
CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council

DATE: May 18, 2010

FROM: John McDonough, City Manager

AGENDA ITEM: A Resolution of the Sandy Springs Mayor and City Council Directing Staff to Recodify the Zoning Ordinance.

MEETING DATE: For Submission onto the June 1, 2010, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Resolution

APPROVAL BY CITY MANAGER: jm APPROVED

_____ NOT APPROVED

PLACED ON AGENDA FOR: 6/1/10

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: SM

REMARKS:



To: Honorable Mayor and City Council Members
From: Wendell K. Willard
Date: For submission onto the June 1, 2010 City Council Meeting Agenda
Agenda Item: Proposed Clarification and Re-Codifying of the City's Zoning Ordinance

City Attorney's Recommendation:

The City Attorney's Office recommends that the City Council adopt the proposed resolution regarding the clarification and re-codification of the City's zoning ordinance.

Background:

In the process of implementing, administering and enforcing the City's zoning ordinance, certain issues have been raised by staff of the Department of Community Development ("Department") and by citizens of the City. The Director of the Department has recommended that the zoning ordinance be reviewed, clarified and re-codified, with the assistance of the City Attorney's office, to address recurrent issues and other matters that continue to present problems in the implementation, administration and enforcement of the zoning ordinance.

Discussion:

The current zoning ordinance is, for the most part, based on the zoning ordinance in place in Fulton County at the time the City was incorporated. Administration and enforcement of the zoning ordinance has revealed certain unnecessary provisions, redundancies, and potential conflicts in the text that should be addressed and clarified. Additionally, language should be modified to bring the zoning ordinance in conformity with recent developments in the law. It is anticipated that revisions will be proposed to clarify the zoning ordinance and to make the process of administering and enforcing it easier. None of the proposed revisions will involve policy changes, as these may be initiated only by Council.

Alternative:

The alternative is to leave the zoning ordinance in its current state, which would leave the issues referenced above unresolved.

Financial Impact:

Any proposed amendments to the zoning ordinance should not have a financial impact on the City.

STATE OF GEORGIA
CITY OF SANDY SPRINGS

A RESOLUTION TO RECODIFY
THE CITY OF SANDY SPRINGS ZONING ORDINANCE

WHEREAS, shortly after the City of Sandy Springs, Georgia (“City”) incorporated in December of 2005, it adopted a zoning ordinance (the “Zoning Ordinance”) largely based on the zoning ordinance in effect for Fulton County, Georgia; and

WHEREAS, during the course of implementation, administration and enforcement of the Zoning Ordinance by the City’s Department of Community Development (“Department”), certain issues have been raised by staff and the citizens of the City; and

WHEREAS, certain provisions of the Zoning Ordinance should be updated to bring them in conformity with recent developments in the law; and

WHEREAS, the Director of the Department (“Director”) has recommended and the Mayor and City Council have determined that it is practical and in the best interests of the City that recent developments in the law and known issues with the implementation, administration and enforcement of the Zoning Ordinance be addressed by clarifying and re-codifying the Zoning Ordinance, as applicable;

NOW THEREFORE BE IT HEREBY RESOLVED AS FOLLOWS:

1. That the Director and staff of the Department, with the assistance of the City Attorney’s office, shall begin the process of reviewing, clarifying and re-codifying the Zoning Ordinance, addressing recent developments in the law and issues that have been raised during implementation, administration and enforcement of the Zoning Ordinance; and
2. That the purpose of re-codifying the Zoning Ordinance is to address recent developments in the law and to clarify for ease of implementation, administration and enforcement and not to make policy changes.

APPROVED AND ADOPTED this _____ day of _____, 2010.

Approved:

Eva Galambos, Mayor

Attest:

Michael Casey, City Clerk

(SEAL)