

ARTICLE XV

AMENDMENTS

The regulations, restrictions, and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed, provided however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. This Ordinance, including the Official Zoning Map of Snellville and the Land Use Plan of Snellville, may be amended from time to time by the Mayor and Council of Snellville, but no amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the Snellville Planning Commission for review and recommendation.

SECTION 15.1. INITIATION OF AMENDMENTS.

Amendment applications may be in the form of proposals to amend the text, or proposals to amend the Land Use Plan or the Official Zoning Map. An application to amend the text of the Zoning Ordinance may be initiated by the Planning and Development Department or the Planning Commission, submitted to the Planning Commission by the Mayor and Council, or submitted by any person having an interest in the City. An application to amend the Land Use Plan or the Official Zoning Map may be initiated by the Planning Commission or be submitted to the Planning Commission by the Mayor and Council. Unless initiated by the Mayor and Council or the Planning Commission, all applications to amend the Land Use Plan, Official Zoning Map, or conditions of zoning must be submitted by the owner of the affected property or the authorized agent of the owner. Such authorization shall be notarized and attached to the application.

SECTION 15.2. APPLICATION FOR AMENDMENTS.

Each application to amend text of this Ordinance, the Land Use Plan, or the Official Zoning Map shall be filed with the Planning and Development Department. Applications shall be submitted in compliance with the following:

- (1) Text amendment applications shall include the following:
 - (a) Payment of the appropriate application fee as determined by the fee schedule;
 - (b) Name and address of applicant;
 - (c) Current provisions of text to be affected by amendment;
 - (d) Proposed wording of text change;
 - (e) Letter of Intent explaining what is proposed and reason for request;
 - (f) Applicant's Certification;
 - (g) Conflict of Interest Certification and Disclosure of Campaign Contributions;
and

- (h) Fifteen (15) stapled or bound copies of the text amendment application and all supporting documents, in addition to one (1) unbound application bearing original signatures. In addition, a CD-ROM shall be submitted containing a digital copy of all materials submitted in .pdf format.
- (2) Land Use Plan amendment applications shall include the following:
- (a) Payment of the appropriate application fee as determined by the fee schedule;
 - (b) A current legal description of the property proposed for amendment. If the property proposed for amendment includes multiple parcels, provide a separate legal description for each individual parcel, together with a composite legal description for all parcels;
 - (c) Thirty (30) printed boundary surveys of the geographic area in the City that is to have a revised land use under the applicant's proposal, at least one of which should be an 11 x 17 (or smaller) reduction. In addition, a CD-ROM shall be submitted containing a digital file of the boundary survey in both .pdf and .dwg formats;
 - (d) All permitted land uses for the identified area under the existing Land Use Plan;
 - (e) All changes to existing land use designations that are proposed by the application;
 - (f) All land uses immediately adjacent to the subject property under the existing Land Use Plan;
 - (g) Letter listing all reasons for the amendment application;
 - (h) Applicant's and/or Owner's Certification;
 - (i) Names and addresses of the owner(s) of the land or their agent(s), if any, authorized to apply for an amendment;
 - (j) A written, documented analysis of the impact of the proposed land use change that specifically addresses each of the following matters:
 1. Whether the proposed land use change will permit uses that are suitable in view of the uses and development of adjacent and nearby property;
 2. Whether the proposed land use change will adversely affect the existing uses or usability of adjacent or nearby property;
 3. Whether the proposed land use change will result in uses which will or

- could cause excessive or burdensome uses of existing streets, transportation facilities, utilities, or schools; and
4. Whether there are other existing or changing conditions affecting the use and development of the affected land areas which support either approval or disapproval of the proposed land use change.
 - (k) Thirty (30) stapled or bound copies of the Land Use Plan amendment application and all supporting documents, in addition to one (1) unbound application bearing original signatures. In addition, a CD-ROM shall be submitted containing a digital copy of all materials submitted in .pdf format;
 - (l) Verification by Gwinnett County that all property taxes owed have been paid (for all parcels subject to this application);
 - (m) A Certificate of Title (for all parcels subject to the application);
 - (n) A map indicating the subject property(ies) and the adjacent properties, identified by tax parcel number; and
 - (o) An initiating party shall also file any other information or supporting materials that are required by the Mayor and Council, Planning Commission and/or the Planning and Development Department.
- (3) Zoning Map amendment applications shall include the following:
- (a) Payment of the appropriate application fee as determined by the fee schedule;
 - (b) A current legal description of the property to be rezoned. If the property proposed for amendment includes multiple parcels, provide a separate legal description for each individual parcel, together with a composite legal description for all parcels;
 - (c) Thirty (30) copies of the proposed site plan, and one (1) 11 x 17 (or smaller) reduction of the plan, drawn to scale, showing: a north arrow; land lot, district, and parcel number; the dimensions with bearing and distance; acreage; location of the tract(s); the present zoning classification of all adjacent parcels; the proposed location of structures, driveways, parking, and loading areas; and the location and extent of required buffer areas. Site plan shall be prepared by an architect, engineer, landscape architect or land surveyor whose state registration is current and valid. Site plan must be stamped and sealed by one of the four above-mentioned professionals no more than six (6) months prior to date of submittal. In addition, a CD-ROM shall be submitted containing a digital file of the site plan in .pdf and .dwg formats;

- (d) Letter of intent explaining what is proposed;
- (e) Thirty (30) stapled or bound copies of the Zoning Map amendment application and all supporting documents, in addition to one (1) unbound application bearing original signatures. In addition, a CD-ROM shall be submitted containing a digital copy of all materials submitted in .pdf format;
- (f) Applicant's and/or Owner's Certification;
- (g) Conflict of Interest Certification and Disclosure of Campaign Contributions;
- (h) The present and proposed zoning district for the tract(s);
- (i) The names and addresses of the owners of the land and their agents, if any;
- (j) Each Zoning Map amendment application, whether submitted by the City or by another party, shall include with it a written, documented analysis of the impact of the proposed rezoning with respect to each of the following matters:
 - 1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties;
 - 2. Whether the zoning proposal would adversely affect the existing use or usability of adjacent or nearby property;
 - 3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
 - 4. 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;
 - 5. Whether the zoning proposal is in conformity with the policy and intent of the Land Use Plan; and
 - 6. 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.
- (k) Architectural building renderings indicating building elevation, colors, construction materials, etc. of which the facades and roofs will consist;
- (l) Verification by Gwinnett County that all property taxes owed have been paid (for all parcels subject to this application);
- (m) A Certificate of Title (for all parcels subject to the application);
- (n) A map indicating the subject property(ies) and the adjacent properties, identified by tax parcel number; and

- (o) An initiating party shall also file any other information or supporting materials that are required by the Mayor and Council, Planning Commission, and/or the Planning and Development Department.
- (4) Applications shall be submitted by noon at least forty-two (42) days prior to the date on which it is to be considered by the Planning Commission. Any application that does not include all of the components required in Sections 15.2 (1), (2), and/or (3) shall be considered incomplete; submission date shall be considered the date upon which the application is accepted as complete by the Planning and Development Department. Fees for an application to amend the Zoning Ordinance, the Official Zoning Map, the Land Use Plan, or any combination thereof, shall be established by the Mayor and Council and made available by the Planning and Development Department. A fee shall not be charged for applications initiated by the Mayor and Council or Planning Commission.
- (5) Once an application for a Land Use Plan amendment and/or Official Zoning Map amendment has been made, the applicant may withdraw such application without prejudice until such time as the legal advertisement for the Mayor and Council public hearing is placed in the City's legal organ (no less than twenty-one days before the Mayor and Council public hearing). No application shall be allowed to be withdrawn less than twenty-one (21) days before the Mayor and Council public hearing unless the request for withdrawal is granted by the Mayor and Council at the public hearing. Otherwise, all applications shall be considered by the Mayor and Council.

There shall be no reimbursement for withdrawn applications. An applicant may request reimbursement in writing to the Mayor and Council. Said request will be considered during a regular meeting of the Mayor and Council.

- (6) If an application for a Land Use Plan amendment and/or an Official Zoning Map amendment is denied by the Mayor and Council, no application affecting any portion of the same property shall be submitted less than twelve (12) months from the date of denial.

SECTION 15.3. PLANNING AND DEVELOPMENT DEPARTMENT STUDY.

- (1) The Planning and Development Department, upon receiving an application to amend the Zoning Ordinance, Land Use Plan, or the Official Zoning Map, may do the following:
 - (a) Consult with other departments of the City or County to fully evaluate the impact of any land use category or zoning district change upon public facilities and services including, but not limited to, schools, drainage, traffic and related facilities.
 - (b) Conduct a site review of the property and surrounding area.

(c) Submit a written record of its investigation and recommendations to the Planning Commission and Mayor and Council. Said report shall be a matter of public record.

(2) The Planning and Development Department's report may recommend amendments to the applicant's request which would reduce the land area for which the application is made, change the land use category or zoning district requested and/or recommend conditions of rezoning which may be deemed advisable so that the purpose of this Ordinance will be served and the public health, safety, morality, and general welfare secured.

SECTION 15.4. PLANNING COMMISSION ACTION.

The Planning Commission shall hold a public hearing on each application in accordance with a schedule adopted by the Mayor and Council. Staff recommendations on each application shall be submitted to the Planning Commission in advance of the public hearing. In addition, the Planning Commission shall with respect to each application investigate and make a recommendation as to each of the matters set forth in Section 15.2(2)(g) and/or 15.2(3)(e) for approval, denial, deferral, withdrawal without prejudice or no recommendation. Proponents and opponents of any amendment shall be allotted a minimum of ten (10) minutes, per side, for the presentation of data, evidence, and opinion during said public hearing. A written report of the Planning Commission's investigation and recommendation, along with the investigation and recommendation of the Planning Department, shall be submitted to the Mayor and Council and shall be of public record.

SECTION 15.5. MAYOR AND COUNCIL PUBLIC HEARING.

Before taking action on a proposed amendment and after receipt of the Planning Department and Planning Commission recommendations and reports thereon where required, the Mayor and Council shall hold a public hearing on the proposal. At the public hearing, the Mayor and Council shall review the reports prepared by the Planning and Development Department and the Planning Commission. So that the purpose of this Ordinance will be served and the public health, safety, morality, and general welfare secured, the Mayor and Council may approve or deny the application, reduce the land area for which the application is made, change the district or land use category requested, and/or add or delete conditions of the application that are more or less restrictive than the current ordinance. Proponents and opponents of any amendment shall be allotted a minimum of ten (10) minutes, per side, for the presentation of data, evidence, and opinion during said public hearing. An action by the Mayor and Council to defer the application shall include a statement of the date and time of the next meeting at which the application will be considered, which statement shall constitute public notice of the hearing on the application and no further notice, such as that required by Section 15.6, is required.

SECTION 15.6. PUBLIC NOTIFICATION. The following are required for applications to amend the Land Use Plan, Official Zoning Map, conditions of rezoning, or for a Conditional Use Permit:

(1) Legal notice: Due notice of the Planning Commission meeting and the Mayor and

Council public hearing shall be published in a newspaper of general circulation within the City and the newspaper which carries the legal advertisements of the city, by advertising the application and date, time, place and purpose of the public hearing not fewer than fifteen (15) days nor more than forty-five (45) days prior to the date of the Planning Commission meeting and the Mayor and Council public hearing. If the application is to amend the Land Use Plan, the notice shall include location, current land use category and proposed land use category. However, if the application is for amendment to the Official Zoning Map, then the notice shall also include the location of the property, the present zoning district of the property, and the proposed zoning classification of the property.

- (2) Signs posted: The Department of Planning and Development shall post a sign containing information which indicates that the application(s) has been filed and the date, time, and place of both the Planning Commission meeting and Mayor and Council public hearing at which the application(s) will be considered. The sign(s) shall be posted at least fifteen (15) days nor more than forty-five (45) days prior to the Planning Commission public hearing and shall be posted in a conspicuous place on the property adjacent to and visible from each public street abutting the property for which an application has been submitted. The applicant shall submit the required fee for the purchase of said sign(s), to be determined by the Mayor and Council, at the time such an application(s) is submitted. The applicant shall maintain the sign(s) in good condition, making sure they are present and upright throughout the application review period, which shall extend through the time of final City Council decision. The Department of Planning and Development shall be responsible for the removal of all public notice sign(s).
- (3) Letters to property owners: The Department of Planning and Development shall notify the owners of adjoining property owner(s), of the subject property, for which the variance is sought and/or his agent by Certified Mail with Return Receipt Requested as shown by the Gwinnett County GIS Data Brower. Such notification shall be mailed at least fifteen (15) days prior to the Planning Commission meeting. A second notification mailing shall be at least (15) days prior to the Mayor and Council public hearing. Said notification shall include a description of the application and the date, time, and place of the public hearing.

SECTION 15.7. CONDITIONS OF REZONING ALTERATION HEARING.

An application to alter conditions of rezoning shall be submitted and processed in accordance with all provisions applicable to map amendments through the Planning and Development Department, the Planning Commission for a public hearing, and to the Mayor and Council for public hearing.

SECTION 15.8. ORDER OF AMENDMENTS.

The permitted order in which amendments may be made to the text of the Zoning ordinance, the Land Use Plan, and the Official Zoning Map, respectively, is as follows:

- (1) The text of the Zoning Ordinance may be amended without prior or subsequent amendment to the Land Use Plan or the Official Zoning Map.

- (2) The Official Zoning Map may be amended without an amendment to the Land Use Plan if the proposed amendment would permit a use that is permitted by the Land Use Plan.
- (3) If a proposed amendment to the Official Zoning Map would permit a use that is not authorized within the land use category of the subject property as shown on the Land Use Plan, then the applicant must obtain an appropriate amendment to the Land Use Plan before applying for the rezoning. The applicant may apply for an appropriate amendment to the Land Use Plan and at the same time apply for Zoning Map amendment.
- (4) The Land Use Plan may be amended regardless of the zoning districts that apply to the subject property.
- (5) Where an application to amend the Land Use Plan and an application to amend the Official Zoning Map each affect the same property and are scheduled to be heard at the same hearing, the application to amend the Land Use Plan shall be heard first and action authorized by this ordinance taken before the application to amend the Official Zoning Map is heard and action taken with respect thereto.

SECTION 15.9. ANNUAL REVIEW OF THE LAND USE PLAN.

In June of each year, the Planning Commission shall submit to the Mayor and Council its written recommendations concerning amendments to the Land Use Plan. The Mayor and Council shall review the Planning Commission's report and shall hold a public hearing on any recommended amendments which the Mayor and Council considers of public interest and subject to implementation in July of each year.

SECTION 15.10. CONDITIONAL USE PROVISIONS.

An application for a Conditional Use Permit shall be submitted and processed in accordance with all provisions applicable to map amendments through the Planning and Development Department, the Planning Commission for a public hearing, and to the Mayor and Council for public hearing. An applicant seeking a conditional use permit shall submit such application, site plan and pay appropriate fees as determined by the Mayor and Council. Twenty (20) stapled or bound copies of the application, site plan, and any supporting documents must be submitted by the applicant, in addition to one (1) unbound application bearing original signatures. In addition, a CD-ROM shall be submitted containing a digital copy of all materials submitted in .pdf format. The following procedure shall be used by the City to review and evaluate conditional use applications:

- (1) Applications for conditional uses shall be submitted no later than noon forty-two (42) days prior to the meeting date of the Planning Commission.
- (2) The site plan shall be submitted for review by the Planning Commission and shall contain the following information:
 - (a) Twenty (20) copies of the proposed site plan, and one (1) 11 x 17 (or smaller) reduction of the plan, drawn to scale, showing: a north arrow; land lot,

district, and parcel number: the dimensions with bearing and distance; acreage; location of the tract(s); the present zoning classification of all adjacent parcels; the proposed location of structures, driveways, parking, and loading areas; and the location and extent of required buffer areas. Site plan shall be prepared by an architect, engineer, landscape architect or land surveyor whose state registration is current and valid. Site plan must be stamped and sealed by one of the four above-mentioned professionals no more than six (6) months prior to date of submittal. In addition, a CD-ROM shall be submitted containing a digital file of the site plan in .pdf and .dwg formats.

- (b) Additional information in narrative form, or depicted on the site plan demonstrating how all provisions regarding the conditional use as enumerated elsewhere in the Ordinance will be complied with.
- (3) The Planning Commission shall conduct a public hearing to consider the conditional use application. The applicant or his/her representative must be present at this hearing. At this public hearing, the Planning Commission shall evaluate the request and either make a recommendation for approval or denial to the Mayor and Council.
- (4) At least fifteen (15) days prior to the date of the public hearing to be held by the Mayor and Council, the conditional use request shall be duly advertised, following the same procedure required for a rezoning in Sections 15.5 and 15.6.
- (5) If the conditional use application is denied by the Mayor and Council, the applicant's recourse shall be to Superior Court.
- (6) If the conditional use application is denied by the Mayor and Council, no conditional use application affecting any portion of the same property shall be submitted less than six (6) months from the date of denial.

SECTION 15.11. ACTIONS TO BE TAKEN IF PROPOSED PLANS OF PROPERTY OWNER ARE NOT IMPLEMENTED WITHIN SPECIFIED TIME LIMITS.

If a site development plan or preliminary plat has not been submitted to the Planning and Development Department within twelve (12) months of the date of approval of the rezoning application, then the Planning Commission may review each case to determine if there are circumstances clearly justifying such delays. If justifying circumstances do not exist, the Planning Commission may recommend to Council that the Zoning Map be amended to change the land to its prior zoning classification.

SECTION 15.12. EVALUATION OF ZONING AMENDMENTS.

In considering the applications for amendment to the Zoning Ordinance or Official Zoning Map, or in making other zoning decisions, the following factors may be considered:

- (1) The impact upon the appearance of the City;

- (2) The impact upon thoroughfare congestion and traffic safety;
- (3) The impact upon population density and the potential for overcrowding and urban sprawl;
- (4) The impact upon the provision of water, sewerage, transportation and other urban services;
- (5) The protection of property against blight and depreciation;
- (6) Consistency with the adopted Land Use Plan and/or Comprehensive Plan;
- (7) The impact upon adjacent property owners if the amendment is approved;
- (8) The impact upon the applicant if the amendment is denied; and/or
- (9) Any other factor affecting the health, safety, morals, convenience, order, prosperity, or general welfare of the present and future inhabitants of City of Snellville.

SECTION / ARTICLE	DESCRIPTION	AMENDMENT DATE
Section 15.2	Application for Amendments (amended)	04/18/1994
Section 15.6	Public Notification (amended)	03/18/1996
Section 15.10	Conditional Use Provisions (amended)	02/16/1998
Section 15.2	Application for Amendments (amended)	10/23/2000
Section 15.6	Public Notification (amended)	10/23/2000
Section 15.10	Conditional Use Provisions (amended)	10/23/2000
Section 15.2	Application for Amendments (amended)	03/26/2001
Section 15.2	Application for Amendments (amended)	06/10/2002
Sections 15.9-15.10	Sections (amended)	06/10/2002
Section 15.5	City Council Public Hearing (amended)	02/24/2003
ARTICLE XV	DELETED AND REPLACED TO ADOPT AMENDMENTS	02/23/2004
ARTICLE XV	DELETED AND REPLACED TO ADOPT AMENDMENTS	07/23/2007
Section 15.6	Public Notification (amended)	03/22/2010
Section 15.10	Conditional Use Provisions (amended)	03/22/2010