

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 exempt as an agricultural activity in the RA-200 zoning district, or 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 Buford shall first submit to the City 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 City prior to the initiation of development activities. Approval of plans by the City of Buford officials or employees shall not imply not 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 Chattahoochee River Corridor Certificate:

If any portion of a property included within a proposed project is located within two thousand (2,000) feet of the bank of the Chattahoochee River, the project shall first obtain a certificate authorizing the development under the provisions of the Metropolitan River Protection Act before any clearing, grading, or construction activity may be granted a permit by the City or any other agency. All permits issued by the City of Buford pursuant to such authorization shall be consistent with the requirements and provisions of the certificate. Any violation of the provisions of the Metropolitan River Protection Act certificate shall be considered as though a violation of these Development Regulations, and shall be subject to the enforcement and penalty provisions hereunder.

4.1.4 Interdepartmental Review and Approval:

The City will 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.

4.1.5 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 City or other departments or agencies as may have authority or jurisdiction over said activities in whole or in part.

4.1.6 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 Buford 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 Buford shall be considered to have been null and void upon its issuance.

4.2 LAND DISTURBANCE PERMITS

4.2.1 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 and the provisions of any Metropolitan River Protection Act certificate, if applicable:

a. Clearing Permit:

- (1) A permit limited to clearing only with no grubbing or other land disturbance (as defined in the Georgia Soil Erosion and Sedimentation Act) may be issued upon identification of the property, the limits of the area to be cleared and the type of activities to be undertaken, and approval of a Tree Protection Plan as may be required under the Tree Protection Ordinance. All clearing activities are to be consistent with the provisions of these Regulations, the Soil Erosion and Sediment Control Ordinance, the Zoning Ordinance, and any conditions of zoning approval.

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- (2) A clearing permit shall expire unless activities are commenced within sixty (60) consecutive calendar days of issuance of the permit or if activities lapse and are abandoned for a period exceeding thirty (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 and Tree Protection Plan (if required) 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 sixty (60) consecutive calendar days of issuance of the permit or if activities lapse and the project is abandoned for a period exceeding fourteen (14) consecutive calendar days.
 - (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 construction activities may be started under a clearing or 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 5 of these Regulations. A grading permit may also be issued for earth borrow, where no development or construction is proposed or imminent, based on approval of a grading plan, soil erosion and sediment control plan, and hydrology study, consistent with the

requirements of the Tree Protection Ordinance, the zoning category of the site, and the provisions of the Comprehensive Plan (as applicable).

- (2) A permit authorizing but limited to grading (and clearing and grubbing) shall expire unless activities are commenced within sixty (60) days of issuance of the permit or if activities lapse and the project is abandoned for a period exceeding fourteen (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, any may authorize the construction of storm drainage improvements and soil erosion and sedimentation facilities as allowed by the permit itself.

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 solely by the Public Works Department.

b. Development Permit Approval:

A development permit (which may include grading, clearing, grubbing) shall be issued at the developer's request following approval of a Metropolitan River Protection Act certificate, if applicable, and upon 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 (6) consecutive calendar months if no permit is issued within said time period.

c. Expiration of Development Permits:

A development permit shall expire twelve (12) consecutive calendar 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 thirty (30) consecutive calendar days. Provided, however, that the City may approve one extension not exceeding three (3) 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 (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 of Buford 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) consecutive calendar 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 Buford, as well as the provisions of any certificate approved under the Metropolitan River Protection Act, if applicable.

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 Health Department shall be required prior to issuance of a building permit. Said permit may first require approval by the 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 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 or as may be required for compliance with the Georgia Metropolitan River Protection Act. 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 or shown on a certified foundation survey prepared by a 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 the 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. A Certificate of Occupancy shall not be issued until conformance to the Swimming Pool Location Plan (and to provisions of the PDS, if applicable) has been field verified by the City.

4.3.5 Multi-Family and Non-Residential Structures:

- a. Issuance of a building permit for any principal building other than a single-family detached or duplex residence (and associated accessory structures) 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 Fire Services Division, Planning, and Public Works Departments prior to permitting for all structures, except for one and two-family residences or accessory structures. Building plan approval shall expire after one (1) 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.

4.3.6 Issuance on Buildable Lots of Record – Exemptions:

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 subdivisions, building permits for no more than two (2) model home buildings on specific lots may be issued by the City on the basis of an approved preliminary plat after the approval of the Fire Services Division, and the Health Department or Public Works Department, as appropriate, and subject to all limitations or requirements as may be established by the City. No Certificate of Occupancy shall be issued for the model home until the final plat including the model building lots has been approved and recorded.
- b. In non-residential subdivisions, building permits may be issued by the City 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 of Buford and in an amount not less than one hundred and ten (110) percent of the cost of completing all public improvements as authorized and required by the preliminary plat.

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- (2) The performance bond or other approved surety shall not exceed an aggregate total for all required public improvements of twelve thousand dollars (\$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 Commission.
 - (3) 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 Health Department for on-site sewage disposal or by the Public Works Department 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 City.
 - (7) The City 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,