

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SANDY SPRINGS, GEORGIA TO AMEND DIVISION 7.2., SECTION 7.4.2.B., DIVISION 9.5., SECTION 11.1.1., SECTION 11.7.6., AND DIVISION 12.2. OF THE SANDY SPRINGS DEVELOPMENT CODE AS FURTHER DESCRIBED BELOW; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the City of Sandy Springs is charged with providing for the health, safety and welfare of the citizens of the City; and

WHEREAS, the City of Sandy Springs previously adopted and amended the Development Code and has identified text amendments necessary to the proper implementation of The Next Ten Comprehensive Plan; and

WHEREAS, the Mayor and City Council have conducted a properly-advertised Public Hearing prior to adoption of this Ordinance in accordance with the Zoning Procedures Act.

NOW THEREFORE, THE MAYOR AND COUNCIL FOR THE CITY OF SANDY SPRINGS HEREBY ORDAIN AS FOLLOWS:

SECTION I: The City of Sandy Springs Development Code is hereby amended by revising certain sections as follows:

Section	Text amended
7.2. Allowed Use Table – Cemetery/ Mausoleum	<i>In CON-: C</i>
7.4.2.B. Cemetery/Mausoleum	B. Cemetery/Mausoleum 1. Defined Any land or structure in the City dedicated to and used for interment of human or pet remains. It may be a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for storing urns containing human or pet remains, or a combination of one or more of the above. 2. Basic Use Standards a. Permitted curb cut access must only be from a major thoroughfare or nonresidential local street, unless in conjunction with a place of worship. b. No building may be located within 100 feet of a Protected Neighborhood district used for residential purposes.

	<ul style="list-style-type: none"> c. Above ground monuments may not be located within 50 feet of any property line. d. All other structures, including earth interments, must meet the minimum setbacks or 10 feet, whichever is greater. e. No parking areas may be located within 50 feet of any Protected Neighborhood district used for residential purposes. f. Buildings shall not exceed 35 feet in height. g. Any security lighting shall have a controlled footprint and be screened from adjacent residential areas. h. The maximum lot coverage is determined through the Conditional Use Permit process. i. An undisturbed natural vegetative buffer of 25 feet shall be located and maintained along all side and rear lot lines. j. Copies of applicable local, state, and federal permits must be provided to the Department prior to the issuance of a Certificate of Occupancy.
<p>(Division) 9.5. Floodplain Management</p>	<p>Div. 9.5. – Floodplain Management</p> <p>Sec. 9.5.1. – In General</p> <p>A. Purpose The purpose of this Division is to protect, maintain, and enhance the public health, safety, environment, and general welfare and to minimize public and private losses due to flood conditions in flood hazard areas, as well as to protect the beneficial uses of floodplain areas for water quality protection, streambank and stream corridor protection, wetland preservation, and ecological and environmental protection by provisions designed to:</p> <ul style="list-style-type: none"> 1. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; 2. Restrict or prohibit uses which are dangerous to health, safety and property due to flooding or erosion hazards, or which increase flood heights, velocities, or erosion; 3. Control filling, grading, dredging, and other development which may increase flood damage or erosion; 4. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands;

5. Limit the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters; and
6. Protect the stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation, and ecological functions of natural floodplain areas.

(In Sec. 9.5.1.D. and following)

- D. **Severability** If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.
- E. **Warning and Disclaimer of Liability** The degree of flood protection required by this Division is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by manmade or natural causes. This Division does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Division shall not create liability on the part of the City or by any officer or employee thereof for any flood damages that result from reliance on this Division or any administrative decision lawfully made thereunder.
- F. **Violations, Enforcement, and Penalties** Any action or inaction which violates the provisions of this Division or the requirements of an approved stormwater management plan or permit may be subject to the enforcement actions outlined in this section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief.
- G. **Notice of Violation** If the Department determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan, or the provisions of this Division, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this Division without having first secured a permit therefor, the notice of violation is served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:
 1. The name and address of the owner, the applicant, or the responsible person;
 2. The address or other description of the site upon which the violation is occurring;
 3. A statement specifying the nature of the violation;

	<ol style="list-style-type: none">4. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan, or this Division and the date for the completion of such remedial action;5. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and6. A statement that the determination of violation may be appealed to the Department by filing a written notice of appeal within 30 days after the notice of violation. <p>H. Penalties In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Department shall first notify the applicant or other responsible person in writing of its intended action and shall provide a reasonable opportunity, of not less than 10 days (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice is sufficient), to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the Department may take any one or more of the following actions or impose any one or more of the following penalties:</p> <p><i>(In Sec. 9.5.2.A.2.)</i></p> <ol style="list-style-type: none">2. Duties and Responsibilities Duties of the Director shall include, but not be limited to:<ol style="list-style-type: none">a. Review all land development applications and permits to assure that the requirements of this Division have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding;b. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1344;c. Require the applicant to obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, when base flood elevation data or floodway data have not been provided, in order to meet the provisions of Sec. 9.8.4. and Sec. 9.8.5.;
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	<ul style="list-style-type: none"> d. Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures; e. Review and record the actual elevation, in relation to mean sea level to which any substantially improved structures have been flood proofed; f. Obtain certification of design criteria from a registered professional engineer or architect when flood proofing is utilized for a structure; g. Notify affected adjacent communities and the state Department of Natural Resources (DNR) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the federal Emergency Management Agency (FEMA); h. Make the necessary interpretation where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions). Any person contesting the location of the boundary is given a reasonable opportunity to appeal the interpretation, as provided in this Division. Where floodplain elevations have been defined, the floodplain is determined based on flood elevations rather than the area graphically delineated on the floodplain maps. i. Coordinate all Flood Insurance Rate Map (FIRM) revisions with the Georgia DNR and FEMA. j. Review variance applications and make recommendations to the appointed board. <p><i>(In Sec. 9.5.4.F.)</i></p> <p>F. Standards for Subdivisions of Land and Other Development</p>
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<p>11.1.1. Summary of Review Authority</p>	<p>Sec. 11.1.1. – Summary of Review Authority</p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 30%;">Land Disturbance Permit</td> <td style="width: 5%;">D</td> <td style="width: 5%;">A- PH</td> <td style="width: 5%;">—</td> <td style="width: 5%;">—</td> <td style="width: 5%;">—</td> <td style="width: 5%;">—</td> <td style="width: 5%;">Y *</td> <td style="width: 5%;">—</td> <td style="width: 5%;">—</td> </tr> <tr> <td>Building Permit</td> <td>D</td> <td>A- PH</td> <td>—</td> <td>—</td> <td>—</td> <td>—</td> <td>Y *</td> <td>—</td> <td>—</td> </tr> </table>	Land Disturbance Permit	D	A- PH	—	—	—	—	Y *	—	—	Building Permit	D	A- PH	—	—	—	—	Y *	—	—
Land Disturbance Permit	D	A- PH	—	—	—	—	Y *	—	—												
Building Permit	D	A- PH	—	—	—	—	Y *	—	—												

	Tree Removal Permit	D	A- PH	—	—	—	—	Y *	—	—
	Temporary Use Permit	D	A- PH	—	—	—	—	—	—	—
	Relief	Div. 11.6								
	Administrative Variance	D	—	—	—	—	—	—	—	—
	Variance	R	D- PH	—	—	—	Y	Y	Y	Y
	Appeal of an Administrative Decision	R	D- PH	—	—	—	Y	—	—	Y
11.7.6. Beneficial Use Determination	<i>Reserved.</i>									
(Division) 12.2. Defined Terms	<p>Div. 12.2. – Defined Terms</p> <p>Existing construction. Means for the purposes of determining rates, structures for which the ‘start of construction’ commenced before the effective date of the Flood Insurance Rate Map (FIRM) (May 7, 2001) or before January 1, 1975 for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures.”</p> <p>Flood or flooding.</p> <p>(a) A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters.</p> <p style="padding-left: 40px;">(2) The unusual and rapid accumulation or runoff of surface waters from any source.</p> <p style="padding-left: 40px;">(3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.</p> <p>(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an</p>									

abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

Floodplain or flood prone area. Any land area susceptible to being inundated by water from any source (see definition of 'flooding')

Historic structure. Any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places by communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior or

(2) Directly by the Secretary of the Interior in states without the approved programs.

Manufactured home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes any structure commonly referred to as a "mobile home" regardless of the date of manufacture. The term 'manufactured home' does not include a 'recreational vehicle.'

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New construction. For the purposes of determining insurance rates, structures for which the 'start of construction' commenced on or after the effective date of an initial FIRM (May 7, 2001) or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on July 5, 2006, as adopted by the Mayor and City Council, and includes any subsequent improvements to such structures.

Start of construction (includes substantial improvement). Means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of the structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a

	<p>manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading, and filling; nor does it include installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.</p> <p>Structure. Any construction attached to the ground or a building, whether permanently or temporarily. Structures include, as examples, fences, kiosks, mechanical equipment, pergolas, gazebos, monument signs, gas or liquid storage tanks, and swimming pools.</p> <p>Substantial Improvement. Means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the 'start of construction' of the improvement. This term includes structures which have incurred 'substantial damage,' regardless of the actual repair work performed. The term does not, however, include either:</p> <ul style="list-style-type: none">(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or(2) Any alteration of a 'historic structure,' provided that the alteration will not preclude the structure's continued designation as a 'historic structure.' <p>Substantially Improved Manufactured Home Park or Subdivision. Means when the repair, reconstruction, rehabilitation, or improvement of streets, utilities, and pads equals or exceeds 50 percent of the value of the streets, utilities, or pads.</p>
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SECTION II: It is the intention of the City Council and it is hereby ordained by the authority of the City Council that the provisions of this Ordinance shall become and be made a part of the City of Sandy Springs Development Code, and the codifier is authorized to make the specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and where appropriate.

SECTION III: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION IV: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is

hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

SECTION V: This Ordinance shall become effective immediately upon adoption.

APPROVED AND ADOPTED this the 21st day of January, 2020.

Approved:



Russell K. Paul, Mayor

Attest:



Coty Thigpen, City Clerk



