

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

From: Ken Suddreth, Community Development Director
Caitlin Crowe, Planner I

Date: January 18, 2019

CC: Tammi Saddler-Jones – City Administrator

RE: Zoning Code Amendment – Building Permit Updates

BACKGROUND

The Community Development Department recently reviewed Article XIII of the Zoning Ordinance related to the building permit process. There are a few discrepancies between how the Ordinance currently reads and what is being implemented through the Community Development Department. To improve the permitting process and eliminate any inconsistencies, Community Development is proposing to amend Sections 1304, 1305, and 1306 of the Zoning Ordinance, which relate to the permitting requirements, the duration of permits and the issuance of Certificate of Occupancies.

ANALYSIS

While reviewing the Zoning Ordinance, Community Development found several discrepancies between how the Ordinance currently reads and what is being implemented through the Community Development Department.

Section 1304 of the Zoning Ordinance requires all building permits to be submitted to the Building Inspector, as well as provides what information should be included with a building permit applications. Section 1304 does not delineate between building permits and stand-alone permits (plumbing, electrical and mechanical). The proposed amendment to Section 1304 delineates between building permits and stand-alone permits, as well as provides the Chief Building Official the opportunity to waive any plan requirements should plans not be needed to gain compliance with the current building code.

Section 1305 of the Zoning Ordinance calls for the expiration of a residential building permit if the work is not substantially completed within six month of issuance. Community Development is proposing to amend the section to have the building permit expire if an inspection is not completed within six months of issuance as opposed to the work being substantially completed within the six months of issuance.

Section 1306 of the Zoning Ordinance deals with the issuance of Certificate of Occupancies for the completion of building projects, Community Development is proposing to amend this section

to bring it up to current practices. Community Development does not provide Certificate of Occupancies for non-conforming uses. Any non-conforming issue is typically resolved either through zoning or variances processes prior to the issuance of a building permit.

STAFF RECOMMENDATION

Community Development has reviewed the City's Zoning Ordinance and has made several code amendments. The proposed amendments include:

- 1) Updating language to reflect current standards.

The Zoning Ordinance amendment was heard by the Planning and Zoning Board on December 10, 2018. It was recommended for approval by a vote of 7-0.

Community Development recommends **approval** of the following code amendments to Sections 1304, 1305, and 1306 of the City's Zoning Ordinance:

Subsections of Section 1304 of the Zoning Ordinance shall be amended to conform to existing requirements. The proposed sections shall read as follows (amended portions are highlighted).

ARTICLE XIII. – ADMINISTRATION, ENFORCEMENT, PENALTIES AND REMEDIES

Sec. 1304.- Application for building permit.

All applications for building permits shall be made to the building inspector. **Residential stand-alone permits (plumbing, electrical, and mechanical; excluding structural work) do not require plans, unless requested by the Chief Building Official. Any building permit which indicates that the proposed construction or improvement cost will exceed \$15,000.00 shall be accompanied by complete plans in duplicate, drawn to scale, which shall have been prepared by an architect, engineer or land surveyor whose state registration is current and valid, and whose seal shall be affixed to the plan submitted. The Chief Building Official is authorized to waive the submission of plans if it is found that the nature of the work applied for is not necessary to obtain compliance with the current building code.**

Such plan(s) shall show the following:

- (1304.1) The actual shape and dimensions of the lot to be built upon.
- (1304.2) The sizes and locations on the lot of any existing buildings.
- (1304.3) The shape, size, height, use and the location on the lot of the building or structure proposed to be built, erected or altered.
- (1304.4) Such other information as may be necessary to provide for the enforcement of the provisions of this ordinance.

Subsections of Section 1305 of the Zoning Ordinance shall be amended to clarify language. The proposed sections shall read as follows (amended portions are highlighted).

ARTICLE XIII. – ADMINISTRATION, ENFORCEMENT, PENALTIES AND REMEDIES

Sec. 1305.- Duration of permit validity.

A building permit, excluding those permits issued for the construction of residential buildings, shall be valid for a period of two years from the date of its issuance. If the work described in the building permit has not begun within six months, or has not been completed within two years of the date of issuance thereof, said permit shall expire. A building permit issued for the construction of a residential building shall be valid for a period of six months from its date of issuance. If the work described in the building permit has not been substantially completed inspected within six months of the date of issuance thereof, said permit shall expire.

(Ord. of 12-29-77, § 1)

Subsections of Section 1306 of the Zoning Ordinance shall be amended to reflect current Community Development procedures. The proposed sections shall read as follows (amended portions are highlighted).

ARTICLE XIII. – ADMINISTRATION, ENFORCEMENT, PENALTIES AND REMEDIES

Sec. 1306.- Certificate of occupancy required.

A certificate of occupancy issued by the building inspector is required in advance of the use or occupancy of:

- (a) Any lot or a change or extension in the use thereof.
- (b) A building hereafter erected or a change in the use of an existing building.
- ~~(c) Any nonconforming use that is existing at the time of the enactment of this ordinance or an amendment thereto or that is changed, extended, altered or rebuilt thereafter, [and] the certificate of occupancy shall state specifically wherein the nonconforming use fails to meet the provisions of this ordinance.~~
- ~~(d)~~ (c) Nothing contained herein shall require a user to comply with minimum setback or side yard requirements for use of an existing structure.

A certificate of occupancy, either for the whole or a part of a building, shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection or structural alterations of such building, or part thereof, shall have been completed in conformity with the provisions of this ordinance. A certificate of occupancy shall not be issued unless the lot, building or structure, or use thereof complies with all the provisions of this ordinance. If the certificate of occupancy is denied, the building inspector shall state in writing the reasons for refusal and the applicant shall be notified of the refusal. A record of all certificates shall be kept on file in the office of the building inspector and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land involved.

(Mo. of 3-10-75)