



To: John McDonough
From: Michelle Alexander, Director of Community Development
Date: June 22, 2016 for Submission onto the July 19, 2016 City Council Work Session
Subject: Ordinance to Amend the Sandy Springs Development Regulations

Department of Community Recommendation:

Proceed with public hearing and adoption consideration of amendments to the following sections of the Development Regulations:

- RE: Retaining Walls
 - Section 103-16 Definitions
 - Section 103-107 Retaining Walls
- RE: Swimming Pools
 - Section 103-28 Swimming Pools
- RE: As-Built for all Development
 - Section 105-46 Permits (i) Certificates

Background:

Increased development exacerbates water quality issues and run-off conditions around the City. Given the City of Sandy Springs' unique topography, streams, and propensity for single family residential sites to expand impervious coverage over time with amenities, Staff prepared the following amendments to the Development Regulations as interim measures until the new Land Development and Zoning Ordinance is developed and adopted.

Staff routinely encounters situations whereby building activities occur after plan approval and inspections not in compliance with the approved plans. Currently the City only requires As-Built for storm water facility improvements, but having an As-Built provides protections for both home owners and neighbors.

Discussion:

The major elements of the proposed amendment by Staff are as follows:

Sec.:103-107 Changes made to prohibit locating retaining walls at the property line; establishes setbacks as a percent of yard setback. Requires design criteria for walls located adjacent to ROW and creates height limits that trigger tiering of wall structure.

Sec.: 103-28 Relies on the building permit for zoning and removes administrative permit. Requires grading plans.

Sec.: 105-46 Requires As-Built of all development prior to issuance of Certificate of Occupancy.

Attachments:

Draft Ordinance

ORDINANCE # _____

Public Hearing Date: July 19, 2016

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO AMEND CHAPTER 103, ARTICLES IV AND XIII , OF THE SANDY SPRINGS LAND DEVELOPMENT ORDINANCE

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 to correct, clarify, and update the provisions of the Ordinance; and

WHEREAS, the Mayor and City Council of Sandy Springs have determined that increased development activity has revealed inadequacies in the code provisions related to retaining wall standards and permitted locations; 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 IV, Definitions, Section 103-16., Definitions of Words and Phrases of the City of Sandy Springs Land Development Regulations Ordinance is hereby amended by the deletion of segments of Section 103-16 and the following inserted therefor:

Fence or wall means that portion of the retaining wall extending vertically above the higher grade level, then shall be considered a fence or wall, which must comply with the standards found in Section 4.11 of the City of Sandy Springs Zoning Ordinance.

Retaining wall height is considered to be the vertical distance from the finish grade at the lowest point of the wall to the finish grade at the top of the wall.

Surcharge is a vertical load imposed on the retained soil that may impose a lateral force in addition to the lateral earth pressure of the retained soil. Examples of surcharges are:

Sloping retaining soil;

Structure footings supported by the retained soil;

Adjacent vehicle loads supported by the retained soil

2.

Article XIII, *Grading and Drainage*, Section 103-107 *Retaining Walls* of the City of Sandy Springs Land Development Regulations Ordinance is hereby amended by deleting in its entirety and replacing this **Section 103-107 as follows**, therefor:

(a)

General requirements.

1 (1) When permanent grades are proposed to be steeper than 2:1 (one vertical foot of
2 rise for every two feet of horizontal displacement) an appropriate retaining structure shall
3 be designed to reinforce or retain the resulting embankment.

4 (2) An engineered design may be substituted for the reinforced concrete design if
5 approved by the director. All structural components of the wall shall meet the minimum
6 building codes for the proposed use.

7 (3) All wall designs must demonstrate complete dimensions for line and grade. Wall
8 design will consider foundation drainage and select backfill material for the proposed
9 conditions.

10 (4) Where a retaining wall of any height supports a surcharge, a retaining wall permit
11 may be required.

12 (5) Where construction of a retaining wall might impact (either visually or structurally)
13 an existing structure, adjacent property, the public right-of-way, a buffer, a utility, or
14 other similar significant interest, the City may require plans, details, cross-sections, and
15 professional engineer calculations in addition to the standard required certification and
16 indemnification form, beyond those cited in this Section.

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18
19 (b)
20 Permits required. Where retaining walls are to be installed permits shall be obtained in
21 accordance with article VI of this chapter.

22
23 (c)
24 Indemnification/certification. For all retaining walls over four feet in height, the owner of
25 the property containing the proposed wall shall complete an owner's indemnification
26 agreement. For all retaining walls over six feet in height, a professional engineer shall
27 design and certify the wall and complete an engineer's certification agreement for each
28 wall permitted. The following criteria (contained on indemnification/certification
29 agreements) pertain to all walls unless specifically allowed under variance or permission
30 from the appropriate governing authority:

31 (1)
32 Retaining walls must be located three feet outside the public right-of-way;

33 (2)
34 Placement of retaining walls shall comply with any and all applicable easement
35 restrictions;

36 (3)
37 Retaining walls are to be located within the confines of owner's/applicant's property;

38 (4)
39 Retaining walls shall not be located within undisturbed stream buffers and impervious
40 surface setbacks, floodplains, drainage easements or drainage ways in a manner that
41 impedes the flow of water.

42
43 (d)
44 Retaining wall height and materials.

45 (1)
46 All retaining wall structures in excess of six feet shall be designed by a qualified
47 registered professional engineer and shall be constructed of reinforced concrete or other
48 masonry materials as required by the registered professional engineer.

1 (2)

2 When the necessity for an earth retaining structure is required for a vertical displacement
3 of six feet or less, appropriate landscaping timbers, or approved equal, may be employed
4 if no permanent structure is supported by the soil retained by the retaining wall. The use
5 of railroad cross ties or other timber product will only be allowed in these instances when
6 the wall is constructed as per detail.

7 (3)

8 Retaining walls in Single Family Residential Districts. The regulations of this section
9 apply to retaining walls in single-dwelling residential zoning districts.

10
11 (1) Newly constructed retaining walls are subject to the following maximum height
12 limits within required yards, with the exception of adjacent to street right-of-
13 ways:

- 14 • As of right up to 4 feet
- 15 • More than 4, up to 8 – Building permit required
- 16 • More than 8, up to 12 – Building permit required – Administrative
17 Modification

18
19 (2) Within street right-of-ways, and those retaining walls with segments parallel to
20 the the ROW, must comply with decorative design requirements found in Section
21 4.11

22 (3) Retaining walls interior of all building setbacks can exceed 8 feet in height, with
23 the following conditions:

- 24 a. In instances where segments of the retaining wall are parallel to the street
25 ROW, such design shall be decorative in nature and be approved by the
26 Director of Community Development or designee.
- 27 b. Where engineering-feasible, the wall shall be of a tiered design, with
28 height sections not to exceed 8 feet, with a horizontal distance of no less
29 than 4 feet.
 - 30 i. All horizontal planes must be planted and maintained with a mix of
31 native, evergreen and deciduous shrubbery, to be approved by City
32 Arborist.

33 (4) Existing retaining walls may be repaired and replaced if the repair or replacement
34 does not result in an increase in the height of the wall, and prior wall was
35 constructed with appropriate permits.

36 (5) On lots occupied by a single family detached house, retaining walls must be set
37 back from all property lines a distance equal to at least 50 percent of the required
38 building setback. The Community Development Director is authorized to approve
39 an administrative modification allowing a maximum retaining wall setback
40 reduction of 50 percent (down to not less than 25 percent of the required building
41 setback).

42 (6) A decision to allow an authorized administrative modification or special
43 exception must be based on a determination that exceptional topographical
44 restrictions exist on the lot in context with the adjoining property that were not
45 created by the applicant or owner, and a determination that no practical alternative
46 retaining wall design is feasible. The applicant must submit a site plan or a
47 topographical map certified by an engineer or landscape architect with any
48 exception application for retaining walls.

1
2 (4)
3 Retaining walls in all other districts. The regulations of this section apply to retaining
4 walls in single-dwelling residential zoning districts.

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6 (a) Newly constructed retaining walls are subject to the following maximum height
7 limits within required yards, with the exception of adjacent to street right-of-
8 ways:

- 9 • As of right up to 8 feet
- 10 • More than 4, up to 8 – Building permit required
- 11 • More than 8 – Building permit required – Administrative Modification

12
13 (b) Within street right-of-ways, and those retaining walls with segments parallel to
14 the the ROW, must comply with all decorative design requirements found in
15 Section 4.11

16 (c) Retaining walls interior of all building setbacks can exceed 8 feet in height, with
17 the following conditions:

- 18 1. In instances where segments of the retaining wall are parallel to the street
19 ROW, such design shall be decorative in nature and be approved by the
20 Director of Community Development or designee.
- 21 2. Where engineering-feasible, the wall shall be of a tiered design, with
22 height sections not to exceed 8 feet, with a horizontal distance of no less
23 than 4 feet.

24 (a) All horizontal planes must be planted and maintained with a mix of
25 native, evergreen and deciduous shrubbery, to be approved by City
26 Arborist.

27 (b) Existing retaining walls may be repaired and replaced if the repair or
28 replacement does not result in an increase in the height of the wall, and
29 prior wall was constructed with appropriate permits.

30 (c) On lots adjacent to single family zoning districts, retaining walls must
31 be set back from all property lines a distance equal to at least 50
32 percent of the required building setback. The Community
33 Development Director is authorized to approve an administrative
34 modification allowing a maximum retaining wall setback reduction of
35 50 percent (down to not less than 25 percent of the required building
36 setback).

37 (d) A decision to allow an authorized administrative modification or
38 special exception must be based on a determination that exceptional
39 topographical restrictions exist on the lot in context with the adjoining
40 property that were not created by the applicant or owner, and a
41 determination that no practical alternative retaining wall design is
42 feasible. The applicant must submit a site plan or a topographical map
43 certified by an engineer or landscape architect with any exception
44 application for retaining walls.

45
46 (e)

1 Handrails. All retaining walls, other than for a stormwater facility, over six feet must
2 have a hand rail or other suitable barrier installed. See section 103-107(h) for
3 requirements for handrails within the stormwater facilities.

4
5 (f)

6 Tiered retaining walls. ~~Where an assemblage of retaining walls and slopes result in a~~
7 ~~vertical elevation difference exceeding four feet over horizontal distance that is less than~~
8 ~~two times the vertical elevation difference, than a retaining wall shall be required, A~~
9 retaining wall permit shall be required where an assemblage of retaining walls and slopes
10 results in excess of a 2:1 slope and where the vertical wall exceeds a height of four feet.
11 along with Further, the applicant shall provide the applicable
12 indemnification/certification agreement based on criteria found in section 103-107(c).

13
14 (g)

15 Encroachments. Walls shall be located in such a fashion as to not encroach upon existing
16 or proposed drainage easements, drainage courses, buffers or floodplains or to encumber
17 the natural flow of surface runoff of stormwater. Walls shall be located at a distance from
18 such watercourses to allow for anticipated future maintenance of the easement to prevent
19 a safety hazard to the maintenance workers or to jeopardize the structural integrity of the
20 wall.

21
22 (h)

23 Walls for stormwater facilities. Retaining walls that are proposed for the purpose of a
24 stormwater detention must be designed to demonstrate that the walls are capable of a
25 hydrostatic load as measured from the top of the foundation footing to the highest
26 elevation along the top of the wall. The hydrological design must allow for a free board
27 dimension of one foot and an emergency overflow capacity equal to the allowable peak
28 discharge for the 100-year storm event. The routing calculations should not take into
29 account the existence of the emergency overflow. Place the overflow device above the
30 projected 100-year flood elevation within the detention area.

31 Where the walls are located within a fenced stormwater facility no handrails shall be
32 required along the top of the wall. Where no fencing of the facility has been required and
33 the wall exceeds four feet in height (as measured from top of wall to normal water level
34 or pond bottom for dry facilities), a handrail or other suitable barrier, approved by the
35 director, shall be provided along the top of the wall.

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39 **3.**

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

42
43 **4.**

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

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5.

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.

6.

This Ordinance is effective July 19th, 2016; and

ORDAINED this the 19th day of July, 2016.

Approved:

_____, Mayor

Attest:

Michael Casey, City Clerk

(Seal)

ORDINANCE # _____

Public Hearing Date: July 19, 2016

STATE OF GEORGIA
COUNTY OF FULTON

**AN ORDINANCE TO AMEND ARTICLE 6 OF THE SANDY SPRINGS
DEVELOPMENT REGULATIONS ORDINANCE**

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 to correct, clarify, and update the provisions of the Ordinance; and

WHEREAS, the Mayor and City Council of Sandy Springs have determined that added impervious surface to residential districts creates impacts which vary by individual lot and subdivision topography and hydrology, thus requiring more comprehensive data by which to assess proposed projects; and

WHEREAS, the Mayor and City Council of Sandy Springs recognizes the former administrative permit required for swimming pools is redundant and seeks to ease the application process for residents and contractors,

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 *Permits Required for Development or Construction*, Section 103.28., *Building Permits*, Subsection (e) *Swimming Pools* of the City of Sandy Springs Development Regulations Ordinance is hereby amended by the following inserted text and deletions therefor:

Sec. 103-28. - Building permits.

(e) *Swimming pools*. Issuance of a building permit for a swimming pool as an accessory use to a single or two-family residence, whether to be issued at the same time as or subsequent to the permitting or construction of the house or duplex, shall first require approval of a swimming pool site plan. The plan shall be to scale and show the proposed location of the swimming pool and enclosing fence relative to the residence, the property boundaries, setback lines, septic tank, septic tank drain field (if any), any easements on the site, any retaining walls, a grading plan, associated equipment, erosion control BMP's, drainage patterns and additional information required by the Director of Community Development. The swimming pool site plan shall comply with all requirements of the zoning ordinance and swimming pool code. ~~An administrative permit is required.~~ A certificate of occupancy or a certificate of completion shall not be issued until conformance to the swimming pool site plan and all applicable building codes has been field verified by the department. Additionally, all permitted swimming pools must conform to the swimming pool discharge policy.

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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 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 July 19th, 2016; and

ORDAINED this the 19th day of July, 2016.

Approved:

_____, Mayor

Attest:

Michael Casey, City Clerk

(Seal)

ORDINANCE # _____

Public Hearing Date: July 19, 2016

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO AMEND DIVISION 2, ADMINISTRATION AND ENFORCEMENT OF THE SANDY SPRINGS LAND DEVELOPMENT REGULATIONS
ORDINANCE

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 to correct, clarify, and update the provisions of the Ordinance; and

WHEREAS, the Mayor and City Council of Sandy Springs have determined that the development of individual sites generates an accumulative impact on the city’s infrastructure system, and proper records must be maintained for all development for the maintenance and improvement of stormwater, transportation and other facilities; 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.

Division 2, Administration and Enforcement, Chapter V, Permits Section 105-46, Permits (i) Certificates, of the City of Sandy Springs Development Regulations Ordinance is hereby amended by the following inserted therefor:

a. *Building occupancy.* A new building shall not be occupied or a change made in the occupancy, nature, or use of a building or part of a building until after the building official has issued a certificate of occupancy. Said certificate shall not be issued until all required electrical, gas, mechanical, plumbing, and fire protection systems have been inspected for compliance with the construction codes and other applicable laws and ordinances and released by the building official.

b. *Issuing certificate of occupancy.* Upon satisfactory completion of construction of a building or structure and installation of electrical, gas, mechanical, and plumbing systems in accordance with the construction codes, reviewed plans and specifications, and after the final inspection and acceptance of as-built drawings, the building official shall issue a certificate of occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of the construction codes.

(1) As-built drawings. Site development as-built drawings, containing a boundary survey, location, elevation, height, and square footage of buildings, parking areas, utilities, walls, and stormwater facilities, pertinent site development data, and any other requirements of the community development director shall be submitted to and approved by the department prior to the issuance of a certificate of occupancy

1 c. *Temporary/partial occupancy.* A temporary/partial certificate of occupancy may be
2 issued for a portion of a building, which may safely be occupied prior to final completion
3 of the building.

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5 **2.**

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

9
10 **3.**

11
12 *Severability.* Should any court of competent jurisdiction declare any section of this
13 Ordinance invalid or unconstitutional, such declaration shall not affect the validity of the
14 Ordinance as a whole or any part thereof, which is not specifically declared to be invalid or
15 unconstitutional.

16
17 **4.**

18
19 *Repeal of Conflicting Provisions.* It is the intention of the Mayor and Council, and it is
20 hereby ordained that the provisions of this Ordinance shall become and be made a part of the
21 Code of Ordinances, City of Sandy Springs, Georgia and the sections of this Ordinance may be
22 renumbered to accomplish such intention.

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24 **5.**

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26 This Ordinance is effective July 19th, 2016; and

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28
29 **ORDAINED** this the 19th day of July, 2016.

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31 Approved:

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34 _____
35 _____, Mayor

36 Attest:

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38
39 _____
40 Michael Casey, City Clerk

41
42 (Seal)

Development Regulations Amendments

Mayor & City Council

July 19, 2016



Development Issues to Address:

- **Retaining Walls**
 - Current rules allow them on the side and rear property lines
 - Current rules establish no height limits along ROW or public view
 - No material requirements for retaining walls in front yards
- **As-Builts**
 - Currently only required for storm water devices
 - Site situations make create acceptable variations from approved plans; need records of that
 - Building after approved or not to plans leads to drainage issues
 - Helps with actual impervious
- **Swimming Pools**
 - Pool contractors not preparing plans appropriately for the complexity of our residential sites
 - Need grading plans

Development Issues to Address:

- Retaining Walls
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 - No material requirements for retaining walls in front yards

Development Issues to Address:

- **Retaining Walls**

- Current rules allow them on the side and rear property lines
- Current rules establish no height limits along ROW or public view
- No material requirements for retaining walls in front yards

- **Recommendations**

Section 103-16 Add definitions

Section 103-107 Add criteria requiring:

- Tiered walls if on ROW and exceed a certain height
- Surcharges may require permit
- Create Residential and Nonresidential standards:
 - Establish setback for retaining walls
 - Follow zoning code for design requirements in front

Development Issues to Address:

- **As-Builts**
 - Currently only required for storm water devices
 - Site situations make create acceptable variations from approved plans; subsequent development complicated if no record thereof (helps home owners)
 - Building after approved or not to plans leads to drainage issues
 - Helps with actual impervious

Development Issues to Address:

- **As-Builts**

- Currently only required for storm water devices
- Site situations make create acceptable variations from approved plans; subsequent development complicated if no record thereof (helps home owners)
- Building after approved or not to plans leads to drainage issues
- Helps with actual impervious

- **Recommendation**

Section 105-46 Require As-Builts prior to the issuance of Certificate of Occupancy (CO) for all development

Development Issues to Address:

- **Swimming Pools**
 - Pool contractors not preparing plans appropriately for the complexity of our residential sites
 - Contractors and owners do not understand the need of topographic surveys
 - Currently requires two permits; the administrative permit is redundant as P&Z always reviews the building permit for zoning compliance.

Development Issues to Address:

- **Swimming Pools**
 - Pool contractors not preparing plans appropriately for the complexity of our residential sites
 - Contractors and owners do not understand the need of topographic surveys
 - Currently requires two permits; the administrative permit is redundant as P&Z always reviews the building permit for zoning compliance.

- **Recommendation**

Section 103-28 Require grading plan and other information as necessary; delete administrative permit requirement.