

ARTICLE 5

GENERAL REQUIREMENTS

5.1 SUITABILITY OF THE LAND

- 5.1.1 Land subject to flooding, improper drainage or erosion, and land deemed to be unsuitable for development due to steep slope, unsuitable soils or sub-surface conditions, etc., shall not be subjected to development or any uses as may continue such conditions or increase danger to health, safety, life, or property, unless steps are taken to eliminate or abate these conditions.
- 5.1.2 Land within a proposed subdivision or development which is unsuitable for development shall be incorporated into the buildable lots as excess land. Lots which do not comply with the requirements of the Zoning Ordinance are prohibited.

5.2 CONFORMANCE TO THE COMPREHENSIVE PLAN

- 5.2.1 Where features of the Comprehensive Plan such as school sites, parks, streets other than local streets, or other public spaces are located in whole or in part in a proposed development, or when these features have not been anticipated by the Comprehensive Plan and Planning Policy, but are considered essential by the City Commission, land for such features shall be dedicated. The developer may request the City Commission to approve a reservation instead of dedication. In such cases, the City Commission shall consider the request in its normal course of business and shall approve or deny the request within ninety (90) consecutive calendar days. (See Article 13.)
- 5.2.2 The City may waive the dedication and reservation requirements of Article 5.2.1 above whenever the public body responsible for land acquisition executes a written release stating that such a planned feature is not being acquired.
- 5.2.3 The City shall disapprove projects when such planned features, as specified by the Comprehensive Plan, are not incorporated therein.
- 5.2.4 Whenever a developer proposes the dedication of land to public use and the City or other appropriate agency finds that such land is not required nor is it suitable for public use, the City can require the rearrangement of lots to include such land in private ownership.

5.3 ZONING AND OTHER REGULATIONS

5.3.1 Whenever there is a discrepancy between minimum standards or dimensions required herein and those contained in zoning regulations, building codes, or other official regulations or ordinances, the most restrictive shall apply. In those instances where the required right-of-way width or roadway improvements for a specific project have been established as a condition of zoning approval, the requirements of the zoning condition shall control, whether more or less restrictive than the requirements of these Regulations.

5.3.2 Building setback lines shall at least conform to the minimum yard requirements of the City of Buford Zoning Ordinance. Building setback lines along all public streets shall be no less than the front yard setback required on the property by the applicable zoning district in the Zoning Ordinance.

5.4 REQUIRED PUBLIC IMPROVEMENTS

5.4.1 General Requirements:

Every developer of lands within the jurisdiction of these Regulations shall provide the public improvements included in these Regulations as shall be appropriate to serve the project, in accordance with these Development Regulations and other pertinent codes, ordinances, and regulations of the City of Buford. Said improvements and associated lands shall be provided at no cost to the City of Buford, and shall be dedicated or otherwise transferred, as required, to the public in perpetuity and without covenant or reservation, except as otherwise provided herein.

5.5 LOTS

5.5.1 Lots shall at least conform to requirements of the City of Buford Zoning Ordinance.

5.5.2 Double frontage and reverse frontage lots shall be required for residential subdivisions along major thoroughfares where internal access can be provided. A no-access easement of at least ten (10) feet in width, across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery. When located along a major thoroughfare, the no-access easement shall be planted with a single line of shrubs or trees, or contain a solid or decorative fence, or contain such other landscaping treatments or grade changes which will produce a partial screening effect, as may be proposed by the developer. In no-access

easements along minor collectors or local streets, planting or other screening treatments shall be at the sole option of the developer.

5.6 SURVEY MONUMENTS

5.6.1 All corners shall be marked with an iron rebar or pin, at least one-half ($\frac{1}{2}$) inch in diameter and sixteen (16) inches long and driven so as to extend no less than one (1) inch above the finished grade.

5.6.2 On subdivision containing floodplains, flood elevation references shall be set in accordance with the requirements of the Floodplain Damage Prevention Ordinance.

5.7 STANDARD DRAWINGS

5.7.1 The City shall maintain on file for consultation and distribution a set of standard drawings illustrating details of construction and design of streets, stormwater drainage facilities, site improvements and other elements related to the development of land in accordance with these Regulations and under the jurisdiction of the City.

5.7.2 The standard drawings shall illustrate minimum acceptable standards for land development activities authorized under these Regulations, but shall not supersede more restrictive prudent requirements or good engineering practice as applied to specific situations on a case-by-case basis.

5.7.3 The standard drawings shall be treated as though a part of these Regulations for application to the minimum standards for design and construction of improvements required herein and subject to the modifications and appeal provisions of Article 13.

5.8 BUFFERS, LANDSCAPING, AND TREE PRESERVATION

5.8.1 General Applicability:

The standards and requirements contained in this section shall apply only to tree protection and replanting, landscaping, buffers, and landscape areas specifically required by the city code, ordinance, or resolution, and shall not apply to general or voluntary landscaping or to open space otherwise provided on a property.

5.8.2 General Requirements:

Any property required by the Zoning Ordinance or conditions of zoning approval to provide buffers or other specific landscaping shall do so in compliance with the standards included in the Zoning Ordinance and this section.

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- a. For any such property, a Buffer and Landscape Plan shall be prepared by a registered professional, and shall be approved by the City prior to issuance of a development permit on the subject site.
- b. At the discretion and option of the applicant, a required Buffer and Landscape Plan and a required Tree Protection Plan may be combined into a single document, as long as the details and elements of the plans can be clearly and easily identified.
- c. Buffer areas or portions of buffer areas where natural vegetation provides an adequate visual screen as required by the Zoning Ordinance, may remain natural and undisturbed by any clearing, grading or other construction activity except as allowed by the development permit.
- d. In buffer areas where natural vegetation is non-existent or inadequate to provide a visual screen as required by the Zoning Ordinance, replanting or supplemental planting shall be required. The City may also approve additional or alternative screening elements such as planted earthen berms or solid fences where appropriate to the intent of the requirements of the Zoning Ordinance.
- e. Planted buffers, and buffers provided with supplemental plantings, may contain any combination of evergreen plant materials having a natural survival expectancy for the City of Buford environment, and meeting the screening standards established in the Zoning Ordinance.
- f. Landscape areas or strips shall include trees to the extent required by the Zoning Ordinance or conditions of zoning approval. Plant materials may be grouped to achieve aesthetic results following professional landscaping standards, provided sight distances as required by these Regulations are preserved.
- g. Tree plantings required by the Zoning Ordinance for parking lots shall provide a minimum landscape area of sixty-four (64) square feet for each tree. However, the trees themselves may be grouped or arranged so as to achieve aesthetic results following professional landscaping standards, or may be located in landscape islands within the parking lot having an area less than sixty-four (64) square feet (but being of adequate size for the tree proposed). The total landscape area provided shall equal the number of

trees multiplied by sixty-four (64) square feet, shall be located in conjunction with the parking lot, and shall meet the standards of paragraph f., preceding.

5.8.3 Tree Protection Ordinance Requirements:

- a. Any property required to retain and protect existing trees or to plant new trees under the provisions of the City of Buford Tree Protection Ordinance shall do so in compliance with said Ordinance.
- b. Areas set aside for the retention of existing trees or the planting of new trees, in fulfillment of any portion of the tree density standard of a property other than the property upon which the areas are located, shall be established within an easement drawn in favor of the other property, and appropriately recorded.

5.8.4 Landscaping Performance Surety:

In the event that the requirements of this section have not met at the time that a Certificate of Development Conformance otherwise could be approved by the City, and the certificate is requested, the Planning Director may approve an agreement with the owner or his agent that the provisions and requirements of these Regulations shall be met. The owner/developer or the contractor employed by the owner, developer shall post a Landscaping Performance Bond or other city approved surety in an amount equal to one hundred ten (110) percent of the cost of materials, labor, and other attendant costs, incidental to the installation of the required landscaping as part of the owner's Development Performance and Maintenance Agreement with the city. The surety shall:

- a. Be drawn in favor of the City of Buford.
- b. Be in a form satisfactory to the City Attorney.
- c. Specify the time for the completion of the landscaping, which shall not be longer than three (3) consecutive calendar months following approval of the Certificate of Development Conformance or be in accordance with such other time table for completion acceptable to the City.

5.9 RECREATION AREAS

5.9.1 Recreation Areas:

Land for use as parks, public open space or recreation shall be provided in single-family detached subdivisions having a gross area of fifty (50) acres or more and a minimum lot size less than one (1) acre. Provided, however, that payment of any mandatory impact fee as may be established by the City Commission for parks or recreational use shall entirely relieve the developer or providing the land area required hereunder:

- a. For each development, six (6) percent of the gross land area shall be provided for the recreational use, but in no case shall the area required exceed six (6) acres. Not over sixty (60) percent of the area may be within the 100-year floodplain.
 - (1) If recreation facilities are not proposed to be constructed, the land so provided shall be contiguous or separated only by parking areas and private drives, and of suitable shape and condition for construction of at least one swimming pool and one regulation-size tennis court.
 - (2) If the developer constructs at least a swimming pool and tennis court, or other acceptable active recreation facilities, as part of the project, then the land so provided need not be a single contiguous parcel and the total set-aside area required by this paragraph can be reduced to the amount actually required for the construction and maintenance of the facilities, but not less than fifty (50) percent of the gross recreational set-aside requirements outlined herein.
- b. In subdivisions, land provided for recreational use in accordance with a. (1) above, and not proposed for improvement by the developer shall be deeded to the City of Buford or to a qualified property owner's association upon the approval of the final plat containing said land and shall be used exclusively for recreational purposes. The qualified property owner's association shall provide for the voluntary membership of all the owners of the property within the subdivision, and shall be established under laws of Georgia. It shall be responsible for the perpetuation, maintenance and function of the recreation areas and all uses or facilities therein. The association shall have the authority and duty to assess its members for such maintenance and

improvements as set forth in the instrument creating the association. All covenants shall be recorded simultaneously with the final subdivision plat.

- c. If the developer constructions recreational facilities as approved under a. (2) above, on the recreational land in a subdivision or, the land shall be deeded to a homeowner's association or other legal entity incorporated under the laws of Georgia. The land shall be deeded to said organization with a restriction that the land shall be used exclusively for recreational purposes and shall be made available to all residents of the subdivision project on an equal basis. The deed shall be filed with the City simultaneously with the final plat and shall be held by the City until a Certificate of Occupancy is issued for the recreational improvements, whereupon the deed shall be recorded. Failure to construct or complete the approved facilities shall cause the land to be dedicated to the City of Buford.
- d. In multi-family rental or condominium projects, land provided for recreational use in accordance with these requirements shall be held in the ownership of the owner of the project.
- e. The City of Buford may lease or sell land reserved for public parks to a qualified property owner's association with a deed restriction that the land be used exclusively for open space or public recreational purposes in perpetuity. The organization of a qualified property owner's association and its adequate financing for the discharge of its responsibilities shall be assured through acceptable private deed covenants running with the land or other such documents as approved by the Board of Commissioners of the City of Buford.

5.10 SUPPLEMENTARY DEVELOPMENT REQUIREMENTS

- 5.10.1. Any sign located on a road with more than one hundred twenty (120) feet of right-of-way may place the sign within five (5) feet of the back of the right-of-way as long as the sign adheres to the sign ordinance.
- 5.10.2. All commercial and industrial facilities shall be provided with emergency disconnects.
- 5.10.3. All dumpsters shall be enclosed per City of Buford specifications.
- 5.10.4. All exterior lights shall conform to City of Buford lighting and architectural standards.

5.10.5. All outside storage will be required to be screened with fencing and landscaping.

5.10.6. Wetlands

a. National Wetland Inventory Maps

The National Wetland Inventory Maps, prepared by the United States Fish and Wildlife Service, shall be the official wetland maps of the City of Buford. These maps show the general locations of wetlands and should be consulted by persons contemplating activities in or near wetland areas.

b. Plans

Design professionals, after consulting the National Wetland Inventory maps, shall indicate wetlands on plans required for land disturbance permit applications.

c. Owner/Design Professional Certification

Prior to the issuance of a land disturbance permit, the developer or owner and the design professional who prepared the required plans accompanying the permit application, shall certify whether or not a US Army Corps of Engineers Section 404 permit is required for the project. A copy of the certification will be provided to the City. If a Section 404 permit is required, the land disturbance of protected wetlands shall not occur until the appropriate federal wetlands alteration ("Section 404") permit has been obtained.

d. The issuance of land disturbance permits by the City shall be coordinated with the US Army Corps of Engineers Section 404 permitting process. If the "wetland certification" from 5.10.6.c. above indicates the need for a Section 404 permit, no land disturbance permit will be issued by the City until a Section 404 Permit or Letter of Permission is obtained from the US Army Corps of Engineers.

5.10.7. Any construction site shall contain a permanent or portable restroom facility, apparatus, building, or other structures which shall serve said project and the individuals working thereto during the course of development and construction of said project or until a permanent facility is present and functioning. Failure to house said structure on site shall be grounds to deny said building permit or issuance of a cease work order by the City Building Inspector.

- 5.10.8. All developments, construction sites and similar, and licensed businesses within the corporate limits of the City of Buford shall use the City's franchiser in respect to storage and removal of disposable waste, including but not limited to, dumpsters and outdoor trash receptacles. Failure to comply with the above shall be grounds to deny said building permit or deny a Certificate of Occupancy for said structure.