COUNTY DEPARTMENT AGENDA REQUEST

Department:	Planning and Zoning	Presenter(s):	Pete Frisina/ Phil Mallon/ Tony Parrott
Meeting Date:	Thursday, June 25, 2009	Type of Request:	Public Hearing

Wording for the Agenda:

Consideration of proposed amendments to the Fayette County Subdivision Regulations Section 3 General; Section 4 Approval of Subdivisions; Section 5 The Subdivision Plat; Section 9 Acceptance and Guarantee of Completed Improvements; and Section 10 Violations and Penalties. This item was deferred from the May 28, 2009 Board of Commissioners Meeting.

Background/History/Details:

The primary proposed change to the Subdivision Regulations is for clarification of the approval process for final plats which are eventually filed in the Clerk of Court's Office. The proposed amendments will clarify that final plats are to be approved by the Planning Commission and not by the Planning Commission's administrative staff. This is a procedural change only and does not encompass all the changes/ updates that need to be made to the Subdivision Regulations.

Since the County Subdivision Regulations were originally adopted in 1973, there are other changes needed throughout the document. A committee which includes staff and persons from the local development community has been formed to review the Subdivision Regulations in its entirety. Staff is recommending that the committee be allowed to work on further, more comprehensive changes to the regulations and return to the Board of Commissioners later in the year with a complete update to the entire document.

THE AMENDMENTS REQUESTED AT THIS TIME ARE ONLY RELATED TO THE APPROVAL OF PLATS PRIOR TO RECORDINGS.

What action are you seeking from the Board of Commissioners?

Approval of the Ordinance 2009-01 which amends the Fayette County Subdivision Regulations Section 3 General; Section 4 Approval of Subdivisions; Section 5 The Subdivision Plat; Section 9 Acceptance and Guarantee of Completed Improvements; and Section 10 Penalties.

If this item requires funding, please describe:

Not Applicable.

Has this issue come before the Commissioners in the past?	Yes	If so, when?	Thursday, May 28, 2009
Do you need audio-visual for the presentation?	No	Back-up Material Submitted?	Yes

STAFF USE ONLY

Approved by Finance	Yes	Reviewed by Legal	Yes
Approved by Purchasing	Yes	Approved by County Clerk	Yes
Administrator's Approval	Yes		

Staff Notes:

Fayette County
GEORGIA

Where Quality Is A Lifestyle

TO: Fayette County Board of Commissioners

FROM: Phil Mallon
Subdivision Regulations Committee

DATE: June 17, 2009

SUBJECT: Proposed Amendments to the Fayette County Subdivision Regulations

On Wednesday, June 17, 2009, the Subdivision Regulations Committee met for the first time to discuss the proposed amendments to the Fayette County Subdivision Regulations. After reviewing the Subdivision Regulations in its entirety, it was the consensus of the Committee for the BOC to consider the attached proposed amendments dealing basically with the procedural requirements which need to be revised in order to comply with State law; however, the Committee would like to have permission to amend the Subdivision Regulations in its entirety. The Committee plans to have the revised Subdivision Regulations, in its entirety, completed by September, 2009. The Committee would also like to have permission to amend the Development Regulations as there are requirements in the Subdivision Regulations which should be relocated into the Development Regulations.

Committee Members present were:

Phil Mallon
Pete Frisina
Dennis Dutton
Robyn Wilson
Vanessa Birrell
Bryan Keller
Bob Rolader
Randy Boyd
Billy Brundage
Bob Barnard

Committee Members absent were:

Larry Seabolt
WD Gray & Associates
David Hovey
Delta Surveyors
Jason Walls
Tony Parrott

Georgia Secretary of State
Karen C. Handel

Georgia Board of Professional Engineers and Land Surveyors
Georgia Plat Act

GEORGIA PLAT ACT
O.C.G.A 15-6-67

(a) The clerk of the superior court shall file and record in his office maps or plats relating to real estate in the county.

(b) Maps or plats to be filed and recorded in the office of the clerk of the superior court shall be prepared in accordance with the following minimum standards and specifications:

(1) Material.

(A) Any such maps or plats shall be a good legible copy, such as a blue, white, or other commercial print reproduced from an original.

(B) The minimum line widths and letter or character heights delineated on such maps or plats shall be as follows:

(i) Maps or plats drawn on 8 1/2 inch by 11 inch or 8 1/2 inch by 14 inch tracings shall have a minimum line width of 0.010 inches and a minimum letter or character height of 0.080 inches;

(ii) Maps or plats drawn on 11 inch by 17 inch tracings shall have a minimum line width of 0.010 inches and minimum letter or character height of 0.080 inches; or

(iii) Maps or plats drawn on 17 inch by 22 inch or 24 inch by 36 inch tracings shall have a minimum line width of 0.013 inches and a minimum letter or character height of 0.080 inches.

(C) In counties using microfilming procedures, when a map or plat is filed for record the original drawing, which shall not be larger than 24 inches by 36 inches, shall be submitted to the clerk for microfilming and a legible copy, which shall not be larger than 17 inches by 22 inches, shall be filed for record; provided, however, that a full-size positive copy of the original may be tendered and used for microfilming. The clerk shall enter the filing date, plat book number, and page number on the original drawing and return the original drawing to the land surveyor or the person filing the same for record;

(2) Caption. The maps or plats shall have a title or name which shall be contained in the caption,

and the caption shall also provide the following information:

(A) The county, city, town, or village, land district and land lot, and subdivision, if the property lies within a particular subdivision;

(B) The date of plat preparation;

(C) The scale, stated and shown graphically;

(D) The name, address, telephone number, and registration number of the land surveyor or the statement that he is the county surveyor and is not required by law to be a registered surveyor; and

(E) All reproductions of original maps or plats shall bear the original signature, in black ink, of the registrant placed across the registration seal in order to be a valid or recordable map or plat;

(3) Size. Maps or plats shall not be less than 8 1/2 inches by 11 inches and not larger than can be recorded without folding;

(4) Data. Maps or plats shall be made in a professional manner and in accordance with the standards of good drafting procedures and shall show the following information, as specified:

(A) All maps or plats shall show the direction and distance from a point of reference to a point on the boundary of the individual survey, and such additional data as may be required to relocate the boundary point from the point of reference with the same degree of accuracy required of the parcel surveyed. The point of reference shall be an established, monumented position which can be identified or relocated from maps, plats, or other documents on public record;

(B) All maps or plats of boundary surveys or subdivision surveys shall show bearings of all lines of the boundary or lot lines, and distances of all boundary or lot lines, and area of the parcels expressed in acres or square feet;

(C) All maps or plats of boundary surveys shall show the closure precision of the field survey as the ratio of one foot to the traversed distance in which an error of one foot would occur and a statement as to the method of adjustment. The closure may be stated as follows:

"The field data upon which this map or plat is based has a closure precision of one foot in _____ feet, and an angular error of _____ per angle point, and was adjusted using _____ rule";

(D) All maps or plats of boundary surveys shall show the closure precision of the data shown on the map or plat. The closure may be stated as follows:

"This map or plat has been calculated for closure and is found to be accurate within one foot in _____ feet";

(E) All maps or plats shall show the width and the former widths, if pertinent, of all rights of way adjacent to or crossing the property or adjacent to any point of reference,

(F) All maps or plats shall show easements and apparent encroachments, if pertinent;

(G) In the case of curved lines, the curve shall be defined by curve data to include the radius, arc length, chord bearing, and distance for regular curves. Chord distances and

directions shall be given for irregular curves;

(H) All land lot lines, land district lines, land section lines, and city, county, and state boundaries intersecting or adjacent to the surveyed property shall be indicated by lines drawn upon the map or plat with appropriate words and figures;

(I) All corner markers and markers of pertinent reference points shall be fully described and indicated as to their material or types and shall be constructed of a permanent material such as iron, steel, concrete, or stone;

(J) An arrow shall be shown on the map or plat to indicate the principal meridian, and a notation shall be made as to the reference of bearings to magnetic north, astronomic north, or grid north. A grid north reference shall indicate the zone;

(K) All linear distances shown on maps or plats shall be horizontal;

(L) All angular directions shown on maps or plats shall be represented in degrees and minutes. Where plats state or surveys require accuracy in excess of 1 in 5,000, the angular directions shall be represented in degrees, minutes, and seconds. All angular directions shall be referenced to the principal meridian;

(M) A statement shall be shown on the map or plat to indicate the type of equipment used to obtain the linear and angular measurements used in the preparation of the map or plat; and

(N) All maps or plats shall show the state plane coordinates of at least two permanent monuments thereon, when a National Geodetic Survey monument is within 500 feet of any point on the property mapped or platted, or any point of reference shown thereon.

(c) If the plat meets the requirements of subsections (b) and (d) of this Code section, it shall be the duty of the clerk of the superior court to file and record such map or plat or blueprint, tracing, photostatic copy, or other copy of a map or plat.

(d) Whenever the municipal planning commission, the county planning commission, the municipal-county planning commission, or, if no such planning commission exists, the appropriate municipal or county governing authority prepares and adopts subdivision regulations, and upon receiving approval thereon by the appropriate governing authority, then no plat of subdivision of land within the municipality or the county shall be filed or recorded in the office of the clerk of the superior court of a county without the approval thereon of the municipal or county planning commission or governing authority and without such approval having been entered in writing on the plat by the secretary of the municipal or county planning commission or governing authority. The clerk of the superior court shall not file or record a plat of subdivision which does not have the approval of the municipal or county planning commission or governing authority as required by this subsection. Notwithstanding any other provision of this subsection to the contrary, no approval shall be required if no new streets or roads are created or no new utility improvements are required or no new sanitary sewer or approval of a septic tank is required. Any plat of survey containing thereon a certification from the licensed surveyor that the provisions relative to this subsection do not require approval shall entitle said plat to record.

04/01/09 – BOC Workshop
04/23/09 – BOC Public Hearing (Cancelled 05/06/09 Workshop)
05/28/09 – BOC Public Hearing (Table until 06/25/09 – entire ordinance)
06/17/09 - SUBDIVISION REGULATIONS COMMITTEE
06/25/09 – BOC Public Hearing (See below)

PROPOSED AMENDMENTS TO
THE FAYETTE COUNTY SUBDIVISION REGULATIONS

SECTION 3

GENERAL

3-2 ~~**Subdivisions Not Involving Changes in Public Facilities.** All subdivisions which do not involve the platting, constructions or opening of new streets, water or sewer facilities shall be accepted by the planning commission in the form of a Final Plat providing that the Plat shall comply with these regulations in all respects.~~

Recordation of Final Plats. No Final Plat shall be recorded with the Clerk of Superior Court of Fayette County, Georgia, without said plat having first been submitted to and approved by the Planning Commission. The Secretary to the Planning Commission shall endorse the plat upon approval by the Planning Commission. The Planning Commission approval is not required for Final Plats where no new streets or roads are created or no new utility improvements are required or no new sanitary sewer or approval of a septic tank is required.

3-3 ~~**Approval by Individual Agencies.** No subdivision plat shall be recorded with the Clerk of Superior Court of Fayette County, Georgia, without said plat having first been submitted to and approved by the Planning Commission and the County Governing Authority. The Planning Commission shall not approve any subdivision plat without said plat having first been reviewed and approved by the County Engineer and the Commissioner of Health to the extent that each has jurisdiction.~~ ***Open.***

SECTION 4

APPROVAL OF SUBDIVISIONS

4-1.3 **Filing**. Any person desiring to subdivide land shall file with the Zoning Administrator for the Planning Commission a number of copies, which number shall be determined by the Zoning Administrator, of the Preliminary Plat. In order to be considered by the Planning Commission, the Preliminary Plat shall be submitted in accordance with the schedule of hearing dates and application deadlines established by the ~~Planning Commission~~ ***Planning and Zoning***

Department. Said schedule is available in the office of the Zoning Administrator. The plat shall be prepared in accordance with these regulations and with applicable County specifications by a registered engineer, surveyor, and/or architect who ~~is~~ ***are*** licensed under the laws of the State of Georgia. ~~The Preliminary Plat shall be submitted in accordance with the schedule of application deadlines and meeting dates, a copy of which is available in the office of the Zoning Administrator. The Preliminary Plat shall be deemed filed with the Planning Commission when it is filed with the Zoning Administrator. At the time of filing, certificate of filing shall include the time and date of filing.~~ The Zoning Administrator shall have authority to reject the Preliminary Plat, if after study, he or she finds that it does not comply with these regulations. If rejected, the Zoning Administrator shall provide subdividers with a written statement specifying all the respects in which the plat fails to comply. Subdividers shall have the right to appeal to the Planning Commission from such rejections. ***The Preliminary Plat will be placed on a Planning Commission Agenda upon approval from all the appropriate departments.*** (Ordinance No. 99-09, 6/24/99)

4-1.5 **Approval by Planning Commission.**

a. The Preliminary Plat shall be ~~accepted for consideration~~ ***placed on the Planning Commission Agenda for consideration*** ~~by the Planning Commission~~ when the ***Preliminary Plat is approved by all of the appropriate departments*** ~~file is complete as required by the Zoning Administrator according to these regulations. The Zoning Administrator shall have the authority to accept the Preliminary Plat with modification when necessary to make the plat comply with provisions of these regulations.~~

b. The Planning Commission shall take action on Preliminary Plats in their regular***ly scheduled*** meeting***s***, except for revisions to a recorded plat which, under the ***applicable*** provisions of ***Section*** 4-2.~~7~~, requires approval of a new Preliminary Plat. Revisions which change a street and/or utility layout shown on a recorded plat shall be afforded a public hearing on the new Preliminary Plat, the legal notice for which shall be advertised in at least one (1) of the newspaper in which is carried the legal advertisements of the County in such a manner as to give at least seven (7) days notice of the public hearing from the date of issue. (Ordinance No. 2000-03)

c. Approval or disapproval of a Preliminary Plat by the Planning Commission shall be within ~~sixty (60)~~ ***60*** days of the ~~Zoning Administrator's Certification that the application is complete~~ ***date of their regularly scheduled meetings***. If after ~~sixty (60)~~ ***60*** days from the ~~issuance of said Certification of Completeness~~ ***date of their regularly scheduled meetings,*** the Planning Commission fails to act, the Preliminary Plat shall be deemed approved; provided, however, that the subdivider may waive this requirements in writing and consent to an extension of such period. If approval of the Preliminary Plat is not recommended, the

reasons therefore shall be ~~stated on the plat checklist~~ ***supplied to the subdivider***. The approval of a Preliminary Plat by the Planning Commission shall not be deemed to constitute an acceptance by Fayette County of any street or other real property shown upon the plat. (Ordinance No. 99-09, 6/24/99)

FINAL PLAT

4-2.3 **Approval by ~~Individual~~ *Appropriate* Departments**. ~~No Final Plat shall be approved without the necessary department approvals.~~ Said ***appropriate*** departments shall approve, with or without modification, or disapprove the Final Plat to the extent to which each has jurisdiction ***within 14 calendar days from the submittal and /or resubmittal of the Final Plat.*** ~~The secretary to the Planning Commission shall endorse the plat upon approval by both the County Engineer and the Zoning Administrator.~~ (Ordinance No. 99-09, 6/24/99)

4-2.4 **Approval by Zoning Administrator.**

a. **Revisions** to a recorded plat which, under the provisions of 4-2.~~7~~***8***, require approval of new Preliminary and Final Plats, shall be afforded a public hearing before the Planning Commission, the legal notice for which shall be advertised in at least one (1) issue of the newspaper in which is carried the legal advertisements of the County, and shall provide at least seven (7) days notice of the public hearing from the date of issue.

Replace existing 4-2.5 with the following:

4-2.5 ***Approval by the Planning Commission.***

a. ***The Final Plat shall be placed on the Planning Commission Agenda for consideration when the Final Plat is approved by all of the appropriate departments.***

b. ***Approval or disapproval of a Final Plat by the Planning Commission shall be within 60 days of the date of their regularly scheduled meetings. If after 60 days from the date of their regularly scheduled meetings, the Planning Commission fails to act, the Final Plat shall be deemed approved; provided, however, that the subdivider may waive this requirement in writing and consent to an extension of such period. If approval of the Final Plat is not recommended, the reasons therefore shall be supplied to the subdivider.***

c. ***The Secretary to the Planning Commission shall endorse the plat upon approval by the Planning Commission.***

4-2.~~5~~*6* **Recordations.** (Renumber section only.)

4-2.~~6~~*7* **Removal.** (Renumber section only.)

4-2.~~7~~*8* **Revision to a Recorded Plat.** Proposed revisions which change in any way the street and/or utility layout***, unless initiated by Fayette County,*** shall be submitted as a ***revised*** Preliminary Plat in accordance with Section 4-1 of these regulations. Proposed revisions which do not change in any way the street and/or utility layout shall be submitted as a ***revised*** Final Plat in accordance with Section 4-2 of these regulations. In addition, a revision to a recorded plat shall show the name, phase (if any), date of the recorded subdivision plat being revised, and the exact citation with regard to the ~~County Land Records~~ ***Clerk of Superior Court records*** and the book and page number wherein said plat is recorded.

Proposed revisions to any existing residential or agricultural-residential subdivisions which add property to, increase*s* the number of platted lots, or change*s* the principal use on a lot(s) within a residential subdivision will be considered in public hearings before the Planning Commission and the Board of Commissioners. ~~The legal notice for which shall be advertised in at least one (1) issue of the newspaper which carries the legal advertisements of the County, and shall provide at least seven (7) days notice of the public hearing from the date of issue.~~ The legal notice shall be advertised at least seven (7) days prior to the public hearing before the Planning Commission, but not more than forty-five (45), nor less than ~~fifteen (15)~~ ***15*** days prior to the public hearing before the Board of Commissioners. In the event that the time-frames above cannot be met with one ***(1)*** advertisement, the notice shall be published twice. ***A revised Final Plat shall comply with the revised Preliminary Plat and shall be approved by the Planning Commission.*** (Amended 10/26/95)

4-2.8*9* ~~**Deposit and Reproduction.** Upon approval of the Final Plat by the Planning Commission, the subdivider shall be required to furnish to the Zoning Administrator for the Planning Commission an amount equal to the cost of recordation of the Final Plat with the Clerk of Superior Court, Fayette County, Georgia; and an amount equal to the cost of securing the required number of reproducible and prints (See Section 4-2.9 Distribution Schedule) or authorize the Planning Commission to have the reproducible and prints made at an establishment where the subdivider maintains an account.~~ ***Open.***

4-2.9*10* **Distribution Schedule.**

~~County Records~~	~~Original linen or plastic reproducible and one(1) print~~
~~County Engineer~~	~~Three (3) prints (2 file and 1 building inspector)~~
~~County Tax Assessor~~	~~One (1) print~~

~~County Health Department~~	~~One (1) print~~
~~Sheriff's Department~~	~~One (1) print~~
~~Water and Sewer Department~~	~~Two (2) prints~~
~~Board of Education~~	~~One (1) print~~
~~Fire Department offering service to the proposed subdivision~~	~~One (1) print~~
~~Planning Commission~~	~~One (1) paper reproducible and One (1) print.~~
~~TOTAL~~	~~One (1) original linen or plastic reproducible~~
	~~One (1) paper reproducible~~
~~TOTAL~~	~~12 prints~~

The Planning & Zoning Department will be responsible for distributing the copies of the Final Plat to the appropriate departments.

SECTION 5

THE SUBDIVISION PLAT

5-1 **The Preliminary Plat.**

5-1.12 **Completeness.** If any of the above facts are omitted or misrepresented on the plat, the Zoning Administrator ~~for the Planning Commission~~ may refuse to review the plat and shall return the plat to the subdivider to be completed or revised.

SECTION 9

ACCEPTANCE AND GUARANTEE OF COMPLETED MINIMUM IMPROVEMENTS

9-3 **Acceptance.** ~~Upon receipt of the maintenance bond or letter of credit the Public Works Director shall within thirty (30) days request that the Board of Board of Commissioners formally accept the roads into the county road system, subject only to the terms of the maintenance bond or letter of credit.~~ ***The approval of a***

Final Plat by the Planning Commission shall be deemed to constitute an acceptance by Fayette County of any street or other real property shown upon the plat. (Amended 7/12/90)

SECTION 10

VIOLATIONS AND PENALTIES

10-1 **Violations.**

10-1.2 It shall be unlawful to record a subdivision plat, or once recorded, to make any changes thereon whatsoever which have not been approved by the ~~Board of Commissioners~~ ***Planning Commission*** in accordance with the provisions of ~~these~~ ***all applicable*** regulations.