

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO AMEND ARTICLE 6, SECTION 103-27(B)(4) DEVELOPMENT REGULATIONS ORDINANCE, OF THE CODE OF THE CITY OF SANDY SPRINGS

WHEREAS, the Mayor and City Council of the City of Sandy Springs find that from time to time it is necessary to amend sections of the Development Regulations Ordinance to correct, clarify, and update the provisions of the Ordinance; and

WHEREAS, the Mayor and City Council of Sandy Springs have determined that it is necessary to clarify regulations regarding the extension of time for Land Disturbance Permits; 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 adopt the following Ordinance:

1.

Article 6, *Development Regulations Ordinance, Section 103-27(b)(4), Expiration of Land Disturbance Permits*, of the Code of the City of Sandy Springs is hereby amended by the deletion of *Section 103-27(b)(4), Expiration of Land Disturbance Permits* in its entirety and the following inserted therefor:

(4) Expiration of Land Disturbance Permits

a. A Land Disturbance Permit shall remain valid for the duration of the project subject to the following time restrictions:

- (i). Land Disturbance Permits shall expire one (1) year from the date of issuance if no inspection has been requested; or,
- (ii). If one (1) year elapses between inspection requests.

b. Extension of Land Disturbance Permit

- (i). Extension by Director. The Director is authorized to grant, in writing, an extension of a Land Disturbance Permit for a period not more than one hundred eighty (180) calendar days, subject to the qualifying conditions set forth in this Section. To request an extension by the Director, an application must be submitted to the Department at least thirty (30) days prior to the expiration of the Land Disturbance Permit.

No more than one (1) one hundred eighty (180) calendar day extension per Land Disturbance Permit may be granted by the Director for any of the qualifying conditions set forth in this Section (except a court action delay).

- (ii). Extension by the City Council. Any additional requests for extension of Land Disturbance Permits beyond the one (1) 180-day extension granted by the

Director may be submitted to the Department for consideration by the City Council, subject to the qualifying conditions set forth in this Section.

To request an extension by the City Council, an application must be submitted to the Department at least thirty (30) days prior to the expiration of the one hundred eighty (180) calendar day extension period granted by the Director pursuant to this Section.

The Department shall prepare an analysis and recommendation as to whether the documentation in the application is sufficient based on one (1) of the four (4) criteria which may validate an extension request by the City Council.

c. Qualifying Conditions

In every application for an extension of a Land Disturbance Permit, the applicant shall provide an affidavit documenting at least one (1) of the following:

- (i). A delay resulting from court actions involving the Land Disturbance Permit or a previous extension on the subject property for which an extension is sought. Extensions approved in connection with court action shall remain valid for one (1) year beyond the granting of an order or the expiration of an appeal period before any court with jurisdiction;
- (ii). Non-availability of utilities resulting from government inaction. In those instances where wastewater and water facilities are available for a fraction of the desired capacity, or when capacity was available at some time during the one (1) year period, but not during the sixty (60) days prior to expiration, the City Council shall evaluate such case's qualifications for an extension on its individual merits considering any evidence that might indicate a diligent effort to proceed with development.
- (iii). A delay in development resulting from wetlands regulatory procedures requires the applicant to provide a copy of the application acknowledgement letter from the Savannah Regulatory Branch of the Corps of Engineers as documented evidence. Said application should have been filed at least six (6) months before the expiration of the Land Disturbance Permit.
- (iv). An inability to obtain financing, despite documentation of the property owner's efforts during the three (3) months prior to the applicant seeking an extension and continuing until one (1) week prior to consideration of the extension request to the City Council. Documentation shall consist of two (2) official denials signed by officers of two (2) different lending institutions who have final jurisdiction over such financial transactions.

2.

All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

3.

Severability. Should any court of competent jurisdiction declare any section of this Ordinance invalid or unconstitutional, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, which is not specifically declared to be invalid or unconstitutional.

4.

Repeal of Conflicting Provisions. It is the intention of the Mayor and City 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.

5.

This Ordinance is effective August 18, 2009; and

ORDAINED this the 18th day of August, 2009.

Approved:


Eva Galambos, Mayor

Attest:


Michael Casey, Interim City Clerk

(Seal)

