COUNTY AGENDA REQUEST

Department:	Planning and Zoning	Presenter(s):	Pete Frisina
Meeting Date:	Thursday, March 8, 2012	Type of Request:	New Business

Wording for the Agenda:

Discussion of proposed amendments to the Fayette County Code of Ordinances, Chapter 8. Development Regulations, Article II, Nonresidential Construction Permit and Compliance Procedures.

Background/History/Details:

The proposed amendments to the Fayette County Code of Ordinances, Chapter 8 Development Regulations, Article II, Nonresidential Construction Permit and Compliance Procedures, work in conjunction with the previously adopted amendments to the Fayette County Subdivision Regulations.

If the Board concurs, staff will proceed with preparing these amendments for a vote by the Board at its meeting on March 22.

What action are you seeking from the Board of Commissioners?

Permission to place Ordinance 2012- 01, proposed amendments to Fayette County Code, Chapter 8, Development Regulations, Article II. Nonresidential Construction Permit and Compliance Procedures on the Board of Commissioners Agenda for March 22, 2012.

If this item requires funding, please describe:

Funds are not needed at this time, but will be part of an overall cost to update the Fayette County Code of Ordinances.

Has this request been considered within the past two years?	No	If so, when?	
Is Audio-Visual Equipment Required for this Request?*	No	Backup Provided with Request?	Yes

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance	Not Applicable	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval	Yes		

Staff Notes:

To: Board of Commissioners

From: Pete Frisina

Date: February 23, 2012

Subject: Amendments to the Development Regulations, Article II.

The amendments have been reviewed and recommended by Planning and Zoning, Stormwater, Engineering/Public Works, Fire, and Permits and Inspections. The proposed amendments are "housekeeping" in nature to coordinate with previous amendments made to the Subdivision Regulations and clarify department responsibilities, requirements and procedures which have developed or changed overtime.

03/08/11 – TRC Meeting
03/23/12 – BOC Wkshop

Stmwtr: red highlight
P&Z: green highlight
PubWks/Eng: pink highlight
Fire: plum highlight
P&I: indigo highlight

PROPOSED AMENDMENTS TO THE FAYETTE COUNTY CODE OF ORDINANCES, CHAPTER 8. ARTICLE II. NONRESIDENTIAL CONSTRUCTION; COMPLIANCE *PROCEDURES*

Sec. 8-26. ~~Site Plans.~~ ***General.***

Use and structures. ~~No~~ ~~p~~Property shall ***not*** be used and ~~no~~ structures shall ***not*** be constructed or modified unless it is shown that a proposed use or structure is in compliance with all ~~C~~ ***c***ounty regulations as verified by a Certificate of Zoning Compliance.

(a) *Building permit.* Before issuing any type of building permit for the site, the Building Official must receive a Certificate of Zoning Compliance approved by the Zoning Administrator.

(b) *Site plan required.* Prior to the issuance of the Certificate of Zoning Compliance by the Zoning Administrator, a site plan must be approved for any new nonresidential ***structure (including additions),*** use, ***and/***or ***a*** change ***or expansion*** of ***a*** use***.*** ~~and for all nonresidential construction including expansions and additions.~~ ***Exemption of the requirement for a site plan approval for a new non-essential storage structure or a minor addition to an existing structure shall be granted by the Zoning Administrator upon determination that it does not effect septic, stormwater, parking, circulation and/or lot coverage requirements.*** Exemption of the requirement for a site plan approval for a change ***or expansion*** of ***a*** use shall be granted by the Zoning Administrator upon determination of compliance with all of the following criteria: (Ord. No. 99-08, 6/24/99) ***(Ordinance NO. 2001-06)***

1. ~~No~~ ***N***ew ***structures, additions, and/or expansions*** ~~building square footage is~~ ***are*** ***not*** proposed for the new use, ***except as otherwise provided herein***. ~~(additions/expansions or new structures.)~~
2. The proposed use is a permitted use in the zoning district (conditional uses not exempt.)
3. The proposed use is a similar or less intensive use than the last authorized use of the property.
4. Thresholds for water use, septic systems, etc. are similar or less intensive than the last authorized use of the property.
5. The site complies with the minimum parking requirements for the proposed use and all other existing uses on site.

6. The site is in compliance with all conditions of approval, and site~~/landscape~~ standards in effect at the time the previous use was authorized.

Exemption from the site plan approval process for a change of use does not also exempt the requirement for all other necessary permits and inspections. ***(Ordinance NO. 2001-06)***

Sec. 8-27. Site Plans.

(a) *Filing of Site Plan.* The Site Plan shall be submitted in accordance with the schedule of established application deadlines and meeting dates, a copy of which is available in the ~~office of the Zoning Administrator~~ ***Planning and Zoning Department.*** The site plan shall be deemed filed when it has been submitted to the Zoning Administrator. (Ord. No. 99-08, 6/24/99)

(b) *Site plan distribution.* ~~15~~ ***Fifteen*** copies of a 24" by 36" site plan shall be submitted to the ~~Zoning Administrator~~ ***the Planning and Zoning Department*** for distribution and review ***by the applicable departments.*** ~~including but not limited to the following~~: (Ord. No. 99-08, 6/24/99) ***(Ordinance NO. 2001-06)***

~~(1) County Engineer~~

~~(2) Zoning Administrator~~

~~(3) Environmental Health Manager (Ord. No. 99-08, 6/24/99)~~

~~(4) Fire Marshal~~

~~(5) Water System Manager~~

~~(6) Public Works Director~~

~~(7) Planning Director~~

~~(8) Georgia Department of Transportation (GDOT) when site accesses a State Route~~

(c) *Site plan contents.* ~~A site plan must be prepared by an Engineer or Architect who is registered by the State and shall include, in addition to the certified property lines, all applicable information as required on the site plan review checklist, a copy of which is available at the office of the Zoning Administrator~~ ~~***Planning and Zoning Department.***~~ ***The site plan shall: 1) be prepared by an~~~~d~~ ~~E~~***engineer of ~~A~~architect registered in the State of Georgia; 2) include a recorded signed and sealed survey indicating metes and bounds; and 3) all applicable information as required on the site plan review checklist,***

a copy of which is available at the Planning and Zoning Department. (Ord. No. 99-08, 6/24/99)

(d) *Department approval.* Upon completion of site plan review by the required departments, each department will return its comments to the ~~Zoning Administrator~~ ***Planning and Zoning Department***, who will make the appropriate entries on the site plan review checklist and notify the applicant of approval, administrative conditions of approval, or additional requirements. (Ord. No. 99-08, 6/24/99)

(e) *Fee.* A site plan review and compliance fee as specified in this code will be collected and a receipt provided at the time of issuance of the Certificate of Zoning Compliance by the Zoning Administrator and prior to the issuance of a building permit. (Ord. No. 99-08, 6/24/99)

(f) *Other plans required.* The following ~~required~~ plans ***if applicable*** ~~may~~ ***shall*** be ~~may be~~ submitted at the time of site plan submittal ***and shall be approved prior to site plan approval*** ~~or may be submitted separately after site plan submittal~~: (Ord. No. 99-08, 6/24/99) ***(Ordinance NO. 2001-06)***

(1) ***Floodplain Management Plan. Reference Article IV of the Development Regulations for applicability and plan requirements. (two (2) sets)***

(2) Landscape~~, buffer and screening~~ ***P***lan. ***Reference Article V of the Development Regulations fo rapplicability and plan requirements.*** (~~three (3)~~ ***two*** sets.)

(3) ***Tree Protection Plan. Reference Article VI of the Development Regulations for applicablility and plan requirements.***

(4) ~~A Sediment~~ ***Soil Erosion, Sedimentation and Pollution*** Control Plan~~, Tree Retention and Replacement Plan, and a Tree Preservation Plan, consistent with the standards of Article VI of the Development Regulations, shall be included with the Grading Plan. Specific instructions are available from the County Engineer~~ ***Reference Article IX of the Development Regulations for applicability and plan requirements.*** (three [3] sets.)

(5) Grading Plan. ~~Must include a Tree Retention/Preservation Plan if not included in the Sediment Control Plan. See Article VI of the Development Regulations (three [3] sets.)~~ ***Required only when a land disturbance permit is not applicable.***

i. ~~No e~~ ***C***learing, grubbing or grading shall ***not*** be undertaken until a land disturbance permit has been approved ***by the Stormwater Management Department*** ~~and visibly posted at the primary point~~

~~of access to the property.~~ ***If a land disturbance permit is not required a grading plan shall be approved prior to any clearing, grubbing or grading.***

ii. No clearing, grubbing or grading involving the use of explosives may be undertaken until a special permit has been issued by the Fire Marshal.

iii. No installation or removal of underground tanks for Class I, II, III flammable liquids shall be undertaken until the appropriate permits and inspections have been conducted by the Fire Marshal.

(6) ~~Hydrological study and detention basin design (three [3] sets.)~~

(7) Water plan if required by the Water System (two [2] sets.)

(8) ~~Sign plan (two [2] sets.)~~

(g) *Verification of lot.* In addition to an approved site plan, an applicant must provide verification that a plat of subdivision has been approved and recorded if required by the Subdivision Regulations.

(h) *Approval by Zoning Administrator.* Upon approval of the site plan by all the ~~required~~ ***applicable*** departments, the Zoning Administrator may approve the Certificate of Zoning Compliance.

(i) *Certification to Building Official* ***and Fire Marshal.*** The applicant will be notified by the Zoning Administrator's issuance of the Certificate of Zoning Compliance that the site plan has been approved. ***A copy of*** the Certificate of Zoning Compliance will ~~then~~ be ~~attached to the site plan review checklist and~~ presented to the Building Official ***and Fire Marshal.***(Ord. No. 99-08, 6/24/99) ***(Ordinance NO. 2001-06)***

(j) ***Building*** *construction plans.* ~~Three (3)~~ ***Two (2)*** sets of building construction plans ***including one (1) set in electronic media format known as a PDF (portable document file) format on a CD/RW*** shall be submitted to the Fire Marshal for review and approval by both the Fire Marshal~~s~~ and the Building Official. Construction plans shall not be submitted to the Fire Marshal prior to the site plan approval process. ***(Ordinance NO. 2001-06)***

Building construction plan documents should include:

- ***One (1) PDF file on CD/RW with project manual pdf (complete set of construction drawings including site plans) Architect/Engineer signed/sealed stamp required.***

- ***Two (2) complete sets of architectural construction drawings with appropriate Architect/Engineer signed/sealed stamp. Architectural drawings-floor plan(s); elevation(s); mechanical plan(s); plumbing plan(s); fire protection plan(s)-fire extinguishers; alarm; smoke/heat detection; sprinkler plans. Construction type by International Building code and building square footage should be noted.***

In addition to the Fire Marshal's requirements, the Permits and Inspections Department requirements shall include, but not limited to the following:

COMcheck; use and occupancy classification; occupant load; electrical plans and panel schedules; ARC Fault Current calculations and interrupt ratings for equipment; electrical load calculations; structural load package(s); engineered trust/joist package(s); framing details; statement of special inspections; footing/foundation specifications; gas line isometric details; ventilation, outside air, and make-up air schedules; specific hazardous area details; energy code details/specifications.

Check with the Permits and Inspections Department for specific details/requirements for the project.

If applicable: two (2) sets of project manuals with specifications

(k) *Site plan changes.* Any deviations from an approved site plan must be shown on a revised site plan and approved by the ~~County employee(s) having jurisdiction over the change~~ ***applicable departments.*** Changes shall be authorized in writing on the revised site plan by the ~~appropriate County employee(s)~~ ***applicable departments.*** A copy of the revised site plan will then be given to the Building Official for inclusion in the project file. (Ord. No. 99-08, 6/24/99)

(l) *Fire Marshal approval.* The Fire Marshal shall approve all construction plans and submit to the Building Official a written report of compliance with the County Fire Prevention Code. Prior to any building construction, the applicant must obtain a construction permit through the Bureau of Fire Prevention. This permit will not be in lieu of required permits through the Building Official. (Ord. No. 99-08, 6/24/99)

(m) *Certificate of Occupancy.* In no case shall a Certificate of Occupancy be issued by the Building Official unless an as-built condition is reflected on an approved site plan. (Ord. No. 86-13 § 2-1, 7-24-86; Ord. Of 3-24-88)

(n) *Expiration of Certificate of Zoning Compliance.* If no application is made to obtain a building permit from the Building Official within 12 months of the date of zoning compliance, then said compliance shall be deemed null and void. ~~Any zoning compliance issued prior to the enactment date (April 24, 1997) of this~~

~~subsection that has not been relied upon for an application to obtain a building permit for 12 months from said enactment date shall be deemed null and void.~~ (Ord. No. 97-08, 4-24-97, Ord. No. 99-08, 6/24/99)

Sec. 8-27. Compliance.

(a) *Batter board and footing inspection.* ***A batter board inspection shall be required*** ~~In~~ ***in*** addition to the footing inspection required by the Standard Building Code. A batter board inspection shall be required ~~the Zoning Administrator~~ ***by the Planning and Zoning Department*** and the ~~county engineer and~~ ***Stormwater Management Department who*** shall be notified by the Building Official whenever a batter board inspection is requested. The ~~Zoning Administrator~~ ***Planning and Zoning Department*** and the ~~county engineer~~ ***Stormwater Management Department*** shall inspect the project ***and/or require a surveyor's certification.*** ~~and~~ ***The Planning and Zoning Department and Stormwater Management Department*** shall certify in writing to the Building Official that the building location and other aspects of the site comply with the approved site plan prior to a footing inspection by the Building Official. ~~Boundary lines must be staked to allow the necessary measurements.~~

(b) *Final and 80 percent inspections.* The Building Official shall notify the ~~Zoning Administrator~~ ***Planning and Zoning Department***, the ~~county engineer~~ ***Stormwater Management Department***, and the Fire Marshal whenever a final inspection is requested. The ~~Zoning Administrator~~ ***Planning and Zoning Department***, the ~~county engineer~~ ***Stormwater Management Department***, and the ~~county~~ Fire Marshal shall inspect the project and shall certify in writing to the Building Official that the site is in compliance, or that proper surety, as provided for in various county ordinances, has been posted. The Building Official shall not allow a structure to be occupied ~~not~~ ***nor*** issue a Certificate of Occupancy prior to receiving certification of approval in writing from the above named county employees. The Fire Marshal shall be notified directly by the owner or contractor whenever an 80 percent inspection is due.

Cross references - Buildings, Ch. 5; fire prevention and protection, Ch. 9

(c) *Fire Marshal inspections.* In addition to requesting an 80 percent inspection directly from the Bureau of Fire Prevention, an applicant shall notify the Bureau of Fire Prevention for other scheduled inspections. The Fire Marshal shall report in writing to the Building Official any deficiencies noted during the inspections. Certificates of fire safety compliance issued by the Fire Marshal shall not grant authority to occupy a building until the appropriate certificates have been issued by the Building Official.

~~(d) *Multiple use building.* When final inspection is sought for a multiple use building, as much as 25 percent of the building's total gross floor area may be~~

~~approved for occupancy by the Building Official prior to inspection and approval by the Zoning Administrator and the county engineer.~~
~~(Ord. No. 86-13, § 2-2, 7-24-86; Ord. Of 7-23-87; Ord. Of 3-24-88)~~

Sec. 8-28 - 8-45. Reserved.