

## ARTICLE 3

### APPLICATION OF THE REGULATIONS

#### 3.1 APPLICATION

Any land disturbance activity or any development activity must first comply with these Regulations.

#### 3.2 DEDICATION OF PUBLIC LANDS AND FACILITIES

3.2.1 No land dedicated as a public street or other public purpose shall be opened or accepted as a public street or for any other public purpose, and no subdivision of land shall be made, no subdivision plat, nor part thereof, shall be recorded before obtaining final approval from the Buford City Commission. Said approval shall be entered in writing on the Final Plat by the Buford City Commission by majority vote. The City Manager and the Chairman of the City Commission are to be authorized to accept such dedication of lands and public facilities on behalf of the City of Buford and to cause such dedications to be recorded by the Clerk of Superior Court of Gwinnett County, subject to periodic ratification by the City Commission.

#### 3.3 TRANSFER OF LAND OWNERSHIP

3.3.1 No person, firm, partnership, association, corporation, estate, trust, developer, subdivider or any other owner or agent shall transfer title or attempt to record the title to any land in the City of Buford, and no building permit may be issued on said land, unless:

- a. Said land existed as a single parcel of ownership, recorded as such in its entirety and present boundaries with the Clerk to Superior Court of Gwinnett County prior to the adoption of the Subdivision Regulations; or,
- b. Said land is shown in its entirety and present boundaries on a final plat as approved (under these or any previous applicable regulations) and duly recorded with the Clerk to Superior Court of Gwinnett County; or,

- c. Said land is shown in its entirety and present boundaries on a plat authorized by the City and recorded with the Clerk to Superior Court of Gwinnett County pursuant to the regulations governing Subdivision Exemptions contained herein; or,
- d. Said land is an aggregation of properties for land assembly purposes, and no building permit will be requested prior to the filing of an application for and issuance of a development permit, pursuant to these Regulations.

3.3.2 No person, firm, partnership, association, corporation, estate, trust, developer, subdivider or any other owner or agent shall transfer title to any property by reference to, exhibition of, or any other use of any map or plat illustrating the subdivision of land without a final plat of said land showing said property first having been duly approved under the procedures of these Regulations of any previously applicable regulations and recorded with the Clerk to Superior Court of Gwinnett County.

### 3.4 SUBDIVISION EXEMPTIONS

#### 3.4.1 General Requirements:

For the purpose of these Regulations, the types of activities contained in this section shall be considered subdivisions but exempt from the “procedures” and “required public improvements” portions of these Regulations, except as noted. Each such subdivision shall be drawn as an exemption plat in accordance with final plat standards (except Section 3.3.4 b. and 3.4.6) pursuant to the requirements of these Regulations and shall be submitted in five (5) copies together with the appropriate fees to the Department for review and approval. Upon arrival, the Director shall authorize the recording of the exemption plat with the Clerk of Superior Court of Gwinnett County and grant the issuance of building permits pursuant to the Codes and Ordinances of Gwinnett County.

#### 3.4.2 Recombination:

The combination or recombination of all of two (2) or more buildable lots of record, where the total number of lots is not increased and the resultant lots or parcels are in compliance with the Zoning Ordinance. An exemption plat shall not be required for aggregations of properties for land assembly purposes where no building permit will be requested prior to issuance of a development permit.

### 3.4.3 Minor Subdivisions:

The division of a buildable lot of record into five (5) or fewer lots, provided:

- a. Each proposed lot complies with all requirements of the Zoning Ordinance and is limited to single-family detached residential use.
- b. Each proposed lot fronts on an existing public street.
- c. All slope and utility easements as well as necessary street right-of-way as determined by the department based on the Comprehensive Plan are provided at no cost to the City.
- d. Each lot thus created may not be re-subdivided pursuant to the provisions of this subparagraph. Such re-subdivisions shall be accomplished only through the procedures contained in Article II of these Regulations.
- e. Each proposed lot shall comply with the requirements of the Public Utilities Department and the Health Department, as appropriate, whose certification of approval shall be required prior to approval of the exemption plat by the Department.

### 3.4.4 Estate Subdivisions

- a. The division of land in any single-family detached residential zoning district into lots having a minimum lot area of at least five (5) acres, provided:
  - (1) Each proposed lot fronts on an existing public street that contains or shall contain the necessary right-of-way width required by these Regulations as determined by the Comprehensive Plan.
  - (2) Each proposed lot shall provide at least 100 feet of frontage upon the street, shall provide at least 200 feet of lot width measured in accordance with the requirements of the Zoning Ordinance, and shall meet or exceed all other minimum requirements of the applicable single-family detached residential zoning district.
  - (3) All slope and utility easements shall be provided at no cost to the City as determined by the department.

- (4) No lot thus created may be re-subdivided to less than five (5) acres as an exemption to these Regulations.
  - (5) Each proposed lot shall comply with the requirements of the Public Utilities Department and the Health Department, as appropriate, whose certification of approval shall be required prior to approval of the exemption plat by the department.
- b. The division of land in any single-family detached residential zoning district into lots having a minimum lot area of at least ten (10) acres, provided:
- (1) Each proposed lot fronts on an existing public street.
  - (2) Each proposed lot shall provide at least 100 feet of frontage upon the street, shall provide at least 200 feet of lot width measured in accordance with the requirements of the Zoning Ordinance, and shall meet or exceed all other minimum requirements of the applicable single-family detached residential zoning district.
  - (3) No lot thus created may be re-subdivided to less than five (5) acres as an exemption to these Regulations.
  - (4) A record survey certified by a land surveyor currently registered in the State of Georgia shall be submitted to and approved by the department showing all lots.

3.4.5 Non-residential Project Management: The creation of a lot for recording within an overall non-residential development, provided:

- a. The overall non-residential development is being undertaken as a single multi-phase or multi-use project under the unified control of a single developer, is zoned for such use or development, and an overall sketch plan for the entire project has been approved by the Director.
- b. The proposed subdivision is clearly intended to transfer title for financing or building management purposes and not for the sale of the property for future development, to the satisfaction of the Director.

- c. The proposed lot has been approved by the Department to be provided permanent vehicular access by private drive. Said access shall be established by easement or acceptable covenant prior to or concurrently with recording of the exemption plat.
- d. The proposed lot must encompass a principal structure which has been granted a building permit and which is under construction or has been completed.
- e. The exemption plat shall be drawn to include the entirety of the overall development and shall clearly identify those lots to be recorded, those lots previously recorded and the remainder of the development that shall be labeled “not included”. All easements, dedications, etc., shall be shown as appropriate or required. Each lot shall be consistent with the zoning approved for the overall development and the applicable requirements of the City of Buford Zoning Ordinance.

#### 3.4.6 Amnesty Lots

The designation of a lot as a buildable lot or record if the lot was recorded between the adoption of the Subdivision Regulations and the effective date of these Regulations but not reviewed under the provisions of the Subdivision Regulations in effect at that time, provided:

- a. The exemption plat is limited to one individual lot and no property which adjoins the lot is or has been owned by the applicant in whole or in part.
- b. The lot meets all requirements of the Zoning Ordinance and the applicant demonstrates to the satisfaction of the Director that approval of the lot will not create non-conformity to the requirements of the Zoning Ordinance on any other portion of the original property from which the lot was subdivided.
- c. The lot fronts on an existing public street.
- d. All slope and utility easements as well as necessary street right-of-way as determined by the Director based on the Comprehensive Plan is provided at no cost to the City.

- e. The lot shall comply with the requirements of the Public Utilities Department and the Health Department, as appropriate, whose certification of approval shall be required prior to approval of the exemption plat by the Director.
- f. A record survey certified by a land surveyor currently registered in the State of Georgia shall be submitted to and approved by the department showing the lot.