

ARTICLE 3

PERMITS REQUIRED FOR DEVELOPMENT OR CONSTRUCTION

3.1 AUTHORIZATION REQUIRED FOR LAND DISTURBANCE OR DEVELOPMENT ACTIVITIES

3.1.1 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 exempt as an agricultural activity and is properly zoned for such activity, or is for the construction of an individual single-family detached or duplex residence on a buildable lot of record which shall be authorized by the City Administrator through the issuance of a building permit and shall be limited to the clearing of land of less than 10,000 square feet per lot.

3.1.2 Plan Review and Approval

Any developer of land within the City of Dacula, Georgia shall first submit to the City such plans, plats, or construction drawings, or erosion control bonds (or statements of credit) as may be required by these Regulations and shall have been granted a permit consistent with these Regulations and approved by the City prior to the initiation of development activities. Approval of plans by City 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 4 of these Regulations details the elements of the required plans.

3.1.3 Interagency Review and Approval

The City 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.

3.1.4 Activities Limited to Permit Authorization

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

3.1.5 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, resolutions, and other regulations of the City 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, resolution, ordinance, or regulation of the City shall be considered to have been null and void upon its issuance.

3.2 LAND DISTURBANCE PERMITS

3.2.1 Clearing Permit, Clearing and Grubbing Permit, and Grading Permit

The following permits covering portions of the land development process may be issued in accordance with the requirements of these Regulations:

A. Clearing Permit:

1. A permit limited to clearing only, with no grubbing or other land disturbance may be issued upon identification of the property, the limits of the area to be cleared and the type of activities to be undertaken. All clearing activities are to be consistent with the provisions of these Regulations, the Soil Erosion and Sediment Control Ordinance, the Zoning Resolution, the Buffer, Landscape, & Tree Ordinance, and any conditions of zoning approval.
2. A clearing 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.
3. A clearing permit shall not be construed as approval of or authorization to construct any improvements, buildings, or other structures on the property.

B. Clearing and Grubbing Permit:

1. A clearing and grubbing permit may be approved based on approval of a Concept Plan for the development. Appropriate soil erosion and sedimentation controls and tree protection measures shall be placed and maintained as required.
2. A permit for clearing and grubbing shall expire unless activities are commenced within 60 days of issuance of the permit or if activities lapse and the project is abandoned for a period exceeding 14 calendar days.

3.2.1 Clearing Permit, Clearing and Grubbing Permit, and Grading Permit (Continued)

3. A clearing and grubbing permit shall be limited to the removal of vegetation and stumps and 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. No grading or building construction activities may be started 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.

C. Grading Permit:

1. A grading permit which may include clearing and grubbing, may be issued prior to approval of a development permit, as provided under Article 4 of these Regulations. A grading permit may also be issued for earth borrow, where no development or construction is proposed or imminent, based upon a non-residential zoning category of the site, and the provisions of the Comprehensive Plan (as applicable) subject to the approval of a grading plan, soil erosion and sediment control plan, and a hydrology study.
2. A permit authorizing but limited to grading (and clearing and grubbing) shall expire unless activities are commenced within 60 days of issuance of the permit or if activities lapse and the project is abandoned for a period exceeding 14 calendar days. Any site for which the grading permit expires shall immediately be stabilized to prevent erosion.
3. A grading permit shall be limited in its authorization to land grading activities along with associated tree protection, clearing and grubbing, and demolition activities, and may authorize the construction of storm drainage improvements and soil erosion and sedimentation facilities as allowed by the permit itself.

3.2.2 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 and Sewer system improvements shall be authorized by the Gwinnett County Public Utilities Department.

3.2.2 Development Permit (Continued)

B. Development Permit Approval

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 4 of these Regulations. All plans approved for a development permit shall expire after twelve (12) months if no permit is issued within said time period.

C. Expiration of Development Permits

A development permit shall expire twelve (12) months 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 30 calendar days. Provided, however, that the City may approve one extension not exceeding three months within which time development activity must commence or the permit shall expire. Said extension shall be applied for within the first twelve (12) 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 completely beyond the control of the developer, shall not be considered as a lapse in activity causing the development permit to expire. The twelve (12) 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.

3.3 BUILDING PERMITS

3.3.1 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 or County.

3.3.2 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 Health Department shall be required prior to issuance of a building permit. Said permit may first require approval of a plan showing the location of the sewage disposal system and other site improvements, in accordance with their Regulations.

3.3.3 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 City 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 City as shown on a certified foundation survey prepared by Registered Land Surveyor. (See Article 4 for plan and study specifications.)

3.3.4 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, may 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 Resolution of the City of Dacula and Codes adopted by the State of Georgia or Gwinnett County in regards to a Swimming Pool. Based on site conditions, a Residential Drainage Study (RDS) may also be required prior to issuance of the building permit. 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 City.

3.3.5 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 City and appropriate State Agencies (e.g. State or County Fire Marshall Office), 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 re-review and approval by the City shall be required prior to issuance of a building permit for the building or additional buildings.