



# Rezoning Application

An application to amend the official zoning map of the City of Lilburn, Georgia

**CASE NUMBER:** RZ-\_\_\_\_\_

Date Received: \_\_\_\_\_

Please type or print using BLACK ink

|                               |                               |
|-------------------------------|-------------------------------|
| <b>Applicant:</b>             | <b>Property Owner:</b>        |
| <b>Address:</b>               | <b>Address:</b>               |
| <b>City, State &amp; Zip:</b> | <b>City, State &amp; Zip:</b> |
| <b>Contact Person:</b>        | <b>Owner Contact:</b>         |
| <b>Business Phone:</b>        | <b>Business Phone:</b>        |
| <b>Email:</b>                 | <b>Email:</b>                 |
| <b>Cell Phone:</b>            | <b>Cell Phone:</b>            |

**APPLICANT IS THE**       Owner's Agent       Property Owner       Contract Purchaser

**PROPERTY ADDRESS:** \_\_\_\_\_

**LAND DISTRICT:** 6    **LAND LOT(S):** \_\_\_\_\_    **PARCEL(S):** \_\_\_\_\_    **ACRE(S):** \_\_\_\_\_

**CURRENT ZONING:** \_\_\_\_\_    **PROPOSED ZONING DISTRICT(S):** \_\_\_\_\_

**PROPOSED DEVELOPMENT:** \_\_\_\_\_

| RESIDENTIAL DEVELOPMENT       | NON-RESIDENTIAL DEVELOPMENT |
|-------------------------------|-----------------------------|
| Number of Lots/Dwelling Units | Number of Buildings/Lots:   |
| Dwelling Unit Size (sq.ft.):  | Total Gross Square Feet:    |

Has Applicant filed or intend to file, any other variance, rezoning or waiver applications?     YES     NO

If YES, describe: \_\_\_\_\_

**Please attach all REQUIRED documents. Refer to Rezoning, SUP and CIC Instructions for deadlines, fees and hearing schedule.**

- STANDARDS GOVERNING EXERCISE OF THE ZONING POWER *(attached)*
- CONFLICT OF INTEREST CERTIFICATION/CAMPAIGN CONTRIBUTIONS *(attached)*
- APPLICANT/PROPERTY OWNER NOTARIZED CERTIFICATIONS *(attached)*
- TYPED LETTER OF INTENT
- TYPED LEGAL DESCRIPTION OF PROPERTY
- SITE PLAN/ BOUNDARY SURVEY – 1 full size (to scale) copy and 5 reductions (8.5" x 11") or electronic file
- LIST OF ADJOINING PROPERTY OWNERS – names and mailing addresses

**City of Lilburn Planning Department (770) 279-3710**  
**340 Main St. ▪ Lilburn, Georgia 30047 ▪ www.CityofLilburn.com**



# Rezoning Application

An application to amend the official zoning map of the City of Lilburn, Georgia

**STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER**

Pursuant to Article 10, Section 1003 of the 2011 Zoning Resolution (as amended), the Mayor and Council of the City of Lilburn find that in balancing the interest in promoting the public health, safety, morality and general welfare against the right to the unrestricted use of property, the following criteria are relevant in considering a Rezoning application and shall govern the exercise of the zoning power. Consideration of a **Rezoning** application shall be evaluated using criteria in **Section 1003-8**, upon which findings of fact shall be based:

- (A) Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property:

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- (B) Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property:

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- (C) Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned:

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- (D) Whether the proposed rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:

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- (E) Whether the proposed rezoning is in conformity with the policy and intent of the Land Use Plan:

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- (F) 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 proposed rezoning:

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## CHAPTER 67A CONFLICT OF INTEREST IN ZONING ACTIONS

### **SECTION 36-37A-1: DEFINITIONS**

### **SECTION 36-37A-2: DISCLOSURE OF FINANCIAL INTERESTS**

### **SECTION 36-37A-3: DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

### **SECTION 36-37A-4: PENALTIES**

Effective Date: This Chapter became effective July 1, 1984.

Cross References: Codes of ethics and conflicts of interest, T. 45, Ch. 10.

Code Commission Notes: Ga. L. 1986, p. 1269, Sec. 1 and Ga. L. 1986, p. 1496, Sec. 1, both enacted as Chapter 85 of Title 36. The chapter enacted by Ga. L. 1986, p. 1269, Sec. 1 was redesignated as Chapter 67A of Title 36 pursuant to Sec. 26-9-3.

### **SECTION 36-37A-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.
- (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.
  - a. "Campaign contribution" means a "contribution" as defined in paragraph (7) of Code Section 21-5-3.
- (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.
- (7) "Property interest" means the direct or indirect ownership of real property and includes any percentage of ownership less than total ownership.
  - a. "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.
  - b. "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.
  - c. "Person" means an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.
- (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. (Code 1981, § 36-67A-1, enacted by Ga. L. 1986, p. 1269, § 1; Ga. L. 1991, p. 1365, § 1; Ga. L. 2005, p. 859, § 24/HB 48.)

### **SECTION 36-37A-2: DISCLOSURE OF FINANCIAL INTERESTS**

A local government official who:

- (1) Has a property interest in any real property affected by a rezoning action upon 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 upon 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 of 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. Such disclosures shall be a public record and available for public inspection at any time during normal working hours. (Code 1981, § 36-67A-2, enacted by Ga. L. 1986, p. 1269, § 1; Ga. L. 1991, p. 1365, § 1.)

### **SECTION 36-37A-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 or more or made gifts having in the aggregate a value of \$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 applicant and the attorney representing the applicant to file a disclosure report with the governing authority of the respective local government showing:

- (1) The name of the local government official to whom the campaign contribution or gift was made; and
  - (2) The dollar amount 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; and
  - (3) An enumeration and description of each gift having a value of \$250.00 or more made by the applicant to the local government official during the two years immediately preceding the filing of the application for the zoning change.
- (B) The disclosure required by subsection (1) of this Code section shall be filed within ten days after the application for the rezoning action is 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 two 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. (Code 1981, § 36-67A-3, enacted by Ga. L. 1986, p. 1269, § 1; Ga. L. 1991, p. 1365, § 1; Ga. L. 1993, p. 91, § 36.)

**SECTION 36-37A-4: PENALTIES**

Any person knowingly failing to comply with the requirements of this chapter or violating the provisions of this chapter shall be guilty of a misdemeanor. (Code 1981, Section 36-67A-4, enacted by Ga. L. 1986, p. 1269, Sec. 1.)

**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/Applicant's Attorney or Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Date

(Seal)

**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND/OR GIFTS**

Have you, within the two years immediately preceding the filing of this application, made campaign contributions or gifts of an aggregate value that is \$250.00 or more to the Mayor and Council Members or a member of the Lilburn Planning Commission? YES NO. If the answer is YES, please complete the following section:

| NAME OF OFFICIAL | CONTRIBUTION/GIFT | DESCRIPTION | DATE  |
|------------------|-------------------|-------------|-------|
| _____            | _____             | _____       | _____ |
| _____            | _____             | _____       | _____ |
| _____            | _____             | _____       | _____ |
| _____            | _____             | _____       | _____ |
| _____            | _____             | _____       | _____ |

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

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**APPLICANT CERTIFICATION**

The undersigned below is authorized to make this application and is aware that no application or reapplication affecting the same property shall be acted upon within twelve (12) months from the date of last action by the Mayor and Council, unless waived by the Mayor and Council. In no case shall an application or reapplication be acted upon in less than six (6) months from the date of last action by the Mayor and Council. Further, no application may be withdrawn once advertised and must receive final action by the Mayor and Council.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Date

(Seal)

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**PROPERTY OWNER CERTIFICATION**

The undersigned below, or as attached, is the record owner of the property considered in this application and is aware that if an application is denied by the Mayor and Council, no application or reapplication affecting the same land shall be acted upon within twelve (12) months from the date of last action by the Mayor and Council, unless waived by the Mayor and Council. In no case shall an application or reapplication be acted upon in less than six (6) months from the date of last action by the Mayor and Council. Further, no application may be withdrawn once advertised and must receive final action by the Mayor and Council.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Date

(Seal)

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**ADMINISTRATIVE USE ONLY**

|                        |                         |                                  |
|------------------------|-------------------------|----------------------------------|
| CASE NUMBER: RZ- _____ | DATE COMPLETE: _____    | RECEIVED BY: _____               |
| APPLICATION FEE: _____ | PAID BY/RECEIPT#: _____ | HEARING DATES: PC _____ CC _____ |