.
5. Whether there are other existing or changing conditions affecting the use and development of property that give supporting grounds for either approval or disapproval of the zoning or special use proposal.
6. Whether the property to be affected by a proposed modification has a reasonable economic use as currently zoned.



# CITY OF DULUTH

## MODIFIED REZONING PLAN APPLICATION

### **Section 5**

### **Notification Requirements**

The City of Duluth will provide legal notification to the public regarding the Planning Commission and City Council hearings of your request.

As the applicant, you are responsible for providing proof of notification to the adjoining property owners for the proposed rezoning.

The following form of notification is required:

1. Delivery (via USPS certified mail) of a hard copy letter of notification to all adjoining property owners (please see next page). This letter should express the nature of your request, a detailed description of any operations and uses to take place, the name and address of the applicant and the date, time and place of the hearing. Also included in the notification should be a reduced size site plan (8 ½" x 11") and a copy of the zoning map for the site (can be provided by the City upon request).



# 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 MODIFIED REZONING APPLICATION**

This Letter is to inform you that an application for modified 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 modified 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 Date:	
City Council Hearing 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]