

ARTICLE 4

PERMITS REQUIRED FOR DEVELOPMENT OR CONSTRUCTION

4.1 AUTHORIZATION REQUIRED FOR LAND DISTURBANCE OR DEVELOPMENT ACTIVITIES

4.1.1 Permit Required; Exemptions

No disturbance of the land, including clearing, grubbing, or grading activities, shall commence or proceed except in accordance with the provisions of these Development Regulations, unless the activity is for the construction of an individual single-family detached or duplex residence on a buildable lot of record.

4.1.2 Plan Review and Approval

Any developer of land within the City of Snellville shall first submit to the Department such plans, plats, or construction drawings as may be required by these Regulations and shall have been granted a permit consistent with these Regulations and approved by the Department prior to the initiation of development activities. Approval of plans by City of Snellville officials or employees shall not imply nor transfer acceptance of responsibility for the application of the principles of engineering, architecture, landscape architecture, or any other profession, from the professional corporation or individual under whose hand or supervision the plans were prepared and sealed. Article 10 of these Regulations details the elements of the required plans.

4.1.3 Interdepartmental Review and Approval

The Department shall not issue a permit for any development activities until the plans, plats, or construction drawings, as applicable, have been approved by such other departments or agencies as may have authority or jurisdiction over said activities in whole or in part.

4.1.4 Activities Limited to Permit Authorization

Development activities shall be limited to those as authorized by the applicable permit and as may be further restricted by conditions of approval pertaining thereto attached by the Department or other department or agency as may have authority or jurisdiction over said activities in whole or in part.

4.1.5 Developer's Responsibility for Compliance

No permit shall be interpreted to relieve any developer or subdivider of the responsibility of maintaining full compliance with all codes, ordinances, and other regulations of the City of Snellville except as amended by an approved Waiver, Variance, or other relief granted through applicable formal appeal procedures for a specific property or application. Any permit issued in error or in contradiction to the provisions of an adopted code, ordinance, or regulation of the City of Snellville shall be considered to have been null and void upon its issuance.

4.1.6 Development Maintenance Compliance

Once substantial development activities have ceased for a period of at least 90-days, the developer/owner shall be required to bring the entire property to a state of permanent soil stabilization. Once permanent soil stabilization has been achieved, the developer/owner shall be required to perform routine property maintenance and keeping the site free of grass, weeds, or uncultivated vegetation in excess of 12-inches in height. The Director of Planning and Development, or his/her designee, shall have the authority to determine when substantial development activities have ceased.

4.2 LAND DISTURBANCE PERMITS

4.2.1 Clearing, Clearing and Grubbing, and Grading

a. Clearing (Minor) Permit:

- (1) A permit limited to removal of underbrush, shrubs and other low growing vegetation and trees up to three inches in diameter (DBH), including the removal of the stumps and root systems. The surface of a cleared site may be disturbed by the tracks or tires of the equipment used but may not be intentionally altered from its natural contour. Minor earth moving to construct stream crossings is permitted.
- (2) Issuance is dependent upon the identification of the property, the limits of the area to be cleared, the type of activities to be undertaken and approved erosion and sedimentation control measures. All clearing activities are to be consistent with the provisions of these Regulations, the Soil and Erosion Control Ordinance, the Zoning Ordinance and any conditions of zoning approval.
- (3) A Clearing (Minor) Permit shall expire unless activities are commenced within 60 consecutive calendar days of issuance of the permit or if activities lapse and are abandoned for a period exceeding 30 consecutive calendar days. For the purpose of these Regulations, a lapse in or suspension of clearing activity as authorized by a Clearing (Minor) Permit, as a direct result of action or inaction on the part of the City of Snellville completely beyond the control of the developer/owner, shall not be considered as a lapse in activity causing the Clearing (Minor) Permit to expire. The 60-days within which clearing activity must begin shall exclude any such time period during which the activity is prohibited or has been caused to lapse by said City action or inaction.
- (4) A Clearing (Minor) Permit shall not be construed as approval of or authorization to construct any improvements, buildings, or other structures on the property.
- (5) A permit for this activity is limited to a maximum of three acres.
- (6) This activity is not considered to be associated with site development, therefore, sites for which this permit is obtained are not eligible for a Development Permit for a period of six months.

b. Clearing (Major) Permit:

- (1) A permit limited to all items included in Clearing (Minor) plus the cutting and removal of all trees regardless of diameter, but not including the removal of the stumps and root systems of the trees larger than three inches in diameter (DBH). The surface of a cleared site may be disturbed by the tracks or tires of the equipment used but may not be intentionally altered from its natural contour. Minor earth moving to construct stream crossings is permitted.
- (2) Issuance is dependent upon the identification of the property, the limits of the area to be cleared, the type of activities to be undertaken and approved erosion and sedimentation control measures. Issuance is also dependent upon approval of a Concept Plan and Tree Preservation and/or Replacement Plan (if required) for the development. All clearing activities are to be consistent with the provisions of these Regulations, the Soil and Erosion Control Ordinance, the Zoning Ordinance and any conditions of zoning approval.
- (3) A Clearing (Major) Permit shall expire unless activities are commenced within 60 consecutive calendar days of issuance of the permit or if activities lapse and the project is abandoned for a period exceeding 30 consecutive calendar days. For the purpose of these Regulations, a lapse in or suspension of clearing activity as authorized by a Clearing (Major) Permit, as a direct result of action or inaction on the part of the City of Snellville completely beyond the control of the developer/owner, shall not be considered as a lapse in activity causing the Clearing (Major) Permit to expire. The 60-days within which Clearing (Major) activity must begin shall exclude any such time period during which the activity is prohibited or has been caused to lapse by said City action or inaction.
- (4) A Clearing (Major) Permit shall not be construed as approval of or authorization to construct any improvements, buildings or other structures on the property.
- (5) A permit for this activity is limited to a maximum of ten acres.
- (6) [Reserved].
- (7) All required (tree) replacement density (RRD) units, including special and specimen tree replacement density units, shall be transferred with the project/property. The RRD units shall be calculated in accordance with Article 21, Tree Preservation Ordinance of the Snellville Zoning Ordinance. Furthermore, the property owner must execute a covenant, in a form satisfactory to the City Attorney and recorded by the Clerk of the Superior Court of Gwinnett County, which discloses to any future property owner all requirements with respect to the required tree replacement density (RRD) units relating to the subject property and obligates such future property owner to comply with said requirements.

c. Clearing and Grubbing Permit:

- (1) This construction activity includes all items included in Clearing (Major) plus the removal of the stumps and root systems of all trees cut and removed.

- (2) [Reserved]
- (3) A Clearing and Grubbing Permit may be approved based on approval of a Concept Plan and Tree Protection/Replacement Plan for the development. Appropriate soil erosion and sedimentation controls in accordance with Section 8.5 of the Development Regulations and tree protection measures in accordance with Section 10.7 of the Development Regulations shall be in place and maintained as required.
- (4) A Clearing and Grubbing Permit shall expire unless activities are commenced within 60 consecutive calendar days of issuance of the permit or activities lapse and the project is abandoned for a period exceeding 14 consecutive calendar days. For the purpose of these Regulations, a lapse in or suspension of clearing and grubbing activity as authorized by a Clearing and Grubbing Permit, as a direct result of action or inaction on the part of the City of Snellville completely beyond the control of the developer/owner, shall not be considered as a lapse in activity causing the Clearing and Grubbing Permit to expire. The 60-days within which clearing and grubbing activity must begin shall exclude any such time period during which the activity is prohibited or has been caused to lapse by said City action or inaction.
- (5) A Clearing and Grubbing Permit shall be limited to the removal of trees and vegetation and stumps or roots from a property; the placement of required tree protection measures and soil erosion and sedimentation facilities, and may authorize the removal of existing structures on the property, at the option of the developer, and upon receiving an approved Demolition Permit (per structure). Under no circumstances shall any grading (movement, removal, or addition of earth on a site by the use of mechanical equipment) or construction activity commence under a Clearing and Grubbing Permit. The approval of a Clearing and Grubbing Permit shall not imply the approval of or authorization to construct any improvements, buildings, or other structures on the property.
- (6) All required (tree) replacement density (RRD) units, including special and specimen tree replacement density units, shall be transferred with the project/property. The RRD units shall be calculated in accordance with Article 21, Tree Preservation Ordinance of the Snellville Zoning Ordinance. Furthermore, the property owner must execute a covenant, in a form satisfactory to the City Attorney and recorded by the Clerk of the Superior Court of Gwinnett County, which discloses to any future property owner all requirements with respect to the required tree replacement density (RRD) units relating to the subject property and obligates such future property owner to comply with said requirements.

d. Grading Permit:

- (1) This construction activity includes the movement, removal or addition of earth on a site by the use of mechanical equipment that alters the natural contour of the site.
- (2) [Reserved].
- (3) Issuance of a Grading Permit, which may include clearing and grubbing,

is dependent upon approved grading plans, erosion and sedimentation control measures, and Storm Water Management report (if applicable). All grading activities are to be consistent with the provisions of these regulations, the Soil and Erosion Control Ordinance, the Zoning Ordinance and any conditions of zoning approval.

- (4) A Grading Permit shall be limited in its authorization to land grading along with associated tree protection, clearing and grubbing, and may authorize the removal of existing structures on the property, at the option of the developer/owner, and upon receiving an approved Demolition Permit (per structure), and may authorize the construction of storm drainage improvements and soil erosion and sedimentation facilities as allowed by the permit. The approval of a Grading Permit shall not imply the approval of or authorization to construct any improvements, buildings, or other structures on the property, other than the construction of storm drainage improvements and soil erosion and sedimentation facilities.
- (5) A Grading Permit shall expire 60 consecutive calendar days after permit issuance unless clearing, grubbing and grading activities as authorized by the permit is initiated within the 60-days period or if such authorized activities lapse and project is abandoned for a period exceeding 30 consecutive calendar days. For the purpose of these Regulations, a lapse in or suspension of development activity as authorized by a Grading Permit, as a direct result of action or inaction on the part of the City of Snellville completely beyond the control of the developer/owner, shall not be considered as a lapse in activity causing the Grading Permit to expire. The 60-days within which clearing, grubbing, and grading activity must begin shall exclude any such time period during which the activity is prohibited or has been caused to lapse by said City action or inaction. Any site for which the Grading Permit expires shall immediately be stabilized to prevent erosion.
- (6) All required (tree) replacement density (RRD) units, including special and specimen tree replacement density units, shall be transferred with the project/property. The RRD units shall be calculated in accordance with Article 21, Tree Preservation Ordinance of the Snellville Zoning Ordinance. Furthermore, the property owner must execute a covenant, in a form satisfactory to the City Attorney and recorded by the Clerk of the Superior Court of Gwinnett County, which discloses to any future property owner all requirements with respect to the required tree replacement density (RRD) units relating to the subject property and obligates such future property owner to comply with said requirements.

4.2.2 Development Permit:

a. Development Activities Authorized

A Development Permit shall be issued to authorize all activities associated with the land development process, including clearing and grubbing, grading, and the construction of such improvements as streets, surface parking areas and drives,

sewer systems, storm water drainage facilities, sidewalks, or other structures permanently placed on or in the property except for buildings or other structures requiring the issuance of a building permit. Water system improvements shall be authorized only upon approval by the Gwinnett County Department of Water Resources.

b. Development Permit Approval

- (1) Prior to the issuance of a site development permit, each permittee is required to designate a Registered Agent who is located within Gwinnett County by residence and/or office and who can be contacted 24-hours a day. This information will be kept by the Department and utilized when and if immediate action is required.
- (2) A development permit (which may include grading, clearing, and grubbing) shall be issued at the developer's request following approval of a Preliminary Plat for a subdivision or a Site Plan for a non-subdivision project, along with approval of all other development plans and documents required to be submitted under Article 5 of these Regulations. All plans approved for a development permit shall expire after six months if no permit is issued within said time period.
- (3) All required (tree) replacement density units (RRD), including special and specimen tree replacement density units, shall be transferred with the project/property. The RRD units shall be calculated in accordance with Article 21, Tree Preservation Ordinance of the Snellville Zoning Ordinance. Furthermore, the property owner must execute a covenant, in a form satisfactory to the City Attorney and recorded by the Clerk of the Superior Court of Gwinnett County, which discloses to any future property owner all requirements with respect to the required tree replacement density (RRD) units relating to the subject property and obligates such future property owner to comply with said requirements.

c. Expiration of Development Permits

A development permit shall expire 12 months consecutive calendar after issuance unless development activity as authorized by the permit is initiated within the twelve-month period or if such authorized activities lapse and the project is abandoned for a period exceeding 60 consecutive calendar days. The Director of Planning and Development or his/her designee may approve one extension not exceeding three consecutive calendar months within which time development activity must commence or the permit shall expire. Said extension shall be applied for within the first twelve consecutive calendar months after the permit's issuance.

d. Lapse in Construction Activity

For the purposes of these Regulations, a lapse in or suspension of development activity as authorized by a development permit, as a direct result of action or inaction on the part of the City of Snellville completely beyond the control of the developer, shall not be considered as a lapse in activity causing the

development permit to expire. The twelve months within which development activity must begin shall exclude any such time period during which the activity is prohibited or has been caused to lapse by said City action or inaction.

4.3 BUILDING PERMITS

4.3.1 Applicable Codes

Building permits for all structures or interior finishes are issued after meeting the applicable requirements of the fire prevention and life safety codes, and the various health, water, sewer, and building codes of the City of Snellville and Gwinnett County.

4.3.2 Health Department: On-Site Sewage Disposal

For any structure for which on-site sewage disposal will be provided, a permit issued by the Gwinnett County Environmental Health Department shall be required prior to issuance of a building permit. Said permit may first require approval by the Gwinnett County Environmental Health Department of a plan showing the location of the sewage disposal system and other site improvements, in accordance with their regulations.

4.3.3 Single-Family and Duplex Residences

- a. A building permit for a single or two-family residence may be issued after the recording of a Final Plat or after the lot upon which the building is to be located has otherwise become a buildable lot of record.
- b. The approval by the Department of a House Location Plan (HLP), Residential Drainage Plan (RDP), or Residential Drainage Study (RDS), may be required prior to issuance of the building permit, as noted and conditioned on the Final Plat. For such lots, a Certificate of Occupancy shall not be issued until conformance to the HLP, RDP, or RDS has been field verified by the Department as shown on a certified foundation survey prepared by Registered Land Surveyor. (See Article 6 for plan and study specifications.)

4.3.4 Swimming Pools

Issuance of a building permit for a swimming pool as an accessory use to a single or two-family residence, whether to be issued at the same time as or subsequent to the permitting or construction of the house or duplex, shall first require approval of a Swimming Pool Location Plan. The plan shall show the proposed location of the swimming pool and enclosing fence relative to the residence, the property boundaries, setback lines, septic tank and septic tank drain field (if any), and any easements on the site, and shall comply with all requirements of the Zoning Ordinance and Swimming Pool Code. Based on site conditions, a Residential Drainage Study (RDS) may also be required prior to issuance of the building permit. In locations where septic tanks and drain fields exist the Plan must also be approved by the Gwinnett County Environmental Health Department. A Certificate of Occupancy shall not be issued until conformance to the Swimming Pool Location Plan (and to provisions of the RDS, if applicable) has been field verified by the Department.

4.3.5 Multi-Family and Nonresidential Structures

- a. Issuance of a building permit for any principal building other than a single-family detached or duplex residence (and associated accessory structure) shall first require issuance of a Development Permit for the building site, and the building permit shall be consistent with said Development Permit.
- b. Building plans must be reviewed and approved by the Department and the Gwinnett County Fire Services Division, and Public Utilities Departments prior to permitting for all structures, except for one and two-family residences or accessory structures. Building Plan approval shall expire after one year, after which rereview and approval by the Department shall be required prior to issuance of a building permit for the building or additional buildings.

4.3.6 Issuance on Buildable Lots of Record; Exceptions

Building permits shall only be issued on buildable lots of record, as defined in these Regulations, except under special circumstances limited to and as specifically described in this Section, below.

- a. In single-family detached and duplex residential subdivision, building permits for no more than two model home buildings, except by approval of a Modification application, on specific lots may be issued by the Department on the basis of an approved Preliminary Plat after the approval of the Gwinnett County Environmental Health Department or Gwinnett County Department of Public Utilities, as appropriate, and subject to all limitations or requirements as may be established by the Director. A Certificate of Occupancy shall not be issued for the completed model home until the Final Plat encompassing the model home building lots has been approved and recorded.
- b. In non-residential subdivisions, building permits may be issued by the Department on the basis of an approved Preliminary Plat and after a Development Permit has been approved reflecting the site plan and construction drawings for specific buildings and associated site improvements. Issuance of the building permits shall be conditioned on the following:
 - (1) A performance bond or other approved surety shall have been received in a form acceptable to the City Attorney, drawn in favor of the City and in an amount not less than 110 percent of the cost of completing all public improvements as authorized and required by the Preliminary Plat.
 - (2) The performance bond or other approved surety shall not exceed an aggregate total for all required public improvements of \$12,000 per acre for the total acreage included within the subdivision or portion of the subdivision wherein the improvements are proposed, except by approval of the City Council.
 - (3) Gwinnett County Fire Services Division approval shall be required prior to issuance of any building permit, which may include approval of acceptable access and water under pressure for combustible construction.
 - (4) Approval of the Gwinnett County Environmental Health Department

- for on-site sewage disposal or by the Gwinnett County Water Pollution Control Division for a building to be served by public sewer shall be required prior to issuance of any building permit.
- (5) Construction of the required public improvements shall proceed concurrently with construction of the buildings.
 - (6) No Certificate of Occupancy shall be approved for any structure within the subdivision prior to recording of the Final Plat without the express approval of the Director.
 - (7) The Director of Planning and Development or his/her designee shall have found that the public interest is best served and that a public purpose is involved in the acceptance of the performance bond.
- c. In fee-simple townhouse subdivisions, a building permit may be issued on a buildable lot of record established for each building (containing any number of townhouse dwelling units) through recording of a Final Plat following completion of all required public improvements. Upon completion of the buildings, the Final Plat shall be re-recorded to establish individual lots for the townhouse units, based on their actual locations, prior to issuance of Certificates of Occupancy.