

Rezoning Application Checklist

- Completed Application
- Recorded Plat
- Recorded Deed (applicant and owner have to match) - **Every owner will be required to sign application**
- Estate(s) must be applied in the name of the Estate and list the Executor as the attorney in fact – Executor will sign as the applicant as well (must provide documentation proving executorship)
- Copy of C.C.R.'s (Covenant, Conditions & Restrictions) – If POA is active, provide approval from Board _____ (Initials of Applicant)
- I Certify that there are **NO** C.C.R.'s on property that would prohibit requested Rezoning _____ (Initials of Applicant)
- POA Approval (when applicable)
- This Application Applies To Parcel(s) _____ Only
- Letter of Intent
- Site Plan to locate any proposed structures

*****Application must be received complete by the 2nd Friday of the month*****

Applicant Signature

Date

Gilmer County Public Works Director

Approved

Not Approved

_____ Comments _____

Gilmer County Public Safety Director

Approved

Not Approved

_____ Comments _____

ACTION BY GILMER COUNTY

OFFICE USE ONLY:
Date Received: _____

Approved: _____
Disapproved: _____

**APPLICATION FOR AMENDMENT OF THE
GILMER COUNTY LAND USE ORDINANCE:**

No: _____
Fee: _____

**All completed applications must be received by the 2nd Thursday of the month in order to be on the Calls
For Public Hearing at the Regularly Scheduled Gilmer County Planning Commission Hearing**

Application is hereby made for amendment of the Gilmer County Land Use Ordinance, and if granted, the applicant agrees to all laws, ordinances and resolutions regulating the same.

Name of Applicant: _____ Telephone: _____

Address: _____

Address of Property to be Re-Zoned (if applicable): _____

Amendment to Land Use District Tax Map #: _____

Parcel ID #: _____

Email Address: _____

Accurate Direction to Property being Rezoned:

If an amendment to the Land Use District Map, indicate the following:

Size of Property: _____ acres (or) _____ square feet

Existing Land Use District Classification: _____; Proposed Land Use District Classification: _____

Present Use of Property: _____

Land Lot: _____; District: _____; Section: _____

Proposed Use of Property (Letter of Intent): _____

If multi-family, total number of units: _____

Size of Unit (optional): _____

Included on separate sheets a plat of the property showing:

1. Actual dimensions of property.
2. Location and type of existing structures.
3. Location of property in relation to surrounding property on roads.

(Note: If requested zoning is R-3, other information like a proposed site plan shall be required. See the Manufactured Home Ordinance.)

I hereby certify that the above information is true and correct under penalty of law.

Signed: _____

Date: _____

CC: Applicant
Gilmer County Planning Commission

Optional Form: Needed only if transferring authority to someone else.

VERIFICATION

The undersigned is the/an owner of an interest in the lands described in the attached application for a Rezoning Application from the Gilmer County Planning Commission and concurs in the application. The undersigned's interest in the lands describe in the application are as follows:

(Describe parcel or parcels and nature of interest and percentage of interest)

I appoint _____ my attorney in fact with full authority, my name, place and stead, to apply for the Rezoning Application set forth in the attached application.

Owners Signature

Sworn to and subscribed
before me, this _____ day
of _____,

Notary Public

(SEAL)

**DISCLOSURE REPORT ¹ OF PROPERTY/FINANCIAL INTEREST
BY APPLICANT ²**

(Required by Title 36, Chapter 67 A, O.C.G.A.)

Date of Rezoning or Variance Application: _____

1. Does any member of the Gilmer County Board of Commissioners or Gilmer County Planning Commission have a property interest (direct or indirect ownership, including and percentage or ownership less than total) in the subject property?
(Yes or No)

If so, describe the nature and extent of such interest:

2. Does any member of the Gilmer County Board of Commissioners or Gilmer County Planning Commission have a financial interest (direct ownership of the total assets or capital stock where such ownership interest is ten (10) percent or more) in a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property?
(Yes or No)

If so, describe the nature and extent of such interest:

3. Does any member of the Gilmer County Board of Commissioners or Gilmer County Planning Commission have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above
(Yes or No)

If so, describe the relationship and the nature and extent of such interest:

4. Has the applicant¹ made, within two (2) years immediately preceding the filing date of this application, campaign contributions aggregating two hundred fifty dollars (\$250) or more or made gifts having in the aggregate a value of two hundred fifty dollars (\$250) or more to a member or members of the Gilmer County Board of Commissioners who will consider this application?
(Yes or No)

If so, the applicant and the attorney or other person representing the applicant must file a disclosure report with the Gilmer County Board of Commissioners within ten (10) days after this application is first filed. The following information will be considered as the required disclosure:

- a. List the name and official position of the Board of Commissioners;
- b. The dollar amount and date of each applicable campaign contribution
- c. An enumeration and description of each gift have a value of \$250 or more.

I certify that the foregoing information is true and correct to the best of my knowledge and belief, this _____ day of _____, 20_____.

Applicant's Signature

[Note: Any local government official or any applicant for rezoning action knowingly failing to make any disclosures as required by O.C.G.A. Chapter 36-67A shall be guilty of a misdemeanor.]

¹ If the answer to any of the above is "Yes," then the member of the Gilmer County Board of Commissioners must immediately disclose the nature and extent of such interest, in writing, to the Gilmer County Clerk of Gilmer County, Georgia. A copy should be filed with this application. Such disclosures shall be public inspection at any time during normal working hours.

² Applicant mean 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.

Section 62-234 of the Gilmer County Land Use Ordinance States:

Criteria to consider for map amendments

In reviewing, recommending, and acting upon applications for land use intensity district map amendments, the land development officer, the county planning commission, and the county board of commissioners shall consider the following criteria for approval, conditional approval, or disapproval as appropriate:

(1) ***Compatibility with adjacent uses and districts.*** Existing uses and use districts of surrounding and nearby properties, whether the proposed use district is suitable in light of such existing uses and use districts of surrounding and nearby properties, and whether the proposal will adversely affect the existing use or usability of adjacent or nearby properties. Please provide supporting documentation if applicable.

(2) ***Property value.*** The existing value of the property contained in the petition under the existing use district classification, the extent to which the property value of the subject property is diminished by the existing use district classification, and whether the subject property has a reasonable economic use under the current use district. Please provide supporting documentation if applicable.

(3) ***Suitability.*** The suitability of the subject property under the existing use district classification, and the suitability of the subject property under proposed use district classification of the property. Please provide supporting documentation if applicable.

(4) ***Vacancy and marketing.*** The length of time the property has been vacant or unused as currently used under the current use district classification; and any efforts taken by the property owner(s) to use the property or sell the property under the existing use district classification. Please provide supporting documentation if applicable.

(5) ***Evidence of need.*** The amount of undeveloped land in the general area affected which has the same use district classification as the map change requested. It shall be the duty of the applicant to carry the burden of proof that the proposed application promotes the public health, safety, morality or general welfare. Please provide supporting documentation if applicable.

(6) **Public facilities impacts.** Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks, or other public facilities and services. Please provide supporting documentation if applicable.

(7) **Consistency with comprehensive plan.** Whether the proposal is in conformity with the policy and intent of the locally adopted comprehensive plan. Please provide supporting documentation if applicable.

(8) **Other conditions.** Whether there are any other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the proposal. Please provide supporting documentation if applicable.

I hereby certify that the above information is true and correct under penalty of law.

Signature of Property Owner: _____

Sworn to and subscribed before the undersigned notary this _____ day of _____ 20 _____

Seal

Printed Name _____
My Commission Expires _____

APPENDIX B AGRICULTURAL USE ACKNOWLEDGEMENT AND NOTICE

I, _____, acknowledge and agree that the property proposing to use or build upon is located within, partially within, near or adjacent to property zoned or identified on Gilmer County's Land Use Plan as agricultural.

I acknowledge that I have read and understand the following notice prescribed in O.C.G.A. 44-1-17.

"It is the policy of this state and this community to conserve, protect, and encourage the development and improvement of farm and forest land for the production of food, fiber, and other products, and also for its natural and environmental value. This notice is to inform prospective property owners or other persons or entities leasing or acquiring an interest in real property that the property in which they are about to acquire an interest lies within, or adjacent to an area zoned, used or identified for farm and forest activities and that farm and forest activities occur in the area. Such farm and forest activities may include intensive operations that cause discomfort and inconveniences that involve, but are not limited to, noises, odors, fumes, dust, smoke, insects, operations of machinery during any 24 hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides. One or more of these inconveniences may occur as the result of farm or forest activities which are in conformance with existing laws and regulations and accepted customs and standards."

I recognize that I may be subject to inconvenience or discomfort from lawful agricultural operations. Discomfort and inconvenience may include, but are not limited to, noise, odors, fumes, dust, smoke, burning, vibrations, insects, rodents, and/or the operation of machinery (including aircraft) during any 24 hour period. One or more inconveniences may occur as a result of agricultural operations that are in compliance with existing laws and regulations and accepted customs and standards. I recognize that I will live or operate a use near an agricultural area, and that I must be prepared to accept such inconveniences or discomforts as a normal and necessary aspect of living in an area with a strong rural character and an active agricultural sector. My signature below constitutes a voluntary acknowledgement of the forgoing and I will not bring any complaints against adjacent landowners whose property is agricultural land or in agricultural operation, or against local government(s), asserting that the adjacent agricultural operation or uses of agricultural lands constitute a nuisance.

Parcel ID Number: _____

Signature of Property Owner: _____

Sworn to and subscribed before the undersigned notary this _____ day of _____ 20_____

Seal

Printed Name _____
My Commission Expires _____

Gilmer County Planning Commission

10 Broad St

Ellijay, GA 30540

Phone (706)635-3406 Fax (706)635-3405

The Gilmer County Land Use Ordinance Fee Schedule

Application for Re-Zoning Advertisement Fee Letter Fee	\$175.00 \$50.00 \$6.75 per Adjacent Property Certified Letter
Application for Conditional Use Permit Advertisement Fee Letter Fee	\$175.00 \$50.00 \$6.75 per Adjacent Property Certified Letter
Application for Variance Request Advertisement Fee Letter Fee	\$175.00 \$50.00 \$6.75 per Adjacent Property Certified Letter
Application for Appeals	\$ 175.00

Note: The fee schedule is subject to change. Please check with the Gilmer County Planning Commission for current fees.