COUNTY DEPARTMENT AGENDA REQUEST

Department:	P&Z/Pub Wks-Eng/Water System	Presenter(s):	Pete Frisina/Phil Mallon/Tony Parrott
Meeting Date:	Wednesday, September 2, 2009	Type of Request:	Old Business

Wording for the Agenda:

Discussion of proposed amendments to the Fayette County Subdivision Regulations in its entirety.

Background/History/Details:

On June 25, 2009, the Board of Commissioners approved amendments to the Subdivision Regulations that were basically "housekeeping" items to bring the Subdivision Regulations into compliance with State Law regarding Preliminary Plats and Final Plats. Staff requested permission to amend the Subdivision Regulations in its entirety which also required amendments to the Fayette County Development Regulations. A Review Committee was created and Staff and the Committee have held three (3) meetings, consisting of a total of approximately nine (9) hours, to review the proposed amendments. Staff has held several meetings to review the proposed amendments. As of August 10, 2009, the Review Committee have a few items which need further review and discussion. The pending items include: 1) Street length; 2) Street eyebrows; 3) Requirement of any applicable ordinances to Revised Final Plats; and 4) Approval by the Planning Commission for Revised Final Plats.

What action are you seeking from the Board of Commissioners?

Direction on applicability of County Ordinances for: Revised Final Plats and approval by the Planning Commission for Revised Final Plats

If this item requires funding, please describe:

Not applicable.

Has this issue come before the Commissioners in the past?	Yes	If so, when?	Thursday, June 25, 2009
Do you need audio-visual for the presentation?	No	Back-up Material Submitted?	Yes

STAFF USE ONLY

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

Staff Notes:

Article	Title	Applicability	Required By
I.	General, § 8-1 - 8-25	All	Local
II.	Nonresidential Construction; Approval and Compliance, § 8-26 - 8-45	All Non Residential development with 6 Exemptions	Local
III.	Street Design Standards and Specifications, § 8-46 - 8-80	All proposed roads and bridges	Local
IV.	Flood Plain Regulations, § 8-81 - 8-155	All areas of Special Flood Hazard, supersedes all plats and drawings	State
V.	Buffer and Landscape Requirements, § 8-156 - 8-164	Commercial/Industrial areas and Separation between incompatible uses.	Local
VI.	Tree Retention, Protection and Replacement, § 8-176 - 8-184	All projects requiring and LDP with 6 exemptions	Local
VII.	Watershed Protection Ordinance, § 8-201 - 8-205	Any lot reconfigured after 1987	Local/State
VIII.	Off-Street Parking and Service Requirements, § 8-215 - 8-226	Any time there is a change of use and/or application for a building permit	Local
IX.	Soil Erosion and Sedimentation Control Ordinance, § 8-241 - 8-266	All land disturbing activities with 11 exceptions including Agriculture, Forestry and Single Family residential.	State
X.	Dam And Impoundment Design And Specifications, § 8-301 - 8-309	All	Local
XI.	Groundwater Recharge Area Protection Ordinance, § 8-320 – 8-332	All with 2 exceptions	State
XII.	Illicit Discharge and Illegal Connection Ordinance, § 8-400 – 8-407	All non-stormwater run-off with 4 exemptions	State
XIII.	Post-Development Stormwater Management for New Development and Redevelopment, § 8-450 - 8-470	All creating 5,000 sq. ft. impervious, disturbs 1 acre or more, and/or part of a larger common plan with 5 exemptions including Agriculture, Forestry and Single Family residential.	State

Existing

6-5.3 **Street Length.** A permanent street shall not exceed 3,000 feet in length. This distance shall be measured from a street which has at least two (2) outlets onto another public street which is not a cul-de-sac or single-access loop street. This measurement shall not extend outside of the proposed subdivision. This measurement shall extend into previous phases of the same subdivision. A street ending in a cul-de-sac shall be measured from its intersection with another public street as described above to the center of the cul-de-sac diameter. A single-access loop street shall be measured from its intersection with another public street as described above to the further point from such intersection. (Ordinance No. 2000-03)

The Planning Commission may vary the maximum length requirements or permit a tie-on to a street which fails to meet the above criteria when the conditions for the granting of a variance enumerated in ~~Section 9-5, B~~. ***Article IX*** of the Zoning Ordinance exist. A request for such a variance must accompany an application for Preliminary Plat approval. (Amended 1/12/06)

Proposed

Subdivision Entrances and Street Length. No street or portion of a street may provide access for more than 40 lots unless either 1) a second means of access is provided; or 2) a two-way divided road is used at the entrance and extended to all points in the subdivision until the number of lots being served by the road is 40 or less. Amenity and common areas (e.g., green space) are excluded from the 40-lot limit. Of the two options listed above, use of a second entrance is preferred and shall be provided unless it is determined to be not practical by the County Engineer.

The two-way divided road shall have an 80-ft right-of-way (minimum), two 16-ft travel lanes, curb and gutter, and an 18-ft wide landscape island. Additional specifications for this road are provided in the Development Regulations, Article III.

The purpose of this requirement is to help ensure emergency access to lots by providing at least two routes to reach a structure or, if two routes are not feasible, a road design that has a smaller chance of becoming impassible. The 40-lot threshold is based on AASHTOs definition of very low volume local roads (i.e., 400 vehicles per day) and the Institute of Transportation Engineers' trip generation estimates for single family detached housing (i.e., approximately 10 trips per dwelling unit).

Purposes for a Revised Final Plat	Public Hearing and Planning Commission Approval	Administrative Review In - House Approval
Adding a lot or lots into an existing subdivision.	X	
Adding a road or roads into a subdivision.	X	
Adding new utilities into a subdivision.	X	
Adding new sanitary sewer into a subdivision.	X	
Approval of a septic tank.	X	
Creating a subdivision.	X	
Realigning property lines within a subdivision.		X
Realigning easements within a subdivision.		X
Removing property lines for two or more lots in a subdivision		X

C. 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.

Public Works Director Phil Mallon stated he was representing several departments to request the Board's approval of the proposed amendments to the Fayette County Subdivision Regulations and gave a brief history of how the County "got to this point". He concluded his presentation stating he would return with fully revised Subdivision Regulations at a Workshop Meeting prior to the September 24th Meeting and he anticipated the fully revised regulations would be adopted during the September 24th Board of Commissioners meeting.

Chairman Smith said there were two parts to this request. He explained the first part of the request was for the Board to give consensus allowing the departments to continue reviewing Fayette County's Subdivision Regulations. He asked for the Board's consensus on this matter and it was unanimously given.

Randy Boyd: Mr. Randy Boyd, a resident of Fayetteville, spoke in favor of the proposed amendments to the Fayette County Subdivision Regulations.

Deron Hicks: Mr. Deron Hicks, a resident of Warm Springs, Georgia, and General Council for the Homebuilders Association of Georgia, spoke on behalf of the members of the Homebuilders Association of Georgia. He said the members were concerned over the reason given for the one particular change allowing the Secretary of the Planning Commission to determine if Planning Commission approval had been given and signing the final plat instead of requiring the Planning Commission to take another action. Mr. Hicks added the membership thought this practice would create a delay in the approval process and asked the Board to delay approving the proposed amendments until further review is made. He was also concerned that the reason the change was being made was due to a perception that change was necessary.

Commissioner Maxwell replied that he appreciated Mr. Hick's comments and that he would like to see the Attorney General's decision referenced by Mr. Hicks. He added Commissioners receive a monthly report on housing starts and lately there have been no housing starts in Fayette County, he stated he "did not know that waiting until September is going to make that big of a difference", and did not believe there would be a
significant improvement of the economy in that time span or there would be a big rush of housing starts in a three month time period. He concluded that he would not mind readdressing the issue in September but he thought the Board should begin to "clean this ordinance up" on the one particular issue. Discussion followed.

Commissioner Maxwell moved to approve the proposed amendments to the Fayette County Subdivision Regulations Section 3 General; Section 4 Approval of Subdivisions; Section 5 The Subdivision Plat; Section 9 Acceptance of Guarantee of Completed Improvements; and Section 10 Violations and Penalties. Commissioner Hearn seconded the motion.

Commissioner Maxwell asked for the County Attorney Scott Bennett and Mr. Mallon to look into Mr. Hick's particular concern. Chairman Smith added that it is not the Board's intention to hamper any business and he hoped by September information will be presented to the Board to allow it to "overhaul" whatever part of the Subdivision Regulations need to be corrected. He said if the currently proposed amendments can be revisited then he expected that to be done as well. He closed saying he did not want there to be any thought that this action would close the book on the current issue.

The motion to approve the proposed amendments to the Fayette County Subdivision Regulations Section 3 General; Section 4 Approval of Subdivision; Section 5 The Subdivision Plat; Section 9 Acceptance of Guarantee of Completed Improvements; and Section 10 Violations and Penalties passed 4-0. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.