



# SPECIAL USE PERMIT APPLICATION

(An application to amend the official zoning map of the City of Norcross, Georgia )  
 City Ordinance § 115-130-a requires that the applicant must be the owner.

## OWNER INFORMATION

Owner's name: \_\_\_\_\_  
 Owner's address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email \_\_\_\_\_

## CONTACT INFORMATION

Contact name: \_\_\_\_\_  
 Company Name: \_\_\_\_\_  
 Contact address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email \_\_\_\_\_

## PROPERTY LOCATION

Tax Parcel Number \_\_\_\_\_ Size in Acres \_\_\_\_\_  
 Address \_\_\_\_\_  
 Number of existing structures \_\_\_\_\_

## PROPOSED USE

Current zoning: \_\_\_\_\_ Requested zoning: \_\_\_\_\_  
 Land Use Plan Designation: \_\_\_\_\_  
 Proposed use: \_\_\_\_\_

## REQUIRED ATTACHMENTS

- Legal description
- Vicinity Map
- Conflict of interest certification
- Site plan (to scale) showing existing and proposed improvements. (15 copies: 13 11x17 and 2 full size)
- Narrative demonstrating how this proposed rezoning is consistent with the comprehensive plan
- Compact Disc and Jewel Case with plans in pdf or TIFF format
- Date of pre-filing conference: \_\_\_\_\_

## OWNER'S SIGNATURE

**I hereby certify that I have received a copy of city code § 115-311 Procedure for Public Hearing**

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date

## CITY USE ONLY. DO NOT WRITE IN THIS BOX.

Date received: \_\_\_\_\_ Receipt Number: \_\_\_\_\_ Application Number: \_\_\_\_\_ Fee Paid  
 \$ \_\_\_\_\_ Notes: \_\_\_\_\_

## DEADLINE AND HEARING SCHEDULE

The Planning and Zoning Board meets on the 2<sup>nd</sup> Tuesday of each month. All applications must be submitted by the 2<sup>nd</sup> Tuesday of the previous month.

CONFLICT OF INTEREST CERTIFICATION FOR REZONINGS

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

\_\_\_\_\_  
SIGNATURE OF APPLICANT                      DATE                      TYPE OR PRINT NAME AND TITLE

\_\_\_\_\_  
SIGNATURE OF APPLICANT'S                      DATE                      TYPE OR PRINT NAME AND TITLE  
ATTORNEY OR REPRESENTATIVE

\_\_\_\_\_  
SIGNATURE OF NOTARY PUBLIC                      DATE                      NOTARY SEAL

**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a City of Norcross Mayor/Council Member or a Member of the Planning & Zoning Board?

\_\_\_\_\_ (yes/no)

\_\_\_\_\_  
YOUR NAME

If the answer is yes, please complete the following section:

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all Which Aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within Last Two Years)
_____	_____	_____
_____	_____	_____
_____	_____	_____

Attach additional sheets if necessary to disclose or describe all contributions.

\_\_\_\_\_  
DATE RECEIVED                      CASE #                      ACCEPTED BY

## CHAPTER 67A

## CONFLICT OF INTEREST IN ZONING ACTIONS

- Sec. 36-67A-1. Definitions
- Sec. 36-67A-2. Disclosure of Financial Interests
- Sec. 36-67A-3. Disclosure of Campaign Contributions
- Sec. 36-67A-4. Penalties
- Sec. 36-67A-5. Special Master
- Sec. 36-67A-6. Zoning Ordinance or Comprehensive Plan

## 36-67A-1. Definitions

As used in this chapter, the term:

(1) **"Applicant"** means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.

(2) **"Business entity"** means any corporation, partnership, limited partnership, firm, enterprise, franchise, association or trust.

(2.1) **"Campaign contribution"** means a "contribution" as defined in paragraph (6) of Code Section 21-5-3.

(3) **"Financial interest"** means all direct ownership interests of the total assets or capital stock of a business entity where such ownership interest is 10 percent or more.

(4) **"Local Government"** means any county or municipality of this state.

(5) **"Local government official"** means any member of the governing authority of a local government or any member of a planning or zoning commission.

(6) **"Member of the family"** means the spouse, mother, father, brother, sister, son, or daughter of a local government official.

(6.1) **"Opponent"** means any person who opposes a rezoning action or any attorney or other person representing or acting on behalf of a person who opposes a rezoning action.

(6.2) **"Oppose"** means to appear before, discuss with, or contact, either orally or in writing, any local government or local government official and argue against a rezoning action.

(6.3) **"Person"** means an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.

(7) "Property interest" means the direct or indirect ownership of real property and includes any percentage of ownership less than total ownership.

(8) "Real property" means any tract or parcel of land, and if developed, any buildings or structures located on the land.

(9) "Rezoning action" means action by local government adopting an amendment to a zoning ordinance which has the effect of rezoning real property from one zoning classification to another.

36-67A-2. Disclosure of financial interests.

A local government official who knew or reasonably should have known he or she:

(1) Has a property interest in any real property affected by a rezoning action which that official's local government will have the duty to consider;

(2) Has a financial interest in any business entity which has a property interest in any real property affected by a rezoning action which that official's local government will have the duty to consider; or

(3) Has a member of the family having any interest described in paragraph (1) or (2) of this Code section

shall immediately disclose the nature and extent of such interest, in writing to the governing authority of the local government in which the local government official is a member. The local government official who has an interest as defined in paragraph (1) or (2) of this Code section shall disqualify himself from voting on the rezoning action. The disqualified local government official shall not take any other action on behalf of himself or any other person to influence action on the application for rezoning. The disclosures provided for in this Code section shall be a public record and available for public inspection at any time during normal working hours.

36-67A-3. Disclosure of campaign contributions.

(a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

- (1) The name and official position of the local government official to whom the campaign contribution was made; and
- (2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action if first filed.

(c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government showing:

- (1) The name and official position of the local government official to whom the campaign contribution was made; and
- (2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the five years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

#### 36-67A-4. Penalties

Any person knowing failing to comply with the requirements of this chapter or violating the provisions of this chapter shall be guilty of a misdemeanor.

#### 36-67A-5. Special Master

(a) Where one or more disqualifications required by this chapter result in the inability of the governing authority of the county or municipality to attain a quorum for the purpose of making a final decision when considering a rezoning action, the governing authority immediately shall petition the superior court wherein the property which is the subject of the rezoning is

located for appointment of a disinterested special master for the purpose of hearing evidence regarding the proposed rezoning action and making a recommendation to the petitioning governing authority. The court, in its order appointing the special master, shall give such directions for notice and the service thereof as well as for the time in which a hearing must be held and recommendations issued as are just and appropriate under the circumstances and as are consistent with this chapter.

(b) The disinterested special master provided for in this Code section shall be appointed by the judge or judges of the superior courts of each judicial circuit and shall discharge the duties provided for in this Code section. The special master so appointed must be a competent attorney at law, be of good standing in his profession, and have at least three years' experience in the practice of law. He shall hold office at the pleasure of the judge and shall be removable at any time with or without cause. The court, in its order appointing the special master, shall designate the person or entity responsible for compensating the special master at a rate not less than \$50.00 per day nor more than \$250.00 per day for the time actually devoted to the hearing and consideration of the matter.

(c) The special master shall consider any factors relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property.

(d) The hearing provided for in this Code section and all records pertinent thereto shall be open and available to the public.

(e) Nothing contained in this Code section shall be construed as a delegation of the final decision-making powers of the governing authority to the special master and the recommendation of the special master is not a final decision as to the rezoning action. Where a special master has been appointed and has made a recommendation, the disqualification requirement of Code Section 36-67A-2 shall be waived.

#### 36-67A-6. Voting

Nothing in this chapter shall be construed to prohibit a local government official from voting on a zoning decision when the local government is adopting a zoning ordinance for the first time or when a local government is voting upon a revision of the zoning ordinance initiated by the local government pursuant to a comprehensive plan as defined in Chapter 70 of this title.

Section 2. All laws and parts of laws in conflict with this Act are repealed.

### **Sec. 115-311. Procedure for public hearing.**

- (a) All individuals present at a public hearing shall be allowed to voice their opinions on the issue unless there is a spokesperson representing a particular individual. The presiding official shall have the right to limit individual expression to two minutes or ten minutes in the case of a spokesperson.
- (b) Applications shall be considered in the order of filing unless such would work a hardship to the applicant and such consideration is approved by the presiding officer.
- (c) All public hearings shall be conducted in accordance with the Georgia Open Meetings Law (O.C.G.A. § 50-14-1 et seq.).
- (d) For zoning map amendments exceeding five parcels initiated by the Planning and Zoning Board or the City Council, the Community Development Director will publish in a newspaper of general circulation within the corporate boundaries of the city a notice of the hearings by the Planning and Zoning Board or the Mayor and Council. Such notice shall be printed at least 15 days but not more than 45 days prior to such hearings. The notice shall state the time, place, date, location of the property, the present zoning classification of the property, and the proposed zoning classification of the property. Additionally, a letter of notification shall be sent to each property owner of record notifying them of the action to be considered and the schedule of public hearings. Letters of notification shall be mailed at least ten days but not more than 45 days prior to the meeting of the Planning and Zoning Board, and then again no less than ten days prior to the meeting of Mayor and Council and notification be given on the city Website. Individual signs posted to property for which zoning action is being considered are not required, as stated in the state zoning procedures (O.C.G.A. § 36-66-4).
- (e) It is declared the intention of the Mayor and Council that this section shall constitute policies, procedures and standards required under O.C.G.A. § 36-66-5 and copies of same shall be made available to the public by the Community Development Director.

(Code 1979, § 8-4-132; Code 1998, § 106-307; Ord. No. 06-2002, § 106-307, 3-4-2002; Ord. No. 26-2008, § 106-307, 11-3-2008)

### **Sec. 115-313. Reconsideration.**

If the matter before the Council is one for rezoning and same is not approved by the Council, then the parcel that was the subject of rezoning may not again be considered for rezoning until the expiration of 12 months following the defeat of the rezoning by the Council.

(Code 1979, § 8-4-133; Code 1998, § 106-309; Ord. No. 19-98, 12-7-1998; Ord. No. 06-2002, § 106-309, 3-4-2002)