

DIFFERENT CITIES - DIFFERENT RULES

Nino Kobuladze

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

N.kobuladze.1@gmail.com

Abstract

The article presents the differences in construction norms and the accompanying processes on the example of two cities in Georgia: Tbilisi and Batumi.

The main research question is to make a general analysis and outline a unified picture of how permits are obtained in different cities of Georgia, when the country's two main cities are taken for comparison, where the construction processes are taking place most intensively and the changes in the legal norms lead to many bureaucratic differences and shifting of the construction area.

The general permit conditions and rules applicable in the country are similar, the basic structure of these processes is the same, although there are issues that are tested differently in different administrative units.

In order to better illustrate the differences, the study provides several tables, and mostly they include process comparisons.

The main differences are found in development rules and there are differences in permitting processes as well.

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

Introduction

The purpose of the research is to study the construction-permitting procedures in Batumi and Tbilisi, to make a comparative analysis with this data and to identify the ways to solve the problems in the design or permitting rules and practices created in the field of architecture in Georgia by way of comparison and research of best practices.

The procedure is basically the same throughout the country: The author of the project must submit the project to the permit issuing authority, the permit issuer will check the compliance of the project with zoning

requirements, building and development rules. After obtaining the permit, construction begins, during the construction process, supervisory control is actively carried out in order to determine compliance with the project, and after the final inspection, an act is issued on the acceptance of the project into operation, which proves that the building is suitable for use, for operation. However, there are many differences between different administrative units regarding procedural aspects:

It should be noted that the study of permit procedures between cities is also important because the ease of permit procedures leads to a free flow in the direction where the procedures and rules are simpler.

Also, imposing different rules leads to having a barrier of freedom and restrictions for one author to be able to work in different locations.

Basic part

Depending on the assigned category, construction works may be exempted from the construction permit or be carried out through the following procedures (administrative proceedings):

- 1) Exceptional procedure: construction works that must meet the planning and technical requirements, but are exempted from the permit procedure.
- 2) Construction Notification: Construction works that must be notified to the authorized body but can be carried out without a building permit.
- 3) Simplified procedure: construction works that require a construction permit, but the project needs to comply only with technical regulations (to ensure safety)
- 4) Standard procedure: construction works that require a construction permit and compliance of the project with all technical requirements

provided by the construction regulations.

5) **Legalization**: construction works that are produced without the necessary permit or contrary to the conditions specified in the construction permit, but can be legalized.

Table #1

Types of building permit procedure

	BATUMI	TBILISI
<i>exception</i>	✓	✓
<i>notification</i>	✓	✓
<i>simplified</i>	✓	✓
<i>standard</i>	✓	✓
<i>legalization</i>		✓

This table shows that there are mostly the same permit procedures in both cities except the Legalization, that works in Tbilisi architecture service for buildings without permits and The Public Registry Service is working on the registration of illegal buildings in other regions.

Tbilisi architecture service pays more attention on illegal buildings because of legalization needs.

Permit procedure

proceedings are basically similar in both cities, although there are many differences in the list of required documents.

The classes of buildings are the same in both cities because the division into classes is regulated by Resolution #255" The procedure and conditions for issuing building permits and putting buildings into operation".

But according to the classes, the documentation requirements differ in Batumi and Tbilisi.

Table #2

Composition of the architectural project

	BATUMI	TBILISI
title page, object name and address;	✓	✓
contents;	✓	✓
conditional designations used;	✓	✓
explanatory note	✓	✓
technical indicators of the building	✓	✓
the plan of the land plot (✓	✓
Floor plans on all levels and roof plan:	✓	✓
furniture and/or other equipment placement plans - in accordance with the Resolution No. 41 of the Government of Georgia dated January 28, 2016, "On the Approval of Technical Regulations - Safety Rules of Buildings and Structures";	✓	✓
characteristic cuts of the building	✓	✓
drawings of building facades	✓	✓
axonometric drawing and	✓	✓

photomontage of the building (with reference to building materials and colors);		
if necessary, detailed drawings of individual nodes;	✓	✓
specification of architectural elements (doors, windows, shutters, etc.), details	✓	✓
schemes of engineering communications networks	✓	✓
Photographs depicting additional information boards, on which information is indicated on the utilization of the area determined by the minimum greening coefficient on the construction site, the main aspects and parameters of the greening project;	✓	✓
in the territory of the city of Tbilisi - the road traffic organization scheme with the transport/road infrastructure of the project area showing the		✓

connection with the study area, as well as the assessment of the impact of the project solution on the existing study transport/road infrastructure		
Declaration of energy efficiency	✓	✓
Greening project		✓

To summarize, this list is a list of documents required for an architectural project of classes other than first class:

1. First class facility, building up to 60 sq m and 5 m is agreed in the municipal body and for this we need a sketch project and a photomontage made in real environment showing the project building. This establishes compliance with the development rules for the new facility.

For the documents listed in the first class, only the declaration of energy efficiency is required, probably due to a technical error, because according to the original entry, Resolution 255 assigned buildings more than 50 sq.m.to the first-class buildings.

2. Road traffic schemes in Batumi are not yet required by standard procedure, however, they are required as part of a detailed development research project. The demand for these schemes raises many questions in Tbilisi as well, schemes are not needed in case of reconstruction. They are required in the case of a new construction, including the first including the new fence

3. The greening project request has been active in Batumi since January 1, 2024 and in Tbilisi since 2018. This led to the need to involve dendrologists and landscape architects in the process. Accordingly, during 6 years in Tbilisi, there were more processes to obtain a permit and more expenses for the owner. The

landscaping project requirement does not apply to the second class buildings. However, it is necessary to describe the trees on the plot of land, if it is not possible to reach the trees by 3 m with the project object. The Environmental Protection Service discusses tree cutting and replanting, there is a list of trees that cannot be cut down and must be left or replanted. Transplanted trees are monitored so that the owner is forced to take care of the tree's viability.

In Batumi, this process has just started, and it has not yet been specified which office will discuss these issues.

4. Permit process for the Second-Class private residential houses in Batumi have a simplified procedure which is regulated by the local resolution adopted by the city council. A sketchy architectural project is enough for a second-class (500 sq.m.; 12 m-H) The list of documents is small and the design is less costly. Buildings of this type are not required to have structural and geological research and other procedures that are established in Tbilisi. Because of requesting these documents in Tbilisi, the architectural project will cost at least twice as much as Projecting in Batumi.

Fees

Construction fees are regulated by the local ordinances. In the territory of Tbilisi The fee for any construction, except for a private house, is 6 GEL per K2 area. The fee for residential private houses is 4 GEL per K2 area. (*Coefficient of land development intensity*) The fee for any type of construction permit in the territory of Batumi is 2 GEL per square meter obtained by K2 area.

Also, the Tbilisi Architecture Service has an expedited paid service for reviewing the application earlier than the established deadline, which the Batumi Architectural Service does not have, as it is a structural unit of the City Hall and Tbilisi Architecture Service is a public law legal entity providing services to Tbilisi City Hall.

Due to the existence of accelerated service, the service in Tbilisi will not send a final positive answer to the applicant before the set deadline. In Batumi, the answer is sent to the applicant

when it is prepared and confirmed by all the necessary authorities.

Development Rules

Development rules are regulated by the "Georgian Spatial Planning, Architectural and Construction Activity Code" adopted in 2018. With the introduction of this code, the permit and development rules were supposed to be identical throughout the country, however, in the same year, Tbilisi was separated from this rule, and from the two decrees attached to the code (#255 permit rules; #261 development rules), the decree #261 did not apply to the territory of Tbilisi.

The reason was the newly adopted general plan in Tbilisi and Tied to the plan Resolution #14-39 "On approval of the rules for regulating the use and development of territories of Tbilisi Municipality".

As of today, part of the Code, Resolution #255 "The Rules and Conditions for Issuing Construction Permits and Commissioning of Buildings" is in force in Tbilisi, and Resolution #261 "On the Basic Provisions of Territorial Use and Development Regulation" is not valid. Both resolutions and codes are fully valid in Batumi.

This difference leads to a different application of development rules in both cities:

1. The rule of placing the building is different in Batumi since 2018, if before and even today in Tbilisi it is possible to place the deaf wall of the building on the edge of the neighborhood, in Batumi since 2018 it is necessary to be at least 3 m away from any neighborhood side of the cadastral borders.

In any area of Tbilisi, it is possible to place a building with a deaf wall (with the glass block and not the windows) on the cadastral side borders, and it is only necessary to maintain a distance of 3 m in order to protect the back yard.

This caused Batumi builders to move to Tbilisi from 2018, because it was easier to place the building on small land in Tbilisi.

2. There are different names of functional zones in the territories of Tbilisi and Batumi. Other administrative units of Georgia, except Tbilisi, should use the names of functional zones similar to Batumi counting rule for buildings.

It is difficult for architects to get information about where and what type of construction is allowed in which zone, because the names of Tbilisi's functional zones do not match the construction or non-construction zones established throughout the country. And the construction of buildings of different purposes is allowed in zones with similar names.

3. Development intensity coefficient (K-2) for buildings is necessary information about building, because it determines the main area usage and also the permit fee.

The same building areas are counted differently in abovementioned two cities, for example: Stair cells and elevator shafts – all the taken area is counted in K2 in Tbilisi, while in Batumi less than 60 sq.m of stair and lift area on the first floor and 40 sq.m on other floors are not counted in K2. This case brings much difference in numbers and permit fees.

Also, for the summer areas: 1/3 of this area are counted in K2, except in Tbilisi, if the balcony area is less than 20% of total k2, it is not counted in K2.

4. The requirement of regulation Lines do not exist in Batumi. blue lines, which defines the placement line of the building facade applies only in Tbilisi, in the areas processed on the basis of the framework plan, for example, Didi Digomi. Accordingly, the rule of placing buildings in one line is more or less observed in this area.

Where there is no blue line, moreover, it is encouraged to go beyond the cadastral line on the public border, the area of the kitchen space is reduced and the buildings become larger. Which in itself creates insolation problems.

3. conclusion:

Differences in the rules and procedures of construction lead to the localization of specialists in this professional circle where it is easier for them to work with the rules that have already been tried in practice. The construction of an architectural project in different regions is like playing with different rules, and if the architect wants to play with unknown rules, naturally the procedure for obtaining permission becomes difficult and takes time for the customer. The uncertainty in the rules also makes it necessary to create a close

communication platform for architects so that they can share their experiences with each other, and if there is no time or desire, there is a need to collaborate with local architects.

When building an individual house for his own ownership, a private person will go through more bureaucratic processes in Tbilisi and will spend at least twice as much in project and municipal services to obtain a construction permit than in Batumi.

A developer-builder will find a project plot of land in Tbilisi more easily due to the placement of a deaf wall of the building on the borders, but will pay more due to the documents required for the design service, and will pay more fees for the permit service due to the difference in the calculation method of the K-2 coefficient and the fee set according to this coefficient. In case of finding a suitable plot of land in Batumi, project/municipal costs are much less. The terms and procedure for review of permit documentation, work style is similar in both cities. Almost all over the country, like Tbilisi, it is possible to use electronic service. Only here, the whole country works on the same platform, while another platform has been working for Tbilisi Architecture Service since 2012.

The procedure for submitting documents is similar in Tbilisi and regions.

Reference:

[2] Resolution #255 on the procedure and conditions for issuing a construction permit and putting the building into operation (In Georgian).

[31] 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).

[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*)