



## Forsyth County Department of Planning & Community Development

110 E. Main Street, Suite 100 | Cumming, Georgia 30040 | (770) 781-2115 | forsythco.com

*FOR STAFF USE ONLY*

DATE STAMP

### Contact Information

#### A. APPLICANT CONTACT INFORMATION

Name:

Mailing Address:

Phone#:

E-mail Address:

#### B. REPRESENTATION INFORMATION

Name:

Address:

Phone#:

E-mail Address:



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. The full application requirements can be found at [www.forsythco.com](http://www.forsythco.com). From the main web page, select Departments, then Planning & Community Development. Scroll over and select Zoning Division, then select Zoning and Other Public Hearing Application Information. Under Application Guides, select either Rezoning, and Conditional Use Permit or 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)

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 Rezoning and Conditional Use Permit applications only: Do you intend to apply for an alcohol license?

Yes

No

If yes, please read and initial the following statement:

\_\_\_\_ Applying for and receipt of a Conditional Use Permit (CUP) for a Retail Package Liquor Store under this Code is no substitute for and does not otherwise replace the requirement to apply for and meet all qualifications and distance requirements for a retail dealer package license under the Forsyth County Alcohol Ordinance. An approved CUP does not guarantee issuance of a retail dealer package license under the Forsyth County Alcohol Ordinance.

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"/> Build-to-rent				

\*\*\* 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. VARIANCE REQUEST FORM (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](http://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 AUTHORIZATION: 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: \_\_\_\_\_

**I. CORPORATE/COMPANY DISCLOSURE: ADD ADDITIONAL SHEETS IF APPLICABLE**

If either the applicant or owner are corporations, provide the names of the corporate stockholders with 10% interest or greater; 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. If either the applicant or owner are limited liability companies, provide the names of all officers/managers or members. 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](http://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 (REZONING, CONDITIONAL USE PERMIT AND SKETCH PLAT): PLEASE READ AND INITIAL THE FOLLOWING 10 STATEMENTS**

\_\_\_\_\_ 1) I hereby request this application relative to the property shown on the attached plats and site plan 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 (REZONING, CONDITIONAL USE PERMIT AND SKETCH PLAT) - 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]:

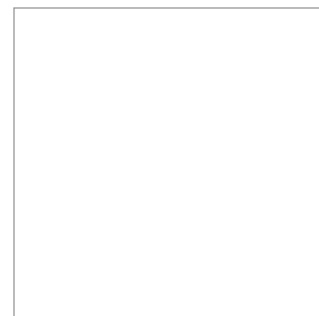
- ☐ I have not requested and have no present intention of requesting any form of economic development assistance, that may include but not be limited to tax abatements, bond funding, or other financial inducements related to the development that is the subject of this land use application, from either 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 ten (10) applicant certifications.

Printed Name of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

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

Signature of Notary: \_\_\_\_\_ Date: \_\_\_\_\_

A large, empty rectangular box intended for the Notary Public's seal.

**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: \_\_\_\_\_