SANDY SPRINGS
GEORGIA

CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council **DATE:** August 8, 2011

FROM: John McDonough, City Manager

AGENDA ITEM: **TA11-001**, An Ordinance to Amend Section 10-6, Special Permits; kennels, of the Code of the City of Sandy Springs

MEETING DATE: For Submission onto the August 16, 2011, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Text Mark-up
Ordinance

APPROVAL BY CITY MANAGER: JM *APPROVED*

_____ *NOT APPROVED*

PLACED ON AGENDA FOR: 8/16/2011

CITY ATTORNEY APPROVAL REQUIRED: (✓) *YES* ( ) *NO*

CITY ATTORNEY APPROVAL: _____

REMARKS:

SANDY SPRINGS
GEORGIA

To: John McDonough, City Manager

From: Patrice S. Ruffin, Manager of Planning and Zoning PR

Date: August 2, 2011 for Submission onto the August 16, 2011 City Council Meeting

Subject: TA11-001, An Ordinance to Amend Section10-6, Special permits; kennels, of the Code of the City of Sandy Springs

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Please find enclosed a proposed text amendment to Section10-6, Special permits; kennels, with corresponding mark-up.

Background:
The existing ordinance related to special permits for residential kennels does not clearly outline minimum application requirements or basis for revocation of an approved permit should violations occur. A residential kennel is defined as follows:

> Sec. 10-6. - Special permits; kennels.
>
> (a) Each premises where there are four or more dogs over the age of four months kept, maintained or harbored for a period of 14 days or longer, shall be deemed to constitute a kennel.

Discussion:
Staff finds that the ordinance could be amended to address these items to allow better implementation and enforcement of the regulations.

Department of Community Development Recommendation:
APPROVAL of the ordinance to amend Section10-6, Special permits; kennels.

Alternatives:
The City Council could choose not to adopt the changes recommended by staff.

cc: Wendell Willard, City Attorney
Cecil McLendon, Assistant City Attorney

Chapter 10 - ANIMALS

ARTICLE I. - IN GENERAL

Sec. 10-6. - Special permits; kennels.

(a) Each premises where there are four or more dogs over the age of four months kept, maintained or harbored for a period of 14 days or longer, shall be deemed to constitute a kennel. The owner or person in possession of the premises where the kennel is located shall be required to apply to the city manager or designee for a special permit. Other permits as may be required by the city zoning ordinance, articles 19.3.~~19~~ **20** and 19.4.24 relating to kennels, must also be obtained before the operation of a kennel.

(b) Applications for Special Permits shall only be accepted by the city manager or designee if they are complete and compliant. The applicant shall submit as part of the Special Permit application the following items:

i. Completed application form with the required number of copies for each checklist item as prescribed by the city manager or designee.

ii. Documentation indicating the breed, age, gender, and name of each animal being kept on the site.

iii. Survey/site plan detailing the location and size of the property and indicating any proposed outdoor housing or enclosure facilities consistent with the regulations of this Chapter and the City of Sandy Springs Zoning Ordinance.

iv. Copies of the most recent vaccination certifications and registrations for each animal as filed with Fulton County Animal Control.

v. Documentation/letters expressing no objections from abutting property owner(s).

vi. Payment for annual fee set by the city manager or designee.

(c) The City shall process all complete and accurate Special Permit applications within thirty (30) business days of the City's actual receipt of a complete and accurate application and upon remittance of the appropriate fee. Said Special Permit application shall be approved or denied at the discretion of the city manager or designee.~~A special permit will be issued upon payment of an annual fee set by the city manager and proof that the premises and dogs covered by the special permit meet the requirements set out in this article.~~

(d) The city manager or designee, at his or her discretion, may issue or reject an application for Special Permit based upon consideration of the following factors:

i. Zoning, size, and orientation of the property.

ii. Method of kenneling.

iii. Location and type of proposed outdoor housing or enclosure facilities.

iv. Proposed fencing for the property or kenneling area.

v. Breed of dog.

vi. History of maintenance or control of animals including, but not limited to, complaints of excessive noise and/or animals roaming unleashed as documented by the City of Sandy Springs or Fulton County Animal Control.

vii. Applications that are incomplete, contain false material statements or omissions, or that is for a Special Permit which would violate any standard within this Article or any other ordinance of the city.

viii. Such other factors as the city manager or designee determines to be relevant to the appropriateness of the permit based upon the content of the application or other matters raised regarding the application.

~~i.~~ix. The city manager or designee shall have the discretion to hold a hearing regarding the application for Special Permit.

(e) The special permit will be valid for one year from the date of issue, provided it is not revoked during the year for violations of this chapter. Application to renew a special permit must be made at least 14 days prior to the expiration of the existing permit.

(f) All commercial kennels that are subject to a business license fee shall be exempt from the annual special permit.

(g) Revocation of Special Permit.

i. Violation of any provision of this Article shall be grounds for terminating the permit granted by the City to the Permittee.

ii. Should it be determined that a Special Permit was issued pursuant to an application containing a false material statement or omission, the city manager or designee shall revoke said permit and the subject animals shall be removed from the property within ten (10) business days of the permit being revoked.

iii. Revocation may also be based upon documented complaints, violations, or such other matters as may evidence that the permit is no longer appropriate for the location.

(h) Appeals.

i. Any person aggrieved by the issuance or rejection of a Special Permit or revocation of a Special Permit that has been issued pursuant to this Section may submit an appeal, to be

heard by the Board of Appeals, in writing to the city manager or designee within thirty (30) days of the date of decision.

The hearing shall take place not more than ninety (90) days after the filing of an appeal with the city manager or designee.

ii. Any appeal of, or other legal challenge to, a final decision of the Board of Appeals regarding a Special Permit may be appealed by petition for writ of certiorari filed with the Superior Court of Fulton County no later than thirty (30) days from the date of the final decision of the Board of Appeals in accordance with applicable provisions of Georgia law.

~~(a) Individual license tags will be issued for each dog located in such a kennel, and a separate tag fee over and above the annual special permit fee will not be required.~~

~~(b) All commercial kennels that are subject to a business license fee shall be exempt from the annual special permit fee.~~

ORDINANCE NO. _____

TA11-001

Reading: June 21, 2011

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO AMEND SECTION 10-6, SPECIAL PERMITS; KENNELS, 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 Code to correct, clarify, and update the provisions of the Ordinance; and

WHEREAS, the existing ordinance related to special permits for residential kennels does not clearly outline minimum application requirements or basis for revocation of an approved permit should violations occur; and

WHEREAS, it has been determined that the ordinance could be amended to address these items to allow better implementation and enforcement of the regulations.

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.

Section10-6, *Special permits; kennels,* of the Code of the City of Sandy Springs is hereby amended by the deletion in its entirety and the following inserted therefor:

Sec. 10-6. - Special permits; kennels.

(a) Each premises where there are four or more dogs over the age of four months kept, maintained or harbored for a period of 14 days or longer, shall be deemed to constitute a kennel. The owner or person in possession of the premises where the kennel is located shall be required to apply to the city manager or designee for a special permit. Other permits as may be required by the city zoning ordinance, articles 19.3.20 and 19.4.24 relating to kennels, must also be obtained before the operation of a kennel.

(b) Applications for Special Permits shall only be accepted by the city manager or designee if they are complete and compliant. The applicant shall submit as part of the Special Permit application the following items:

i. Completed application form with the required number of copies for each checklist item as prescribed by the city manager or designee.

ii. Documentation indicating the breed, age, gender, and name of each animal being kept on the site.

iii. Survey/site plan detailing the location and size of the property and indicating any proposed outdoor housing or enclosure facilities consistent with the regulations of this Chapter and the City of Sandy Springs Zoning Ordinance.

iv. Copies of the most recent vaccination certifications and registrations for each animal as filed with Fulton County Animal Control.

v. Documentation/letters expressing no objections from abutting property owner(s).

vi. Payment for annual fee set by the city manager or designee.

(c) The City shall process all complete and accurate Special Permit applications within thirty (30) business days of the City's actual receipt of a complete and accurate application and upon remittance of the appropriate fee. Said Special Permit application shall be approved or denied at the discretion of the city manager or designee.

(d) The city manager or designee, at his or her discretion, may issue or reject an application for Special Permit based upon consideration of the following factors:

i. Zoning, size, and orientation of the property.

ii. Method of kenneling.

iii. Location and type of proposed outdoor housing or enclosure facilities.

iv. Proposed fencing for the property or kenneling area.

v. Breed of dog.

vi. History of maintenance or control of animals including, but not limited to, complaints of excessive noise and/or animals roaming unleashed as documented by the City of Sandy Springs or Fulton County Animal Control. Should it be determined that there is a history of compliance issues, the city manager or designee shall have the discretion to hold a public hearing regarding the application for Special Permit.

vii. Applications that are incomplete, contain false material statements or omissions, or that is for a Special Permit which would violate any standard within this Article or any other ordinance of the city.

viii. Such other factors as the city manager or designee determines to be relevant to the appropriateness of the permit based upon the content of the application or other matters raised regarding the application.

(e) The special permit will be valid for one year from the date of issue, provided it is not revoked during the year for violations of this chapter. Application to renew a special permit must be made at least 14 days prior to the expiration of the existing permit.

(f) All commercial kennels that are subject to a business license fee shall be exempt from the annual special permit.

(g) Revocation of Special Permit.

i. Violation of any provision of this Article shall be grounds for terminating the permit granted by the City to the Permittee.

ii. Should it be determined that a Special Permit was issued pursuant to an application containing a false material statement or omission, the city manager or designee shall revoke said permit and the subject animals shall be removed from the property within ten (10) business days of the permit being revoked.

iii. Revocation may also be based upon documented complaints, violations, or such other matters as may evidence that the permit is no longer appropriate for the location.

(h) Appeals.

i. Any person aggrieved by the issuance or rejection of a Special Permit or revocation of a Special Permit that has been issued pursuant to this Section may submit an appeal, to be heard by the City Council, in writing to the city manager or designee within thirty (30) days of the date of decision.

The appeal shall be heard by the City Council in accordance with the rules and regulations of the City Council and as set forth in this Code. The hearing shall take place not more than ninety (90) days after the filing of an appeal with the city manager or designee.

ii. Any appeal of, or other legal challenge to, a final decision of the City Council regarding a Special Permit may be appealed by petition for writ of certiorari filed with the Superior Court of Fulton County no later than thirty (30) days from the date of the final decision of the City Council in accordance with applicable provisions of Georgia law.

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 June 21, 2011; and

ORDAINED this the 21st day of June, 2011.

Approved:

_____
Eva Galambos, Mayor

Attest:

_____
Michael Casey, City Clerk
(Seal)