

**AN ORDINANCE TO AMEND SECTION 3, AND SECTION 6(b), OF ARTICLE 7, SOIL EROSION AND SEDIMENTATION CONTROL OF CHAPTER 14, LAND DEVELOPMENT AND ENVIRONMENTAL PROTECTION OF THE CODE OF ORDINANCES OF THE CITY OF SANDY SPRINGS SO AS TO REQUIRE THE PERMITTING OF RETAINING WALLS OVER FOUR (4) FEET IN HEIGHT, AND FOR OTHER PURPOSES**

**WHEREAS**, the Mayor and City Council of the City of Sandy Springs are charged with promoting and protecting the health, safety and welfare of the citizens and property owners of the City of Sandy Springs; and

**WHEREAS**, the Mayor and City Council find that certain regulations and restrictions regarding permitting of retaining walls are necessary to promote and protect the health, safety and welfare of the citizens and property owners of the City; and

**WHEREAS**, the Mayor and City Council of the City of Sandy Springs find that it is within their ability to require the permitting of retaining walls over four (4) feet in height; and

**NOW, THEREFORE**, to accomplish the foregoing, the Mayor and City Council of the City of Sandy Springs, Georgia, pursuant to their authority, do hereby ordain:

**1.**

That Chapter 14, Land Development and Environmental Protection, Article 7, Soil Erosion and Sedimentation Control, Section 3, Definitions is hereby amended by adding a definition for "retaining wall" to be placed in the definitions in its alphabetical order to read as follows:

Retaining Wall:

A constructed wall of concrete, masonry, reinforced concrete, cribbing, treated timbers, gabions, stone dry wall, riprap or other durable material, installed to stabilize cut or fill slopes where maximum permissible slopes of earth are not obtainable.

**2.**

That Chapter 14, Land Development and Environmental Protection, Article 7, Soil Erosion and Sedimentation Control, Section 6(b), Application Requirements is hereby amended to read as follows:

(b) Application Requirements.

- (i) Prior to any land-disturbing activity, the property in question must be part of an approved and recorded legal lot of record (exemption plat, minor plat, or final plat). Additionally, no land-disturbing activity, including grading, excavating, filling, and/or foundation work, shall be conducted within the City of Sandy Springs, until a land-disturbance permit or a building permit (for those projects not requiring a land-disturbance permit under this Article) shall have been issued by the Director allowing such activity, pursuant to the provisions herein provided. If a project is to be developed in phases, then a separate land disturbance permit or building permit is required for each phase not to exceed 25-acre increments and the development sequence should be followed on all projects issued a land disturbance permit.

- (ii) No person shall conduct any land disturbing activity within the jurisdictional boundaries of Sandy Springs without first obtaining a permit from the Sandy Springs Department of Community Development or its successor to perform such activity.
- (iii) Each retaining wall to be constructed over four (4) feet in height must be permitted through the City of Sandy Springs Community Development department prior to construction. For all retaining wall permits, the owner of the property containing the proposed wall shall complete an Owner's Indemnification Agreement. For all retaining wall permits for walls over 6 feet in height, a professional engineer shall design and certify the wall(s), and shall complete an Engineer's Indemnification Agreement for each wall to be permitted.
- (iv) All developments, construction, improvements, utilities, and demolitions that occur within the boundaries of the incorporated limits of the City of Sandy Springs that disturb more than 5,000 square feet of land shall be required to submit an application for a land-disturbance permit.
- (v) The application for a permit shall be submitted to the Department of Community Development and must include the applicant's erosion and sedimentation control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in subsection (c) of this section. Soil erosion and sedimentation control plans shall conform to the provisions of Section 5 (b) and (c) of this article. Applications for a permit will not be accepted unless accompanied by the specified number of copies of the applicant's soil erosion and sedimentation control plans and a physical address of the property owner (Post Office Box not acceptable). All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan or that such a visit was not required in accordance with rules and regulations established by the Board.
- (vi) A minimum fee, as set by the Sandy Springs City Council, shall be charged for each acre, or fraction thereof, of the project area.
- (vii) In addition to Sandy Springs' permitting fees, fees also will be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A.12-5-23, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. Half of such fees levied shall be submitted to the Division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.GA 12-7-17 shall be submitted in full to the Division.
- (viii) The permit applicant shall be required to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof prior to issuing the permit. The bond amount shall be determined as established by the Department. If the applicant does not comply with this article or with the conditions of the permit after issuance, Sandy Springs may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land disturbing activity and bring it into compliance. These corrective actions may include, but are not limited to, desilting detention ponds, water bodies, stormwater facilities, roadways, installing a fence with locking device, re-establishing damaged buffers, and similar or related actions. If a permit applicant has had two or more outstanding violations of previous permits, this

Article, or the Erosion and Sedimentation Act of 1975 (O.C.G.A. §12.7-1 et seq.), as amended within three years prior to the date of filing of the application under consideration, the City of Sandy Springs may deny the permit application.

- (ix) If applicable, immediately upon receipt of an application and plan for a permit, Sandy Springs shall refer the application and plan to the, District for its review and approval or disapproval concerning the adequacy of the erosion and sedimentation control plan. The District shall approve or disapprove a plan within 35 days of receipt. Failure of the District to act within 35 days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to Sandy Springs. No permit will be issued unless the plan has been approved by the District. , and any variances required by Section 26-11(C) (14) or (15) and bonding, if required as per subsection (b)(v) of this section, have been obtained. Such review will not be required if Sandy Springs and the District have entered into an agreement which allows Sandy Springs to conduct such review and approval of the plan without referring the application and plan to the District.

3.

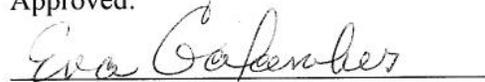
**Repeal of Conflicting Provisions.** It is the intention of the Mayor and Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Sandy Springs, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention. All ordinances or parts of ordinances in conflict herewith are repealed.

4.

This Ordinance is effective November 20, 2007; and

**SO ORDAINED** this 20<sup>th</sup> day of November, 2007.

Approved:



Eva Galambos, Mayor

Attest:

  
Christina V. Rowland, City Clerk

