COUNTY AGENDA REQUEST

Department:	Planning & Zoning	Presenter(s):	Pete Frisina
Meeting Date:	Thursday, March 22, 2012	Type of Request:	Consent

Wording for the Agenda:

Approval of staff's recommendation to adopt Ordinance 2012-01 approving proposed amendments to the Fayette County Code of Ordinances, Chapter 8. Development Regulations, by amending 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 are in conjunction with the adopted amendments to the Fayette County Subdivision Regulations and changing the regulation administrating department to the Stormwater Management Department from the Engineering Department. At the Board of Commissioners Public Hearing/Workshop held on March 8, 2012, staff was instructed to place the proposed amendments on the Board of Commissioners' March 22, 2012 Agenda.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to adopt Ordinance 2012-01 approving proposed amendments to the Fayette County Code of Ordinances, Chapter 8. Development Regulations, by amending Article II. Nonresidential Construction Permit and Compliance Procedures.

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?	Yes	If so, when?	Thursday, March 8, 2012
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:

STATE OF GEORGIA;
COUNTY OF FAYETTE

ORDINANCE NO. 2012-01

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, FAYETTE COUNTY, GEORGIA CHAPTER 8, THE FAYETTE COUNTY DEVELOPMENT REGULATIONS, AS AMENDED SPECIFICALLY ARTICLE II NONRESIDENTIAL CONSTRUCTION PERMIT AND COMPLIANCE PROCEDURES; TO UPDATE COMPLIANCE PROCEDURES FOR NONRESIDENTIAL CONSTRUCTION; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR PENALTIES; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES ALLOWED BY LAW.

WHEREAS, the duly elected governing authority of Fayette County is the Board of Commissioners thereof;

WHEREAS, the governing authority desires to amend the provision that provides for the ethical standards of county officials as allowed by the State of Georgia;

WHEREAS, the health, safety, and welfare of the citizens of Fayette County, Georgia shall be improved and protected by adoption and implementation of this Ordinance.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA AND IT IS HEREBY ORDAINED BY AUTHORITY THEREOF:

Section 1. That Article II of Chapter 8 Development Regulations of the Code of Ordinances, Fayette County, Georgia is hereby amended to read as follows:

ARTICLE II: NONRESIDENTIAL CONSTRUCTION PERMIT AND COMPLIANCE PROCEDURES

Section 8-26. General.

Use and structures. Property shall not be used and structures shall not be constructed or modified unless it is shown that a proposed use or storage is in compliance with all county 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. 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 affect 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: (Ordinance No. 1999-08, Ordinance No. 2001-06)

(i) New structures, additions, and/or expansions are not proposed for the new use, except as otherwise provided herein.

(ii) The proposed use is a permitted use in the zoning district (conditional uses not exempt.)

(iii) The proposed use is a similar or less intensive use than the last authorized use of the property.

(iv) Thresholds for water use, septic systems, etc. are similar or less intensive than the last authorized use of the property.

(v) The site complies with the minimum parking requirements for the proposed use and all other existing uses on site.

(vi) The site is in compliance with all conditions of approval, and site standard in effect at the time the pervious 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)

Section 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 Planning and Zoning Department. The site plan shall be deemed filed when it has been submitted to the Zoning Administrator. (Ordinance No. 1999-08)

(b) Site Plan Distribution. Fifteen copies of a 24" by 36" site plan shall be submitted to the Planning and Zoning Department for distribution and review by the applicable departments. (Ordinance No. 1999-08, Ordinance No. 2001-06)

(c) Site Plan Contents. The site plan shall:

(i) be prepared by an engineer of architect registered in the State of Georgia;

(ii) include a recorded signed and sealed survey indicating metes and bounds; and

(iii) all applicable information as required on the site plan review checklist, a copy of which is available at the Planning and Zoning Department. (Ordinance No. 1999-08)

(d) Department Approval. Upon completion of site plan review by the required departments, each department will return its comments to the Planning and Zoning Department, who will make the appropriate entries on the site plan review checklist and notify applicant of approval, administrative conditions of approval, or additional requirements. (Ordinance 1999-08)

(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. (Ordinance 1999-08)

(f) Other Plans Required. The following plans if applicable shall be submitted at the time of site plan submittal and shall be approved prior to site plan approval: (Ordinance 1999-08, Ordinance 2001-06)

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

(ii) Landscape Plan. Reference Article V of the Development Regulations for applicability and plan requirements. (two [2] sets)

(iii) Tree Protection Plan. Reference Article VI of the Development Regulations for applicability and plan requirements. (two [2] sets)

(iv) Soil Erosion, Sedimentation and Pollution Control Plan. Reference Article IX of the Development Regulations for applicability and plan requirements. (three [3] sets)

(v) Grading Plan. Required only when a land disturbance permit is not applicable. (two [2] sets)

(1) Clearing, grubbing or grading shall not be undertaken until a land disturbance permit has been approved by the Stormwater Management Department. If a land disturbance permit is not required, a grading plan shall be approved prior to any clearing, grubbing, or grading.

(2) No clearing, grubbing or grading involving the use of explosive may be undertaken until a permit has been issued by the Fire Marshal.

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

(vi) Water plan if required by the Water System (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 applicable departments, the Zoning Administrator may approve the Certificate of Zoning Compliance.

(i) Certification of 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 be presented to the Building Official and Fire Marshal. (Ordinance No. 1999-08)

(j) Building Construction Plans. 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 and 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:

(i) 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.

(ii) 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 Inspection Department requirements shall include, but not limited to the following:

(iii) COMcheck; use and occupancy classification; occupant load; electrical panels 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.

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

(v) 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 applicable departments. Changes shall be authorized in writing on the revised site plan by the applicable departments. A copy of the revised site plan will then be given to the Building Official for inclusion in the project file. (Ordinance No. 1999-06)

(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. (Ordinance No. 1999-08)

(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. (Ordinance No. 1986-13§ 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. (Ordinance NO. 1997-08, 4-24-97, Ordinance No. 1999-08)

Section 8-27. Compliance

(a) Batter Board and Footing Inspection. A batter board inspection shall be required in addition to the footing inspection required by the Standard Building Code. A batter board inspection shall be required by the Planning and Zoning Department and the Stormwater Management Department who shall be notified by the Building Official whenever a batter board inspection is requested. The Planning and Zoning Department and the Stormwater Management Department shall inspect the project and/or require a surveyor's certification. The Planning and Zoning Department and Stormwater Management Department shall certify in writing to the Building Official that the building location and other and other aspects of the site comply with the approved site plan prior to a footing inspection by the Building Official.

(b) Final and 80 Percent Inspections. The Building Official shall notify the Planning and Zoning Department and the Stormwater Management Department, and the Fire Marshal whenever a final inspection is requested. The Planning and Zoning Department, the Stormwater Management Department, and the 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 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 Fires Marshal shall not grant authority to occupy a building until the appropriate certificates have been issued by the Building Official.

Section 8-28 - 8-45. Reserved.

Section 2. That the preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. a. It is hereby declared to be the intention of the Board of Commissioners that all Sections, paragraphs, sentences, clauses and phrases of this Article are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, no Section, paragraph, sentence, clause or phrase of this Article is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Article.

c. In the event that any phrase, clause, sentence, paragraph or section of this Article shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of

Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or Sections of the Article and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections of the Article shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.

Section 5. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

So ordained this 22nd day of March, 2012.

BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA

_____
HERBERT FRADY, CHAIRMAN

ATTEST:

_____
CLERK/DEPUTY CLERK