



To: John McDonough

From: Michelle Alexander, Director of Community Development

Date: August 4, 2016 for Submission onto the August 16, 2016 City Council Regular Meeting Agenda (*amended 8/15 to correct erroneous referral to a hearing*)

Subject: Ordinance to Amend the Sandy Springs Development Regulations

Department of Community Recommendation:

Consider and adopt amendments to the following sections of the Development Regulations:

- RE: TA16-0010 Swimming Pools
 - Section 103-28 Swimming Pools
- RE: TA16-0009 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.

Staff presented a presentation at the June 22, 2016 Work Session on this matter and was directed to proceed with public hearing in August.

Discussion:

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

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

COMMUNITY DEVELOPMENT

7840 Roswell Road, Building 500 • Sandy Springs, Georgia 30350 • 770.730.5600 • SandySpringsGA.gov

ORDINANCE # _____

Public Hearing Date: August 16, 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.

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10 **3.**

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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.

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17 **4.**

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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 August 16th, 2016; and

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28
29 **ORDAINED** this the 16th day of August, 2016.

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31 Approved:

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34 _____
35 _____, Mayor

36 Attest:

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39 _____
40 Michael Casey, City Clerk

41
42 (Seal)

ORDINANCE # _____

Public Hearing Date: August 16, 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.

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 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 16th, 2016; and

ORDAINED this the 16th day of August, 2016.

Approved:

_____, Mayor

Attest:

Michael Casey, City Clerk

(Seal)