



Application Process for Rezoning, Conditional Use Permit and Sketch Plats

Main Components of the Process

Prior to Application Submittal for Zoning Review

- A pre-application meeting with planning staff is required for all Master Planned District (MPD) and conservation subdivision applications.
- Senior housing applicants are strongly encouraged to meet with staff prior to application submittal.
- Applicants must meet with the city or county Water & Sewer Department prior to submitting an application to identify the availability of sewer capacity and the location, connection and route of sewer lines. See UDC § 8-5.4(G) for more information.
- Please thoroughly review the Unified Development Code to determine if a variance request is needed, which may necessitate further changes to the application and site plan per UDC § 8-2.1(E).
- Any application necessitating a stream buffer variance is required to submit additional application information including a buffer mitigation plan per UDC § 18-11.3 (A)(4)(a-h). It is strongly suggested that an applicant contact the Forsyth County Engineering Department well in advance of the Zoning Review submittal deadline in order to review buffer mitigation plan requirements so that an application will not be deemed incomplete and thereby be delayed.
- Applicants are encouraged to reach out to their district commissioner prior to application submittal. Contact information can be found on the County's website at www.forsythco.com.

Application Submittal for Zoning Review

- See calendar for application deadlines.
- Application submittals must include all of the required items from the attached checklist and any applicable supplemental items in order to be deemed complete.
- Staff will review the submittal and send a notice of completion or inform the applicant of any missing items within 5 business days after the submittal deadline.
- Following the completeness check, staff will review the site plan for all applicable requirements listed in UDC § 8-2.1(E) and the application for conformance with the UDC and Comprehensive Plan.

Zoning Review Meeting

- Zoning review meetings are held once a month; see calendar for meeting dates. You will be notified in writing of your specific date and time.
- Staff will meet with the applicant to provide a staff review to inform the applicant of additional necessary requirements as well as to provide a recommendation.
- Staff will discuss the procedures for public participation and submittal for board consideration.
- Staff feedback during the application process focuses on administrative and technical compliance to prepare the proposal for a public hearing agenda.

Main Components of the Process Continued

Public Participation

- A public participation meeting shall be conducted by the applicant Monday through Friday with a start time between 6:00 – 7:30 p.m.
- Meetings shall be held in a location relatively near the subject property, no earlier than 12 days after the Zoning Review Meeting.
- An audio and visual recording of the public participation meeting is required if the application involves a major subdivision or a minimum of 5,000 sq. ft. of non-residential building space.
- Public participation letters are to be mailed using the list provided by staff. Letters should be mailed in enough time to be received before the scheduled date of the public participation meeting.
- Public participation signs are to be posted on the subject property at least 10 days prior to the public participation meeting.
- Sign affidavit shall be submitted within 2 business days after the Zoning Review Meeting.

Submittal for Board Consideration

- See calendar for deadlines.
- The following is required to submit for board consideration:
 - Application fee; see fee schedule.
 - Revised site plan, ten copies folded and one 8.5"x11" copy (if applicable).
 - Revised application and any revised or additionally requested submittal materials (if applicable).
 - Public Participation Reports, including an audio and visual recording (if applicable).
- Staff will review the submittal and send a notice of completion or inform the applicant of any missing items within 5 business days after the submittal deadline.
- If the application is deemed complete, the staff will provide public hearing signs to be posted 21 days prior to the Public Hearing meeting.

For further information on the zoning application process, please call 770-886-2780.

The Unified Development Code (UDC) can be accessed by visiting www.forsythco.com and choosing Unified Development Code from the "How Do I" menu at the top of the page. Application requirements may be found in Chapter 8, section 8-2.1 (A – H) and section 8-5.4 (A – H).

Application Process

Key Deadlines

Application Submittal

See calendar for deadline

Applicant will be notified of completeness status 5 business days after submittal deadline

Zoning Review

Meeting with staff to review revisions and public participation meeting procedures

Applicant to post public participation sign and submit sign affidavit within 2 days after zoning review meeting

Applicant Work Time

Time allowed to finalize application proposal

Maximum of 180 days after zoning review meeting

Public Participation Meeting

Applicant to host meeting and send public participation letters

Meeting to be held a minimum of 10 days after zoning review meeting

Board Consideration Submittal

Complete applications will be placed on a public hearing agenda
See calendar for deadline

Approximately 2 weeks after zoning review meeting public participation report and site plan revisions must be submitted
Applicant will be notified of completeness status 5 business days after submittal deadline

Planning Commission Work Session

Case is informally discussed, finalized staff report reviewed
Attendance is optional, but encouraged

See calendar for meeting dates

Planning Commission Public Hearing

Public hearing for rezonings and conditional use permits; recommendation made to the Board of Commissioners
Attendance is optional, but encouraged

Applicant to post public hearing signs and submit sign affidavit 21 days prior to the public hearing

Board of Commissioners Meeting

Public hearing for sketch plats
Final decision on application request may result in approval with or without conditions, withdrawal with or without prejudice, or denial
Attendance is optional, but encouraged

3rd Thursday of the month in the month following the Planning Commission public hearing; postponement of decision to a subsequent meeting may occur



Checklist for Rezoning, Conditional Use Permit, and Sketch Plats

Unified Development Code

Zoning and Application Procedures
Residential Districts
Commercial and Office Districts
Industrial and Mining Districts
Agricultural Districts
Supplementary Regulations for Specific Uses
Parking and Loading Regulations
Overlay Districts (If Applicable)

Chapter Reference Guide

- Chapter 8
- Chapter 11
- Chapter 12
- Chapter 14
- Chapter 15
- Chapter 16
- Chapter 17
- Chapter 21 : Design requirements in overlays may apply

Requirements for all applications

Application Form	• Signed & notarized by Applicant and Property Owner(s)	<input type="checkbox"/>
Legal Description	• Must be a written metes and bounds legal description establishing a point of beginning and from the point of beginning give each dimension bounding the property, calling the directions, which the boundary follows around the property returning to the point of beginning. If there are multiple properties, all properties shall be combined into one legal description.	<input type="checkbox"/>
Boundary Survey	• 10 Copies Folded • (1) 8.5" x 11" reduced copy • Shall be prepared by a registered land surveyor	<input type="checkbox"/>
Site Plan	• 10 Copies Folded • (1) 8.5" x 11" reduced copy • Shall be prepared by a land surveyor, professional engineer, landscape architect or architect licensed to practice in the state of Georgia if over 10 acres. • See § 8-2.1(E) for site plan requirements and/or attached check list	<input type="checkbox"/>
Confirmation of Paid Property Taxes	• May be printed from the Forsyth County Tax Assessor's website	<input type="checkbox"/>
Title Opinion	• No older than 120 days • Issued by a duly admitted member of the State Bar of Georgia in good standing • The title opinion shall confirm ownership of the subject property and also identify and provide copies of any covenants, deed restrictions and easements encumbering the property and shall further identify whether any of the identified covenants, deed restrictions and/or easements prohibit the use being sought by the application.	<input type="checkbox"/>
Public Participation Letter or Plan	• See attached sample letters • See § 8-5.4(B) for full requirements	<input type="checkbox"/>
Disclosure of campaign contributions	• Documentation of all contributions of \$100 or more	<input type="checkbox"/>
Water and Sewer Pre-Application Meeting Letter	• County or city service area determines appropriate department • See § 8-5.4(G) for requirements	<input type="checkbox"/>
LLC Compliance	• Provide a copy of state registration and fill out the Corporate /Company Disclosure • See § 8-2.1(H) for requirements	<input type="checkbox"/>



Checklist for Rezoning, Conditional Use Permit, and Sketch Plats

Supplemental Materials for Specific Application Proposals

General

Table with 3 columns: Proposal Type, Requirements, and Status (checkbox). Rows include: All proposals over 10 Acres, Cell Tower, Master Planned District (MPD), Senior Housing, State Waters, Stream Buffer Variance, Water & Sewer Variance.

Supplemental Materials for Specific Application Proposals

Commercial & Industrial

Table with 3 columns: Proposal Type, Requirements, and Status (checkbox). Rows include: Airport or Heliport/Helipad, Large Scale Retail (over 40,000 s.f.), Commercial Outdoor Recreational Facility, Heavy Industrial District (M2), Mining Operations District (MINE), Transportation / Utility Facility, Waste Facility: Landfill, Transfer Station, Recycling, Solid Waste Handling, etc.

Residential

Table with 3 columns: Proposal Type, Requirements, and Status (checkbox). Rows include: All proposals, All proposals 150 or more units.

Table with 3 columns: Proposal Type, Requirements, and Status (checkbox). Rows include: Conservation Subdivision, Single Family Residential District (RES4), Multi-Family Residential District (RES6).

Environmental

Table with 3 columns: Proposal Type, Requirements, and Status (checkbox). Row includes: Metropolitan River Protection Act (MRPA).



Public Participation Process for Rezoning, Conditional Use Permits, and Sketch Plats

Public Participation Meeting:

The purpose of the public participation meeting is to:

- a) Ensure that applicants pursue early and effective citizen participation...
b) Ensure that the citizens and property owners of Forsyth County have an adequate opportunity...
c) Facilitate ongoing communication between the applicant, interested citizens and property owners...
d) The public participation meeting is not intended to produce complete consensus on all applications...

Sample Public Participation Letters: (UDC § 8-5.4(B)(2)(a))

Rezoning Sample Letter

Name
Address
Phone Number
Application Number

Dear Neighbor,

We would like to inform interested property owners that a Rezoning (ZA) application has been submitted to Forsyth County regarding property located at... We are proposing to rezone from... to... for the purpose of...

We are requesting the following variances:

- 1.

A public participation meeting will be held on... at... p.m. at...

This meeting is not the public hearing. Its purpose is to provide neighbors and interested parties the opportunity to meet with the applicant, ask questions and voice concerns regarding this application.

Enclosed is a copy of the conceptual site plan depicting the subject property and the proposed project. Additional information about this application may be obtained at https://css.forsythco.com/EnerGov_Prod/SelfService/#/home.

If you have any questions, comments or concerns, please contact me at...

Sincerely,

Name

Enclosure

Conditional Use Permit Sample Letter

Name
Address
Phone Number
Application Number

Dear Neighbor,

We would like to inform interested property owners that a Conditional Use Permit (CUP) application has been submitted to Forsyth County regarding property located at _____ . We are proposing to _____ .

A public participation meeting will be held on _____ at _____ p.m. at _____ . This meeting is not the public hearing. Its purpose is to provide neighbors and interested parties the opportunity to meet with the applicant, ask questions and voice concerns regarding this application.

Enclosed is a copy of the conceptual site plan depicting the subject property and the proposed project. Additional information about this application may be obtained at https://css.forsythco.com/EnerGov_Prod/SelfService/#/home.

If you have any questions, comments or concerns, please contact me at _____ .

Sincerely,

Name

Enclosure

Public Participation Report

The Public Participation Report shall include a written explanation of the results of the implementation of the public participation plan. The report shall be submitted at the time of filing for board consideration per the department's deadline schedule and will be on file in the department.

Minimum Requirements: (UDC § 8-5.4(C)(1))

- | | |
|--|---|
| <input type="checkbox"/> Executive Summary | <ul style="list-style-type: none">• Summary of public participation meetings including dates, times, locations of all meetings that occurred• List of the parties that were notified, including homeowner associations• Summary of attendee concerns per meeting• Composite summary of all concerns that will be addressed on the site plan or via applicant requested zoning conditions• Composite summary of all concerns that will not be addressed and the reasons why these concerns will not be addressed |
| <input type="checkbox"/> Applicant Requested Zoning Conditions | <ul style="list-style-type: none">• List of all applicant requested zoning conditions• List of all applicant requested modifications to recommended staff zoning conditions and reasons for requested change |
| <input type="checkbox"/> Supporting Documentation | <ul style="list-style-type: none">• Meeting sign-in sheets from all citizen meetings• Signed official USPS Certificate of Mailing forms• Public participation letter that was sent to required contacts• Letters, notices, newsletters or any other publication used for public participation efforts• An audio and visual recording of the Public Participation Meeting is required if the application involves a major subdivision or a minimum of 5,000 square feet of non-residential building space. |

SITE PLAN CHECK LIST

This document is provided as a resource for the applicant to assist in the preparation of site plans to be submitted in support of applications. The items listed below reflect the minimum information that shall be included on all site plans submitted as part of the public hearing process. Additional performance standards may apply.

<input type="checkbox"/>	Proposed layout of streets, alleys, lots, and pedestrian circulation systems
<input type="checkbox"/>	Lot or tract dimensions with required setbacks shown to scale
<input type="checkbox"/>	Required and proposed buffers
<input type="checkbox"/>	Required and proposed landscape areas, common areas, and open space
<input type="checkbox"/>	Proposed structures with square footages (except for single family residential subdivisions)
<input type="checkbox"/>	Proposed uses for each structure (e.g. retail sales, offices, townhouses, etc.)
<input type="checkbox"/>	Existing and proposed zoning districts of the subject property and abutting property
<input type="checkbox"/>	Proposed and existing location and use of all structures on the subject property
<input type="checkbox"/>	Existing and proposed right-of-way locations and dimensions and names of all roads and streets bounding the subject property
<input type="checkbox"/>	Driveways and parking areas with number of provided parking spaces
<input type="checkbox"/>	Loading and unloading facilities
<input type="checkbox"/>	Preliminary and existing locations of storm drainage and structures
<input type="checkbox"/>	Preliminary and existing locations and point of access for major utility lines (e.g. water, gas, electric, etc.)
<input type="checkbox"/>	Preliminary and existing wastewater facilities including areas reserved for drain fields and septic tanks or point of access, sewer easements and manholes
<input type="checkbox"/>	Tax map/parcel number and owner name of subject property and all abutting property owners as shown on current county tax map records
<input type="checkbox"/>	Existing tree canopy (general location of existing canopy as indicated on the county GIS aerial photography)
<input type="checkbox"/>	Preliminary locations of environmental conditions (e.g. streams, wetlands, watershed protection districts, flood hazard areas, river corridor boundaries, groundwater recharge areas, etc.)



Public Engagement

What is Public Engagement?

Public engagement affords residents an opportunity to have their voices heard when land use changes are proposed in the county. It is a required and integral part of the zoning process.

Through use of notifications and public meetings, we strive to keep citizens informed of pending applications and upcoming public meetings and hearings.

The Process

Most applications begin the public engagement process one month after initial submittal.

The following items are required to be submitted:

Types of Applications

Rezoning: A request to change land use from one zoning district to another.

Conditional Use Permit: A request for a land use that is not permitted by right within the current zoning district and requires approval through the public hearing process.

Home Occupation Permit: A request to permit a business to operate from a residence and requires approval through the public hearing process.

Be Informed

Application documentation may be accessed online via our Customer Self Service Portal: css.forsythco.com/EnerGov.Prod/SelfService/#home.

Mailed Notification: Letters notifying surrounding neighbors located within 500 ft. of the subject property boundary are required to be mailed by the applicant prior to the public participation meeting. Planning staff provides the list of individuals and subdivisions to be contacted.

Legal Advertisement: Public hearings are advertised in the Forsyth County News at least 15 days prior to the hearing.

County Website: Agendas for public hearings are posted on the county's website approximately two weeks prior to the meeting.

Contact Your Officials: Additional contact information can be found on the county website: forsythco.com

How to Get Involved

There are several ways to be involved in the process: Attend meetings, speak at Planning Commission public hearings, and contact your elected and appointed officials.

Meetings and Hearings

Public Participation Meeting: The applicant is required to hold a meeting locally to allow adjacent property owners to learn about the proposal, ask questions and have their concerns documented. Staff neither conducts nor appears at this meeting, but the applicant is required to submit a report on what occurred during the meeting.

Planning Commission Public Hearing: Open to the public. This meeting is to address pending applications via the public hearing process. The Planning Commission will make a recommendation to the Board of Commissioners for approval or denial. Public hearings are required by state law.

Board of Commissioners Meeting: Open to the public. There is an opportunity for public comment for rezonings or Conditional Use Permits twice during the meeting when the public may address any county-related issues. Ten speakers are permitted to address the board for up to three minutes each. The commissioners are at liberty to make a final decision on each application on the agenda during the meeting.

Public Signage

Signs advertising public meetings are posted along each public street bordering the subject property. The following information can be found on each sign:

Public Participation Meeting

- Application number
- Description of the proposal
- Date, time and location of the meeting

Public participation meeting signs are posted a minimum of 10 days prior to the meeting.

Public Hearing

- Application number
- Description of the proposal
- Date, time and location of the meeting

Public hearing signs are posted a minimum of 21 days prior to the hearing.

Details related to the application number noted on the signage may be accessed online via our Customer Self Service Portal: css.forsythco.com/EnerGov.Prod/SelfService/#home.

For inquiries on the public engagement process, contact:

Forsyth County Department of Planning & Community Development
110 E. Main Street, Suite 100
Cumming, GA 30040
770-886-2780
forsythco.com

If there is interest in contacting an official on a particular application, the recommended step is to email the Planning Commission after a public participation meeting has been held: planningcommission@forsythco.com

PUBLIC NOTICE for PLANNING COMMISSION MEETINGS 2021

Below are the scheduled meeting dates. Dates and times are subject to change. Please visit www.forsythco.com for the latest information.

ZONING REVIEW SCHEDULE

Application for Zoning Review Filing Deadline – 5:00 p.m.	Zoning Review Meeting
November 6, 2020	December 2, 2020
December 4, 2020	January 6, 2021
January 8, 2021	February 3, 2021
February 5, 2021	March 3, 2021
March 5, 2021	April 7, 2021
April 9, 2021	May 5, 2021
May 7, 2021	June 2, 2021
June 4, 2021	July 7, 2021
July 9, 2021	August 4, 2021
August 6, 2021	September 1, 2021
September 3, 2021	October 6, 2021
October 8, 2021	November 3, 2021
November 5, 2021	December 1, 2021
December 3, 2021	January 5, 2022

PUBLIC HEARING & DECISION SCHEDULE

Board Consideration Filing Deadline – 5:00 p.m.	Planning Commission Work Session 6:30 p.m.	Planning Commission Public Hearing 6:30 p.m.	Board of Commissioners Meeting for Final Decision
December 18, 2020	January 19, 2021	January 26, 2021	February 18, 2021
January 22, 2021	February 16, 2021	February 23, 2021	March 18, 2021
February 19, 2021	March 16, 2021	March 23, 2021	April 15, 2021
March 19, 2021	April 20, 2021	April 27, 2021	May 20, 2021
April 23, 2021	May 18, 2021	May 25, 2021	June 17, 2021
May 21, 2021	June 15, 2021	June 22, 2021	July 22, 2021
June 18, 2021	July 20, 2021	July 27, 2021	August 19, 2021
July 23, 2021	August 17, 2021	August 24, 2021	September 16, 2021
August 20, 2021	September 21, 2021	September 28, 2021	October 21, 2021
September 17, 2021	October 19, 2021	October 26, 2021	November 18, 2021
October 22, 2021	November 15, 2021	November 16, 2021	December 16, 2021
December 17, 2021	No December Meeting	No December Meeting	February 17, 2022
December 17, 2021	January 18, 2022	January 25, 2022	February 17, 2022
January 21, 2022	February 15, 2022	February 22, 2022	March 17, 2022

Note: This schedule is for Rezoning (ZA), Conditional Use Permit (CUP), Home Occupation Permit (HOP) and Mobile Vending (MV) applications only.

The Planning Commission Public Hearing is held in the Commissioners Meeting Room on the 2nd Floor, Suite 220 of the Forsyth County Administration Building, 110 East Main Street, Cumming GA 30040 and starts at 6:30 p.m.

The Planning Commission Work Session is typically held one week prior to the Public Hearing in the Forsyth County Administration Building 110 East Main Street, Cumming GA 30040 and starts at 6:30 p.m. The room location can be found at www.forsythco.com. The public may attend the Work Session but is not allowed to speak or ask questions.



Rezoning, Conditional Use Permit and Sketch Plat Application

Please fill out this application form in its entirety. Although not required, it is the county's preference that this application be filled out and printed online from the county's website at forsythco.com. From the main web page, select Departments & Offices, then Planning & Community Development. Scroll down and select Zoning Division then select Zoning and Other Public Hearing Application Information; scroll down to Primary Applications and select Rezoning, CUP and Sketch Plat for the application. Supplemental Applications (if required) are also available under Supplemental Information. Once the application form is complete, please submit the form and any other required information to the address at the top of this page.

The application form itself does not include supplementary information, but this information can be found at forsythco.com. Supplementary information includes:

- 1) Master Planned District (MPD)
- 2) Senior Housing
- 3) Public Notice Sign Affidavit (Submittal Form)
- 4) Public Notice Sign Affidavit (Additional Sheets)
- 5) Traffic Study Waiver Form
- 6) Additional Property Owner Affidavit
- 7) Additional Corporate/Company Disclosure
- 8) Additional Variance Request Form

If you have questions about requirements or the application process, please call (770) 886-2780.



FOR STAFF USE ONLY
DATE & TIME STAMP

Rezoning, CUP and Sketch Plat Application

This form is required for submittals of all rezoning, conditional use permit (CUP) and sketch plat applications. While this application provides some information regarding the necessary requirements to submit a complete application, the full application requirements (e.g. minimum site plan requirements) can be found on the website at www.forsythco.com. From the main web page, select Department and Offices, then Planning & Community Development. Scroll down and select Zoning Division, then select Zoning and Other Public Hearing Application Information and scroll down to Application Guide and then select Rezoning, Conditional Use Permit and Sketch Plat.

A. SUBMITTAL TYPE

Application for Zoning Review

If this submittal is a revision, please specify the previously assigned application number:

B. REQUESTED ACTION: PLEASE CHECK ALL THAT APPLY (E.G. REZONING, REZONING WITH A CUP, ETC.)

- Rezoning Conditional Use Permit (CUP) Sketch Plat CUP for a communication tower

C. APPLICANT INFORMATION

Name:

Address:

Phone#: E-mail Address:

D. REPRESENTATION INFORMATION (IF APPLICABLE)

Preferred Contact: Attorney Authorized Agent

Name:

Address:

Phone#: E-mail Address:

E. PROPERTY INFORMATION

Tax Map & Parcel #(s): (e.g. xxx-xxx-xxx, xxx-xxx-xxx)

Current Zoning: Proposed Zoning:

Proposed Use: Property Acreage:

Proposed Road Access:

Does the subject property lie partly within or adjacent to the City of Cumming? Yes No

FOR STAFF USE ONLY
Application #

1) Please complete if you are filing a **rezoning, conditional use permit or sketch plat** application.

a) This application contains a **residential** component. If checked, please fill out the following:

Residential Building Type	Ownership Type *** (Fee-Simple or Condominium)	# of Lots or Units	Minimum Heated Floor Area (sq. ft.)	Minimum Lot Size (sq. ft.)(If applicable)
<input type="checkbox"/> Single Family Detached				
<input type="checkbox"/> Townhouses				
<input type="checkbox"/> Apartments				
<input type="checkbox"/> Condos				
<input type="checkbox"/> Other				

*** The UDC requires that condominium-style ownership be specifically identified during the zoning process. While there may be little visual difference between the finished product types, condominium style ownership means that there will not be individually-owned (i.e. fee simple ownership) property associated with a specific type of development; rather there will just be individual ownership in building space (i.e. units) with joint ownership of all property. Some developments might contain both ownership types.

The total residential density (lots and/or units) proposed with this project is units per acre.

b) This application contains a **non-residential** component. If checked, please fill out the following:

Total Building Area (sq. ft.) # of Parking Spaces Est. Bldg. Area of Out Parcels (sq. ft.)

c) What is the total amount of proposed open space (sq. ft. or acres) included with this application?

d) Please indicate whether this project will be served by septic, county sewer, or city sewer:

If the project will be served by either county or city sewer, please also submit the results of the required pre-application meeting.

e) Will the proposed development exceed the threshold that triggers the need for a Development of Regional Impact (DRI) review?

Yes No If yes, supplemental information shall be required in addition to this application.

f) Are you filing a rezoning application to rezone to a Master Planned District (MPD)?

Yes No If yes, please also submit the supplemental form "Supplemental Application - Master Planned District (MPD)", which can be found on our website at forsythco.com.

g) Are you filing an application that includes Senior Housing?

Yes No If yes, please also submit the supplemental form "Supplemental Application - Senior Housing Application", which can be found on our website at forsythco.com.

h) Are you filing an application that includes self-service storage?

Yes No If yes, the separation distance between self-service storage businesses shall be 3/4 of a mile or a variance is required.

i) Are you filing an application that includes a business that conducts around the clock business hours (includes business operations that require employees to work shifts to cover a 24 hour period)?

Yes No If yes, a Conditional Use Permit is required.

j) Are you filing an application that includes short-term rental?

Yes No If yes, a Conditional Use Permit is required.

Number of Overnight Guests

Number of Daytime Guests

Number of Bedrooms

of Parking Spaces

G. REQUESTED VARIANCE(S) (SEPARATE SHEET REQUIRED FOR EACH REQUESTED VARIANCE)

1) A separate sheet is required for each variance request. The number of this variance request is:

2) Please indicate which section of the Unified Development Code (UDC) is requesting to be varied, e.g. Chapter 11, Table 11.2(a).

3) Please check the type of variance being requested:

A variance of feet to allow a setback to be feet.

A variance of feet to allow to be feet.

Other:

4) Written Justification. Per § 8-6.3 (B), all variance requests must be accompanied by written documentation justifying the variance and explaining why it should be granted. Additional sheets can be found on the website at forsythco.com. The justification must specifically address, for each variance requested, the below criteria:

a) Describe why the variance would not negate the purpose and intent of the Unified Development Code provision?

b) Describe why the variance would not cause substantial detriment to the public safety, health, or welfare of the public, or injurious to other property?

c) Describe why the conditions of your property are unique only to the property which relief is sought and are not applicable generally to other property?

d) Describe how this property's physical surroundings (e.g. shape, size, or topographical conditions) result in an extraordinary hardship or practical difficulty (as distinguished from a mere inconvenience)?

e) Describe why the requested variance is the minimum necessary to accomplish the proposed development or building?

f) Describe how granting this variance will result in equal or greater protection to adjacent property or natural resources? (Only required if requesting a variance to a buffer or setback)

H. PROPERTY OWNER(S) AUTHORIZATION AFFIDAVIT: ADD ADDITIONAL SHEETS IF APPLICABLE

This application must be signed by the owner(s) as listed on the deed of record for the subject property. If there is more than one property owner, additional affidavits can be found on the website at forsythco.com. Only the owner or authorized agent (i.e. applicant or representing attorney) may speak on behalf of this application at the public hearing. The undersigned hereby swear that he/she/they is/are the owner(s) of the subject property as identified on this application.

I /We hereby authorize the authorized agent or attorney listed on the front of this application to speak and act on behalf of the owner(s) in pursuit of the rezoning, conditional use permit, or sketch plat application on this property. I/We realize that any action granted for this property will be binding on the property regardless of ownership.

Owner Name #1:

Address:

Phone#: E-mail Address:

Signature of Owner: _____ Date: _____

Signature of Notary: _____ Date: _____

Owner Name #2:

Address:

Phone#: E-mail Address:

Signature of Owner: _____ Date: _____

Signature of Notary: _____ Date: _____

Owner Name #3:

Address:

Phone#: E-mail Address:

Signature of Owner: _____ Date: _____

Signature of Notary: _____ Date: _____

Owner Name #4:

Address:

Phone#: E-mail Address:

Signature of Owner: _____ Date: _____

Signature of Notary: _____ Date: _____

G. CORPORATE/COMPANY DISCLOSURE: ADD ADDITIONAL SHEETS IF APPLICABLE

If either the applicant or owner are corporations or limited liability companies, provide the names of the corporate stockholders with 10% ownership or greater and officers and directors unless the corporation has stock that is traded on a national stock exchange in which case the corporate name shall be sufficient. Also, identify any parties having a direct financial interest in the zoning application other than the owner and applicant (e.g. developer or anticipated commercial occupant). If such additional parties having a direct financial interest are corporations or companies, then provide the names of officers, directors, company members, stockholders with 10% ownership or greater, unless the corporation has stock that is traded on a national stock exchange in which case the corporate name shall be sufficient.

In the event that public disclosure of the developer or commercial occupant may cause such developer or occupant to withdraw from pursuing a project due to competition, trade secret, or proprietary business concerns, and if the proposed development advances a bona fide economic development purpose, then an affidavit affirmatively declaring such shall be tendered with the application and in that event only the owner and or authorized applicant shall be identified. The affidavit contemplated in this paragraph shall only be valid for its intended purpose if it is also signed by a duly authorized representative of the Forsyth County Development Authority, Cumming/Forsyth County Chamber of Commerce, or the Forsyth County Manager, with such signature certifying that the pertinent individual is aware of the proposed development and confirms that the proposed development advances a bona fide economic development purpose. For purposes of this paragraph, a bona fide economic development purpose means a development that would be eligible for an inducement under section 22-260 of the Forsyth County Economic Development Ordinance.

If there is more than one corporate entity, additional disclosures can be found on the website at forsythco.com.

I am a duly authorized officer/member of the _____ [corporate entity]. The _____ [corporate entity] is the applicant or owner of the property seeking rezoning, conditional use and/or sketch plat approval and I am fully vested with authority to act on behalf of the _____ [corporate entity] in submitting this application. In making this representation, I acknowledge that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in any matter within the jurisdiction of any department or agency of state government or of the government of any county, city, or other political subdivision of this state, shall upon conviction thereof, be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one nor more than five years, or both.

Name of Corporate Entity:

Name of Officer(s), Director(s) and/or Stockholder(s)

J. APPLICANT CERTIFICATION: PLEASE READ AND INITIAL THE FOLLOWING 10 STATEMENTS

_____ 1) I hereby request the action contained within this application relative to the property shown on the attached plats and site plan and further request that this item be placed on the Planning Commission and/or Board of Commissioners agenda for a public hearing.

_____ 2) I understand that my request will be rejected if all the necessary information and/or requirements are not presented.

_____ 3) I understand that I have an obligation to present all necessary information required by the Unified Development Code to enable the Planning Commission and/or Board of Commissioners to make an informed determination on my request. I will seek advice of Planning Staff or an attorney if I am not familiar with the zoning and land use requirements.

_____ 4) I understand that my request will be acted upon at the Planning Commission and/or Board of Commissioners public hearing and that I am required to be present or to be represented by the authorized representative as indicated on this application, so that someone is available to present all facts and answer questions. I understand that failure to appear at a public hearing may result in the postponement or denial of my request. I further understand that it is my responsibility to be aware of relevant public hearing dates and times regardless of notification from Forsyth County.

_____ 5) The Unified Development Code (UDC) of Forsyth County requires the landowner, applicant, or authorized representative to place orange public participation signs on the subject property during the entire Applicant Work Time. In order to insure that the correct information is included on the public participation signs, the Planning and Community Development Department will prepare the signs and present them to the applicant at the Zoning Review Meeting. It is the applicant's responsibility to place the signs on the subject property and to maintain the signs during the entire duration of the Applicant Work Time, where the term "maintain" means that any and all meetings and/or application changes shall be updated on the signs, and that the signs shall remain standing and readable until an application is withdrawn or the proposal is submitted for Board Consideration. A sign affidavit with a dated photo of each sign placing said signs against a verifiable property landmark shall be submitted to the Planning and Community Development Department within two (2) business days after the Zoning Review Meeting. Failure to submit the affidavit shall result in the public participation report being incomplete and the submittal for Board Consideration not being accepted until all posting requirements are complete.

_____ 6) The Unified Development Code (UDC) of Forsyth County requires that the yellow public hearing signs be placed on the subject property at least twenty-one (21), but not more than forty-five (45) days prior to the public hearing. In order to insure that the correct information is included on the public hearing signs and that they are posted within the specified time frame, the Planning and Community Development Department will prepare the signs and contact the applicant to pick them up and post the signs on the subject property by replacing the already posted orange public participation signs with the yellow public hearing signs. Once the yellow public hearing signs are posted, it is the applicant's responsibility to maintain the signs until an application is withdrawn or a decision is rendered by the Board of Commissioners. The term "maintain" means that the signs shall remain standing, be readable, and be updated regarding any changes in the date of the public hearing. The applicant shall be responsible for removal of all public notice signs within three (3) days of the final motion or date of withdrawal. Failure to do so will result in a fine of one hundred dollars (\$100) per day until the signs are removed.

_____ 7) The Forsyth County Tree Preservation and Replacement Ordinance requires that all zoning applications submitted to the Department of Planning and Community Development include the following sworn statement: *"I hereby swear, under oath, that the property shown on attached plats and site plan has not been clear cut within three years prior to the zoning application date and that the property will not be clear cut prior to a decision by the Board of Commissioners on the zoning. I hereby understand that any property that has been clear cut within three years prior to the date of this application, shall not be eligible for rezoning for a period of three years from the date said property was clear cut. Clear cut is defined as a timber harvest performed in one cutting operation with any remaining trees having no merchantable value or forestry management purpose."*

_____ 8) In the event this zoning application is approved, please be aware that such approval shall not be deemed, and is not, a commitment or guarantee by Forsyth County as to the availability of sewer capacity and/or county water; nor shall this approval be construed as a commitment by Forsyth County to assist the developer with sewer easement acquisition. The developer shall be required to independently secure all necessary sewer easements. All sewer capacity agreements must be approved by the Forsyth County Board of Commissioners.

_____ 9) Please list the name(s) and dollar amount of any campaign contribution or gift (for gifts greater than \$100) made to any Forsyth County elected official during the two years immediately preceding the filing of this application. If the applicant is a business, then such disclosure shall pertain to contributions made on behalf of the business as well as on behalf of the individual representing the business for purposes of this application submittal.

Please indicate the name of the elected official, date of gift, and dollar amount of any gift or contribution:

J. APPLICANT CERTIFICATION - CONTINUED

_____ 10) As the property owner or duly authorized agent of the property owner, I hereby certify that as of the date signed below [check one]:

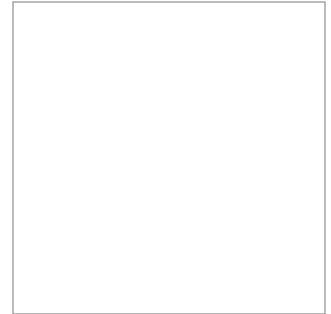
- I have not requested and have no present intention of requesting any form of economic development assistance, that may include but not be limited to tax abatements, bond funding, or other financial inducements related to the development that is the subject of this land use application, from either Forsyth County, the Cumming-Forsyth County Chamber of Commerce, and/or the Forsyth County Development Authority; or
- I have requested or have a present intention to request economic development assistance, that may include but not be limited to tax abatements, bond funding, or other financial inducements related to the development that is the subject of this land use application, from either Forsyth County, the Cumming-Forsyth County Chamber of Commerce, and/or the Forsyth County Development Authority.

The undersigned has personally appeared before me, a Notary Public, and states upon oath and by initialing, that he/she has read, understands, and agrees to comply with each of the above nine (10) applicant certifications.

Printed Name of Applicant: _____ Date: _____

Signature of Applicant: _____ Date: _____

Signature of Notary: _____ Date: _____



K. SIGN ORDINANCE ACKNOWLEDGEMENT

By signing below, applicant acknowledges and affirms that prior to submission of this application, applicant has read and reviewed the County regulations applying to such application, including the Forsyth County Sign Ordinance, and agrees to comply with the provisions of the Code.

Name:

Signature of Applicant: _____ Date: _____

L. APPLICANT WITHDRAWAL (ONLY SIGN IF OFFICIALLY WITHDRAWING APPLICATION REQUEST)

Signature of Applicant: _____ Date: _____