

CONSTRUCTION PERMITS IN GEORGIA

Nino Kobuladze, Ketevan Berekashvili

Georgian Technical University, M. Kostava St. 77, 0160, Georgia

N.kobuladze.1@gmail.com

Abstract: Standardization in architecture can be divided into graphical, planning and construction standards of architectural performance. This paper is about construction standards and their role in the development of architecture are discussed. The purpose of the regulations/standards is to inspire architects, designers, developers and builders to create spaces that respect place, context and tradition. Adherence to these rules should in no way be intended to stifle creativity and/or diversity. On the contrary, there is a lot of flexibility and different ways of achieving goals in such regulations.

Standardization in any direction reduces costs. The advantage of standardization is that it enables easier and clearer technical communication. The purpose of a standard, on the other hand, in today's reality is that people have the same expectations about a product or service. Building regulations set minimum requirements for the construction of safe, healthy, energy efficient and affordable buildings. The construction control permit-construction system operates in order to guarantee the fulfillment of the requirements of these regulations.

Key words: buildings, construction permits, procedure, law, standards, spatial planning, rules

Introduction

The paper presents an overview of the legal framework for construction permits in Georgia, the existing rules and practices of permit procedures. The aim of the research is to make a general analysis and outline a unified picture of how permits are obtained in Georgia, how permit and construction processes are regulated in Georgia, Review of the legal framework and outline their role today in the creation of Georgian architecture. The role of these rules is important to us because it shapes the artistic, aesthetic and functional role of the surrounding buildings.

In the last few years, new construction "rules" have been actively introduced to obtain permission and only after the introduction of new rules they are being discussed in the professional circles of

architects. Only after implementation in practice, inaccuracies and errors appear and unfortunately often entries are justified by developers for economic incentives.

Nevertheless, requirements get tougher in small doses and there is a necessary demand for spaces for people with disabilities on provision, minimum standards of energy efficiency of buildings, building safety rules, which significantly changes the requirements of the building planning.

In the wake of the construction boom during the last decade, the requirements have been tightened in order to make the buildings more safe and adapted.

The legislative framework is changing at such a fast pace, that it causes uncertainty for architects, because they are aware of changes post factum. They are less involved in initiating or discussion of law projects with their professional opinions.

Basic part

From 2018 to the present, the system of spatial planning and city-building plans of Georgia, its main principles, goals and objectives, as well as the hierarchy and composition of spatial planning and city-building plans, the rules of their development and approval, the conditions for using the land for construction and the basic requirements for the building. The Code of Spatial Planning, Architectural and Construction Activities of Georgia establishes the rules of administrative proceedings related to the issuance of construction permits, construction supervision, separate types of construction violations, measures of responsibility, consideration of construction violation cases are determined by the „Code of Spatial Planning, Architectural and Construction Activities of Georgia“.

The purpose of the code is to legally regulate spatial planning, urban planning, architectural and construction activities in the territory of the country.

Purpose of the code:

"a) regulation of the use and development of the

entire territory of Georgia and its parts through spatial planning and city-building plans developed and approved on the basis of reconciliation of public interests and private interests;

b) creation of a decent environment for human life and activities, protection of human health, environment, natural resources and cultural heritage in the process of spatial planning, urban planning and construction;

c) ensuring effective participation of the public in the process of spatial planning and urban planning;

d) promotion of raising the quality of architectural and construction activities by the state;

e) ensuring the creative freedom of the architect and the development of architectural education by the state;

f) determining the main requirements related to the structural strength, stability, reliability, seismic resistance, fire resistance, energy efficiency and noise protection of the building;

g) ensuring urban construction that is safe for human health and life, establishing the best practices of construction activities and raising the quality of construction;

h) Providing a stable investment environment by simplifying the administrative process related to obtaining a construction permit and increasing the effectiveness of construction supervision.

The aforementioned code is mainly a legal document and contains less technical issues,

Accordingly, together with the Code, technical regulations and resolutions adopted by the government or local council are valid in the country.

Technical resolutions should be documents of a technical nature, although documents that cover purely administrative issues are also approved as technical regulations, or vice versa - government resolutions include norms of a technical nature.

From the technical regulations there are very important ones:

Resolution No. 41 of the Government of Georgia on approval of "**Building Safety Rules**" and also Resolution No. 732 of December 4, 2020 on approval of Technical Regulations - "**National Accessibility Standards**". The Resolution No. 261 of the Government of Georgia of June 3, 2019 "**On the Basic Provisions of Territorial Use and Development Regulation**" works in conjunction with the Code.

This resolution clarifies the requirements of the Code of Spatial Planning, Architectural and Construction Activities of Georgia, and subject to the same resolution it should be interpreted and applied in accordance with these requirements.

In accordance with the Code, it regulates construction and non-construction areas, as well as the list of types of buildings allowed in them; requirements for construction areas, functional zones and sub-zones; parameters of land plot development in accordance with functional zones and functional sub-zones and their reporting rules; the types of development, the rule of determining the areas designated for development on the plot of land; the rules for defining border zones and placing buildings in these zones.

It should be noted here that within the framework of the 2018 construction law reform, the approach has changed, according to which municipalities no longer have the right to develop their own rules and clarify/change the requirements of the main provisions. Due to this, the corresponding change was made in Article 16 of the Local Self-Government Code. With the new approach, it is possible to specify only certain issues with the regulation of town-building plans.

And finally, the necessary and important document for getting to know the rules of obtaining a permit is the Resolution No. 255 of the Government of Georgia of June 3, 2019 "**The Rules and Conditions for Issuing a Construction Permit and Commissioning a Building**".

This decree establishes a rule that determines: the classes of buildings and types of construction that are subject to a building permit or building notification, except for Class V buildings; the composition of permit documentation, the rules and conditions of conducting pre-project research for their preparation; permit conditions, their execution process; for putting the building into operation the terms and conditions of recognition as suitable.

In this way, the aforementioned resolution fulfills the function of supplementing the Code and does not have the purpose of an autonomously functioning, dominant document, as was the case with Resolution No. 57 of 2009.

In order to turn our architectural work into an architectural project and obtain a construction permit for it, it is necessary to consider the rules and regulations that apply to the plot of land.

The person authorized to draw up the permit documentation for the notification of the construction of a class I building can be any person. This person is obliged to ensure that the documentation attached to the construction notification is prepared in accordance with the requirements of the Georgian legislation.

The right to develop the architectural sketch/architectural project, structural and/or technological scheme and/or its part of the class II, III, IV building is, respectively, the architect and engineer-constructor.

The person authorized to draw up the permit documentation is responsible for compliance of the document drawn up with the technical regulations. Buildings are divided into 5 classes in terms of human health protection, environmental protection, as well as construction permit issuance and commissioning:

- a) Class I building-structure - building-structure characterized by insignificant risk;
- b) Class II building-structure - building-structure characterized by low risk;
- c) Class III building-structure - building-structure characterized by medium risk;
- d) Class IV building-structure - building-structure characterized by high risk;
- e) Class V building-structure - building-structure containing increased technical risk.

Assignment to the building-structure class is made according to the functional purpose and parameters of the building-structure to be built or dismantled. During the reconstruction, if the class of the building-structure increases or decreases, assignment to the class of the building-structure is made according to the final characteristics and parameters stipulated in the permit documentation. If a building or a group of buildings has the defining characteristics and parameters of different classes, this building or group of buildings is assigned to the class according to the highest characteristics and parameters.

For the purposes of Section 4 of this Article, a set of buildings and structures refers to buildings and structures for the construction of which permit conditions are determined by a single act of construction permit.

Determining characteristics of classes of buildings and types of construction are determined by the decree of the Government of Georgia.

The administrative body authorized to issue a building permit or construction notification agreement is the executive body of the municipality or a legal entity under public law established by the municipality. The authority issuing the permit in the territory of Tbilisi is the Architecture Service of the Tbilisi Municipality of LSI city. In other administrative units, the issuer of the construction permit is the municipality's mayor's office under different names. Depending on the extent of the administrative boundaries of the municipality, the authority of this service may include other competencies, for example, municipal infrastructure, municipal property management issues, etc. The names of these services are accordingly different. The Class V building permits are carried out by the legal entity of the Ministry of Economy and Sustainable Development of Georgia under public law – Technical and Construction Supervision Agency (hereinafter - Agency).

The characteristics of the class of the building can be found in the relevant legal framework, and only after the class is determined, the relevant documentation is collected for obtaining the permit. There is no need to obtain the permits for first-class facilities, but written approval is required from the relevant permitting authorities for the possibility of construction, the review period is five working days, and there is no application or building permit fee.

The construction permit is issued in two stages:
Stage I - approval of the conditions for the use of the land plot for construction;
Stage II – issuance of construction permit.

It is possible to divide the second stage and start with three-stage production.

In terms of content, these stages mean that the permit seeker must approve the conditions for using the land for construction, that is, find out whether it is in accordance with the initial wishes to become a project and find out whether the land allows it.

At the second stage, it is necessary to submit the architectural project and permit documentation executed according to the already approved development conditions.

In case of division of the second stage, the architectural project is submitted separately, and then the necessary documentation is submitted to the permit holder and the corresponding fee is paid. All procedures are free, unless we use paid services

in Tbilisi to speed up the review. At the last stage, the permit fee is paid everywhere, which currently amounts to 6 GEL per square meter of K2 in Tbilisi. In other cities, the permit fee is much lower.

When a development regulation plan or a detailed development plan is agreed on the land plot, it is no longer necessary to go through the first stage.

The term of validity of the conditions for the use of the land plot for construction is 3 years after their approval before the start of the II stage of the permit process.

The period of validity of the agreed architectural project is 5 years after its approval before the start of the III stage of permit production.

After obtaining the permit, the validity period of the permit is indefinite. When issuing the permit, the construction period is determined, however, according to the current legislation, this period can always be renewed. If the permit seeker applies to the relevant municipality before the permit expires, there is no need to pay the fee for the extension of the permit, simply the term for the construction is determined to be longer than it was originally, in case of an application after the expiration of the term, the fee will be paid from the beginning according to the manner and amount of the fee existing at that time.

The request to extend the permit term is not limited. That is why it is possible to revive the permits issued under the old legislation and use the old rules. or extending the ongoing construction for an unspecified period.

Permit proceedings for land plots located in the established system of development begin with establishing the conditions for the use of the land plot for construction, in other cases, a detailed plan or a development plan is developed.

Also, the plot of land may be unsuitable for construction development purposes. For the purposes of construction development, the land plot and/or building-structure that does not correspond to the type of use permitted by the development plan and/or the basic regulations, the development parameters, the rules for placing the building-structure on the land plot, the parameters of the land plot area, or is located in a non-construction area, is inappropriate. Inconsistency is determined in each specific case, in relation to the specific purpose of construction development.

Further development of non-conforming land and

buildings (new construction, reconstruction leading to changes in building parameters, adaptation, subdivision of land/combination of land) is subject to the reduction or elimination of the non-conformity or without increasing the non-conformity.

If the plot of land and/or building-structure is simultaneously included in the cultural heritage protection zone, protected areas, forest, water fund or mineral fund land area or another regime applies to it, the conditions of its construction use must also consider the requirements established for this zone and/or regime.

It is important that in the city, except for the cultural heritage protection zone, new construction on the land and/or reconstruction of the building on the land, which increases the existing parameters of the building, is allowed only if it is/will be properly provided with an access road, including using easement.

Documentation attached to the application regarding the conditions for using the land for construction

The following documentation must be attached to the application for approval of the conditions for the use of the land plot for construction:

- "a) cadastral data and an extract from the public register;
- b) a copy of the document confirming the identity of the construction permit seeker (in the case of using automatic means of management - only relevant details), and in case of filing an application by a representative - a proper power of attorney;
- c) the request of the permit seeker regarding the development of the plot of land/building;
- d) topographical plan of the land plot in its current state (scale 1:500 or 1:1000);
- e) cadastral plan of the land plot (if necessary, additionally cadastral map) in the prescribed scale
- f) Photographs showing the condition of the land
- g) a photo confirming the placement of the information board in a visible place;
- h) Other documentation stipulated by the legislation."

2. The application regarding the conditions for the use of the plot of land for construction must additionally be accompanied by other documentation defined by Article 7 of this rule.

Article #7;

"Separate types of pre-project research should be

presented in the form of an independent document, which should consist of textual and/or graphic parts.

2. The result of the topographic survey must be reflected in the topographic plan, which is prepared in accordance with the established standards and for the purposes of this rule must include at least

a) absolute horizontal (in the legally established coordinate system) and vertical marks) of the measured area;

b) all features of the terrain of the measured area (ground surface, description of trees and plants, etc.), all buildings and structures (including underground, above-ground and aerial engineering communications) and cadastral boundaries of the land plot;

d) Conventional designations used in the plan.

3. The survey report of the physical condition of the existing building must reflect:

a) measurements of the existing building-structure;

c) if necessary, expert assessment for construction implementation documents, about the stability and deformations of load-bearing structures, about the physical impact of the existing building on the surrounding environment

4. The development research report should reflect:

a) photographs of the research area and a situational plan, showing the research area (if necessary, an orthophoto plan);

b) information about the type of use, the type of development and the main parameters of development in the research area;

c) Ecological research – information about groundwater, soil and/or atmospheric air pollution, information about polluting facilities in the surrounding area (if necessary).

5. The impact study report on adjacent buildings and structures should reflect:

a) determination of the existing condition of adjacent buildings and the degree of possible impact of planned construction works on them;

b) if necessary, special measures that ensure the maintenance of the existing condition of adjacent buildings, which is also reflected in the construction organization project

6. In the case defined by paragraph 5 of this article, a permit for the strengthening works of an adjacent building is issued within the framework of the basic permit, based on the notarial consent of the owner of the corresponding adjacent building.

7. The documentary research report should include

the details and requirements of legal acts, legal regimes and subordinate normative acts in the research area, which may affect the construction development of a specific plot of land.

3. The application for the approval of the conditions for the use of the land plot for construction and, if any, the attached documentation must be signed/verified by a person authorized to draw it up (in the case of using automatic means of management, the corresponding rule applies).

According to Article #106 of the Code, the documents to be submitted at the construction permit stage should include:

a) Information about ownership of land and buildings (if any).

b) the administrative-legal act on the approval of the conditions for the use of the plot of land for construction or information on the detailed development plan;

c) the results of pre-project research;

d) architectural project;

e) construction organization project;

f) preliminary decision (if any);

g) engineering-geological survey, construction scheme/project, and in case of need - also technological scheme/project;

h) in the cases provided for by the legislation of Georgia - the conclusion of the accredited inspection body and/or certified expert regarding the architectural project, engineering-geological survey, construction scheme/project, and if necessary - also the technological scheme/project;

i) a document confirming the payment of the permit fee;

k) Photographs depicting the information board.

In the case of three-stage proceedings, in addition to the documents specified in the first part of this article, an individual administrative-legal act on the architectural project agreement adopted on the basis of Article 108 of this Code should be submitted. In this case, the documents specified in subsections "b", "c", "f" and "h" of the first part of this article are not required.

According to the objectives of Article 108 of the Code, the architectural project should at least include:

a) title page, object name and address;

b) content;

c) conditional designations used;

d) an explanatory card (about the project area, as

well as about the structure of the building and volume-spatial planning, determination of the zero mark and relation to the absolute zero mark, artistic-aesthetic solution)

e) technical indicators of the building, including:

e.a) the area of the land plot;

e.b) the building development area

e.g) the indicators of existing and projected K_1 , K_2 (according to each floor) and K_3 and their reporting areas;

e.d) the area of the building and, if any: the areas of residential, office, commercial, parking lots, warehouse, common use (including stairwells, entrances) and other auxiliary spaces (including summer);

E.e) parameters determining the class of the building

f) the plan of the land plot (by reflecting the cadastral boundaries of the land plot, axis lines, overall and axial dimensions, the location of the project building and structure on the plot of land, absolute horizontal (in the coordinate system different by law) and vertical marks, greening of the land plot and other aspects);

g) floor plans on all levels and roof plan:

z.a) the plan of all floors and roofs of the building with the projection of the cadastral boundary, showing the marks of the surfaces of the floors, the zero mark of the building-structure, in relation to the absolute zero mark;

z.b) floor plans of the building must provide information on the main dimensions of the floor, the areas of rooms and/or spaces and their main dimensions, as well as the main dimensions of means of exit;

z.g) layout plans for furniture and/or other equipment - in accordance with Resolution No. 41 of January 28, 2016 of the Government of Georgia on "Approving Technical Regulations - Safety Rules for Buildings and Structures";

h) characteristic cuts of the building (by showing the projection of the cadastral border, axis lines, main overall and axial dimensions, vertical marks according to the floors and architectural parts, crossing levels of the ground surface in relation to the zero mark);

i) drawings of building facades (by showing the cadastral border projection, axis lines, main overall and axial dimensions, marks according to floors and architectural parts, ground surface crossing levels in

relation to the zero mark, as well as indicating all types of paving materials used on the facades and their colors);

j) axonometric drawing and photomontage of the building (with reference to building materials and colors to be covered);

k) if necessary, detailed drawings of individual nodes;

m) specification of architectural elements (doors, windows, blinds, etc.), details (decoration elements, products, etc.) and construction and finishing materials;

n) schemes of engineering communication networks (electrical wiring, gas supply, heating-ventilation, water supply and drainage), except for the construction of individual residential houses;

n) in the territory of the city of Tbilisi, as well as - the greening project of the plot of land, which, together with other data, must necessarily include the subparagraphs "a", "c", "d", "e" and "f" of paragraph 5 of Article 19 of this resolution to the provided information, as well as to the greening project visually depicted in the form of a photomontage, as defined by Article 19, Paragraph 5, subparagraph "g" (except for individual residential houses, as well as the architectural projects of the buildings/structures, the agreement of which is requested in the functional area of the plot of land.

11. Architectural project drawings should be prepared with the following scales:

a) land plot plan - 1:500 or 1:200 scale;

b) floor plans of the building at all levels and roof plan, characteristic cuts, facade drawings and schemes of engineering communication networks - on a scale of 1:100;

c) building-construction road-stairs, ramps, accessible spaces and, if necessary, other parts should be prepared enlarged - 1:50 scale;

d) Detailed drawings should be prepared on a scale of 1:20, 1:10, 1:5, 1:2 or 1:1.

12. The requirement provided for in subparagraph "c" of paragraph 11 of this article does not apply to individual one or two-unit (apartment) residential houses and their auxiliary structures, as well as to places and facilities related to them.

2. The documentation should also include a situational plan showing the current state of the land plot, with appropriate detailing (location according to city streets) and/or an orthophoto plan, and if

necessary - a plan for changing the ground surface of the land plot, a plan for the development of the territory, for works planned outside the cadastral boundaries (for example, (paving, changing the existing ramp) and other aspects of the organization of the area.

3. The dimensions of all openings and architectural details placed on the facade should be reflected on the drawing of the facade of the building, if necessary, the schematic facade of the building on adjacent land plots (eg, street layout).

4. The plan of the land plot should be processed on the topographical plan of the land plot.

5. The parts of the architectural project determined by the first paragraph of this article can be presented in a combined form.

6. In case of submission in printed form - the architectural project should be submitted in A-4 format folded and bound in a hardcover album.

7. According to the decision of the self-governing unit, the architectural project in its operational territory can be submitted in electronic form.

Currently, in the territory of Tbilisi, it is possible to make an application in electronic format on the web. on www.tas.ge; And in the remaining municipalities, the Municipal Services Development Agency www.ms.gov.ge operates the review of the submitted documentation is carried out by the simple administrative procedure established by the sixth chapter of the General Administrative Code. Depending on the content of the submitted statements, the term of consideration of the application is different.

Within the framework of normal production, a first-class documentation reviewer is provided with 5 working days. 10 working days are limited in the first stage to obtain permission for the construction of another class. In the second stage, 17 working days are defined. However, in that case, the documentation will be sent to another administrative body for consideration, the period for issuing the permit will be 20 days. And in three-stage production, 5 days of the permit stage are added. Another administrative body has 10 working

days for consideration. It is possible to extend the review period for 20 days to determine the circumstances essential to the case, and 30 days in the case of cultural heritage protection zone.

The construction permit comes into force from the moment of delivery of the notice on the issuance of the construction permit.

Conclusions

The main directions of the construction permit procedure are discussed in the article, the permit rule, the necessity of procedures and documentation, also regulatory bodies and other technical regulations or development rules that should be considered when preparing permit documents. Knowledge of the using of these regulations is important for practicing architects because without this knowledge, the creativity of architects cannot be realized.

Reference:

- [1] Resolution #732 of the Government of Georgia on the approval of the technical regulations - "National Accessibility Standards" (In Georgian).
- [2] Resolution #255 on the procedure and conditions for issuing a construction permit and putting the building into operation (In Georgian).
- [3] Government Decree #261 on the basic provisions for the regulation of the use and development of territories (In Georgian).
- [4] Code of Spatial Planning, Architectural and Construction Activities of Georgia (In Georgian).
- [5] Resolution #41 of the government on the approval of the technical regulation "Safety rules for buildings and structures" (In Georgian).
- [6] Resolution of the City Council #14-39 St. On the approval of the rules for regulating the use and development of territories of Tbilisi Municipality (In Georgian).
- [7] Resolution #59 of the government on the approval of the technical regulation - the basic provisions of the regulation of the use and development of the territories of the settlements. (In Georgian).
- [8] Decree of the Government #57 on the rules and conditions of the construction permit(In Georgian).