

How to Avoid

*Dead Ends, ~~X~~
Delays, ~~X~~
Hurdles,
& Cost Increases*

in the Permit Process

“Top 10”

...or more

Things You Should Know



Brought to you by the
City of Port Orange
Community Development
Department
February 2019

Development Requirements in Port Orange You May Not See in Other Places (Potential Impacts to Your Bottom Line)

1. As part of the initial submittal of a site plan, subdivision plat and plans, or Planned Unit Development (PUD) or Planned Commercial Development (PCD) rezoning request, a boundary survey certified to the City of Port Orange, topographic and tree survey less than one year old, and an opinion of title issued to the City of Port Orange is required.
2. Extensive tree preservation and landscaping requirements (e.g. 50'-wide buffer along Dunlawton Ave.) [LDC, Chapter 9, Article II and Chapter 13].
3. Port Orange requires erosion control measures such as a silt fence, temporary gravel construction entrance, seeding and mulching, etc. on smaller projects than you may see in other places. Port Orange requires all lots ½-acre or larger (Federal standard is only 1-acre or larger) to comply with the National Pollutant Discharge Elimination System (NPDES). [Requirement of the Florida Department of Environmental Protection (FDEP)]
4. Fiberglass rebar is required for the construction of all sidewalks/bikepaths. We require 2 - #4 continuous fiberglass bars (6" overlap required) to be installed longitudinally 3" from the edge of all bikepaths and sidewalks, to help reduce movement and cracking. [Standard Detail M-3]
5. Dedication of land for future rights-of-way may be required [LDC, Chapter 12, Section 9].
6. Ground and/or roof mounted mechanical equipment (A/C's, vents, etc.) for non-residential and multi-family buildings must be screened using architectural features consistent with the structure, or landscaping that provides opaque screening [LDC, Chapter 14, Section 4(g)].
7. The minimum roof slope on a pitched-roof building is 4:12. [LDC, Chapter 14, Section 4(a)].
8. The color and finish of a metal roof is to have a natural appearance, resembling colors or materials found in nature, such as silver, copper, slate, and brown. [LDC, Chapter 4, Section 4(a)].
9. The exterior color of a building and accessory structures is to be either earth tones or pastels. Accent colors may be 20% of façade. [LDC, Chapter 14, Section 4(d)].
10. If the project is located within a Planned Unit Development (PUD) or Planned Commercial Development (PCD), there are often development requirements that are different from the City's Land Development Code. [LDC, Chapter 17, Sections 17 & 18].
11. Specific architectural design and development requirements for properties within the Riverwalk District [LDC, Chapter 14, Section 3(f)].
12. Port Orange generally does not allow pole signs (there is an exception for Ridgewood Avenue). Monument signs must be consistent with the architecture of the building. There are also generally more restrictive rules for sign setbacks, limits on number of panels and

sign dimensions, and regulations on the design and quantity of temporary signs than you might see in other communities. [LDC, Chapter 15].

13. A Development Order (D.O.) is not issued until the City Council has approved the Transportation Fair-Share Agreement for the project and the developer has paid the Fair-Share contribution [LDC, Chapter 3, Section 4]. (Please note: A D.O. is not authorization to start construction. See detail below for explanation of a D.O. and Transportation Fair-Share Agreement)
14. Building permits (except for demolition and temporary signs) are not issued until the Site Construction Permit has been issued [LDC, Chapter 6, Section 6].
15. Separate building permits are required for all accessory structures (e.g. parking lot light poles, fences/walls, enclosures, etc.) [LDC, Chapter 7].
16. A final site inspection (e.g. landscaping, parking, signage, architecture, lighting, etc.) is required prior to the issuance of a Certificate of Occupancy. A Certificate of Occupancy can be issued when all site improvements pass the final site inspection. [LDC, Chapter 6, Section 7].

- *Development Order (D.O.)* – The document that grants approval of some development applications. It is an administrative approval to mark the formal end of the planning process and allows the applicant to move on to the next stage of the development process and issuance of permits for site work and building construction.

A D.O. is issued for a subdivision, site plan, rezoning, special exception, and variance. A D.O. allows you to reserve public infrastructure capacity (i.e. roads, water, sewer, schools, etc.) for site plan and subdivision projects for a limited period of time.

- *Site Construction Permit* – The final approved development plans that are stamped Approved for Construction and allow site work (i.e. utility installation, grading and fill, stormwater ponds, etc.).
- *Transportation Fair-Share Agreement* - The fair-share agreement is a legal agreement to provide private funds, land contributions, facility contributions and/or facility construction that are paid and/or provide to meet a development's fair-share obligation, based on its impacts to a transportation improvement project.

Typical Reasons Developments Fail Final Site Inspections

1. Not submitting accurate as-built drawings and required documents outlined in the Pre-Construction meeting.
2. Not obtaining separate building permits for accessory structures (e.g. parking lot light poles, enclosures, fence or walls, signs, etc.).
3. Not submitting the backflow preventer certification report to the Public Utilities Department after installation.
4. Not obtaining approval of the irrigation system from the Volusia County Health Department (North of Dunlawton: (386) 274-0509 and South of Dunlawton: (386) 424-2065).
5. Insufficient screening of rooftop and/or ground-mounted mechanical equipment (i.e. they were shown as screened on approved plans, but are not actually screened after construction).
6. Dead or damaged landscaping, or insufficient quantities of landscaping materials.
7. Changes made to the building or site during construction that were not on the approved plans.
8. Not installing or constructing all required architectural features on the building elevations approved with the site plan.
9. Not installing walk lights, sidewalks, bike racks, and other site furnishings shown on the approved development plans.
10. Missing saw cuts on the curb to identify utilities and not painting valve box lids.
11. Not properly striping or not installing the correct identification signage for handicap parking spaces. Port Orange has a \$100 fine for illegally parking in a handicap space rather than the more typical \$250 fine. The correct fine amount is required to be on the sign.
12. Failing to install glare guards on parking lot lights that produce excessive glare on adjacent residences and/or streets.
13. Not painting wall-mounted equipment, such as meters, vents and conduit to match the building.
14. Having to repair gouges in the asphalt.
15. Not installing ADA-detectable warning pads.
16. Not removing construction trash, silt fencing, grade stakes, project dumpsters and other construction debris from the site.
17. Installing temporary signs without obtaining the proper permits or installing prohibited signs (e.g. feather flags).

10 Reasons That Certificates of Occupancy (C.O.) are Delayed

1. *The County's Notice of Commencement has expired or is not provided to the City*

A Notice of Commencement (NOC) is typically good for one year from the date it is recorded. If a project has taken more than a year to complete, the NOC typically expires and has to be renewed by the County Clerk's Office. For projects that are expected to take over a year to build, the NOC can have a longer expiration date if the contractor requests it from the County.

2. *Backflow Test Certification has not been completed*

Back Flow devices must be tested after installation and a test report must be provided to the Building Division and Public Utilities Department. The CO cannot be issued unless that report has been received and approved. After a C.O. is issued, back flow devices must also be tested annually, and the test report sent to the Public Utilities Department.

3. *Unpaid Fees*

All fees must be paid before the CO can be issued. The most common unpaid fees that hold up the CO are re-inspection fees, permit fees (e.g. building permit, fire alarm permit, permits for accessory structures such as fences, parking lot lighting, etc.), and City and/or County Impact fees. These are fees that are commonly not paid when the permit is issued, but are typically deferred to the CO.

4. *County approval for Water Wise, Septic Tank Inspection, etc. not provided*

Additional permits for irrigation and septic installation or removal are required by Volusia County. The City must have final approval for those permits and inspections from the County before the CO can be issued.

5. *Final Termite Treatment Certificate not provided*

All new construction (new or addition) that includes habitable space must be treated for protection against termites as required by the Florida Building Code. A Certificate of Compliance from the licensed pest control company that applied the termite protection is required prior to a CO.

6. *Certification for steel structures/threshold inspection acceptance not provided*

Some structures require additional inspections and/or specific testing in addition to City building inspections. This would include items such as structural steel and other major structural elements in larger buildings (e.g. church sanctuaries, movie theaters, etc.). Before the CO can be issued the testing agency must submit all of their inspection reports.

7. *Final elevation certificate for structures in flood zones not provided*

All structures built in a defined flood zone must have elevation documents (i.e. FEMA Form 81-31, Elevation Certificate) included in the building permit application and after the structure is complete before a C.O. can be issued.

8. *Landscape Requirements not met*

All required landscaping shown on the site plan must be installed before the final site inspections. Materials must be reviewed by the City's Site Inspector for Construction prior to planting for quality control. Dead or damaged landscape materials or materials not installed in the correct quantities or sizes can result in a failed site inspection.

9. *Final site inspection failures*

A final site inspection for new commercial projects must be conducted prior to issuance of the CO. All City Departments involved in the review of the development plan (i.e. Planning, Engineering, Building, Public Utilities, etc.) inspect the site to ensure everything is installed and built according to the approved plans and approve or provide corrections required for the items under their discipline. Typical items that cause a site inspection failure include:

- parking lot not striped correctly,
- handicap accessible routes not defined or proper slopes/grades are not met,
- detectable warnings not installed at crosswalks,
- landscaping not complete,
- address not posted on the building,
- construction equipment/material still on site,
- roof-mounted mechanical equipment not screened,
- wall-mounted mechanical equipment not painted to match the building,
- bicycle racks not installed,
- glare guards not installed on parking lot lighting, etc.

10. *Final Fire Inspections not completed or failed*

Failing to pass or get inspections for fire alarm systems, fire sprinklers, other fire suppression systems, and placement of required fire extinguishers are common items that delay a CO. Fire system inspections need to be scheduled with the Fire Marshal's office. The Building Division can assist in contacting the Fire Marshal to request these inspections.

Top 10 Reasons That Delay Issuance of Building Permits

1. *Correct address is not provided on application, drawings or other documents*

The application, plans and all documents must include the site address and the address must be the same on all documents. This is required to verify the correct location of the new structure and to ensure correct tracking of the permit application. New construction on vacant land may not have an address assigned. We can assist in determining the correct address if it is unknown.

2. *Incomplete Applications*

Common items that are missing from applications include sub-contractor information, construction values, occupancy and construction type, square footage of the project, contractor's notarized signature, energy calculations, correct title block on engineered drawings, existing tree inventory, description of the proposed scope of work, and HOA approval (if required).

3. *Contractors and/or sub-contractors have an inactive license (or are not registered with Volusia County)*

All construction contractors are required to maintain an active license with the State of Florida through the Department of Business and Professional Regulation. Contractors must also maintain minimum requirements for liability insurance and current workers compensation insurance.

4. *The wrong version of the Florida Building Code is referenced on the drawings*

Building plans are required to include a statement indicating the applicable Building Code that the plans were designed to. The plans must indicate the correct edition of the Florida Building Code that is in effect at the time of submittal.

5. *Improper or incorrect survey/site plan*

All new structure applications must include a certified survey. Renovations, re-models and small projects that do not change the footprint of the structure usually do not require a survey or site plan. When required, the survey must be accurate and current, and any discrepancies have to be addressed.

6. *Truss engineering and truss placement diagram is missing from the application package*

Truss engineering and truss drawings typically come from the truss manufacturer. The truss drawings must be submitted with the plans for the plans examiner to complete the plan review.

7. *Product approvals and installation details are not provided*

Materials that are part of the exterior building envelope, doors, windows, fixed glass, shutters, etc. must include product approval information that indicates they meet or exceed the prescribed wind load. The details should include installation instructions required to meet the applicable wind load.

8. *Floodplain elevation certificate not included*

Any structures constructed or substantially improved in a flood zone must meet current requirements for minimum elevation of finished floor and equipment. When the structure is completed a finished construction certified elevation certificate must be submitted to determine compliance. This document must be reviewed and approved prior to issuing the Certificate of Occupancy.

9. *Plan review comments are not addressed by applicant*

After the permit application and plans are submitted the City will complete a plan review, plan review comments (if any) will be returned to the applicant. The applicant's design professional will address the plan review comments and provide a re-submittal to the City. If all of the original comments are satisfactorily addressed the plans examiner will approve the plan review. If there are still deficiencies with the plans, the plans examiner will again return comments to the applicant for the design professional to address. This process will continue until the plans examiner has determined that the plans are in compliance with the Florida Building Code.

10. *Changes in the building design that impact the architecture originally approved by Planning staff*

All commercial building architecture must be approved by the Planning Division. This includes paint schemes, roof types and colors, entry features, etc. Once the design has been approved, any changes require another review and approval by the Planning staff.