



# SPECIAL USE PERMIT APPLICATION For Collective Residences

**City of Snellville, Georgia**  
**Department of Planning & Development**

2342 Oak Road, 2<sup>nd</sup> Floor

Snellville, Georgia 30078

Phone 770.985.3513 Fax 770.985.3551 [www.snellville.org](http://www.snellville.org)

DATE RECEIVED \_\_\_\_\_

**CASE # SUP** \_\_\_\_\_

**Applicant** is: (check one)  
 Property Owner  
 Attorney for Property Owner  
 Property Owner's Agent

**Property Owner** (if not the applicant):  check here if additional property owners and attach additional sheets.

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Corporate Entity Name

\_\_\_\_\_  
Corporate Entity Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Phone Number (wk) (cell)

\_\_\_\_\_  
Phone Number (wk) (cell)

\_\_\_\_\_  
Email Address

\_\_\_\_\_  
Email Address

Collective Residence Type:  Family Personal Care Home  Community Living Arrangement  Group Home

Present Zoning District Classification: \_\_\_\_\_ Present Land Use Classification: \_\_\_\_\_

Property Street Address: \_\_\_\_\_ Acreage: \_\_\_\_\_ Tax Parcel No.: \_\_\_\_\_

**Applicants must submit a Special Use Permit application for the following permitted uses (check one):**

Collective Residence (Allowed in RS-180 District and RS-150 District Only)

**APPLICATION FEES:**

- Less than one acre \$ 500.00
- 1 to 5 acres \$ 560.00
- 5 to 10 acres \$ 800.00
- 10 to 15 acres \$ 1,050.00
- 15 to 20 acres \$ 1,350.00
- Over 20 acres \$ 1,900.00
- Public Notice Sign(s) \$ 50.00 each (per parcel, per road frontage)
- Adjoining Property Owner Notification Letters \$ 15.00 per notice

**DEFINITION:** A Collective Residence shall mean any residence, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food, one or more personal services, support, care, or treatment exclusively for two (2) or more persons who are not related to the owner or administrator of the residence by blood or marriage and which is licensed as a Group Home, Personal Care Home, or Community Living Arrangement pursuant to O.C.G.A. § 31-2-4(d)(8). Any residence that Georgia law requires to be licensed as a Community Living Arrangement, Group Home, Personal Care Residence, Continuing Care Retirement Community (CCRC), CCRC Independent Living Unit, CCRC Assisted Living Facility, CCRC Skilled Nursing Facility, or any other facility permitted by the State of Georgia to house two (2) or more unrelated persons, shall be a Collective Residence. Collective Residences shall only be allowed by Special Use Permit explained below.

In order to accommodate Collective Residences as a special use, the Special Use Permit allows the Mayor and Council to approve a special use on a particular lot without changing the general zoning district. Such approval shall be subject to the requirements set forth below and any additional conditions the Mayor and Council and/or the Planning Commission deems necessary to ensure the compatibility of the special use with the surrounding properties. All Special Use Permit applications for Collective Residences shall be for firm development proposals only and shall be considered only if it is made by the owner of the property or his/her authorized agent. The Special Use Permit shall not be used for securing early zoning for conceptual proposals which may not be undertaken for more than six (6) months from the date the application is submitted.

The minimum requirements for a Special Use Permit for Collective Residences are:

1. Any uses permitted under a Special Use Permit shall conform to the requirements of this ordinance and the development and zoning regulations for the use as found in the zoning district.
2. The application, fees and review process for a Special Use Permit shall be the same as for the application and review process for establishing the zoning district under which the special use is found, which is Article XV, Section 15.2 of the Zoning Ordinance. In addition to the information and/or site plans which are required to be submitted for the proposed development, additional information deemed necessary by the Director of Planning and Development in order to evaluate a proposed use and its relationship to the surrounding area shall be submitted. In the review process, particular emphasis shall be given to evaluating the relationship of and the compatibility with the proposed use to its immediate neighborhood.
3. In the approval process for a Special Use Permit application, the Mayor and City Council shall consider the policies and objectives of the comprehensive plan, particularly in relationship to the proposed site and surrounding area, and shall consider the potential adverse impacts on the surrounding area, especially with regard to but not limited to traffic, storm drainage, land values and compatibility of land use activities.
4. If an application is approved and a Special Use Permit is granted, all conditions which may have been attached to the approval are binding on the property. All subsequent development and use of the property shall be in accordance with the approved plan and conditions. All final site plans shall be approved by the Planning and Development Department prior to the issuance of any permits. Once established, the special use shall be in continuous operation. Upon discovery that the operation of the special use has or had ceased for a period of one hundred eighty (180) days or more and the owner of the property has not requested voluntary termination of the Special Use Permit, the Director of Planning and Development shall forward a report to the Mayor and Council through the Planning Commission which may recommend that action be taken to remove the Special Use Permit from the property.
5. Changes to a special use or development of a site for the special use shall be treated as an amendment to the Special Use Permit and shall be subject to the same application and review process as a new application.
6. The special use for which a special use permit is granted shall commence operations or construction within twelve (12) months of the date of approval by the Mayor and Council. If, at the end of this twelve (12) month period, the Director determines that active efforts are not proceeding toward operation or construction, a report may be forwarded to the Mayor and Council through the Planning Commission which may recommend that action be taken to remove the Special Use Permit from the property.
7. The Director of Planning and Development or his designee or an officer of the City of Snellville Police Department shall have the right to periodically examine the operation of the specific use to determine compliance with the requirements of any conditions. If the Director determines that the requirements and conditions are being violated, a written notice shall be issued to the owner of the property outlining the nature of the violations and giving the owner of the property a maximum of thirty (30) days to come into compliance. This thirty-day maximum shall be amendable in the reasonable discretion of the Director of Planning and Development. If after thirty days the violations continue to exist, the Director shall forward a report to the Mayor and Council through the Planning Commission, which may recommend that action be taken to remove the Special Use Permit from the property.
8. Upon approval by the Mayor and Council, a Special Use Permit shall be identified on the official zoning maps.
9. Upon approval by the Mayor and Council of a Special Use Permit, the owner of the property shall be issued a notice from the Director, which states the specific use permitted, the requirements of this section and any conditions attached to the approval.
10. The Planning and development Department shall not issue a Certificate of Occupancy for the specific use unless all requirements and conditions of the special use permit have been fulfilled by the owner of the property.

Collective Residences must comply with the following conditions before and after receiving a Special Use Permit:

1. Collective Residences must meet all the district criteria for lot development, architectural controls, space limits and density requirement of the Zoning District.
2. Collective Residences must be licensed by the Department of Human Resources of the State of Georgia. Prior to applying for a Special Use Permit, the Applicant shall seek a specific permit from the State of Georgia for operation of the Collective Residence. All details of the state application shall be attached to the Special Use Permit Application and shall be incorporated by reference as a condition of the Special Use Permit. If the Applicant changes the operation of the Collective Residence from the type disclosed in the state application, the Special Use Permit shall be automatically revoked. The Applicant is required to apply for a new Special Use Permit in this event for the new type of Community Residence. The new application will be judged by the City on its own merits and subject to the full review for a new Special Use Permit which permit may be denied based on the required criteria of this Section. The fact that a different type of Community Residence has been operated at this same site has no bearing on the new applications.
3. Collective Residences shall apply for and receive an occupation tax certificate/business license from the City of Snellville prior to operation. The certificate and license shall be revoked if any condition of the Special Use Permit is violated.
4. Collective Residences must be approved by the Gwinnett County Department of Environmental Health for properties having an on-site sewage management (septic) system.
5. Collective Residences must apply for, earn and maintain non-profit corporation status in accordance with the requirements of O.C.G.A. § 14-3-120 et. seq., unless otherwise stated in this ordinance.
6. Collective Residences must submit annual reports to the City Manager for the City of Snellville, just as the Community Residence would for a member under O.C.G.A. § 14-3-1620 et. seq.
7. Collective Residences shall strictly comply with Article XI of the district regulations relating to parking spaces, except that no more than six (6) parking spaces shall be allowed for any Community Residence unless required by the Special Use Permit.
8. Required Sleeping Area – Collective Residences must demonstrate that every bedroom in the residences shall contain at least eighty (80) square feet of floor area for each person who sleeps in that room.
9. Community living arrangements and family personal care homes shall be subject to the following criteria:
  - a. Special use permits may only be granted for the care of up to six persons without a variance from the Mayor and Council.
  - b. Except as otherwise stated in Sec. 7.6(a) of the Zoning Ordinance, operations are subject to the regulations of Article XVIII, Home Occupations and Business of the City of Snellville Zoning Ordinance.
10. Group homes shall be subject to the following requirements:
  - a. The dwelling unit must be licensed by the Department of Human Resources of the State of Georgia as a child care institution.
  - b. Group homes are exempt from the requirements of Article XVIII, Section 18.4(G) to the extent they require that the owner of the Group home live on-premises, and to the extent Section 18.4(G) requires that only two (2) or fewer employees occupy the premises. At least one employee shall occupy the premises. Two employees shall be the minimum number of employees that work on the premises.
11. Family personal care homes shall be subject to the following criteria:
  - a. The dwelling unit must be the primary and legal place of residence for the owner of the family personal care home.
  - b. For purposes of this Code section, “owner” of the family personal care home is defined as an individual, not a partnership or corporation, who is an officer in the non-profit corporation that owns the place of residence at which the personal care home is located. Dwelling and premises shall maintain residential character.
12. If a Collective Residence fails to comply with any threshold requirement under this subsection, its special use permit is subject to revocation by the Planning Director for the City of Snellville pursuant to the provision of Section 6.2, Special Use Permits.
13. Collective Residences shall not be located within 1,500 feet of each other. For purposes of this section, distance shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:
  - a. From the main entrance of the Collective Residence;
  - b. In a straight line to the nearest public sidewalk, walkway, street, road or highway by the nearest route;
  - c. Along such public sidewalk, walkway, street, road or highway by the nearest route;

- d. To the main entrance of the next closest Collective Residence.
14. The application for a Special Use Permit for a Collective Residence shall include the following:
    - a. A full review of fire code compliance and fire access requirements shall be made and to the extent that special needs are demonstrated, the Special Use Permit can be conditioned by including additional conditions.
    - b. All environmental health requirements shall be disclosed in the application process and modifications to the facility may be required as a condition of the Special Use Permit.
    - c. The Special Use Permit application shall include a parking plan to accommodate all residents, staff, visitors and professionals caring for residents, and the grant of a Special Use Permit may be conditioned on compliance with parking requirements in the City Code. Parking in the public right of way is prohibited.
  15. The real estate that is the subject of the Special Use Permit shall be owned at the time of application and during the term of the Special Use Permit by the non-profit organization operating the facility.
  16. The application for the Special Use Permit shall be in a form prepared by the Director of Planning and Development and shall incorporate disclosure of all the following:
    - a. All information required to demonstrate compliance with the requirements set forth in this Section.
    - b. A full and complete financial disclosure by the applicant to include financial statements that reveal how trust funds of residents will be maintained, a balance sheet showing the overall capital structure of the non-profit organization, and a full capital disclosure targeted at the financial condition of the specific facility to be operated at the site of the Special Use Permit.”

Pursuant to Section 15.2(3)(e) of the Snellville Zoning Ordinance, a written, documented analysis of the impact of the proposed Special Use Permit with respect to each of the following matters shall be included. Please respond to the following standards in the space provided or attach additional sheets if necessary. **Simple yes/no answers or re-statement of the questions is not acceptable.**

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.

Response: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Whether the zoning proposal would adversely affect the existing use or usability of adjacent or nearby property.

Response: \_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

Response: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

Response: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Whether the zoning proposal is in conformity with the policy and intent of the Land Use Plan.

Response: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. 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 zoning proposal.

Response: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CERTIFIED REPORT OF SURVEY**  
**FOR COLLECTIVE RESIDENCES**

\_\_\_\_\_  
**NONPROFIT CORPORATE NAME (Collective Residence)      D/B/A**

\_\_\_\_\_  
**LOCATION/ADDRESS:**

The undersigned has examined the subject location and has made measurements to determine the compliance or non-compliance with the distance requirement pursuant to Section 7.6(c) of the City of Snellville Zoning Ordinance. The undersigned understands and applied the following criteria in making said determinations:

**DEFINITION:** A Collective Residence shall mean any residence, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food, one or more personal services, support, care, or treatment exclusively for two (2) or more persons who are not related to the owner or administrator of the residence by blood or marriage and which is licensed as a Group Home (a/k/a Child Caring Institution), Personal Care Home, or Community Living Arrangement pursuant to O.C.G.A. § 31-2-4(d)(8). Any residence that Georgia law requires to be licensed as a Community Living Arrangement, Group Home (a/k/a Child Caring Institution), Personal Care Residence, Continuing Care Retirement Community (CCRC), CCRC Independent Living Unit, CCRC Assisted Living Facility, CCRC Skilled Nursing Facility, or any other facility permitted by the State of Georgia to house two (2) or more unrelated persons, shall be a Collective Residence.

**HOW TO LOCATE:** Collective Residence facilities (identified above) may be searched online by visiting the Georgia Department of Human Services Office of Regulatory Services at [www.dch.georgia.gov/findfacility](http://www.dch.georgia.gov/findfacility). The following postal zip codes serve addresses within the City of Snellville municipal limits: 30017, 30039, 30052 and 30078.

**DISTANCE REQUIREMENT:** **Collective Residences shall not be located within 1,500 feet of each other**, measured by the most direct route of travel on the ground and shall be measured in the following manner:

- (a) From the main entrance of the Collective Residence;
- (b) In a straight line to the nearest public sidewalk, walkway, street, road or highway by the nearest route;
- (c) Along such public sidewalk, walkway, street, road or highway by the nearest route;
- (d) To the main entrance of the next closest Collective Residence.

**SCALED DRAWING:** Attach a scaled drawing if within 2,000 feet of the proposed Collective Residence.

**GEORGIA REGISTERED LAND SURVEYOR / PROFESSIONAL ENGINEER CERTIFICATION:**

In my opinion, \_\_\_\_\_ (name of the proposed Collective Residence)

Is \_\_\_\_\_ feet from the **CLOSEST** Collective Residence known as \_\_\_\_\_

And located at \_\_\_\_\_ (address).

Is \_\_\_\_\_ feet from the **NEXT CLOSEST** Collective Residence known as \_\_\_\_\_

And located at \_\_\_\_\_ (address).

\_\_\_\_\_  
Signature Georgia Registered Land Surveyor/Engineer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Reg. Number



## CERTIFICATIONS

### APPLICANT'S CERTIFICATION

The undersigned below is authorized to make this application for a Special Use Permit. The undersigned is aware that no application or re-application affecting the same land shall be acted upon within six (6) months from the date of last action by the Mayor and Council.

I, the undersigned applicant, understand and agree that the Special Use Permit, if approved, shall automatically terminate if the event that this property is sold, transferred or otherwise conveyed to any other party, or the business which operates the special use is sold, transferred, or otherwise conveyed or discontinued.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Type or Print Name and Title

*Affix Notary Seal*

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Date

### PROPERTY OWNER'S CERTIFICATION

The undersigned below, or as attached, is the owner of the real property considered in this application. The undersigned is aware that no application or re-application affecting the same land shall be acted upon within six (6) months from the date of last action by the Mayor and Council.

Check here if there are additional property owners and attach additional "Owner's Certification" sheets.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Type or Print Name and Title

*Affix Notary Seal*

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Date



## **SPECIAL USE PERMIT CHECKLIST**

**The following is a checklist of information required for submission of a Special Use Permit application. The Planning and Development Department reserves the right to reject any incomplete application.**

- Application Form
- Application and Public Notice Fees (make check payable to City of Snellville, Georgia)
- Provide Evidence of Nonprofit Georgia Corporation (Secretary of State's Office) and State Attorney General's Office)
- Provide copy of Articles of Incorporation and Bylaws
- Provide Employer Identification Number (EIN) from the IRS
- Provide 501(c)3 Registration from IRS (if applicable)
- Evidence of Property Ownership (Certificate of Title, Warranty Deed, or Security Deed)
- Provide Current Copy of Utility Billing for Water and Electricity
- Provide Front/Back Copy of Valid Georgia Driver's License (Property Owner)
- Property Legal Description
- As-Built Boundary Survey
- Map Indicated the Subject Property and the Adjacent Properties (identified by owner name and tax parcel)
- Site Plan (4 full –size copies and one (1) 8-1/2" x 11" reduction)
- Provide Photos of the Building (all elevations) and Grounds
- Provide Certified Report of Survey (Attachment B)
- Provide Certificate of Occupancy from the Gwinnett County Fire Marshal's Office
- Standards Governing Exercise of Zoning Power (Attachment A)
- Letter of Intent
- Provide Complete Financial Disclosure including financial statements (or policies) that reveal how resident trust funds will be maintained, a balance sheet showing overall capital structure of the non-profit organization, and a full capital disclosure targeted at the financial condition of the facility to be operated at the location of the Special Use permit
- Demonstrate Conformance to the District Criteria for Lot Development, Architectural Controls, Space Limits, and Density
- Provide Copy of Application for State License by the Georgia Department of Human Resources
- Provide Copy of Application for City of Snellville Occupational Tax License
- Provide Current Copy of Sanitary Sewer Billing from Gwinnett County Water Resources.
- Provide Written Documentation from Gwinnett County Environmental Health Department that On-Site Sewage Management (Septic) System has been Designed, Inspected and Approved for Use by the Collective Residence
- Provide On-Site Parking Plan Details for Residents, Staff, Professionals and Visitors
- Provide Scaled Floor Plan Drawings with Required Sleeping Areas Highlighted
- Verification of Paid Property Taxes
- Applicant Certification with Notarized Signature (Attachment C)
- Property Owner Certification with Notarized Signature (Attachment C)
- Conflict of Interest Certification/Campaign Contributions (Attachment D)
- Provide Ten (10) Colored Copies of Application Original
- Provide CD-ROM containing digital files (in .PDF format) of Complete Application (including all attachments, exhibits, survey, plans, photos, reports, etc.)