ARTICLE 8.
SITE DEVELOPMENT

Div. 8.1. General Provisions

Sec. 8.1.1. Applicability

A. Standards apply based on the type of activity proposed, as shown in the table below. For all zoning districts, the development standards apply as shown in the table below:

Development Activity	6.2 Building Design Standards	8.1 Parking	8.2 Site Landscaping	8.2 Screening	8.3 Signage	10.3 Driveways and Cross-Access Connections	9.6.3 Stormwater Management	9.6.3 Water Quality	10.4 Streetscape Improvements	All Standards	Additional References
Parking Area Expansion											
Minor: <1,000 sf		□	□	□	□	□	■	■			
Major: >1,000 sf		■	■	■	■	■	■	■	■		
Site Modification											
Remediation Due to Disaster (Fire, Flood, etc.)					■						
Re-occupation after Extended Vacancy (Greater than 180 days)			■	■	■	□					
Site Disturbance <1,000 sf of site				□	■	□		■			
Site Disturbance 1,000 sf-5,000 sf of site	□			■	■	□	■	■			
Site Disturbance >5,000 sf of site		□	■	■	■	□	■	■			
Building Renovation or Expansion											

	Renovation Due to Disaster (Fire, Flood, etc.)	□				■						
	Re-occupation after Extended Vacancy (Greater than 180 days)	■	■	■	■	■	■					
	Renovation without Expansion: <50% of FMV of building	□		□	■	■						
	Minor Expansion: <25% of Total Floor Area	□	□	□	■	■	□			■		6.1.2
	Substantial Renovation without Expansion: >50% of FMV of Building	□	□	□	■	■	□					
	Partial Expansion 25%-<>50% of Total Floor Area	□	■	□	■	■	■			■	■	6.1.2
	Major Expansion: >50% of Total Floor Area	■	■	■	■	■	■			■	■	6.1.2
	Façade Modification					■						

■	*Compliance with all applicable standards required*
□	*Compliance required of only the expanded building or lot area only to the extent practical*

B. Where a section applies according to the table above, the project activity must meet all of the applicable requirements in that Section. Where a Section is listed as not applying, no requirements in that Section apply.

C. The general applicability in this Section may be further modified by the detailed provisions of that Section.

Div. 8.21. Parking

Sec. 8.21.1. Applicability

A. **New Construction** Any new building or site improvement must comply with the vehicle and ~~bike~~bicycle parking requirements of this Development Code.

B. **Maintenance and Repair** An existing building or site may be repaired and maintained without providing additional vehicle or ~~bike~~bicycle parking, provided there is no increase in gross floor area or improved site area.

C. **Additions or Renovations**

1. When an existing building, use or site is increased in gross floor area or improved site area by up to 25% cumulatively over ~~the past~~a period of 3 consecutive years, additional vehicle and ~~bike~~bicycle parking is required for the additional floor or site area only.

2. When an existing building, ~~use~~ and or site is increased in gross floor area or improved site area by 25% or more cumulatively over ~~the past~~a period of 3 consecutive years, both the existing and the additional floor or site area must conform to the vehicle and ~~bike~~bicycle parking requirements.

3. When an existing building, use or site is renovated or reduced in gross floor area or improved site area where costs are greater than 25% of the value of the existing building, cumulatively over a period of 3 consecutive years, additional vehicle and bicycle parking is required for the additional floor or site area only.

4. When an existing building, use or site is increased in gross floor area or improved site area by 25% or more cumulatively over a period of 3 consecutive years, both the existing and the additional floor or site area must conform to the vehicle and bicycle parking requirements.

D. **Change in Use**

1. When an existing building or site changes in use, it must comply with the vehicle and ~~bike~~bicycle parking for the new use unless the parking requirement is the same or less~~er~~ than the previous use.

2. Additional vehicle and ~~bike~~ bicycle parking is only required for the difference between the parking spaces required for the former use and the parking spaces required for the new use, ~~regardless~~regardless of ~~if~~ whether the existing parking provides less spaces than required by code for the former use.

Sec. 8.2~~1~~.2. Parking Required

Before a permit is issued for a project that includes required parking, the parking lot layout and area must be found by the Director to be in compliance with this Development Code. No certificate of occupancy may be issued until parking facilities meet the requirements of this Development Code.

A. **Calculation of Required Parking Spaces**

1. Vehicle and ~~bike~~bicycle parking spaces must be provided in accordance with the ratios in the tables in this Section. Where a use is not specifically listed or only a broad use category is shown, the Director is responsible for categorizing the use.

2. When a site or lot is used for a combination of uses, the parking requirements are the sum of the requirements for each use, and no parking space for one use may be included in the calculation of parking requirements for any other use, except as allowed in Sec. 8.2~~1~~.5.B.

3. In determining the required number of parking spaces, fractional spaces are rounded to the nearest whole number, with one-half or more counted as an additional space.

4. Unless otherwise noted, the parking requirement is based on the gross floor area of the building devoted to the particular use specified.

B. **Required Parking Spaces**

1. Unless specifically provided otherwise in this Division, parking spaces must be provided in accordance with the following table.

2. Where guest parking is shown in the following table, it is required only for development containing 5 or more residential units. Guest parking is not required on each lot, but must be provided within the subdivision or development site in a manner reasonably accessible to all units.

3. Alternative parking requirements apply in the Perimeter Center and City Springs districts. See Sec. 8.2~~1~~.3.

4. Parking is required at the site but not required to be located as a part of any unit at the site.

~~Unless otherwise noted, parking is based on gross floor area of the building.~~

Required Parking Table	Vehicle (min)	Required Short-Term ~~Bike~~Bicycle Parking (min)	Required Long-Term ~~Bike~~Bicycle Parking (min)
Residential Uses			
Household Living			
Single unit detached	2 per principal dwelling unit	None	None
Guest house	1 per guest house	None	None
Short-Term Rental	None	None	None
Single unit attached	1.75 per unit + 0.2 per unit for guests	None	None
Multi-unit: 0-1 bedroom Multi-unit: 2 bedrooms Multi-unit: 3+ bedrooms	1 per unit + 0.2 per unit for guests 1.75 per unit + 0.2 per unit for guests 2 per unit + 0.2 per unit for guests	1 per 20 units, 2 min	1 per 10 units
Live/work	see Multi-unit	1 per 20 units, 2 min	1 per 10 units
Group Living			
Boarding/rooming house	0.75 per bedroom	1 per 20 units, 2 min	1 per 10 units
~~Continuing care community~~Assisted Living Facility: 0-1 bedroom unit 2 bedroom unit 3+ bedroom unit	0.75 per unit + 0.2 per unit for guests 1.25 per unit + 0.2 per unit for guests 1.5 per unit + 0.2 per unit for guests	1 per 20 units, 2 min	1 per 10 units
Personal care home (up to 4 residents)	0.5 per bedroom	None	None
Personal care home (5+ residents)	0.5 per bedroom	2 min	2 min
Rehabilitation or Treatment Facility	1 per 4 beds	None	2 min
Public and Civic Uses			
Civic			

College/university	1 per 500 SF	1 per 5,000 SF, 10 min	1 per 5,000 SF
Place of Assembly	1 per 500 SF	1 per 5,000 SF, 2 min	None
Government facility	1 per 500 SF	1 per 5,000 SF, 2 min	1 per 5,000 SF
Library/museum	1 per 500 SF	1 per 5,000 SF, 2 min	1 per 5,000 SF
Place of worship	1 per 500 SF	1 per 5,000 SF, 2 min	None
Prison/correctional facility	1 per 500 SF	1 per 5,000 SF, 2 min	None
School, private (K-12)	1 per 500 SF	1 per 30 students	1 per 60 students
School, public (K-12)	1 per 500 SF	1 per 15 students	1 per 30 students
Parks and Open Space			
Cemetery/mausoleum	3 per acre of land used for graves	None	None
Conservation area (up to 1 acre)	None	None	None
Conservation area (more than 1 acre)	None	None	None
Golf course	2.5 per hole	1 per 6 holes	4 spaces
Recreational facility	Study required	Study required	Study required
Subdivision amenity	1 per 500 SF of usable space + 2 per court	1 per 5,000 SF of usable space + 1 per 2 courts	None
Utilities			
Minor utilities	None	None	None
Major utilities	1 per 300 SF office space	None	None
Wireless Communications			
Alternative support antenna structure	None	None	None
Amateur radio antenna (up to 90 feet)	None	None	None
Amateur radio antenna (more than 90 feet)	None	None	None
Tower antenna	None	None	None
Commercial Uses			
Adult Establishment	1 per 250 SF	None	None
Animal Care			
Animal care, indoor	1 per 500 SF	1 per 5,000 SF, 2 min	1 per 5,000 SF
Animal care, outdoor	1 per 400 SF indoor area	1 per 5,000 SF, 2 min	1 per 5,000 SF
Day Care	1 per 500 SF	1 per 5,000 SF, 2 min	1 per 5,000 SF

Medical, except as listed below:	1 per 300 SF	1 per 5,000 SF, 2 min	1 per 5,000 SF
Hospital	1.5 per bed	1 per 5,000 SF, 2 min	1 per 5,000 SF
Office	1 per 300 SF	1 per 5,000 SF, 2 min	1 per 5,000 SF
Overnight Lodging			
Bed and Breakfast (up to 5 rooms)	2 + 1 per lodging room	None	None
Boutique hotel (6 to 30 rooms)	1 per lodging room	1 per 5,000 SF, 2 min	1 per 5,000 SF
Hotel (more than 30 rooms)	1 per lodging room	1 per 5,000 SF, 2 min	1 per 5,000 SF
Parking, Commercial	None	None	1 per 80 vehicle spaces
Passenger Terminal	Study required	Study required	Study required
Personal Service	1 per 300 SF	1 per 5,000 SF, 2 min	1 per 5,000 SF
Restaurant	1 per 150 SF	1 per 2,000 SF, 2 min	1 per 5,000 SF
Retail, except as listed below:	1 per 300 SF	1 per 5,000 SF, 2 min	1 per 5,000 SF
Convenience store with fuel pumps or gas station.	1 per 300 SF	1 per 5,000 SF, 2 min	1 per 5,000 SF
Vehicle Sales and Rental			
Minor vehicle sales and rental	1 per 1,000 SF or 1 per 4,500 SF outdoor vehicle display area, whichever is greater	1 per 5,000 SF, 2 min	1 per 5,000 SF
Major vehicle sales and rental	1 per 1,000 SF or 1 per 4,500 SF outdoor vehicle display area, whichever is greater	1 per 5,000 SF, 2 min	1 per 5,000 SF
Industrial Uses			
Artisanal	1 per 300 SF office + 1 per 2,000 SF additional indoor area	1 per 5,000 SF, 2 min	1 per 5,000 SF
Heavy Industrial	1 per 300 SF office + 1 per 2,000 SF additional indoor area	1 per 10,000 SF, 2 min	1 per 10,000 SF
Light Industrial/Manufacturing	1 per 300 SF office + 1 per 2,000 SF additional indoor area	1 per 10,000 SF, 2 min	1 per 10,000 SF
Micro-producer	1 per 300 SF office + 1 per 2,000 SF additional indoor area	1 per 10,000 SF, 2 min	1 per 10,000 SF
Research and Development	1 per 300 SF office + 1 per 2,000 SF additional indoor area	1 per 5,000 SF, 2 min	1 per 10,000 SF
Resource Extraction	None	None	None
Vehicle Service and Repair			
Minor vehicle service and repair	1 per 300 SF office + 1 per 2,000 SF additional indoor area	1 per 5,000 SF, 2 min	1 per 10,000 SF

Major vehicle service and repair	1 per 300 SF office + 1 per 2,000 SF additional indoor area	1 per 5,000 SF, 2 min	1 per 10,000 SF
Warehouse and Distribution, except as listed below:	1 per 300 SF office + 1 per 2,000 SF additional indoor area	1 per 10,000 SF, 2 min	1 per 10,000 SF
Self-service storage, mini-warehouse	1 per 20 storage units	1 per 10,000 SF, 2 min	1 per 10,000 SF
Waste-Related Service, except as listed below:	1 per 300 SF office + 1 per 2,000 SF additional indoor area	1 per 10,000 SF, 2 min	1 per 10,000 SF
Recycling processing center	1 per 300 SF office + 1 per 2,000 SF additional indoor area	1 per 10,000 SF, 2 min	1 per 10,000 SF
Open Uses			
Agriculture			
Community garden	None	5 min	None
Composting	None	None	None
Plant nursery	1 per 300 SF office + 1 per 2,000 SF additional indoor area	1 per 10,000 SF, 2 min	1 per 10,000 SF
Timber harvesting	None	None	None
Urban farm	None	2 min	

~~Unless otherwise noted, parking is based on gross floor area of the building.~~

Sec. 8.21~~1~~.3. Perimeter Center/City Springs Districts

A. No minimum ratio for vehicle parking spaces applies in the Perimeter Center and City Springs Districts. Minimum parking ratios for short-term and long-term bicycle parking from the Table in Sec. 8.21~~1~~.2 apply.

B. The following maximum parking table applies in the Perimeter Center and City Springs Districts for surface parking. Maximum parking does not apply to structured parking.

Maximum Parking Table	Vehicle Parking (max)	Short-Term ~~Bike~~Bicycle Parking (min)	Long-Term ~~Bike~~Bicycle Parking (min)
Residential Uses		see Sec. 8.21~~1~~.2 for specific use	see Sec. 8.21~~1~~.2 for specific use
Single unit	2.4 spaces per unit		
Multi-unit residential	1.1 spaces per bedroom		
Nonresidential Uses			
Commercial, retail	4 spaces per 1,000 SF		
Hotel, lodging	1 space per lodging room		
Office	2 spaces per 1,000 SF		
Restaurant	8 spaces per 1,000 SF		

Sec. 8.21~~1~~.4. Parking Reductions

The standards of the parking table above may be reduced as specified below.

A. **Proximity to Transit** A 30% reduction in the number of required parking spaces is allowed for uses with a main building entrance within a walking distance of 1,320 feet of an operating transit stop with service from 6 AM to 8 PM where service intervals are no longer than 10 minutes during peak weekday commute hours.

B. **Affordable Housing**

1. Required parking for an affordable housing development may be reduced to a rate of 1 parking space for each unit.

2. The affordable housing reduction applies only to required spaces for dwelling units. If required, visitor spaces must be provided at the standard rate.

C. **Senior Living**

Senior living is only required to provide 1 space per dwelling or rooming unit.

1. The senior living reduction applies only to required spaces for dwelling or rooming units. If required, visitor spaces must be provided at the standard rate.

2. The parking reduction for senior living is only available for multi-unit.

D. **Private Car Sharing Program**

1. A reduction in the number of required parking spaces for multi-unit residential or offices is allowed where an active on-site car-sharing program is made available for the exclusive use of residents and tenants.

2. The parking requirements for all dwelling units or office floor area may be reduced by 5 spaces for each car-share vehicle provided, as long as at least 3 regular spaces remain available. If required, visitor spaces may not be substituted.

E. **Parking Utilization Study** A parking reduction by the Director of up to 30% is allowed where a parking utilization study of 2 similar locations in the region that are similarly situated within the local street network and community. The applicant must empirically justify the reduction.

Sec. 8.2~~1~~.5. Vehicle Parking Options

Required vehicles parking spaces must be located on the same lot or site they are intended to serve, except as provided below.

A. **On-Street Parking**

1. Where on-street parking spaces exist, 1 on-street parking space may be substituted for every required on-site parking space, provided the on-street space immediately abuts the subject property.

2. Each on-street parking space may only be counted for one property. Where a space straddles an extension of a property line, the space may only be counted by the owner whose property abuts 50% or more of the on-street parking space.

3. The Director may determine that to ensure future roadway capacity, the on-street parking credit is not available.

B. **Shared Parking**

1. Shared parking allows credit for space utilization by uses that require parking at different times of day.

2. Applicants wishing to use shared parking as a means of reducing the total number of required spaces may submit a shared parking analysis using the Urban Land Institute (ULI) Shared Parking Model (latest edition).

3. The study must be provided in a form established by the Director.

4. Reductions in the total number of required spaces for shared parking are not permitted unless the Director determines a reduction is appropriate on a case-by-case basis through the use of the ULI Shared Parking Model (latest edition).

5. Uses providing shared parking must have either mutually exclusive or compatibly overlapping normal hours of operation. The Director will determine whether hours of operation are compatibly overlapping on a case-by-case basis.

6. A shared parking agreement must be recorded in the Fulton County deed records prior to issuance of a certificate of occupancy.

C. **Valet Parking** Valet parking may be permitted as a means of satisfying the parking requirements where all of the following standards have been met:

1. An attendant is provided to park vehicles during all business hours of the use utilizing the valet parking; and

2. An equivalent number of valet spaces are available to replace the number required on-site parking spaces.

3. Valet spaces do not require individual striping and may take into account the mass parking of vehicles.

D. **Tandem Parking**

1. Tandem parking is allowed for single unit detached and attached and multi-unit.

2. Two parking spaces in tandem must have a combined minimum dimension of 9 feet in width by 36 feet in length.

3. Both parking spaces in tandem must be assigned to the same dwelling unit.

4. Tandem parking may not be used to provide guest parking.

E. **Remote Parking**

1. All required vehicle parking spaces, except required accessible spaces, may be located off-site, provided the remote parking spaces are located within 800 feet of the primary entrance of the use served and are located within the same or more intense zoning district as the principal use served.

2. Lease agreements must be for a term of not less than 1 year to serve the use or uses proposed to be satisfied by the off-site leased parking. Each year the use is renewed (as shown by the renewed application for a business license), the applicant for the business license must show a current lease agreement for not less than 1 year for the necessary off-site parking.

3. The distance referred to above is measured by the most direct route of travel on the ground and are measured in the following manner:

a. From the front door of the principal structure on the applicant's property;

b. In a straight line to the nearest sidewalk, street, road or highway;

c. Along a public sidewalk, walkway, street, road, or highway by the nearest route; and

d. To the edge of the off-site parking area to be used by the applicant to meet parking requirements.

Sec. 8.21~~.1~~.6. Unbundling Parking in Perimeter Center

A. All new development in the PX- and PM- districts (with the exception of townhouse units) must unbundle vehicle parking charges from the rents, sale price, or other fees charged for occupying residential, office, commercial or industrial space. Vehicle parking spaces must be leased or sold separately from the rental or purchase fees, such that potential renters or buyers have the option of renting or buying a residential unit or commercial space at a price lower than if the vehicle parking was included.

B. The owner of the property has the option to offer any unused parking spaces to other residential or nonresidential tenants or to the general public.

C. This unbundling requirement does not prohibit landlords from leasing parking spaces to third parties that do not lease residential, office, commercial or industrial spaces within the development.

Sec. 8.21.7. ~~Bike~~Bicycle Parking Design

A. **General**

1. Each required ~~bike~~bicycle parking space must be at least 2 feet by 6 feet. Where a ~~bike~~bicycle can be locked on both sides of a ~~bike~~bicycle rack without conflict, each side may be counted as a required space.

2. ~~Bike~~Bicycle racks must be securely anchored, be easily usable with both U-locks and cable locks, and support a ~~bike~~bicycle at 2 points of contact to prevent damage to the ~~bike~~bicycle wheels and frame.

3. No fee may be charged for ~~bike~~bicycle parking where free automobile parking is provided.

4. ~~Bike~~Bicycle parking must be provided in a well-lit area.

B. **Short-Term Bicycle Parking**

1. Required short-term bicycle parking spaces must be located in a convenient and visible area at least as close as the closest non-accessible automobile parking and within 100 feet of a principal entrance and must permit the locking of the bicycle frame and one wheel to the rack and must support a bicycle in a stable position.

2. Spacing of the ~~bike~~bicycle racks must provide clear and maneuverable access.

3. ~~Bike~~Bicycle facilities may be placed within the right-of-way, provided the encroachment is approved by the City.

C. **Long-Term Bicycle Parking**

1. Required long-term bicycle parking spaces must be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather, and must be accessible to intended ~~bike~~bicycle users.

2. Required long-term bicycle parking for residential uses must not be located within dwelling units or within deck, patio areas or private storage areas accessory to dwelling units.

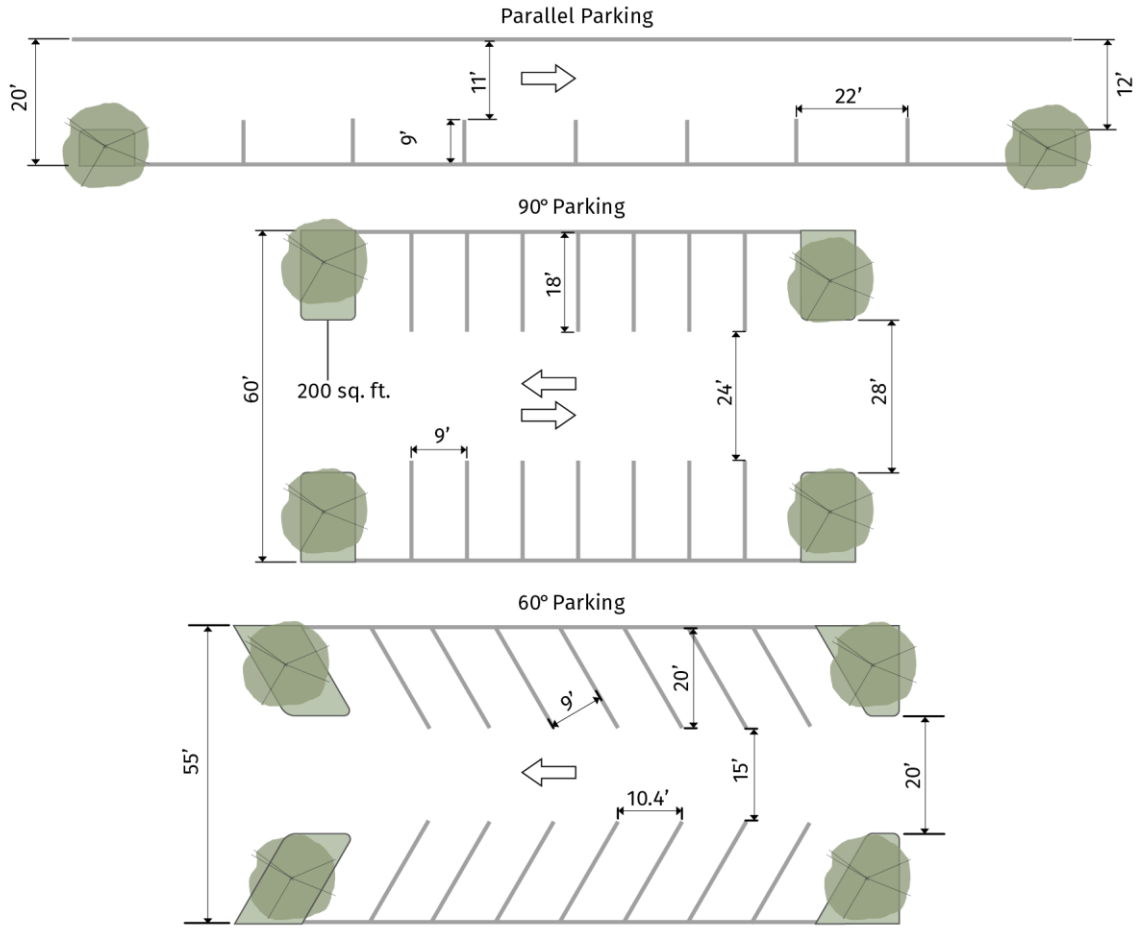
3. Long-term bicycle parking spaces for nonresidential uses may be located off-site within 300 feet of the site.

Sec. 8.21.8. Parking ~~Lot~~ Layout and Design

A. **Access** All on-site parking must be arranged so that no vehicle is forced to back out on a public street or forced to use a street, not including an alley, to gain access from one parking aisle to another parking aisle. The City's uninterrupted ingress/egress regulations apply to parking lot design (see Technical Manual Sec. 3: Roadway Design and Pavement).

B. **Parking Space and Aisle Specifications**

1. **Dimensions** Parking spaces and drive aisles must meet the following dimensions in both surface parking lots, on-street parking and in parking structures.



a. A median island must be provided between every 6 single parking rows.

b. Parking spaces and drive aisles using dimensions other than those specified may be approved if prepared and sealed by a design professional licensed in the State of Georgia with expertise in parking facility design, subject to approval by the Director.

2. **Compact Parking**

a. Compact car parking spaces may be used in place of a standard size parking space. The total number of compact car parking spaces may not exceed 15% of the total number of required parking spaces.

b. No more than 2 compact parking spaces may be placed side by side. Compact spaces may be reduced to 8 feet in width and 16 feet in depth. All compact parking spaces must be clearly and visibly striped and labeled for compact car use only.

C. **Accessible Parking** Accessible parking spaces must be provided in accordance with the requirements of the Americans with Disabilities Act (ADA) (Public Law 101-136), the State Building Code, and the American National Standards Institute. See the Sandy Springs Technical Manual for further guidance.

D. **Electric Vehicles** In the Perimeter Center and City Springs districts, and in any parking structure constructed in any other district, 5% of all parking spaces must be electric-vehicle (EV) ready, with a minimum of 2 EV-ready spaces for all parking lots over 20 spaces. Electric-vehicle ready means conduit or other means to connect power to each space is installed in advance.

E. **Reserved Parking** Parking spaces may be reserved for a specific tenant or unit, provided that the following standards are not exceeded.

1. **Residential**

a. 1 space per efficiency or 1-bedroom multi-unit dwelling.

b. 2 spaces per 2-bedroom or greater multi-unit dwelling.

2. **Nonresidential** No more than ⅓ of the total provided spaces may be reserved.

F. **Parking Lot Landscaping** All on-site surface parking lots must be landscaped as specified in Sec. 8.3~~2~~.2.

G. **Visibility at Intersections** No parking or loading area may interfere with the safe operations of all users at any intersection or along any roadway.

H. **Surfacing**

1. Parking and loading areas must be surfaced with concrete, asphaltic concrete, asphalt, or other dust-free surface.

2. Surface parking spaces on lots or sites containing more than the minimum number of spaces required by this Division must be of pervious material for any spaces beyond the minimum required.

3. Porous pavement material may be substituted for standard dust-free pavements subject to the approval of the Director. Permitted materials include, but are not limited to, grass, "grasscrete," ring and grid systems used in porous or grid pavers.

I. **Curbs and Drainage**

1. Parking and loading areas must be graded and drained to collect, retain and infiltrate surface water on-site so as to prevent damage to abutting properties or public streets.

2. Curbing or parking block must be installed as required by the Director. Curbing must have openings to allow drainage to enter and percolate through landscaped areas.

J. **Lighting** Parking and loading area lighting must be installed in accordance with the Sandy Springs Technical Manual.

K. **Parking Structures**

1. All stories of structured parking must be screened so that cars are not visible ~~from ground level view~~ from adjacent property, adjacent streets (not including alleys), or other public property.

2. Exterior elevations for parking floors must appear horizontal, even where ramps occur within the building.

3. Green walls, vertical gardens, architectural grilles, louvers, or opaque material that continues to allow natural ventilation is required to screen any vehicles from view from adjacent public streets or sidewalks. Where at least 10 feet of planting area exists between the street and the parking structure, the Director may approve a landscape area using berms, trees and shrubs in a way that constitutes an equivalent or better screen.

4. Elevator and stair shafts must be topped with an architectural accents using materials, colors, design or other features similar to that of the principal building it serves.

5. A digital sign demonstrating the remaining spaces available in real-time must be placed at the entrance to any parking garage providing spaces available to the general public.

6. For parking garages containing over 200 spaces, internal signs above each parking space must indicate availability of that space.

L. **Specialized Vehicle Parking**

1. Specialized vehicles must not be parked in any required setback area.

2. Specialized vehicles such as earth-moving equipment, tractors or other heavy construction vehicles, may only be stored during construction under an active building permit or land disturbance permit, except in the IX- District.

3. Other specialized vehicles such as recreational vehicles, campers, buses (including school buses), trailers, motor coaches, boats and boat trailers, may be parked or stored in all residential districts under the following conditions:

a. The vehicles is not used as living quarters.

b. The location of the parking or storage area is in the buildable area of the lot and not in front of the principal structure.

c. Specialized vehicles must be screened from view of adjoining properties and rights-of-way with a minimum 6-foot tall fence or wall meeting the standards of Sec. 8.~~3~~2~~1~~.9.

Sec. 8.~~2~~2~~1~~.9. Stacking

A. **Applicability** Adequate stacking space must be made available on-site for any use having a drive-~~thru~~through, control gate or areas having drop-off and pick-up.

B. **Required Stacking Spaces** The following number of stacking spaces must be provided for the listed uses. The Director may require an individual study for other uses or in particularly congested settings. The individual study must be prepared by a Licensed Design Professional with expertise in traffic issues.

Use	Stacking Spaces Per Lane	Before Order Station
Bank, drive-~~thru~~through or ATM	3~~6~~	—
Car wash, full-service	10	7 before wash bay
Car wash, self-service	4	3 before wash bay
Coffee shop	10	7
Laundry, dry cleaner	2	—
Pharmacy	3	—
Restaurant	10	7
Vehicle service	3	2 per service bay

C. **Dimensions**

1. The number of required stacking spaces includes the space at the window and at the communication/mechanical device (e.g., order board, pick up window).

2. If a drive-~~thru~~through has multiple order boxes, teller boxes or pick up windows, the number of required stacking spaces may be split between each order box, teller box or pick up window.

3. Each stacking space must be a minimum of 20 feet in length and 10 feet in width along straight portions. Stacking spaces and stacking lanes must be a minimum of 12 feet in width along curved segments.

4. Any drive-~~thru~~through lanes must be separated from drive aisles by a curbed median or other device approved by the Director. No drive-~~thru~~through stacking may block the parking movement for any required parking space.

5. Vehicles may not encroach on or interfere with the public use of drive aisles, streets and sidewalks by vehicles, bicycles or pedestrians.

6. Drive-~~thru~~through lanes must be separated by striping or curbing from other parking areas. Individual lanes must be striped, marked or otherwise distinctly delineated.

D. **Screening**

1. Where drive-~~thru~~through windows and lanes are allowed to be placed between a street (not including an alley) or ground floor residential use and the associated building, the entire length of the drive-~~thru~~through lane, including but not limited to menu boards, stacking lanes, trash receptacles, ordering box, drive up windows, and other objects associated with the drive-~~thru~~through must be screened.

2. Screening must be a continuous compact evergreen hedge. At the time of installation, the screening must be at least 4 feet.

3. In lieu of the compact evergreen hedge, a ~~screening~~ masonry or perforated metal screen wall with a minimum height of 4 feet and a maximum transparency of 35% may be installed. The wall must be compatible with the principal building in terms of texture, quality, material and color.

Sec. 8.2~~1~~.10. Vehicle Loading

A. **Loading May Be Required**

1. A loading area is required for any building providing structured parking.

2. If determined necessary by the Director, adequate space must be made available on-site for the unloading and loading of goods, materials, items or stock for delivery and shipping, otherwise on-site loading space is not required.

B. **Size**

1. A loading space must measure no less than 12 feet in width by 35 feet in depth.

2. All maneuvering space must not include any required parking space, or public or private street right-of-way.

C. **Location** If a loading area is provided or required, it must meet the following:

1. With the exception of areas specifically designated by the City, loading and unloading activities are not permitted in a street, not including an alley.

2. Loading and unloading activities may not encroach on or interfere with the use of sidewalks, drive aisles, stacking areas and parking areas by vehicles, ~~bike~~bicycles or pedestrians.

3. Loading areas must be located to the rear of buildings. Loading areas may not be placed between a street (not including an alley) and the associated building.

4. No loading area is permitted within 50 feet of a ground floor residential use (measured from the residential lot line to the closest point of the loading area). Loading areas for multi-unit residential

buildings may be closer than 50 feet of a ground floor residential use when visually screened from nearby windows.

D. **Screening** If a loading area is provided or required, it must meet the following.

1. Where a loading dock designed for tractor-trailers is placed between a street (not including an alley) or a shared lot line and the associated building, the entire length of the loading area must be screened.

2. Screening must consist of either:

a. An 8-foot high wall compatible with the principal building in terms of texture, quality, material and color; or

b. Evergreen plant material that can be expected to reach a height of 8 feet with a spread of 4 feet within 3 years of planting.

Sec. 8.21.11. Use of Parking and Loading Areas

Parking and loading areas must be operated and maintained in accordance with the following.

A. Parking and loading areas must not be used for the repair or dismantling of any vehicle, equipment, materials or supplies.

B. Parking and loading areas must not be used to store vehicles for sale, except in cases where the property owner owns the vehicle, provided auto sales is a permitted use in the district in which the property is located.

C. This provision does not apply to the placing of a "For Sale" sign on or in one licensed vehicle, boat, or other vehicle located in a private residential driveway and which licensed vehicle, boat or other vehicle is owned by an occupant of the private residence.

D. An attendant's building less than 50 square feet in size that is set back at least than 20 feet from any boundary of the parking lot is permitted, provided it is not located in any yard abutting a street.

E. Upon application, the Director may approve temporary structures and uses such as tent sales within required parking spaces that are not used on a continuous basis, provided that such uses are movable from the site upon order by the Director. Such activities are allowed to occur on the same site no more than 3 times a year and each time for a period not to exceed 10 days (see also Div. 7.9).

Div. 8.32. Landscaping and Screening

Sec. 8.32.1. General

A. **Applicability**

1. **New Construction** Any new building or site improvement (modification of any existing parking area, for example) must comply with the landscaping and screening requirements of this Division.

2. **Maintenance and Repair** An existing building or site may be repaired or maintained without providing additional landscaping or screening, provided there is no increase in gross floor area or improved site area.

3. **Additions**

a. When an existing building is increased in gross floor area or improved site area by up to 25% cumulatively over ~~the past~~a period of 3 consecutive years, landscaping and screening is required for the additional floor or site area only.

b. When an existing building is increased in gross floor area or improved site area by 25% or more cumulatively over ~~the past~~ a period of 3 consecutive years, both the existing building and the additional floor or site area must conform to the landscaping and screening requirements of this Division.

4. **Change in Use** A change in use does not trigger the application of these requirements, except when there is a specific use standard requiring landscaping or screening for the new use.

B. **Landscape Plan Required** Before a permit is issued for a project that includes required landscaping and screening, the site must be found by the Director to be in compliance with this Development Code. No certificate of occupancy may be issued until the landscaping and screening meet the requirements of this Development Code.

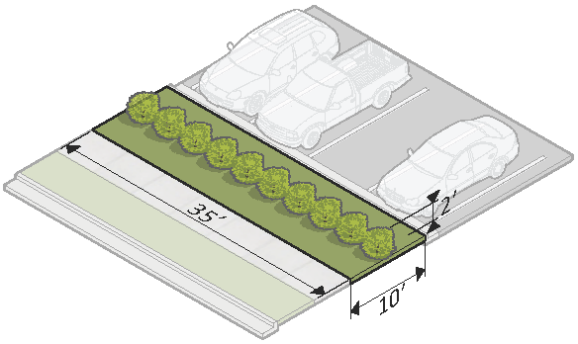
Sec. 8.3~~2~~.2. Parking Lot Landscaping

A. **Applicability** Parking lot landscaping is required on all on-site surface parking lots created after the effective date of this ~~Division~~Development Code. Multiple platted lots contained on a single site plan and any separate parking areas connected with drive aisles are considered a single parking area.

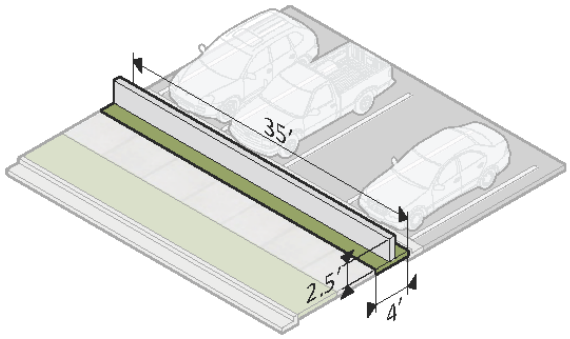
B. **Perimeter Screening** All surface parking areas as well as drive aisles and other related vehicular use areas must be screened from view from the adjacent street using one of the options below. A required landscape strip must be located at the outer perimeter of the parking area and must be provided along the entire parking area, excluding breaks for pedestrians, bicycles and driveways.

For screening options that include shrubs, those must be 30 inches tall at the time of planting and 70% of them must be evergreen.

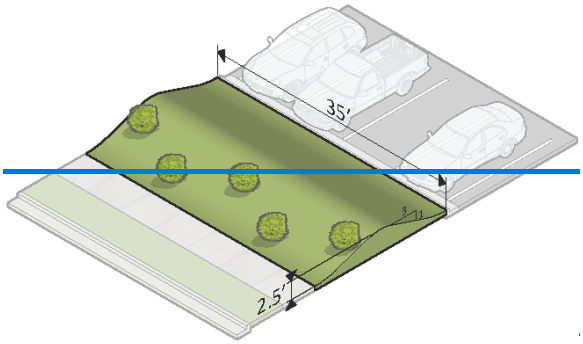
1. **Landscape Strip with Shrubs** A minimum 10-foot wide landscape strip planted with shrubs. Shrubs must be provided to fully screen paved areas and parking lots from the right-of-way within 3 years of planting.



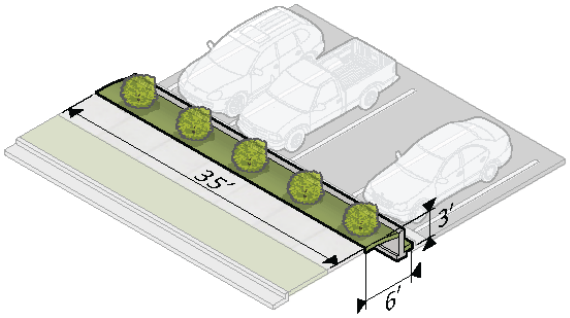
2. **Landscape Strip with Screening Wall** A 2.5-foot high screening wall located within a minimum 4-foot planting strip. Screening walls must be closed and be constructed of high quality materials including one or a combination of the following: decorative blocks; brick; stone; cast-stone; stucco over standard concrete masonry blocks; glass block; or other material approved by the Director.



~~3. **Landscape Strip with Berm** An earth berm a minimum of 2.5 feet higher than the finished elevation of the parking area, planted with 5 shrubs for every 35 linear feet of street frontage, excluding driveway openings. The berm must contain a rounded crown suitable for planting, and a stabilized side slope of no greater than 3:1.~~



34. **Landscape Strip with Grade Change** A 6-foot landscaped strip with a minimum 3-foot grade drop from the street to the parking area, planted with 5 shrubs for every 35 linear feet of street frontage, excluding driveway openings.

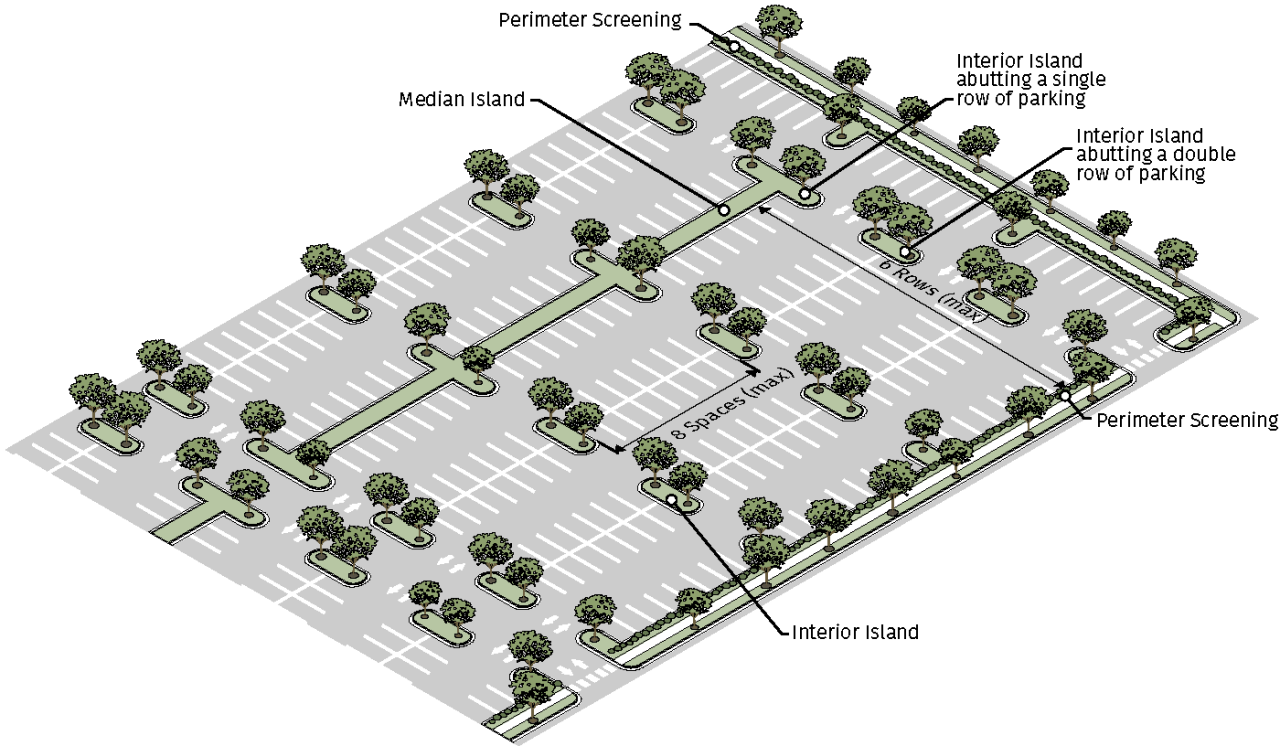


C. **Interior Islands**

1. A landscaped interior island must be provided every 8 parking spaces. Interior islands must be distributed evenly throughout the parking area. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees.
2. An interior island abutting a single row of parking spaces must be a minimum of 9 feet in width and 200 square feet in area. Each island must include 1 shade tree.
3. An interior island abutting a double row of parking spaces must be a minimum of 9 feet in width and 400 square feet in area. Each island must include 2 shade trees.

D. **Median Islands**

1. A landscaped median island must be provided between every 6 single parking rows. Intervals may be expanded to preserve existing trees on the lot.
2. A landscaped median island must be at least 6 feet wide.
3. At least three shrubs must be planted in the median island for every 80 feet in length.



E. **Island Plantings**

1. All required shade trees species must be chosen from the approved list in the Sandy Springs Technical Manual.
2. All required shade trees must have a minimum caliper of 3 inches and be at least 10 feet tall at time of planting.
3. Islands must be installed below the level of the parking lot surface and designed to allow for runoff capture.

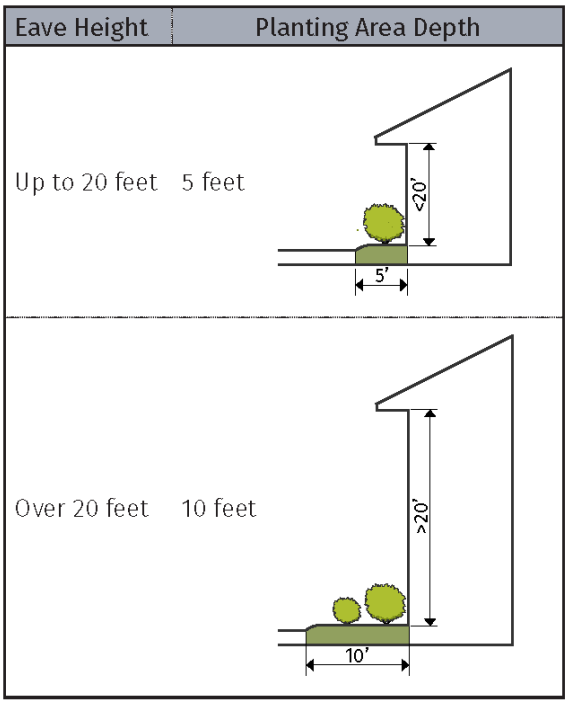
Sec. 8.32.3. Residential Front Yard Trees

All residential front yards for new construction after the effective date of this Development Code must provide 1 shade tree planted in the front yard for every 40 linear feet of lot frontage along a street. Any site determined by the City Arborist to have inadequate area for planting a shade tree may plant an alternate ornamental tree approved by the Arborist.

Sec. 8.32.4. Foundation Planting

A. Building foundation landscaping is required in all districts for all new construction (including additions) facing a street and located more than 5 feet behind the back of sidewalk (or where no sidewalk is present, the edge of pavement), except for residential construction in Protected Neighborhoods.

B. The minimum width of the foundation planting area must be:



C. Foundation plantings must be installed across the entire length of any street-facing facade, except where doorways and driveways are located.

D. Foundation planting areas may be located at grade, in raised planters or in freestanding planters. Any raised or freestanding planter must match or complement the adjacent building materials.

E. Foundation planting materials must be expected to grow to a maximum height of 5 feet. Taller materials should be located a minimum of 3 feet from buildings walls. The plant selection and design of foundation planting should not obscure any windows.

F. Foundation plantings must provide seasonal color and interest for at least 8 months each calendar year. Perennial flowers or flowering plants are encouraged. Dwarf shrubs, ornamental grasses, spreading evergreens and other similar plants are considered appropriate foundation planting materials. Varying plant textures increases visual interest and is also encouraged (for example, including both needled evergreens and broadleaf plants).

G. Foundation planting areas must be mulched or include groundcover to cut down on irrigation needs and weed growth. Sod, pine straw and stone do not count as groundcover for the purpose of foundation planting.

H. The Director may approve the location of landscaping equivalent to the foundation planting farther away from the building if hardscape is preferred adjacent to the façade, for an outdoor seating area, as an example.

Sec. 8.32.5. General Buffer Requirements

A. Buffers must be located along the outer perimeter of the lot, inside the property line. The buffer must be located completely on private property (right-of-way may not be included in the width).

B. The Director may determine an alternate location ~~for the required~~or generally modify any buffer requirement ~~wall within the buffer~~ based on existing natural vegetation, ~~and~~ site topography, or other environmentally sensitive situation.

C. The Director may waive the application of any buffer when the protected property is developed with a nonresidential use.~~Reserved.~~

~~D. A fence is allowed within any buffer that does not require a wall, provided the width of the buffer is increased by 2 feet.~~

D~~E~~. A buffer may be crossed by utilities, driveways, sidewalks, trails and similar features, provided the crossing occurs as close to perpendicular to the buffer as possible. No utilities or stormwater facilities are allowed within the buffer except as described above. Where utilities (or other similarly restrictive easements) must parallel the buffer, additional equivalent width must be added to the buffer to mitigate any disturbed area that cannot be planted with required buffer materials.

E~~F~~. Clearing of undergrowth from a buffer is prohibited, except when approved by the Director for removal of invasive species or correction of a nonconforming situation. Existing vegetation may be incorporated into a buffer. The Director will evaluate compliance of the existing vegetation with the planting requirement and may require supplemental planting if the existing vegetation does not provide sufficient screening.

Sec. 8.3~~2~~.6. Neighborhood Transition Buffers

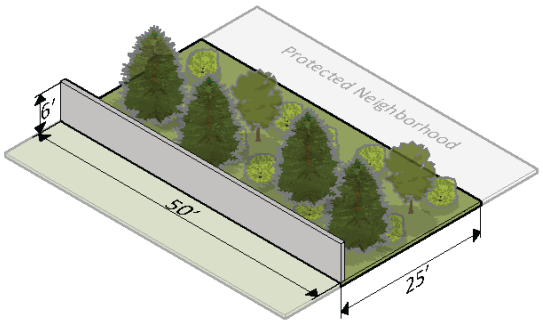
Neighborhood T~~t~~ransitions Buffers are required ~~a buffer~~ when an RM, RX or any commercial zoning district abuts a Protected Neighborhood district ~~(as further described in Div. 6.4). The Director may wave~~ waive ~~the application of the transition buffer when the protected property is developed with a place of worship, school or similar civic use.~~

The required buffer must include the following components:

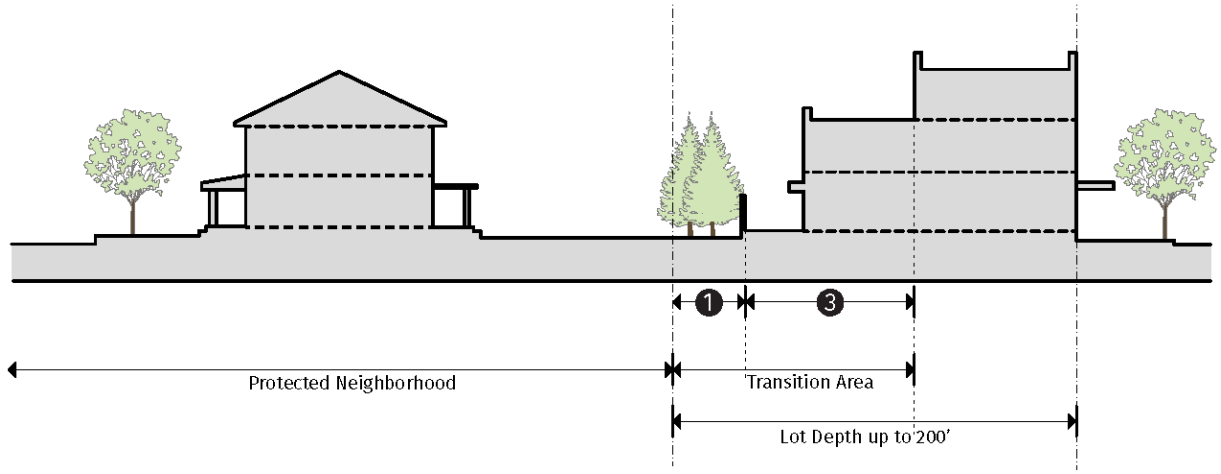
A. **Lot Width or Depth up to 200'**

1. Buffer must be minimum 25 feet deep.
2. Wall at least 6 feet tall and not more than 8 feet tall located 25 feet from property ~~(no fence allowed).~~

   Openings of no more than 4 feet in width, closed off by an opaque gate of the same height as the wall, may be provided no less than 300 feet apart, for maintenance access. Outside of maintenance activities, the gates must be locked at all times.
3. At least 8 evergreen trees planted in 2 staggered rows (full to the ground and at least 6-feet tall at time of planting), per 100 linear feet of buffer.
4. At least 4 understory trees (with a minimum caliper of 2 inches) per 100 linear feet of buffer.
5. At least 25 shrubs a minimum of 3 feet in height at time of planting per 100 linear feet of buffer.



~~Sec. 6.4.2. Lot Width or Depth Up to 200 Feet~~



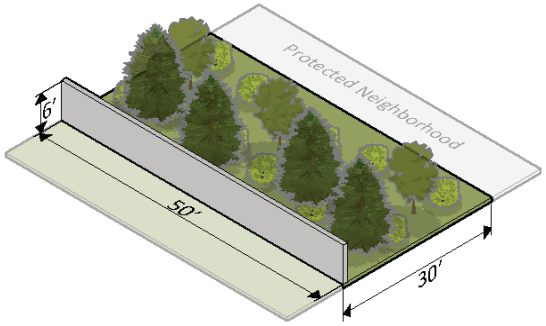
1	2	3	
Buffer	**Restricted Uses**	**Compatible Massing**	
Intended to buffer and screen with evergreen landscaping and wall. No buildings, structures or parking are allowed.	Does not apply.	Intended to restrict the height of development so as to decrease the impact of new multi-story structures.	
Permitted Structures & Activity	Permitted Structures & Activity	Permitted Structures & Activity	
~~See Sec. 8.2.5 and Sec. 8.2.6~~	Does not apply.	1.	All activity permitted in Area 1.
		2.	All permitted uses in the applicable zoning.
		3.	Parking, service areas, mechanical equipment, including HVAC, generators, loading, dumpsters and recycling bins.
		4.	Accessory structures.
		These elements must be located as far from the Protected Neighborhood as site conditions allow.	
Depth	Depth	Depth	

25 feet min	Does not apply.	30 feet min
	Height	Height
	Does not apply.	2 stories/24 or 28 feet max, see ~~zoning district~~ zoning district ~~s~~requirements

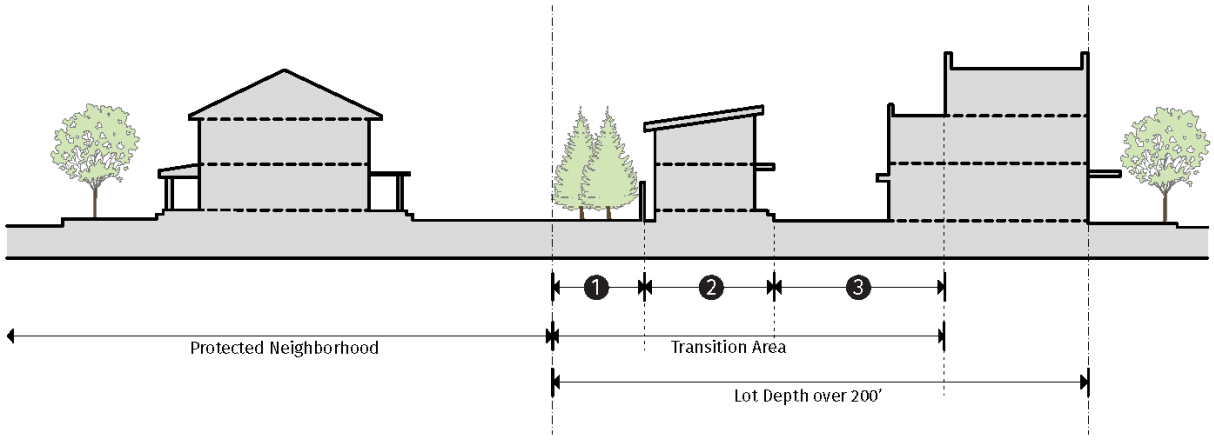
B. **Lot Width or Depth 200' and More**

1. Buffer must be minimum 30 feet deep.
2. Wall at least 6 feet tall and not more than 8 feet tall located 25 feet from property. ~~If a fence, the fence must be constructed with masonry piers every 24 feet and at every turn or jog. Piers must be at least 12 inches wide.~~

   Openings of no more than 4 feet in width, closed off by an opaque gate of the same height as the wall, may be provided no less than 300 feet apart, for maintenance access. Outside of maintenance activities, the gates must be locked at all times.
3. At least 8 evergreen trees planted in 2 staggered rows (full to the ground and at least 6-feet tall at time of planting), per 100 linear feet of buffer.
4. At least 6 understory trees (with a minimum caliper of 2 inches) per 100 linear feet of buffer.
5. At least 30 shrubs a minimum of 3 feet in height at time of planting per 100 linear feet of buffer.



~~Sec. 6.4.3. Lot Width or Depth of 200 Feet and Over 200 Feet~~



1	2	3
Buffer	**Restricted Uses**	**Compatible Massing**
Intended to buffer and screen with evergreen landscaping and wall. No buildings, structures or parking are allowed.	Intended to be occupied by open areas and low intensity uses, such as surface parking, alleys, landscaping, and secondary/accessory structures.	Intended to restrict the height of development so as to decrease the impact of new multi-story structures.
Permitted Structures & Activity	Permitted Structures & Activity	Permitted Structures & Activity
~~See Sec. 8.2.5 and Sec. 8.2.6~~	1. All activity permitted in Area 1.	1. All activity permitted in Areas 1 and 2.
	2. Alleys, parking and drive aisles, but not service areas or mechanical equipment, including HVAC, generators, loading, dumpsters and recycling bins.	2. All permitted uses in the applicable zoning.
	3. Accessory structures.	
	4. Single unit detached, single unit attached where allowed by the underlying ~~zoning district~~zoning district.	
	These elements must be located as far from the Protected Neighborhood as site conditions allow.	
Depth	Depth	Depth
30 feet min	25 feet min	30 feet min
	Height	Height
	2 stories/24 feet max	2 stories/24 or 28 feet max, see ~~zoning district~~ zoning district requirements

~~A. **Lot Width or Depth up to 200'**~~

~~1. Buffer must be minimum 25 feet deep.~~

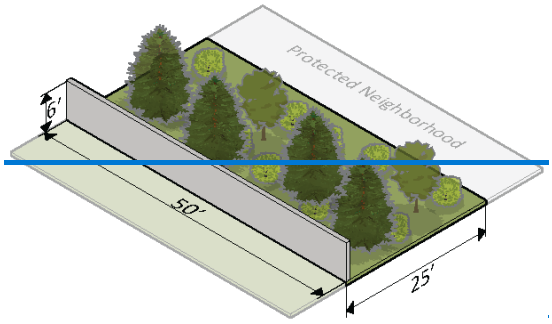
~~2. Wall at least 6 feet tall and not more than 8 feet tall located 25 feet from property (no fence allowed).~~

~~Openings of no more than 4 feet in width, closed off by an opaque gate of the same height as the wall, may be provided no less than 300 feet apart, for maintenance access. Outside of maintenance activities, the gates must be locked at all times.~~

~~3. At least 8 evergreen trees planted in 2 staggered rows (full to the ground and at least 6-feet tall at time of planting), per 100 linear feet of buffer.~~

~~4. At least 4 understory trees (with a minimum caliper of 2 inches) per 100 linear feet of buffer.~~

~~5. At least 25 shrubs a minimum of 3 feet in height at time of planting per 100 linear feet of buffer.~~



~~B. **Lot Width or Depth 200' and More**~~

~~1. Buffer must be minimum 30 feet deep.~~

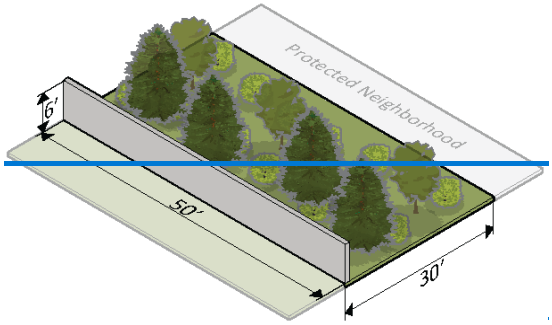
~~2. Wall at least 6 feet tall and not more than 8 feet tall located 25 feet from property (no fence allowed).~~

~~Openings of no more than 4 feet in width, closed off by an opaque gate of the same height as the wall, may be provided no less than 300 feet apart, for maintenance access. Outside of maintenance activities, the gates must be locked at all times.~~

~~3. At least 8 evergreen trees planted in 2 staggered rows (full to the ground and at least 6-feet tall at time of planting), per 100 linear feet of buffer.~~

~~4. At least 6 understory trees (with a minimum caliper of 2 inches) per 100 linear feet of buffer.~~

~~5. At least 30 shrubs a minimum of 3 feet in height at time of planting per 100 linear feet of buffer.~~



Sec. 8.~~32~~33.7. District Boundary Buffers

A district boundary buffer is required when any RM, RX, Corridor & Node district, or Perimeter Center district abuts an RT or RU zone. It is also required when an RU or RT district abuts a Protected Neighborhood. A district boundary buffer may also be required by a specific use standard in Article 7. The Director may waive the application of the district boundary buffer when the protected property is developed with a place of worship, school or similar civic use. The required buffer must include the following components:

~~A. **Required**~~

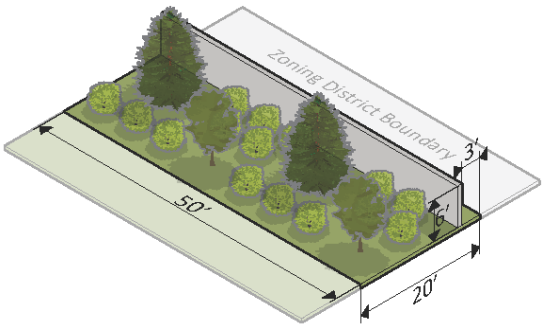
~~1. A district boundary buffer is required when any of the following districts share a common lot line:~~

~~a. Any RM- district, Corridor & Node district or Perimeter Center district abutting any RT or RU- district.~~

~~2. A district boundary buffer may also be required by a specific use standard in Article 7.~~

AB. **Buffer Standards**

1. Minimum buffer width of 20 feet.
2. Wall at least six-feet tall and no more than eight-feet tall that is located three feet from the property line (no fence is allowed). Openings of no more than four feet in width, closed off by an opaque gate of the same height as the wall, may be provided no less than 300 feet apart, for maintenance access. Outside of maintenance activities, the gates must be locked at all times.
3. At least four evergreen trees (each full to the ground and at least six-feet tall at the time of planting) per 100 linear feet of buffer.
4. At least four understory trees (each with a minimum caliper of two inches) per 100 linear feet of buffer.
5. At least 30 shrubs, each a minimum of three feet in height at the time of planting, per 100 linear feet of buffer.



Sec. 8.32~~2~~.8. Design and Installation

A. **Reserved**

B. **Visibility at Intersections** Landscaping must not interfere with visibility at intersections and driveways. See the Sandy Springs Technical Manual for details.

C. **Plant Material**

1. Plant materials must be hardy to zone 7b in accordance with the U.S. Department of Agriculture's Plant Hardiness Zone Map.
2. Plant materials must be able to survive on natural rainfall once established with no loss of health.
3. Tree height is measured from the top of the root ball to the tip of the main stem.
4. No artificial plants, trees, or other vegetation may be installed as required landscaping and screening.
5. No plant materials listed as Category 1 or Category 1 Alert on the Georgia EPPC Invasive Plant List are permitted in required landscaping. Property owners are encouraged to avoid the entire list of invasive species when making decisions about plant materials for required or non-required landscaping.

D. **Maintenance of Landscaping**

1. The property owner is responsible for maintaining all required landscaping and screening in good health and condition.

2. Any dead, unhealthy, damaged or missing landscaping and screening must be replaced with landscaping and screening that conforms to this Division within 90 days (or within 180 days where weather concerns would jeopardize the health of plant materials).

3. Landscaped areas must be kept free of weeds and trash.

E. **Soil Erosion**

1. All planting areas must be stabilized from soil erosion immediately upon planting and must be maintained for the duration of the use.

2. Grass areas must be sodded prior to the issuance of a Certificate of Occupancy. If grass seed must be used, it must be a variety suitable to the Atlanta region that produces complete coverage.

F. **Pruning and Trimming**

1. All required landscaping must be allowed to reach its required size and must be maintained at no less than required size.

2. To prevent long-term harm to the health of required landscaping, all pruning of shrubs and trees must be done in accordance with the International Society of Arboriculture Standards entitled '"ANSI A300 Standards."

3. "Topping," defined as removal of more than ⅓ of the leaves and branches of a tree as measured from the lowest branch on the trunk of the tree to the top of the tree, is prohibited except where necessary to maintain public overhead utilities.

4. Trees adjacent to accessible routes must maintain a vertical clearance of at least 80 inches.

Sec. 8.32.9. Screening

A. **Service Areas**

1. Trash collection, trash compaction, recycling collection and other similar service areas must be located to the side or rear of buildings and must be screened from view from adjacent property or street (not including an alley).

2. Service areas that are fully integrated into a building must be screened with a roll down door or other opaque screen.

3. Service areas that are not integrated into a building must be screened from three sides by a wall at least 6 feet in height and on the fourth side by solid gate at least 6 feet in height. The gate and wall must be maintained in good working order and must remain closed except when trash pick-up occur. The wall and gate must meet the design standards of Section 8.32.10.C.

B. **Mechanical Equipment**

1. **Exemptions** Free-standing or roof-mounted sustainable energy systems such as solar panels are exempt from these screening requirements.

2. **Roof-Mounted Equipment**

a. Roof-mounted equipment must be screened from ground level view from adjacent property or adjacent street (not including an alley).

b. New buildings must provide a parapet wall or other architectural element that screens roof-mounted equipment from view.

c. For existing buildings with no or low parapet walls, roof-mounted equipment must be screened ~~on all sides~~ by an opaque screen compatible with the principal building in terms of texture, quality, material and color.

3. **Wall-Mounted Equipment**

a. Wall-mounted equipment must not be located on any surface that directly faces a street (not including an alley).

b. Wall-mounted equipment located on any surface that is visible from a street (not including an alley) must be fully screened by landscaping or an opaque screen compatible with the principal building in terms of texture, quality, material and color.

4. **Ground-Mounted Equipment**

a. Ground-mounted equipment screening must be as high as the highest point of the equipment being screened.

b. Screening must consist of landscaping or an opaque screen compatible with the principal building in terms of texture, quality, material and color.

C. **Utility Service Areas**

1. Utility service areas located outside of the right-of-way that exceed 42 inches in height and 42 inches in any other dimension must be screened from the street.

2. Screening must consist of landscaping or a wall or fence compatible with the principal building in terms of texture, quality, material and color.

3. Utility service areas must be located an adequate distance from the street to allow for any required screening to be installed without encroaching into the public right-of-way.

4. Screening is not required for utility service areas located more than 50 feet from a street.

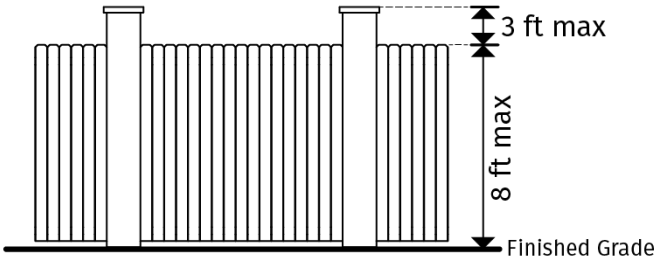
Sec. 8.32.10. Fences and Walls

A. **Height**

1. F~~Residential f~~ences and walls located between the primary street and the front wall plane of ~~the~~ a house may contain a solid or opaque fence or wall no more than 4 feet in height. A fence may exceed 4 feet in height where designed with a spaced picket design approved by the Director. The gap between pickets must be a minimum of 2 inches. The picket to opening ratio must be at least 2:1 for vertical pickets and 1:1 for horizontal elements.

2. All other fences and walls, including side and rear yard residential fences and walls, may contain a solid or opaque fence or wall provided they do not exceed a height of 8 feet above grade.

3. Height is measured from the finished grade to the highest point of the fence or wall between columns or posts.



4. Column and ornament heights are permitted to exceed the maximum height by no more than 3 feet.

B. **Placement**

1. **Setback** Fence and wall footings must be entirely contained within the property and cannot encroach onto a property line.

2. **Obstruction** Fences, walls, hedges and other vegetation must not obstruct the minimum sight distance requirements and must not:

   a. Prohibit proper lines of sight for public safety and law enforcement;

   b. Impede the flow of water or the normal pattern of natural wildlife; or

   c. Impair or block the vision of vehicle drivers so as to constitute a safety hazard.

C. **Design Standards**

1. **Applicability** The requirements of this Section do not apply to IX- Districts or stormwater facilities.

2. **Materials**

   a. **General Provisions**

      i. Fences ~~shall~~must be constructed of wood, and/or metal/ornamental metal. W~~or w~~alls ~~shall~~must be at their base (no less than a foot in exposed height)- opaque, and made of brick, stone, stucco or other durable opaque material-with possible use of metal or wood pickets for ornamentation. ~~must be constructed of wood, brick, stacked stone, stucco, ornamental metal or other d~~Durable materials not specifically listed must be approved by the Director in all zoning districts. Chain-linked fencing is allowed only in side and rear yards (provided they are not parallel to a street), and must be vinyl-coated.

      ii. Solid Vinyl fencing is prohibited, except that existing vinyl fences may be replaced in kind.

      iii. Barbed wire, razor wire and concertina wire are prohibited.

      iv. Walls and fences must be constructed with the finished side facing towards the street and adjoining properties, away from the improvement it is meant to screen.

   b. **Parallel to a street** The following regulations apply to all fences parallel to a street and located between the right-of-way and building setback line.

      i. Where the fence or wall is at least 6 feet in height, a minimum 3-foot landscape strip must be provided between the fence or wall and any street.

      ii. All street-facing fences in Residential Estate districts must have masonry (brick stone, or stucco finish) piers separating fence panels with a maximum length of approximately 24

feet. Piers are required at any point where the fence changes direction. Piers must be at least 12 inches wide.

iii. All street-facing walls must provide architectural variations such as columns to eliminate large expanses of blank areas, approximately every 24 feet.

D. **Color** Only black, white or earth tones are permitted. Primary and neon colors are prohibited.

E. **Retaining Walls** See Sec. 9.4.3.

F. **Electrical Permit** Any fence that includes electrical equipment requires an electric (building) permit.

G. **Gates**

1. Gates, whether electronically or manually operable, are allowed on individual properties. Gates must open inwardly (doors opening towards the property) and must be located a minimum of 30 feet from the edge of pavement.
2. Public and private streets cannot be gated.
3. Gates must follow all design standards of this article, they may however be up to 3 feet taller in height than the fence or wall it is attached to.
4. Stand-alone gates, such as those on a private driveway, must have masonry (brick, stone or stucco) piers on either side.
5. Gates serving private residential driveways must be provided with a means of access for emergency responders approved by the fire marshal's office.

H. **Pool Enclosures** Pool enclosures must meet the standards of this Division and comply with the International Swimming Pool and Spa Code.

Div. 8.43. Signs

Sec. 8.43.1. Applicability

No sign may be erected, altered, refurbished or otherwise modified after the effective date of this Development Code except in accordance with the requirements of this Division.

Sec. 8.43.2. Sign Permit Required

A. Except as specifically excluded in this Division, it is unlawful for any person to post, display, substantially change, or erect a sign or advertising device in the City without first having obtained a sign permit.

B. An application for a sign permit must be filed with the Director.

Sec. 8.43.3. Prohibited Signs

The following types of signs or advertising devices are prohibited.

A. Any sign constructed and maintained wholly upon or over the roof of a building, other than one meeting the standards found in Sec. 8.43.18.

B. Any sign that is not permanently affixed to the ground or to a structure, including but not limited to trailer signs or signs mounted or painted on vehicles which are parked in such a manner as to serve the purpose of an advertising device, except sidewalk signs.

C. Any permanent freestanding sign that sits upon a base or pole that is less than 75% of the width of the sign face.

D. Rotating or animated signs involving motion or sound.

E. Flashing, blinking, or varying light intensity signs, including scrolling messages and video.

F. Balloons or other air-filled devices.

G. Wind signs (temporary signs mounted on a pole and intended to flutter in the wind to attract attention)

H. Any reflective or mirrored sign.

I. Signs that contain or are an imitation of an official traffic sign or signal.

J. Pennants, streamers and banners, except as expressly allowed in Sec. 8.43.5

K. Search lights.

L. Changeable copy signs, except as expressly allowed in this Division.

M. Signs mounted to a tree, traffic sign utility pole or similar structure.

N. Signs advertising illegal activity.

O. Signs in poor condition or not in good repair (maintenance section).

P. Abandoned signs.

Q. A sign held by or attached to a human for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service or product, mere costumes without wording or logos are not be considered a sign.

R. Rope lighting (typically installed around windows and doors openings or along eaves)

S. Any freestanding sign at a property on which the façade of the principal structure is forty feet (40'-0") or less from the right-of-way.

Sec. 8.43.4. Signs Not Requiring a Permit

The following types of signs do not require a sign permit from the City. An electrical and/or building permit may still be required.

A. **Public Interest Signs** Signs of public interest, erected by or on the order of a public officer in the performance of their duty, such as public notices, safety sign, danger signs, trespassing signs, traffic and street signs, memorial plaques and signs of historical interest.

B. **Signs Not Visible** Any sign internal to a development and not visible from a street or neighboring property.

C. **Window Signs**

1. A sign installed inside a window for purposes of viewing from outside the premises. Signs must not exceed 25% of the window area.

2. An exposed neon window sign stating "open" that is not greater than 5 square feet in area and limited to 1 per establishment (included in 25% sign area).

D. **Construction Fence Wraps**

1. Wraps are allowed on fences securing new construction sites for the duration of the construction activity.

2. The wrap must be removed prior to issuance of a Certificate of Occupancy.

3. The fence wrap must be maintained in good condition and be properly attached to the fence.

4. Messages, logos, renderings or similar information ~~shall~~must not exceed 30 percent of the total fence wrap area.

E. **Flags** Any fabric or other flexible material designed to be flown from a permanent flagpole.

1. A maximum of 3 flags are permitted per lot.

2. The flag area must not exceed 1.5 times the height of the pole. For example, a 40-foot tall flag pole yields a maximum 60 square foot flag.

3. The maximum height of a flagpole is 40 feet, measured from the highest point of the flagpole to average adjacent grade.

4. A freestanding flagpole must be set back from a property line a distance equal to the height of the pole. For example, a flagpole 40 feet in height must be set back at least 40 feet from a property line.

5. A flagpole attached to building may encroach over the sidewalk but not over any street, parking area, driveway or alley. All flags must be a minimum of 18 inches inside the curb line or edge of pavement, whichever is greater.

~~F. **Murals** A work of visual art that conforms with the following standards:~~

~~1. The mural must not be located in a Protected Neighborhood or Urban Neighborhood District.~~

~~2. Murals must be painted or drawn on to onto a facade or wall, without obscuring any windows or doors. Building wraps or super graphic wraps are not allowed. Projected image signs are also not allowed.~~

~~3. No more than 1 mural is allowed per building.~~

~~4. A mural must be installed with the owner's permission. Any visual artwork installed without the owner's permission will be considered graffiti and must be immediately removed.~~

~~G. **Sidewalk Signs** A movable sign not secured or attached to the ground or surface upon which it is located. A sidewalk sign must meet the following requirements:~~

~~1. The sign must be placed along a building facade with a customer entrance to a tenant space.~~

~~2. The sign must must be placed no more than 12 feet from the building facade.~~

~~3. The sign must be located at least 25 feet from any other sidewalk sign.~~

~~4. The sign must be removed and placed indoors at the close of each business day.~~

~~5. The sign must not obstruct vehicular, bicycle, or pedestrian traffic and must comply with ADA clearance and accessibility.~~

~~6. The sign must not be illuminated.~~

~~7. The sign must not exceed 6 square feet in area, 3 feet in height and 2 feet width.~~

~~H. **Temporary Signs**~~

~~1. **Single Unit Detached, Single Unit Attached**~~

~~a. Up to 2 temporary signs per lot are allowed.~~

~~b. Maximum total temporary sign area of 6 square feet per lot.~~

~~c. Maximum height of 6 feet.~~

~~d. Temporary signs must not be illuminated.~~

~~2. **All Other Uses**~~

~~a. Maximum temporary sign area of 16 square feet per lot for all temporary signs combined. There is no restriction on the number of temporary signs, provided that the sign area, when combined, does not exceed the total allocated sign area.~~

~~b. Temporary signs may be used for a period not exceeding 60 consecutive days on two separate occasions per year. Additional posting time may be allowed by the Director, provided the temporary activity on the site is continuing.~~

~~c. Temporary signs must not be illuminated.~~

~~3. **Other Types of Temporary Signs**~~

~~a. Temporary signs that do not meet the characteristics above must comply with Sec. 8.3.18. Temporary Sign.~~

Sec. 8.43.5. Signs in the Right-of-Way

A. Wall signs, awning signs, canopy signs, projecting signs, crown signs, shingle signs and sidewalk signs may encroach over the sidewalk, but not over any street. All signs must be a minimum of 18 inches inside the curb line or edge of pavement, whichever is greater. Vertical height clearances must be maintained per the MUTCD, ADA and the Sandy Springs Technical Manual.

B. All signs must be placed on private property, and require the property owner's consent. No signs are allowed to be placed in the right-of-way, except those placed by the City, County, State or federal government.

Sec. 8.34.6. Changeable Copy Signs

Changeable copy signs are not allowed, except on monument signs permitted with fuel pumps or gas stations are allowed to have changeable copy as provided for by the laws and regulations of the State of Georgia.

Sec. 8.43.7. Identification Labels, Inspection

A. **Sticker** With each sign permit, the Director will issue a sticker bearing the same number as the permit with which it is issued. It is the duty of the permittee to affix the sticker to the sign in the lower right hand area so it is easily seen. The absence of a proper sticker is considered prima facie evidence that the sign has been, or is being, erected or operated in violation of the standards of this Division.

B. **Inspection** The Director will regularly inspect existing signs in the City to determine if such signs conform to the standards of this Division.

Sec. 8.43.8. Signs Requiring a Permit

Signs are allowed by district as shown below. Specific requirements for each sign are shown on the following pages. All of the following sign types require a sign permit.

	Protected Neighborhood				Urban Neighborhood				Corridors & Nodes								Perimeter Center	
	RE	RD	PK	CON	RU	RT	RM	RX	ON-	OX-	CX-	SX-	TX-	CS-	IX-	CC-	PR-	PX-

Awning Sign	—	—	—	—	—	—	—	◇	♦	♦	♦	♦	♦	♦	♦	♦	—	♦
Canopy Sign	—	—	—	—	—	—	—	◇	♦	♦	♦	♦	♦	♦	♦	♦	—	♦
Crown Sign	—	—	—	—	—	—	—	—	—	♦	—	♦	♦	♦	—	—	—	♦
Monument Sign	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	—	—	♦	♦	♦	♦	♦*
Projecting Sign	—	—	—	—	—	—	—	—	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦
Shingle Sign	—	—	—	—	—	—	—	◇	♦	♦	♦	♦	♦	♦	♦	♦	—	♦
Wall Sign	—	—	♦	—	—	—	—	◇	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦
Subdivision Entrance Sign	♦	♦	♦	—	♦	♦	♦	♦	♦	♦	♦	—	—	♦	♦	♦	♦	♦*
Temporary Sign (Section 8.31.18.)	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦

Key: ♦ = Allowed ◇ = Allowed for Nonresidential Uses Only — Not Allowed ♦* = Not Allowed on -SH Frontage

Sec. 8.43.9. Sign Area Allocation

A. **Allocation Not Transferable** Sign area allocation must be used on the building facade used to measure the allocation, and may not be transferred to any other building facade.

B. **Awning, Canopy, Projecting and Wall Signs**

1. **Primary Building Facade** Awning signs, canopy signs, projecting signs and wall signs are allocated a combined sign area of 1 square foot of per linear foot of primary building facade, or 32 square feet if the primary building facade is less than 32 feet in length.

2. **Side or Rear Building Facade** Awning signs, canopy signs, projecting signs and wall signs are allocated a combined sign area of 0.5 square feet per linear foot of side and rear building facade, or 32 square feet if the building facade is less than 32 feet in length.

C. **Crown Signs**

1. No more than 2 crown signs are allowed per building, and no more than 1 crown sign per building facade is allowed.

2. A crown sign must not exceed 180 square feet in area, unless otherwise stated under Sec. 8.43.12.

D. **Monument Signs**

1. One monument sign is allowed per 500 feet of street frontage of the subject lot. Where more than one monument sign is allowed, signs along the same street frontage of the subject lot must be spaced a minimum of 500 feet apart.

2. Monument signs may not be placed at the same driveway entrance where an entrance sign is located, and must be a minimum of 250 feet from an entrance sign.

3. Monument or other freestanding signs are not allowed where a principal structure's façade is located ten feet (10'-0") or less from a right-of-way.

E. **Shingle Signs** A shingle sign must not exceed 9 square feet in area and only 1 shingle sign is allowed per ground floor tenant space.

F. **Entrance Signs**

1. An entrance sign must not exceed 32 square feet in area and up to 2 entrance signs are allowed per entrance.

2. Entrance signs may not be placed at the same driveway entrance where a monument sign is located, and must be a minimum of 250 feet from a monument sign.

Sec. 8.43.10. Awning Sign

SEC. 8.43.10. AWNING SIGN





Description	
A sign where graphics or symbols are painted, sewn, or otherwise ~~adhered~~ affixed to the material of an awning as an integrated part of the awning itself.	
General Provisions	
1.	Only awnings over ground-story doors or windows may contain awning signs.

2.	An awning sign may be placed on the face or the valance of the awning, but must not extend outside the awning.
3.	An awning sign must not be illuminated.



Total Sign Area Allocation		
See Sec. 8.43.9		
Dimensions		
A	Max area of signs per awning	12 SF

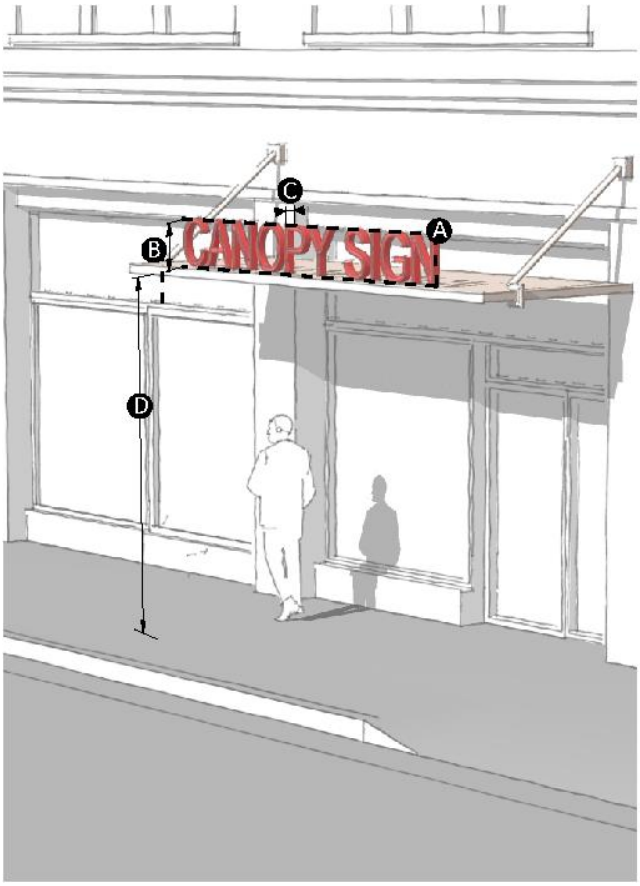
Sec. 8.43.11. Canopy Sign

SEC. 8.43.11. CANOPY SIGN





Description	
A sign attached to a canopy with a display surface parallel to the plane of the building facade.	
General Provisions	
1.	A canopy sign may extend above or below the canopy; however, it must not extend outside the overall length or width of the canopy.
2.	Only a canopy over ground-story doors or windows may contain a canopy sign.
3.	A maximum of one sign is allowed per canopy.
4.	A canopy sign may be externally and internally illuminated in accordance with Sec. 8.43.21.



Total Sign Area Allocation		
See Sec. 8.43.9		
Dimensions		
A	Area of individual sign (max)	32 SF
B	Height (max)	3'
C	Depth (max)	8"
D	Clear height above sidewalk (min)	9'
D	Clear height above parking area or driveway (min)	14'

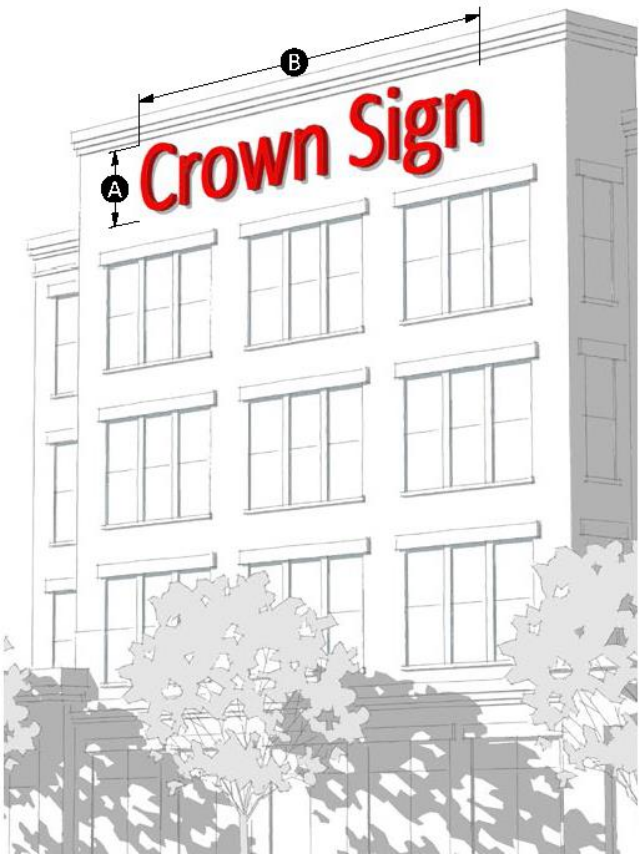
Sec. 8.43.12. Crown Sign

SEC. 8.43.12. CROWN SIGN





Description	
A sign attached to the upper portion of the wall of a building or structure at least 4 stories in height. "High visibility facades" refers to the facades of buildings of at least 10 stories in height, clearly visible from at least one direction on SR-400 or I-285, and located on property abutting SR-400 or I-285 right-of-way.	
General Provisions	
1.	A crown sign is only allowed on buildings at least 4 stories in height
2.	A crown sign must not be placed below the start of the 4th story, and of the 10th story on high visibility facades.
3.	A crown sign must not extend above the roof line.
4.	A crown sign must not cover windows or architectural details.
5.	No more than 2 crown signs are allowed per building and no more than 1 crown sign per building facade is allowed.
6.	Both a wall sign and a crown sign are permitted on the same facade.
7.	A crown sign may be externally or internally illuminated in accordance with Sec. 8.43.21.



Total Sign Area Allocation		
See Sec. 8.~~43~~.9		
Dimensions		
A	Area of individual sign (max)	180 SF
B	Height (max)	10'
	Projection - measured from building facade (max)	2'
C	Width (max % of facade width)	75%
Dimensions for High Visibility Facades		
A	Area of individual sign (max)	360 SF
B	Height (max)	15'
	Projection - measured from building facade (max)	2'
C	Width (max % of facade width)	50%

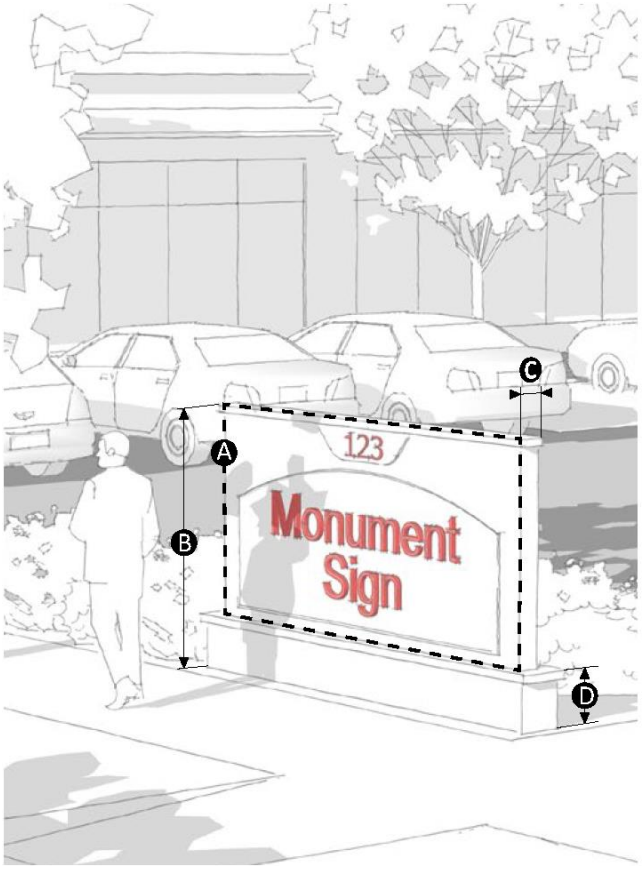
Sec. 8.~~43~~.13. Monument Sign

SEC. 8.~~43~~.13. MONUMENT SIGN





Description	
A permanently affixed sign which is wholly independent of a building for support and attached to the ground along its entire length.	
General Provisions	
1.	Monument signs located within 100 feet of a street must display the street address of the property. Where multiple addresses exist, the highest and lowest street address numbers must be identified. This provision applies only to monument signs located on the street where the property address is assigned. Numbers must be located on the top half of the sign at a minimum of 8 inches in height and be visible from both directions of travel.
2.	A monument sign must be set back at least 15 ~~fo~~oe~~e~~t from any ~~front~~ lot line ~~and 10 feet from a common lot line.~~ and sit upon a base. Any base, pole, or sub sign face portion of a monument sign ~~shall~~must be no less than 75% of the width of the sign face.
3.	The base of a monument sign must be constructed of durable materials Sec. 6.6.2.B.3.
4.	A monument sign may be externally or internally illuminated in accordance with Sec. 8.4~~3~~.21.



Total Sign Area Allocation		
See Sec. 8.~~43~~.9		
Dimensions		
A	Area of individual sign (max)	
	Up to 500 feet of frontage	32 SF
	501—1,000 feet of frontage	48 SF
	1,001 or more feet of frontage	64 SF
B	Height, including base (max)	8'
C	Depth (max)	2'
D	Sign base height (min/max)	1'/4'

Sec. 8.~~43~~.14. Projecting Sign

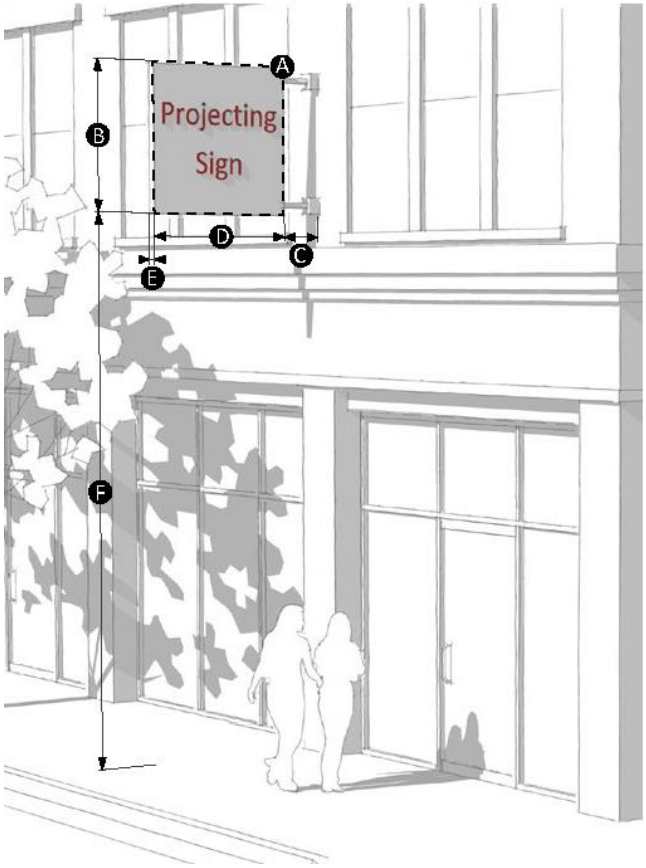
SEC. 8.~~43~~.14. PROJECTING SIGN







Description	
A sign attached to the building facade at a 90-degree angle, extending more than 1 foot from the outside wall of the building or structure.	
General Provisions	
1.	A projecting sign must be at least 20 feet from any other shingle sign or projecting sign.
2.	A projecting sign may be erected on a building corner. Allocation of sign area from both streets may be used.
3.	A projecting sign must be placed no higher than 24 feet above the sidewalk, measured from the highest point of the sign to the top of the sidewalk below.
4.	The top of a projecting sign must be no higher than the top of the building. However, on one story buildings, the top of a projecting sign may have a maximum of 2 feet of the sign height above the top of the building.
5.	A projecting sign may be externally or internally illuminated in accordance with Sec. 8.43.21.



Total Sign Area Allocation		
See Sec. 8.~~43~~.9		
Dimensions		
A	Size of individual sign (max)	48 SF
B	Height (max)	12'
C	Spacing from building facade (min/max)	1'/2'
D	Projection width (max)	6'
E	Depth (max)	1'
F	Clear height above sidewalk (min)	9'
F	Clear height above parking area or driveway (min)	14'

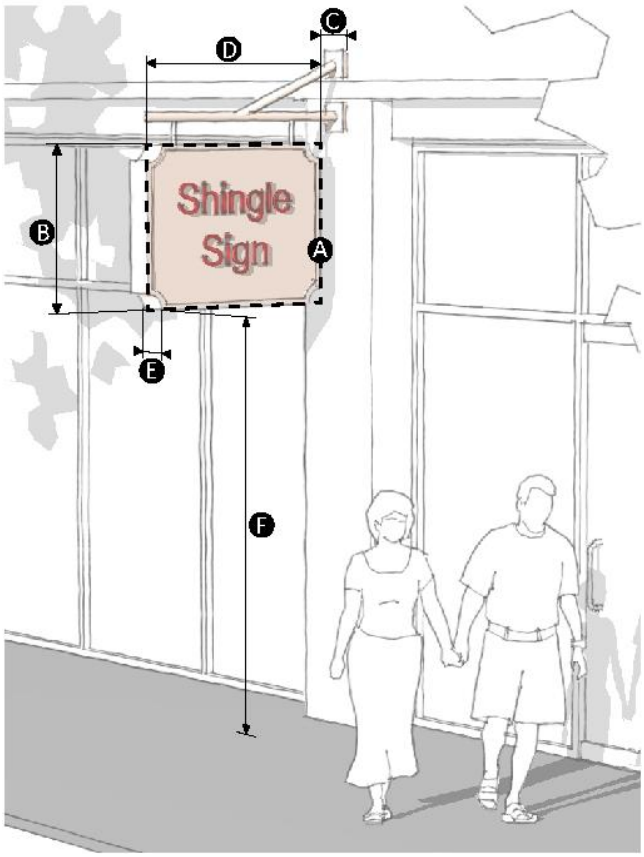
Sec. 8.~~43~~.15. Shingle Sign

SEC. 8.~~43~~.15. SHINGLE SIGN





Description	
A sign attached to the building facade at a 90-degree angle that hangs from a bracket or support extending more than 1 foot from the outside wall of the building or structure.	
General Provisions	
1.	The hanging bracket must be an integral part of the sign design.
2.	A shingle sign must be located below the window sills of the 2nd story on a multi-story building or below the roof line on a single-story building.
3.	A shingle sign must be located within 5 feet of a ground story tenant entrance.
4.	A shingle sign must be located at least 20 feet from any other shingle sign.
5.	A shingle sign must not be illuminated.



Total Sign Area Allocation		
See Sec. 8.~~43~~.9		
Dimensions		
A	Area of individual sign (max)	9 SF
B	Height (max)	3'
C	Spacing from building facade (min/max)	6"/1'
D	Projection width (max)	3'
E	Sign depth (max)	6"
F	Clear height above sidewalk (min)	9'
F	Clear height above parking area or driveway (min)	14'

Sec. 8.~~43~~.16. Wall Sign

SEC. 8.~~43~~.16. WALL SIGN





Description	
A sign attached to the wall or surface of a building or structure, the display surface of which does not project more than 1 foot from the outside wall of the building or structure.	
General Provisions	
1.	A wall sign must be placed no higher than 24 feet above average grade adjacent to the wall, measured from the highest point of the sign if the building is one story in height.
2.	No portion of a wall sign may extend above the roof line or above a parapet wall of a building with a flat roof.
3.	A wall sign must not cover windows or architectural details.
4.	A wall sign may be externally or internally illuminated in accordance with Sec. 8.43.21.

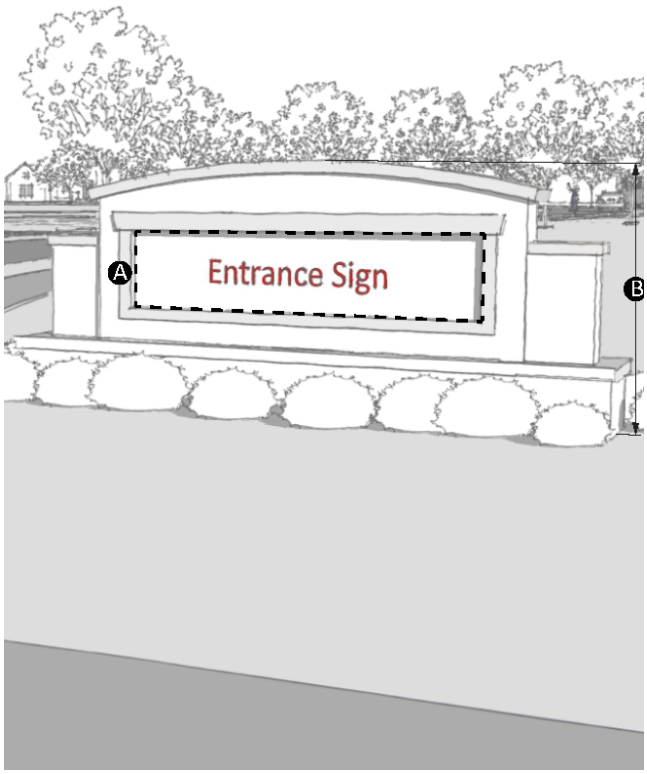


Total Sign Area Allocation		
See Sec. 8.43.9		
Dimensions		
A	Size of individual sign (max)	180 SF
B	Projection - measured from building facade (max)	1'

Sec. 8.43.17. Subdivision Entrance Sign

SEC. 8.43.17. SUBDIVISION ENTRANCE SIGN

Description	
A permanently affixed sign that is wholly independent of a building for support attached along its entire width to a continuous pedestal or wall that is used to identify entry to a development.	
General Provisions	
1.	An entrance sign must be set back at least 10 feet from the right-of-way.
2.	An entrance sign must not encroach on a sight visibility triangle (see Sandy Springs Technical Manual)
3.	An entrance sign may only be externally illuminated.



Total Sign Area Allocation		
64 SF per entrance		
Dimensions		
A	Size of individual sign (max)	32 SF
	Signs allowed per entrance (max 1 per side of entrance)	2
B	Height (max.)	8'

Sec. 8.43.18. Temporary Sign

A. **Description**

A sign that is not permanently mounted and intended to be displayed for a finite period of time.

~~For temporary signs not requiring a permit, see Sec. 8.3.4. Signs Not Requiring a Permit.~~

B. ~~**Banners on New Buildings**~~**Temporary Signs Not Requiring a Permit**

~~1. Banners are allowed on new buildings that are 3 stories in height or greater and are not located in a Protected Neighborhood district.~~

~~2. A banner is allowed one time for a period not to exceed 6 months.~~

~~3. The banner must be affixed to the building.~~

~~4. The banner may not exceed 120 square feet in total area.~~

~~5. The banner must be mounted so as not to extend above the line where the building wall and roof meet.~~

1. **Sidewalk Signs**

a. The sign must be placed along a building facade with a customer entrance to a tenant space.

b. The sign must must be placed no more than 12 feet from the building facade.

c. The sign must be removed and placed indoors at the close of each business day.

d. The sign must not obstruct vehicular, bicycle, or pedestrian traffic and must comply with ADA clearance and accessibility.

e. The sign must not be illuminated.

f. The sign must not exceed 6 square feet in area, 3 feet in height and 2 feet width.

D. Signs Located on Single Unit Properties

a. Up to 2 temporary signs per lot are allowed.

b. Maximum total temporary sign area of 6 square feet per lot.

c. Maximum height of 6 feet.

d. Temporary signs must not be illuminated.

3. **Signs Located on All Other Use Properties**

a. Maximum temporary sign area of 16 square feet per lot for all temporary signs combined. There is no restriction on the number of temporary signs, provided that the sign area, when combined, does not exceed the total allocated sign area.

b. Temporary signs may be used for a period not exceeding 60 consecutive days on two separate occasions per year. Additional posting time may be allowed by the Director, provided the temporary activity on the site is continuing.

c. Temporary signs must not be illuminated.

C. **Banners on New Buildings**

1. Banners are allowed on new buildings that are 3 stories in height or greater and are not located in a Protected Neighborhood district.

2. A banner is allowed one time for a period not to exceed 6 months.

3. The banner must be affixed to the building.

4. The banner may not exceed 120 square feet in total area.

5. The banner must be mounted so as not to extend above the line where the building wall and roof meet.

D~~C~~. **All other banners or temporary signs**

1. The signs ~~shall be~~is restricted to a maximum area of 32 square feet per parcel.

2. When at grade level, the maximum sign height is five feet, and when placed on a building, a maximum height of 24 feet and cannot extend above the roofline.

3. Signs cannot encroach into the right-of-way or the easement of a private road.

4. Signs may be displayed on a same lot for a maximum of three, two-week (14-day) periods per calendar year.

Sec. 8.~~43~~.19. Sign Measurements

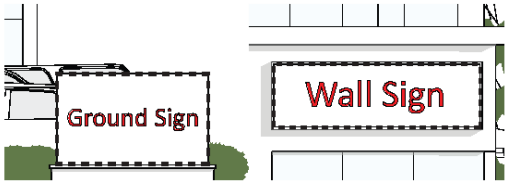
A. **Computation of Sign Area** The area of all signs is determined as follows:

1. For wall signs, awning signs, canopy signs and crown signs consisting of freestanding letters or logos, sign area is calculated as the total area of the rectangle, circle or square that fully encloses all the letters or images.

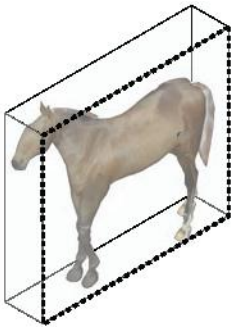


2. For signs on a background, the entire area of the background is calculated as sign area, including any material or color forming the sign face and the background used to differentiate the sign from the

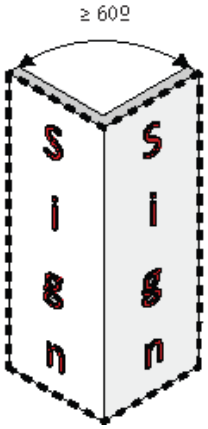
structure on which it is mounted. For monument signs, projecting signs, shingle signs and sidewalk signs, sign area includes the face of the structure that the message is affixed to, not including any supports, bracing or street number.



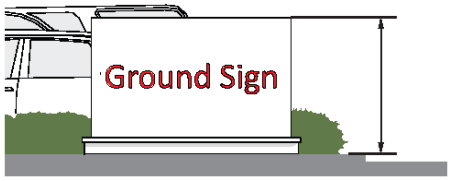
3. The sign area of a three-dimensional sign is calculated as total area of the smallest rectangle, circle or square that fully encloses the largest profile of the three-dimensional sign.



4. The area for a sign with more than one face is computed by adding together the area of all sign faces greater than 60 degrees; if the sign face angle is less than 60 degrees, only the area of the largest sign face is computed as part of the sign area.



B. **Measurement of Sign Height** The total height of a monument sign is measured from the highest point of the sign or supporting structure to the top of the abutting sidewalk.



C. **Sign Variances** The Board of Appeals will not consider any variance to either sign area or sign height. For all other relief, see Div. 11.6.

Sec. 8.43.20. Sign Maintenance

A. All signs must be maintained in good condition and present a neat and orderly appearance. The Director may cause to be removed after due notice any sign which shows gross neglect, becomes dilapidated, or if the ground area around it is not well maintained.

B. The Director will give the owner 10 days written notice to correct the deficiencies or to remove the sign or signs. If the owner refuses to correct the deficiencies or remove the sign, the City will have the sign removed at the expense of the owner.

C. Any legal nonconforming pole sign (sign which rests on a pole that is less than 75% of the width of the face of the sign) may not be altered in anyway before coming into complete compliance with the requirements of a monument sign as provided in Sec. 8.43.13. The sign shallcan only be repaired of damage or wear, but not altered or improved in any way before coming into compliance.

Sec. 8.43.21. Sign Materials

Permanent signs (other than awning signs) must be constructed of wood, metal, masonry or glass. Plastic and other synthetic materials may be approved by the Director for lettering or as accent materials.

Sec. 8.43.22. Sign Illumination

Illumination of signs must be in accordance with the following requirements.

A. **Prohibited Light Sources**

The following light sources are not allowed:

1. Blinking, flashing and chasing.
2. Bare bulb illumination.
3. Colored lights used in any manner so as to be confused with or construed as traffic control devices.
4. Direct reflected light that create a hazard to operators of motor vehicles.

B. **Brightness**

The light from any illuminated sign must not be of an intensity or brightness that will interfere with the peace, comfort, convenience, and general welfare of residents or occupants of adjacent properties.

C. **Internal Illumination**

1. Channel letters may be internally lit or back-lit.
2. For internally illuminated signs on a background, the background must be opaque and a contrasting color.
3. Neon window signs stating "Open" are allowed as specified in Sec. 8.43.4.C.
4. Light emitting diodes (LED)'s are allowed as a light source in a manner that the LED is behind acrylic, aluminum or similar sign face and returns in such a manner that the LED modules are not visible from the exterior of the sign.

D. **External Illumination**

1. Lighting directed toward a sign must be shielded so that it illuminates only the face of the sign and does not shine directly onto the right-of-way or adjacent properties.

2. Projecting light fixtures used for externally illuminated signs must be simple and unobtrusive in appearance, and not obscure the sign.



External light sources



Internally lit channel letters



Back lit channel letters



Internally lit signs with darker backgrounds

E. **Raceways and Transformers**

1. If a raceway is necessary, it must not extend in width or height beyond the area of the sign.
2. A raceway must be finished to match the background wall or canopy, or integrated into the overall design of the sign.
3. Visible transformers are not allowed.

Sec. 8.43.23. Violations, Penalties

A. **Noncompliance** No person may erect on any premises owned or controlled by that person any sign which does not comply with the standards of this Division.

B. **Dangerous or Defective** No person may maintain or permit to be maintained on any premises owned or controlled by that person any sign which is in a dangerous or defective condition. Any such sign must be removed or repaired by the permittee of the sign, the owner of the premises, or as otherwise provided for in this Division.

C. **Separate Violation** Each sign installed, created, erected or maintained in violation of this Division is considered a separate violation when applying the penalty portions of this Section.

D. **Public Nuisance** Any violation of this Division is hereby declared to be a public nuisance.

E. **Notice** The Director must give the permittee 10 to 30 days written notice, based on the practical considerations of completing measures to comport with the standards of this Division, to correct the deficiencies or to remove the signs which are in violation of this Division. If the permittee refuses to correct the deficiencies or remove the sign, the Director will have the sign removed at the expense of the permittee.

F. **Citations** If any sign or other device covered by this Division is, or is proposed to be, erected, constructed, altered, converted or used in violation of any provision of this Division, the Director will issue a citation. Additionally, the City may seek an injunction for a continuing violation or take other appropriate action to prevent such unlawful erection, construction, alteration, conversion or use to correct or abate such violation. Any violation of this Division is an offense, and the violator is subject to a fine of up to $1,000.00, imprisonment for up to 6) days, or by both fine and imprisonment.

Sec. 8.~~43~~.24. Removal of Signs

The following requirements apply to removal of unlawful or dangerous signs.

A. **Removal**

1. The City may order the removal of any sign in violation of this Division by written notice to the permit holder and the owner of the property.

2. If a permit has been issued, such notice will operate to revoke the permit.

B. **Procedure Following Removal Order** If the sign is not removed within the time allowable pursuant to this Division, the City will remove or cause to be removed the sign and collect the costs for the removal as provided below.

C. **Removal without Notice**

1. The City will remove any sign in violation of this Division without giving notice to any party, if:

   a. The sign is upon the public right-of-way or upon other public property; OR

   b. The sign poses an immediate safety to members of the public.

D. **Removal After Court Determination**

1. Other than signs located in a public right-of-way and signs constituting an immediate threat to the life or health of the public, a sign will be removed by the City after a final determination by a court that the sign is unlawful and should be removed.

2. If the applicant or owner fails to remove the sign, the sign may be immediately removed and disposed of by the City.

E. **Removal of Abandoned Signs** Any sign associated with a business which has ceased operations for 60 days or more must be removed by the property owner of record within 2 weeks of notification from the Department. The Department is required to provide official written notification to the property owner indicating the type and location of signs that require removal.

Div. 8.54. Site Lighting

Sec. 8.54.1. General

A. **Purpose and Intent** The purpose and intent of this Section is to provide a regulatory strategy for outdoor lighting that will permit reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment and commerce; curtail and reverse the degradation of the nighttime visual environment and the night sky; preserve the dark night sky for astronomy; minimize glare, obtrusive light and artificial sky glow by limiting outdoor lighting that is misdirected, excessive or unnecessary; conserve energy and resources to the greatest extent possible; and help to protect the natural environment from the damaging effects of night lighting from man-made sources.

B. **Conformance With Applicable Codes** All outdoor illuminating devices must be installed in conformance with the provisions of this Development Code, the Building Code and the Electrical Code as applicable and under appropriate permit and inspection.

Sec. 8.54.2. Applicability

A. **New Fixtures** All lighting fixtures installed after the effective date of this Development Code must conform to all applicable standards and requirements of this Division.

B. **Existing Fixtures**

1. Routine maintenance, including changing the lamp, ballast, starter, photo control, fixture housing, lens and other required components, is allowed for all existing fixtures.

2. The installation of site lighting, replacement of site lighting and changes to existing light fixture wattage, type of fixture, mounting or fixture location must be made in compliance with this Division.

C. **Additions** When an existing building, use or site is increased in gross floor area or improved site area by more than 25% cumulatively over ~~the past~~ a period of 3 consecutive years, both the existing building, use or site and the additional floor or site area must conform to the lighting requirements of this Division.

D. **Change in Use** A change in use does not trigger application of this Division.

E. **Exempt Lighting** The following luminaires and lighting systems are exempt from these requirements:

1. Lighting for swimming pools used at night;

2. Underwater lighting used for the illumination of swimming pools and fountains;

3. Temporary holiday lighting (for a period of no more than 30 days before the holiday and no more than 7 days after the holiday);

4. Lighting required and regulated by the Federal Aviation Administration, or other federal, state or local agency;

5. Emergency lighting used by police, fire, or medical personnel, or at their direction;

6. All outdoor light fixtures producing light directly from the combustion of fossil fuels; and

7. Security lighting controlled and activated by a motion sensor device for a duration of 10 minutes or less.

F. **Light Level Measuring**

1. Light levels are specified, calculated and measured in footcandles. All footcandles values are maintained footcandles.
2. Measurements are to be made at ground level, with the light-registering portion of the meter held parallel to the ground pointing up.

Sec. 8.54.3. Prohibited Lighting

The following lighting systems are prohibited:

A. Aerial lasers;

B. Temporary searchlights and other high-intensity narrow-beam fixtures;

C. Mercury or sodium vapor lamps and other light sources that lack color correction or do not allow for uniform site lighting;

D. Cobra-head-type fixtures having dished or drop lenses or refractors, which contain sources that are not ~~incandescent~~LED;

E. Blinking or flashing lights, rope lights or lights outlining architectural features (other than temporary holiday lighting); and

F. Spotlights or floodlights mounted on any tree (other than temporary holiday lighting).

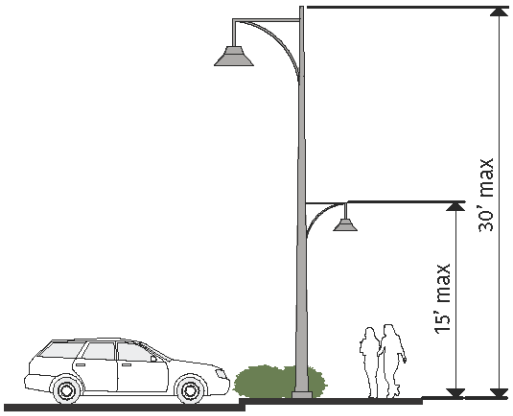
Sec. 8.54.4. Outdoor Lighting Design

A. **Design and Installation**

1. The maximum light level of any light fixture cannot exceed 0.5 footcandle measured at the property line of any Urban or Protected Neighborhood zoning district and 2.0 footcandles measured at the right-of-way line of a street.
2. Lighting must not be oriented onto adjacent properties, streets or sidewalks.
3. Service connections for all freestanding lighting fixtures must be installed underground.

B. **Parking and Pedestrian Areas**

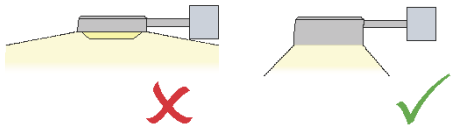
1. Light fixtures within vehicle parking areas may be no higher than 30 feet.
2. Light fixtures within pedestrian areas may be no higher than 15 feet.



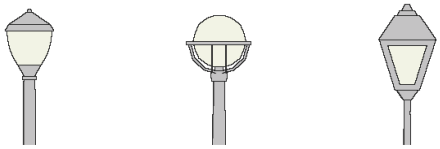
3. Light fixtures located within 50 feet of the property line of a Protected Neighborhood may be no higher than 15 feet. When pedestrian lighting is required along a street, light fixtures may be no ~~heigher~~higher than ~~17~~ 15 feet.

4. Light fixtures within 25 feet of a street right-of-way (not including an alley) must be forward throw fixtures.

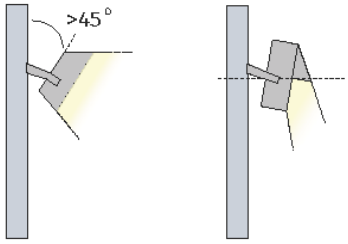
5. All light fixtures must be full cutoff, except as listed in paragraph F. below.



C. Non-cutoff (unshielded) fixtures may be used when the maximum initial lumens generated by each fixture is less than 9,500 lumens. These fixtures generally feature globes or vertical glass planes and must be coated with an internal white frosting to diffuse light.

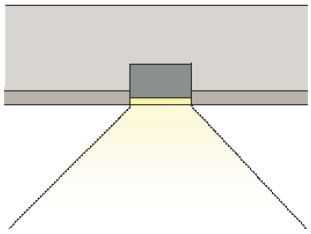


D. **Floodlights** Floodlight fixtures must either be aimed down at least 45 degrees from vertical, or the front of the fixture shielded so that no portion of the light bulb extends below the bottom edge of the shield.

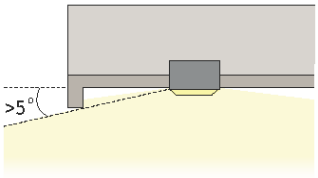


E. **Vehicular Canopies** Lighting under vehicular canopies must be less than 24 footcandles and be designed to prevent glare off-site. Acceptable lighting designs include the following:

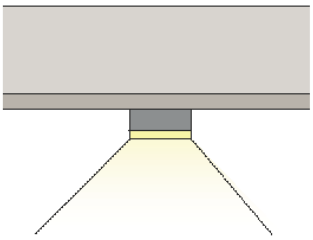
1. **Recessed** Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface of the canopy;



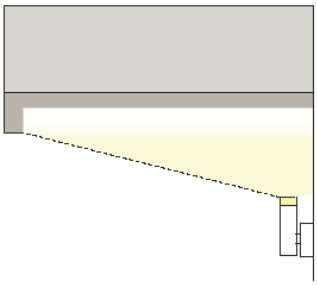
2. **Shielded** Light fixture incorporating shields or is shielded by the edge of the canopy itself, so that light is restrained to 5 degrees or more below the horizontal plane;



3. **Surface Mounted** Surface mounted fixture incorporating a flat glass that provides a cutoff design or shielded light distribution; or



4. **Indirect** Indirect lighting where light is beamed upward and then reflected down from the underside of the canopy, provided the fixture is shielded so that direct illumination is focused exclusively on the underside of the canopy.



F. **Building Lighting**

1. Lighting fixtures must be selected, located, aimed and shielded so that direct illumination is focused exclusively on the building facade, plantings and other intended site features and away from adjoining properties and the street right-of-way.

2. All wall pack fixtures must be full cutoff fixtures.



3. Only lighting used to accent architectural features, landscape or art may be directed upward, provided that the fixture is located, aimed or shielded to minimize light spill into the night sky.

Sec. 8.54.5. Special Uses

All lighting not directly associated with the special use areas designated below must conform to the lighting standards described in this Division.

A. **Outdoor Sports, Recreation Fields, or Performance Areas** Lighting of outdoor recreational facilities (public or private), such as, but not limited to, outdoor athletic fields, courts, tracks, special event or show areas must meet the following requirements:

1. Facilities designed for municipal leagues, elementary to high school levels of play, and training fields for recreational or social levels of play, college play, semi-professional, professional or national levels of play must use luminaires with minimal uplight consistent with the illumination constraints of the design. Where fully shielded fixtures are not used, acceptable luminaires include those which:

    a. Are provided with internal or external glare control louvers or lenses, and are installed so as to minimize uplight and offsite light trespass and glare; and

    b. Are installed and maintained so as to avoid aiming more than 2.5 times the mounting height.

2. All lighting installations must be designed to achieve the illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA RP-6).

3. The installation must also limit off-site spill (off the lot containing the sports facility) to the maximum extent possible consistent with the illumination constraints of the design. For all recreational or social levels of play and training fields, as well as, performance areas, illumination levels must not exceed 1.5 foot-candles at any location along any nonresidential property line, and 0.5 foot-candles at any location along any residential property line.

4. All events must be scheduled to complete all activity no later than 10:30 PM. Illumination of the playing field, court or track may be permitted after the curfew only to conclude a scheduled event that was unable to conclude before the curfew due to unusual circumstances. Field lighting for these facilities must be turned off within 30 minutes after the last event of the night.

5. All light poles must be set back the greater of 50 feet or 1 foot for every foot in height from any residential property line or right-of-way.

ARTICLE 9.
ENVIRONMENTAL PROTECTION

Div. 9.1. Wetlands

Sec. 9.1.1. Wetland Regulations

A. **National Wetland Inventory Maps** The National Wetland Inventory Maps, prepared by the United States Fish and Wildlife Service, show the general locations of wetlands and should be consulted by persons contemplating activities in or near wetland areas. These maps should be used as a guide only. Field verification is required to determine the existence or absence of any jurisdictional waters.

B. **Plans** Design professionals, after consulting the National Wetland Inventory maps and conducting appropriate field studies, must indicate wetlands or jurisdictional waters on plans required for land disturbance permit applications.

C. **Design Professional Statement** Prior to the issuance of a land disturbance permit, the design professional who prepared the required plans accompanying the permit application, must add a statement to the plan sheet indicating land disturbance and the statement must read as follows:

Wetland certification:

> The design professional, whose seal appears hereon, certifies the following: (1) the National Wetland Inventory maps have been consulted and appropriate field studies have been conducted; and, (2) the appropriate plan sheet [__] DOES/[__] DOES NOT (mark appropriate box) indicate wetlands as shown on the maps; and, (3) if wetlands are indicated, the land owner or developer has been advised that land disturbance of protected wetlands or jurisdictional waters must not occur unless the appropriate federal wetlands alteration ("Section 404") permit has been obtained.

D. **ACOE Coordination** The issuance of Land Disturbance Permits by the City may be coordinated with the U.S. Army Corps of Engineers Section 404 permitting process. If the "wetland certification" above indicates the presence of wetlands or jurisdictional water as shown on the NWI generalized wetlands maps or by field study, a land disturbance permit that identifies alterations of designated wetlands or jurisdictional waters may not be issued by the City until a Section 404 Permit or Letter of Permission is obtained from the U.S. Army Corps of Engineers.

Div. 9.2. State Waters Buffer Protection[12]

Sec. 9.2.1. Findings and Purposes

A. **Findings** The Community Development Department of the City finds that buffers adjacent to state waters provide numerous benefits, including:

1. Protecting, restoring and maintaining the chemical, physical and biological integrity of streams and their water resources.
2. Removing pollutants delivered by urban stormwater runoff.
3. Reducing erosion and controlling sedimentation.
4. Protecting and stabilizing stream banks.
5. Providing for infiltration of stormwater runoff.
6. Maintaining base flow of streams.
7. Contributing organic matter that is a source of food and energy for the aquatic ecosystem.
8. Providing tree canopy to shade streams and promote desirable aquatic habitat.
9. Providing riparian wildlife habitat.
10. Furnishing scenic value and recreational opportunity.
11. Providing opportunities for the protection and restoration of greenspace.

B. **Purpose~~s~~** The purpose of this Division is to protect the public health, safety, environment and general welfare; to minimize public and private losses due to erosion, siltation and water pollution; and to maintain stream water quality by provisions designed to:

1. Create buffer and setback zones along state waters within the City for the protection of water resources; and
2. Minimize land development within such buffers and setbacks by establishing buffer and setback requirements and by requiring authorization for any such activities.

Sec. 9.2.2. Applicability

A. **Generally** This Division applies to all land development activity on property containing a state waters buffer as defined in Article 12 and an additional impervious surface setback. ~~In this Division, "setback" refers to the additional 25' impervious surface setback described in Sec. 9.2.4.A.2.~~ These requirements are in addition to, and do not replace or supersede, any other applicable buffer and setback requirements established under state law, and approval of or exemption from these requirements does not constitute approval of or exemption from buffer and setback requirements established under state law or from other applicable local, state or federal regulations.

B. **Legal Nonconforming Structures** This Division does not apply to the following existing structures:

1. Work consisting of the repair or maintenance of any lawful use of land that is zoned and approved for such use on or before December 12, 2005.
2. Existing development and ongoing land disturbance activities including but not limited to existing agriculture, silviculture, landscaping, gardening and lawn maintenance, except that new development or land disturbance activities on such properties will be subject to all applicable buffer and setback requirements.

3. A variance from the requirements of the Sandy Springs portion of any state waters buffer ~~or additional~~ (which includes the 50' vegetative buffer or 75' impervious surface setback (see Sec. 9.2.3.4)) is not required for:

   a. Repair or replacement in kind of any legally approved principal structure located in the buffer that existed prior to December 12, 2005, provided that the footprint of the pre-2005 structure is not exceeded and engineering analysis indicates that no rise in flood elevation will occur. All required permits are still necessary prior to construction.

   b. Repair or replacement of any structure or improvement located in the 75'~~25-foot~~ impervious surface setback and approved prior to December 12, 2005, provided that the area of imperviousness in square feet remains the same or is reduced, and that the new structure or improvement is not located any closer to the 50'~~-foot~~ vegetative buffer than the existing one.

   c. Removal of a principal or accessory structure or otherwise reducing the amount of impervious surface in the state waters buffer or the setback, provided the state waters buffer is restored using native vegetation in accordance with revegetation standards in "Buffer Zone," starting on page 6-15 of the GSWCC's Manual for Erosion and Sediment Control in Georgia: 2016 Edition.

   d. All required permits are still necessary prior to demolition and/or construction.

C. **Exemptions** The following specific activities are exempt from this Division. Exemption of these activities does not constitute an exemption for any other activity proposed on a property.

1. Activities for the purpose of building one of the following:

   a. A stream crossing by a driveway, transportation route or utility line;

   b. Public water supply intake or public wastewater outfall structures;

   c. Intrusions necessary to provide access to a property;

   d. Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;

   e. Trails and paths, paved or unpaved, provided that:

      i. They are maintained by the City of Sandy Springs or its designee, and

      ii. They are built of pervious material, and

      iii. Their alignment and construction minimize intrusion into the buffer and impervious surface setback, and they disturb land no more than 25' in width during grading and construction, unless approved by the Director due to drainage, topography, other physical conditions, or other reasons deemed acceptable to the Director, and

      iv. They are no more than 14' in width, and

      v. Associated gathering spaces, such as sitting areas and viewing platforms, do not exceed 350 square feet each, and

      vi. The disturbed buffers are stabilized and restored to the maximum possible extent, in accordance with the standards set forth in the Restoration Standards in the City of Sandy Springs Technical Manual.

   f. Activities to restore and enhance stream bank stability, vegetation, water quality or aquatic habitat, so long as native vegetation and bioengineering techniques are used.

2. Public sewer line easements paralleling the stream, except that all easements (permanent and construction) and land disturbance should be at least 25 feet from the top of the bank. This includes

such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures. This exemption must not be construed as allowing the construction of roads, ~~bike~~bicycle paths or other transportation routes in such easements, regardless of paving material, except for access for the uses as specifically cited in paragraph 1 above.

3. Land development activities within a right-of-way existing on December 12, 2005 or approved under the terms of this Division.

4. Within an easement of any utility existing on December 12, 2005 or approved under the terms of this Division, land disturbance activities and such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures.

5. Emergency work necessary to preserve life or property. However, when emergency work is performed under this Division, the person performing it must report such work to the City on the next business day after commencement of the work. Within 10 days, the person must apply for a permit and perform such work within such time period as may be determined by the City to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area.

6. Forestry and silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land disturbance in the buffer or setback that would otherwise be prohibited, then no other land disturbing activity other than normal forest management practices will be allowed on the entire property for 3 years after the end of the activities that intruded on the buffer or setback.

7. Projects defined in O.C.G.A. § 12-7-17(3) as minor land-disturbing activities that are exempt from the Georgia Erosion and Sedimentation Act: "Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion."

D. **Minor Land Disturbing Activities** The following land-disturbing activities are examples of projects not specifically listed in O.C.G.A. § 12-7-17(3) that would be considered minor land-disturbing activities and are, therefore, exempt from the Georgia Erosion and Sedimentation Act and the applicable buffer requirements for state waters:

1. Elevated structures such as decks, gazebos, patios, walkways, viewing platforms or open picnic shelters, provided that:

   a. The floor or decking is built in a pervious manner to allow for the infiltration of stormwater;

   b. No more than 100 square feet of footprint of the elevated structure extends into or over the buffer, with an exception for structures compliant with the Americans with Disabilities Act (ADA);

   c. No grading, cutting, filling or similar land-disturbing activities occurring as a part of the site preparation, construction or subsequent development;

   d. The structure is built on posts, concrete blocks or similar supports;

   e. Permanent protective vegetative cover remains or protective measures (for example, mulch or gravel) are installed within the footprint of the elevated structure to prevent post-construction soil erosion;

   f. A natural canopy is left in sufficient quantity to keep shade on the streambed; and

   g. No concrete or asphalt slabs, pads or foundations are constructed or placed as a part of the site preparation, construction or subsequent development.

2. A pervious ground-level walkway approach to a dock or similar structure, provided that:

a. No more than 100 square feet of the constructed walkway extends into the buffer, with an exception for structures compliant with the Americans with Disabilities Act (ADA);

b. No grading, cutting, filling or similar land-disturbing activities occur as a part of the site preparation, construction or subsequent development;

c. No concrete or asphalt slabs, pads, supports or foundations are constructed or placed as a part of the site preparation, construction or subsequent development; and

d. All ground preparation and walkway material placement is completed with the use of hand-held equipment.

3. Restoration of buffer area after the removal of an existing structure, provided that the buffer area must be replanted with native vegetation.

4. Maintenance or repair of existing structures, the failure of which would result in a threat to human health or state waters, such as sewer lines, water lines, dams or gas lines. Total disturbance must be less than 100 square feet.

5. Placement of rock riprap within the buffer not to exceed 100 square feet on any one property, provided that:

a. The placement of the riprap does not result in soil disturbance outside the placement area; and

b. No grading, cutting, filling or similar land-disturbing activities occur as part of the site preparation, construction or subsequent development.

E. **Activities Not Considered Minor** The following land-disturbing activities are examples of projects that are not considered minor land-disturbing activities and are, therefore, not exempt from the Georgia Erosion and Sedimentation Act and the applicable buffer requirements for state waters:

1. Any land-disturbing activity utilizing wheeled or tracked machinery and equipment resulting in soil erosion within the buffer;

a. Paving with poured or prefab concrete or asphalt;

b. Any project or combination of projects occurring within the same calendar year on the same property resulting in more than 100 square feet of any elevated structures or pervious ground level walkways within or extending into the buffer;

c. Construction of a barbeque pit on a concrete or asphalt slab or pad within the buffer;

d. Construction of a ground-level patio within the buffer;

e. Construction of a swimming pool within the buffer;

f. Construction of a decorative or structural retaining wall within the buffer;

g. Construction of a new seawall with land-disturbing activities occurring within the buffer; and

h. Backfilling any new seawall construction within the buffer.

F. **Prohibited Activity** Any land development activity within a buffer established under this Division or any impervious cover within a setback established under this Division is prohibited unless a variance is granted pursuant to Sec. 9.2.4.B and Sec. 11.6.2.

~~Sec. 9.2.3. Inspections~~

~~A. The Department may cause inspections of the work in the buffer or setback to be made periodically during the course thereof and must make a final inspection following completion of the work. The permittee must~~

~~assist the Department in making such inspections. The Department has the authority to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this Division, and for this purpose to enter at reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of any land development activities within the protection area.~~

~~B. No person may refuse entry or access to any authorized representative or agent who requests entry for purposes of inspection, and who presents appropriate credentials, nor may any person obstruct, hamper or interfere with any such representative while in the process of carrying out official duties.~~

Sec. 9.2.34. Land Development Requirements

A. **Buffer and Setback Requirements** All land development activity subject to this Division must meet the following requirements:

1. **50' Vegetative Buffer** An undisturbed natural vegetative buffer is maintained for 50 feet, measured horizontally, on all banks of the state waters as measured from the point of wrested vegetation.

2. **75' Impervious Surface Setback** All impervious surfaces are prohibited from an additional setback of 25 feet, measured horizontally from the 50~~-foot~~' ~~undisturbed~~ vegetative buffer.

   a. **Purpose** The purpose of the setback is to prohibit all newly proposed impervious surfaces and to prevent increases in stormwater runoff caused by grading or other land disturbance activities within the impervious surface setback.

   b. **Exceptions** Land development activities in the impervious surface setback may be approved by the Director if they maintain or decrease the existing stormwater runoff rates.

3. **Septic** No septic tanks or septic tank drain fields are permitted within the buffer or the setback. Septic tanks and septic tank drain fields must be coordinated with the Fulton County Health Department and comply with its regulations.

~~B. **Variance Procedures** Variances from paragraph A. above may be granted in accordance with the following provisions:~~

~~1. Where a parcel was platted prior to December 12, 2005, and its shape, topography or other existing physical condition prevents land development consistent with this Division, and the City finds and determines that the requirements of this Division prohibit the otherwise lawful use of the property by the owner, the Board of Appeals may grant a variance from paragraph A. above, provided such variance requires mitigation measures to offset the effects of any proposed land development on the parcel.~~

~~2. The Board of Appeals will follow the procedure set forth in Sec. 11.6.2.~~

~~3. Variances will be considered only in the following cases:~~

~~a. When a property's shape, topography or other physical conditions existing on December 12, 2005 prevents land development unless a buffer or setback variance is granted.~~

~~b. Unusual circumstances when strict adherence to the minimal buffer and setback requirements in this Division would create an extreme hardship.~~

~~4. Variances will not be considered when actions of any property owner of a given property after December 12, 2005 have created conditions of a hardship on that property.~~

~~5. At a minimum, a variance request must include the following information:~~

~~a. A site map that includes locations of all state waters, wetlands, floodplain boundaries and other natural features, as determined by field survey;~~

b. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;

c. A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer and setback to be affected is accurately and clearly indicated;

d. Documentation of unusual hardship should the buffer and setback be maintained;

e. At least one alternative plan that does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;

f. A calculation of the total area and length of the proposed intrusion;

g. A stormwater management site plan, if applicable; and

h. Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.

6. The following factors will be considered in determining whether to issue a variance:

a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;

b. The locations of all state waters, wetlands, floodplain boundaries and other natural features on the property, including along property boundaries, as determined by field survey;

c. The location and extent of the proposed buffer or setback intrusion;

d. Whether alternative designs are possible which require less intrusion or no intrusion;

e. The long-term and water quality impacts of the proposed variance; and

f. Whether issuance of the variance is at least as protective of natural resources and the environment.

Sec. 9.2.45. Compatibility with Other Buffers

A. **Minimum requirements** This Division is not intended to interfere with, abrogate or annul any other chapter, rule or regulation, statute or other provision of law. The requirements of this Division should be considered minimum requirements, and where any provision of this Division imposes restrictions different from those imposed by any other chapter, rule, regulation or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment are considered to take precedence.

B. **Additional standards** that apply and will be enforced by the City are as follows:

1. Metropolitan River Protection Act (MRPA) and Chattahoochee Corridor Plan:

a. Requires a 50-foot' (undisturbed) vegetative buffer;

b. Requires a 150-foot' impervious surface setback on the Chattahoochee and its impoundments; and

c. Requires a 35-foot' undisturbed vegetative buffer (all measured from the edge of the water) on perennial tributary streams in a corridor extending 2,000 feet from either bank of the river and its impoundments.

d. The corridor extends from Buford Dam to the downstream limits of the Atlanta region (Douglas and Fulton Counties). Streams in the basin of the Corridor are required to be protected by buffers, but no required width is specified. (O.C.G.A. § 12-5-440 et seq.)

2. DNR Part 5 Criteria for small (under 100 square miles) water supply watersheds:

   a. Authorized under O.C.G.A. § 12-2-8, these criteria require 100-foot undisturbed buffers and 150-foot setbacks on all perennial streams within seven miles upstream of a public water supply reservoir or public water supply intake.

   b. Beyond 7 miles, the required buffer is 50 feet and the required setback is 75 feet. Equivalent protection measures may be adopted with approval from the state Department of community affairs and the Department of natural resources (DCA and DNR).

3. DNR Part 5 Criteria for river protection authorized under the Metropolitan River Protection Act, these criteria require a 100-foot buffer along rivers with average annual flows of greater than 400 cubic feet per second (cfs) excepting the portion of the Chattahoochee referenced in subsection (1) of this section. The buffer is measured from the top of the stream bank.

4. Other such state and federal regulations as may be adopted from time to time. While the requirements of this Division are intended to apply to all state waters in the City, special conditions may exist that require greater protection. Nothing in this Division should be construed as preventing the establishment of wider and/or more restrictive buffers and setbacks as required under any other existing or future legislation. In addition, nothing in this Division should be construed as preventing the establishment of wider buffers or setbacks for purposes of protecting greenspace, preserving habitat or other goals that may not be specifically mandated by legislation.

Sec. 9.2.5~~6~~. Additional Information Requirements

Any permit applications for property requiring buffers and setbacks under this Division must include the following:

A. **A site plan showing:**

   1. The location of all state waters on the property;

   2. Limits of required state waters buffers and required setbacks on the property;

   3. Buffer zone topography with contour lines at no greater than five-foot contour intervals;

   4. A tree survey;

   5. Detailed plans of all proposed land development in the buffer and setback and of all proposed impervious cover within the setback.

B. **Scope** A description of all proposed land development within the buffer and setback.

C. **Supporting documents** Any other documentation that the City may reasonably deem necessary for review of the application and to ensure that this Division is addressed in the approval process.

D. **Memorialization** All buffer and setback areas must be recorded on the final plat of the property following plan approval.

Sec. 9.2.6. Inspections

A. **Frequency** The Department may cause inspections of the work in the buffer or setback to be made periodically during the course thereof and must make a final inspection following completion of the work. The permittee must assist the Department in making such inspections. The Department has the authority to

conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this Division, and for this purpose to enter at reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of any land development activities within the protection area.

B. **Access** No person may refuse entry or access to any authorized representative or agent who requests entry for purposes of inspection, and who presents appropriate credentials, nor may any person obstruct, hamper or interfere with any such representative while in the process of carrying out official duties.

Sec. 9.2.7. Responsibility

Neither the issuance of a development permit nor compliance with the conditions of the permit, nor with the provisions of this Division relieves any person from any responsibility otherwise imposed by law for damage to persons or property; nor will the issuance of any permit under this Division serve to impose any liability upon the City, its officers or employees, for injury or damage to persons or property.

Sec. 9.2.8. Violations, Enforcement and Penalties

In addition to the provisions of Div. 11.8, the following provisions apply.

A. **Violations** Any action or inaction which violates the provisions of this Division or the requirements of an approved site plan or permit may be subject to the enforcement actions outlined in this section. Any such action or inaction that is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described in paragraph C. of this section does not prevent such equitable relief.

B. **Notice of Violation**

1. If the City determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved site plan or the provisions of this Division, the Director will issue a written notice of violation to the applicant or other responsible person.
2. Where a person is engaged in activity covered by this Division without having first secured the appropriate permit for the work, the notice of violation is served on the owner or the responsible person in charge of the activity being conducted on the site.
3. The notice of violation must contain:
    a. The name and address of the owner or the applicant or the responsible person;
    b. The address or other description of the site upon which the violation is occurring;
    c. A statement specifying the nature of the violation;
    d. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the approved site plan or this Division and the date for the completion of such remedial action;
    e. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and
    f. A statement that the determination of violation may be appealed to the City by filing a written notice of appeal within 30 days after the notice of violation (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice is sufficient).

C. **Penalties**

1. In the event the remedial measures described in the notice of violation have not been completed by the date set forth for completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed.

2. Before taking any of the following actions or imposing any of the following penalties, the City must first notify the applicant or other responsible person in writing of its intended action, and provide a reasonable opportunity, of not less than 10 days (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice is sufficient) to cure the violation.

3. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the City may take any one or more of the following actions or impose any one or more of the following penalties:

    a. Stop work order. The Department may issue a stop work order that is served on the applicant or other responsible person. The stop work order will remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to cure such violation or violations.

    b. Withhold certificate of occupancy. The City may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

    c. Suspension, revocation or modification of permit. The City may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the City may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

    d. Civil penalties. In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days (or such greater period as the City deems appropriate) (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice is sufficient) after the City has taken one or more of the actions described above, the City may impose a penalty not to exceed $1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

    e. Criminal penalties. For intentional and flagrant violations of this Division, the City may issue a citation to the applicant or other responsible person, requiring such person to appear in (appropriate municipal, magistrate or recorders) court to answer charges for such violation. Upon conviction, such person is guilty of a violation of this Code. Each act of violation and each day upon which any act of violation occurs constitutes a separate violation of this Code.

Div. 9.3. Tree Conservation

Sec. 9.3.1. Purpose

A. The purpose of this Section is to recognize the importance of trees to the environment within the City for the purposes of health and welfare, beauty, safety, history, and general well-being, and to promote:

1. Tree conservation;
2. The increase, renewal and proliferation of trees and the tree canopy; and
3. The protection of existing trees.

B. This Section is designed to provide reasonable minimum standards regarding the preservation, planting, protection and maintenance of trees within the City. The provisions and regulations contained here, along with the Technical Manual, will guide practices to accomplish this Section's purpose.

C. The City further recognizes benefits derived from the conservation, proliferation, and renewal of trees and increased tree canopy including but not limited to:

1. The improvement of air quality by providing filtration of dust and fumes;
2. The conservation of energy and mitigation of the urban heat island effect through shading and transpiration;
3. The reduction of stormwater runoff and flooding by dissipating rainfall and absorbing moisture;
4. The reduction of soil erosion, and improved water quality;
5. The improvement of habitat for desirable wildlife by providing diversity for food, shelter, and nesting sites;
6. The reduction of health risks to residents due to improved environmental conditions;
7. The improvement of community aesthetics and quality of life by having a diverse environment;
8. The reduction of ambient noise levels;
9. The mitigation of conditions in areas of vehicular use by providing buffering and shading; and
10. The general enhancement of economic value to properties.

D. The requirement of a high level of quality in the maintenance and development of land is consistent with community standards and the economic necessity of maintaining the City as a desirable place to live and conduct business.

Sec. 9.3.2. Standards

A. **Canopy Requirements By Land Use** All sites within the City must contain the following minimum tree canopy cover. Canopy cover is calculated as a percentage of the entire lot or subdivision.

Land Use	Canopy Required
Residential	35%
Nonresidential, Commercial, Industrial	40%

B. **Canopy Calculation** A Recommended Species List may be found in the Technical Manual, with trees assigned to the following categories:

1. Large Canopy Trees are calculated as 1,000 square feet credit.
2. Medium Canopy Trees are calculated as 500 square feet credit.
3. Small Canopy Trees are calculated as 250 square feet credit.

Sec. 9.3.3. Tree Removal

A. **Tree Removal Permit Required**

1. Except as set forth in Sec. 9.3.3.B, a Tree Removal Permit is required when any of the following trees are removed or 25% or more of the critical root zone is disturbed by any intentional activities of the property owner or the owner's agent or employees:

   a. Any Protected Tree, Setback Tree, Boundary Tree or Landmark Tree;

   b. Any tree located within 2,000 feet of the banks of the Chattahoochee River; and

   c. Any tree in a required stream buffer.

2. All permit requirements in this Article are deemed cumulative, with the most restrictive being operative regarding any particular application.

3. For Tree Removal Permits not associated with building or land disturbing activities, the applicant ~~shall~~must submit to the City Arborist documentation (e.g., photographs, drawings, or similar documentation deemed acceptable by the City Arborist) showing the location of all existing trees on the property. Such documentation ~~shall~~must show the location, species, and approximate diameter at breast height (DBH) of all existing trees, noting with specificity the Landmark Trees, Protected Trees and Buffer Trees that are proposed to be removed pursuant to this section.

B. **Tree Removal Permit Not Required** No Tree Removal Permit is required in the following circumstances:

1. Normal tree maintenance, including the removal of dead wood and branches or limbs that endanger life or property, provided that the tree is not limbed, topped or pruned in a manner so as to deprive the tree of continued viability.

2. Removal of a hazardous tree, provided the owner of the property must immediately notify the City Arborist of the removal of the tree and provide documentation that the removed tree was a hazardous tree. Hazardous tree means a tree that is at risk for failure because it is dead or structurally defective, and where that failure could result in personal injury or property damage.

C. **Site/Tree Conservation Plan**

1. As part of the application for a Tree Removal Permit, a Site/Tree Conservation Plan is required in conjunction with any activity requiring the issuance of a building permit (other than a building permit for a deck, open air patio, fence or interior renovations), demolition permit, land disturbance permit, or erosion and grading permit by the City.

2. Whenever an application for a building permit or land disturbance permit requires a Site/Tree Conservation Plan, the process is as follows:

   a. Concurrently with the building permit, or land disturbance permit application, the applicant must submit a Site/Tree Conservation Plan prepared by a qualified professional for review by the City Arborist.

   b. The Site/Tree Conservation Plan must document the following:

      i. Tree species, DBH, critical root zone, and location of all existing trees and existing tree canopy on the property;

      ii. The location, species, and caliper size of all proposed mitigation planting trees;

      iii. The location of all proposed building construction and land development activities, including grading, drainage, proposed utility locations and all proposed tree protection measures;

iv. All trees proposed for removal; and

v. Calculation of the tree canopy on the property prior to and following the implementation of the tree removal/replacement activity set forth in the Site/Tree Conservation Plan.

c. If the proposed tree removal causes the canopy to fall below the minimum canopy requirement, the applicant is required to:

i. Pay into the Tree Bank for the deficient canopy as set forth in Sec. 9.3.8.D; and

ii. Install trees of a similar species to bring the site into compliance with the minimum canopy requirement.

d. The Site/Tree Conservation Plan must document standard details for tree protection and tree planting in compliance with the Technical Manual.

e. The Site/Tree Conservation Plan must document compliance with the parking and landscape requirements of this Development Code in compliance with the Technical Manual.

f. The Site/Tree Conservation Plan must document all Boundary Trees, their critical root zones, and the calculated percentages of impact to the critical root zones.

D. **Replanting Location Incentive** When meeting canopy requirements with replanted trees, the Site/Tree Conservation Plan must document compliance with the following:

1. Each large canopy tree planted along the street frontage receives mitigation credit for 1.25 trees.

2. Each large canopy tree planted between 50 feet and 75 feet of a stream buffer receives mitigation credit for 1.25 trees.

E. **Payment and Assurances Required** A Site/Tree Conservation Plan approval will not be issued until both:

1. Payment of any required amounts by cashier's check have been received by the Sandy Springs Tree Bank; and

2. The City has been provided adequate assurances of any required canopy replacement (such as a tree planting schedule).

F. **Field Verification**

1. The qualified professional submitting the Site/Tree Conservation Plan must field verify the accuracy of the Site/Tree Conservation Plan prior to submittal.

2. A certificate of occupancy may be issued after final site inspection by City Staff to verify compliance.

3. The City Arborist must validate submitted Site/Tree Conservation Plans for field accuracy and compliance as deemed appropriate by the Director.

Sec. 9.3.4. Boundary Tree

A. Boundary Tree means a tree 10 inches DBH or larger located on a property adjacent to a permitting property whose critical root zone or canopy extends into that permitting property.

B. Where a Tree Removal Permit is required for a Boundary Tree, the City Arborist must determine whether the proposed land disturbance or construction activity will deprive the Boundary Tree of continued viability.

1. If there is not sufficient evidence to show that the proposed activity will deprive the Boundary Tree of continued viability, the Tree Removal Permit may be issued allowing the proposed activity.

2. If there is sufficient evidence to show that the proposed activity will deprive the Boundary Tree of continued viability, the Tree Removal Permit must not be issued in a manner allowing the proposed activity relating to the Boundary Tree.

C. If the City Arborist determines that it is uncertain whether the proposed land disturbance or construction activity will deprive the Boundary Tree of continued viability, prior to the issuance of a Tree Removal Permit allowing the proposed activity relating to the Boundary Tree:

1. The applicant must provide two or more estimates from professionals that are determined to be sufficient to offset the removal and replacement costs of the Boundary Tree, and an average will be used to determine the amount of funds the applicant must provide into an account established by the City. Notice must be provided to the property owner whose property contains the Boundary Tree and must include notice of the deposited funds and a copy of this Section.

2. In establishing the escrow amount required pursuant to Sec. 9.3.8.F, the proposed replacement tree upon which payment is computed must be comparable to the Boundary Tree in species and size potential, be ecologically compatible with the intended growing site, and at maturity fully mitigate the loss of the entire canopy area of the Boundary Tree.

3. For the purposes of this section, credit will be granted to applicants for the entire tree canopy of a Boundary Tree protected, as calculated pursuant to the Technical Manual.

Sec. 9.3.5. Setback Tree

A. Setback Tree means a tree 18 inches DBH or larger located in the minimum required setbacks of any property.

B. The City Arborist may decide to approve the removal of a Setback Tree by weighing the following factors:

1. The size and configuration of the property;

2. The physical condition of the tree;

3. The total tree canopy on the property;

4. Pedestrian or vehicle traffic on or adjacent to the property;

5. The configuration of buildings, structures and utilities on or adjacent to the property;

6. Cost effectiveness of potential alternatives to tree removal;

7. Whether the tree contributes to meeting any of the requirements set forth in this Article or other requirements set forth by the City;

8. Generally recognized good forestry practices;

9. Canopy coverage;

10. Necessary grading; or

11. The construction of structures allowed in setback areas.

C. For removal or destruction of trees approved pursuant to paragraph A. above, on property not meeting the canopy requirements, or on property on which removal of the Setback Tree will cause the tree canopy to fall below the canopy requirements, the Setback Tree must be replaced by the planting of new trees comparable to the Setback Tree in species and canopy potential within the minimum required setback of the property.

D. If the City Arborist determines that replacement of the Setback Tree is not practical based upon: (1) the size and configuration of the Property; or (2) undue hardship for the applicant, payment may be made into the Sandy Springs Tree Bank in lieu of replacement planting. The compensation for the lost tree canopy below

the canopy requirements is calculated on a square foot lost/replaced basis as set forth in the canopy and cost assignment table contained in Sec. 9.3.8.D.

Sec. 9.3.6. Landmark Tree

A. Landmark Tree means:

1. Hardwood tree 27 inches DBH or larger;
2. Pine tree 30 inches DBH or larger; or
3. Dogwood or redbud tree ten inches DBH or larger being in fair or better condition.

B. The destruction or removal of Landmark Trees pursuant to this subsection is permitted only in the following instances:

1. If the Landmark Tree is located within the building footprint of the proposed construction, as permitted by the City; or
2. If the Landmark Tree is located outside of the permitted building footprint, and the City Arborist determines that the permitted land disturbance or construction activity will require the removal of the Landmark Tree based upon:
    a. The size and configuration of the property;
    b. A tree assessment by an International Society of Arboriculture certified arborist indicating that the tree is dead, dying or hazardous;
    c. The total tree canopy on the property;
    d. The configuration of buildings, structures and utilities on or adjacent to the property;
    e. Cost effectiveness of potential alternatives to tree removal;
    f. Whether the tree contributes to meeting any of the requirements set forth in this Article or other requirements set forth by the City;
    g. Generally recognized good forestry practices; or
    h. Other factors creating undue hardship for the applicant; or
3. If the Landmark Tree's health is poor or the Landmark Tree is dead.

C. All Landmark Trees removed pursuant to Sec. 9.3.3.A. must be replaced by the planting of new trees on the property of a comparable species and with a canopy potential of 150% of the canopy of the Landmark Tree to foster the enhancement of the tree canopy. Canopy mitigation is computed using the actual measured canopy of the Landmark Tree.

D. If the City Arborist determines that replacement of the Landmark Tree is not practical based upon the size and configuration of the property, payment may be made into the Sandy Springs Tree Bank in lieu of replacement planting. The compensation for the lost tree canopy below the canopy requirements is calculated on a square foot lost/replaced basis as set forth in the canopy and cost assignment table contained in Sec. 9.3.8.D.

E. In calculating a Tree Removal Permit, the preservation of existing Landmark Trees in the side, front and rear yards will receive 1.25 square feet of mitigation credit for each lot of canopy planted.

Sec. 9.3.7. Protected Tree

A. Protected Tree means a tree 18 inches DBH or larger, other than a Landmark Tree or Setback Tree, in fair or better condition.

B. The destruction or removal of a Protected Tree on any property must comply with the Site/Tree Conservation Plan provisions of Sec. 9.3.3.C.

C. The removal or destruction of Protected Trees on property not meeting the canopy requirements, or that will cause the tree canopy to fall below the canopy requirements, is permitted only if the Protected Trees are:

1. Located within the building footprint of the proposed construction, as permitted by the City; or

2. Outside of the permitted building footprint, and the City Arborist determines that the permitted land disturbance or construction activity will require the removal of the Protected Tree based on the provisions of Sec. 9.3.5.B.

D. The City Arborist may decide to approve the removal of a Protected Tree by weighing the following factors in order to determine the extent of the impact of the removal of the Protected Tree upon adjacent properties and only allow such removal if it is determined that such impact is minimal:

1. The size and configuration of the property;

2. The physical condition of the tree;

3. Cost effectiveness of potential alternatives to tree removal;

4. Whether the tree contributes to meeting any of the requirements set forth in this Article or other requirements set forth by the City;

5. Generally recognized good forestry practices; or

6. Other factors creating undue hardship for the applicant.

E. For removal or destruction of trees approved pursuant to paragraphs C. and D. above, on property not meeting the canopy requirements, or on property on which removal of the Protected Tree will cause the tree canopy to fall below the canopy requirements, the Protected Tree must be replaced by the planting of new trees comparable to the Protected Tree in species and canopy potential.

F. If the City Arborist determines that replacement is not practical based upon:

1. The size and configuration of the property;

2. Unavoidable site modifications resulting from grading, utility work, and construction activities that will result in destruction or irreparable damage to the tree, or wherein site plan modifications to prevent destruction or irreparable damage to the tree are impossible or unduly burdensome on the applicant;

3. The tree canopy of common areas appurtenant to the property; or

4. Other factors creating undue hardship for the applicant including but not limited to: pedestrian or vehicle traffic on and adjacent to the property; the configuration of buildings, structures and utilities on or adjacent to the property; cost effectiveness of potential replacement; whether the tree contributes to meeting any of the requirements set forth in this Division or other requirements set forth by the City; or generally recognized good forestry practices;

5. Then payment may be made into the Sandy Springs Tree Bank in lieu of replacement planting. The compensation for the lost tree canopy below the canopy requirements is calculated on a square foot lost/replaced basis as set forth in the canopy and cost assignment table contained in Sec. 9.3.8.D.

6. The compensation for the lost tree canopy below the canopy requirements is calculated on a square foot lost/replaced basis as set forth in the canopy and cost assignment table contained in Sec. 9.3.8.D.

7. All trees removed pursuant to this Section must be replaced by the planting of new trees on the property of a comparable species and canopy potential.

Sec. 9.3.8. Administration

A. **Technical Manual** The Technical Manual was prepared in conjunction with this Article and, as it exists and may be amended from time to time, it is incorporated here, and a copy of it is maintained in the office of the City Clerk. If any term of the Technical Manual is deemed to conflict with the terms of this Article, the terms of this Article control.

B. **Appeals**

1. Any applicant under this Article aggrieved by an action of the City Arborist, or any adjacent property owner directly impacted by a decision made under this Article, may appeal and be heard by the Board of Appeals in accordance with the rules and regulations as set forth by this Article and the Board. See Sec. 11.6.3.

2. Appeals may only be granted for errors of interpretation, application, or where the unique natural features of the site are such that it is impractical or impossible to apply the terms, conditions or standards of this Article, resulting in an undue hardship to the property owner.

C. **Establishment of Tree Bank**

1. There is hereby established a Sandy Springs Tree Bank for the maintenance and disbursement of funds required to be paid pursuant to the terms of this Article.

2. Where it is determined by the City Arborist that payment into the Sandy Springs Tree Bank is required by this Article, the required funds must be paid to the Sandy Springs Tree Bank prior to issuance of any related permit.

3. Funds maintained in the Sandy Springs Tree Bank are administered by the Director pursuant to the rules and regulations regarding the funds as established by the Sandy Springs City Council for the purposes of replacing tree canopy or canopy preservation.

D. **Cost Assignment**

1. For the purposes of calculation of required payment into the Sandy Springs Tree Bank, an assessed value of $5,000.00 per 1,000 square feet of canopy will be used when canopy replacement cannot be achieved by replanting on the site.

   a. Large Canopy Trees are calculated as 1,000 square feet credit.

   b. Medium Canopy Trees are calculated as 500 square feet credit.

   c. Small Canopy Trees are calculated as 250 square feet credit.

2. When proposed construction causes the canopy to fall below the minimum canopy requirement, an assessed value of $1,200.00 per 1,000 square feet of canopy is used to determine the payment for the deficient canopy.

3. For any unauthorized tree removal, an assessed value of $7,500.00 per 1,000 square feet of canopy removed will be used to determine payment into the Sandy Springs Tree Bank.

E. **Potentially Damaged Trees-Escrow Fund**

1. Where the City Arborist determines that due to approved construction or land disturbance activity an applicant may remove a tree pursuant to the terms of this Article, and the applicant is required to pay for the lost tree canopy of the removed tree, the applicant may, at its election, propose alternative construction or site design methods to attempt to preserve the continued viability of the tree. Should the City Arborist determine that the proposed alternative construction or site design methods will reasonably result in the survival of the tree, that portion of the funds required to pay for the lost tree canopy of the tree pursuant to this Article must be paid into an escrow fund maintained by the City.
2. After 3 years from the date of receiving a certificate of occupancy or certificate of completion, the applicant has the right to petition the City Arborist for the return of all escrow funds held for the protection of the tree. Within 30 days of the petition, the City Arborist will make a determination as to whether the tree has failed to survive or is in a state of irreversible decline due to the permitted activity. Should the City Arborist determine that the tree has survived and is not in a state of irreversible decline, the funds must be paid to the applicant. Should the City Arborist determine that the tree has failed to survive or is in a state of irreversible decline, the escrow must be transferred into the Sandy Springs Tree Bank.
3. If funds are required to be paid into escrow pursuant to paragraph 1. above, at any time prior to a determination authorizing the return of the escrow funds to the applicant pursuant to paragraph 4. below, the property owner (petitioner) whose property contains the tree may petition the City Arborist for the payment of the escrow funds to be used for the removal and replacement of the tree on the grounds that the permitted activity has caused the tree to fail to survive or be in a state of irreversible decline.
4. Upon receipt of such petition, notice of the petition is provided to the applicant hereunder at the address provided at the time of the tree removal permit application, or at any alternative address subsequently designated by the applicant to the City Arborist in writing, via first class and certified mail, within 30 days of mailing of the notice. The City Arborist will make a determination as to whether the tree has failed to survive or is in a state of irreversible decline due to the permitted activity. Notice of the decision is provided to the petitioner and the applicant by certified and first class mail as set forth in this paragraph. Either party may appeal the City Arborist's determination pursuant to this Article. Should the City Arborist determine that the tree failed to survive or is in a state of irreversible decline due to the permitted activity, and no appeal has been timely filed, or the applicant has fully exhausted his or her appellate rights, the escrow funds will be paid to the petitioner to offset any costs incurred in removal and replacement of the tree. The petitioner's rights pursuant to this section may not be exercised more than once in any 18-month period.
5. Any funds not collected by either an affected property owner or the applicant within a period of ~~4~~ 6 years of the establishment of the escrow fund are deposited in the Sandy Springs Tree Bank.
6. No party is entitled to receive interest on any escrow funds required pursuant to the provisions of this Article.

F. **Enforcement**

1. The Director will enforce the terms of this Article.
2. No certificate of occupancy may be issued on any property without compliance with the terms of this Article.
3. Examples of violations include, but are not limited to:
   a. Land disturbance or building construction without a permit.
   b. Improperly installed or maintained tree protection.
   c. The removal of applicable trees prior to the issuance of a permit.

d. Non-approved encroachment of tree protection zones.

e. Other violations of the terms, provisions and standard of this Article.

4. The Director has the authority to issue a Notice of Violation, a Stop Work Order and a citation to enforce the provisions of this Article.

5. Where it is deemed necessary, the Director will require sureties to assure compliance to the terms, conditions and standards of this Article.

G. **Fines and Penalties**

1. Any person, firm, corporation or other entity violating any of the provisions of this Article is guilty of a violation of this Development Code. Each act of violation and each day upon which any act of violation occurs constitutes a separate violation of this Development Code.

2. Each owner of any property where a violation exists is jointly and severally responsible for the violation.

3. Unauthorized removal of a tree protected under the terms of this Article without compliance with the terms of this Article will result in an assessment for payment into the Sandy Springs Tree Bank at a calculated rate of $7,500.00 per 1,000 square feet of canopy removed.

Div. 9.4. Natural Grade Protection[13]

Sec. 9.4.1. Purpose

A. The purpose of this Division is to protect topographic features and natural grades in order to prevent one or more of the following negative impacts:

1. Erosion affecting the structural integrity of steep slopes and natural grades.

2. Stormwater and erosion-related impacts on adjacent properties.

3. Stormwater and erosion-related impacts to environmentally sensitive areas.

4. Increased stormwater velocity due to loss of vegetation.

5. Decreased groundwater recharge due to changes in site hydrology.

6. Loss of natural or topographic features that contribute substantially to the natural beauty and visual quality of the community.

B. The standards of this Division do not apply to steep slopes in the CS- or Perimeter Center Districts.

Sec. 9.4.2. Standards

A. **Definition** For purposes of this Division, "slope" means the ratio of elevation change to horizontal distance, expressed as a percentage. Slope is computed by dividing the vertical distance ("rise") by the horizontal distance ("run"). For example, a 3-foot rise in a 20-foot run results in a 15% slope.

[13]Editor's note(s)—An ordinance adopted April 17, 2018(7) , § 9-32, changed the title of Div. 9.4 from "Steep Slopes" to read as herein set out.

B. **Applicability** All construction, including renovations and additions, must comply with the requirements of this Division.

C. **Designation on Plans** Moderate and steep slopes of 1,000 square feet and greater in area must be designated on any Land Disturbance Permit or Building Permit application.

D. **Moderate Slopes of 15% and Up to 35%** Building and site preparation may occur upon demonstration of specialized site design techniques and approaches that meet the requirements in F. below.

E. **Steep Slopes of 35% or Greater** These areas are generally unsuitable for development. Land disturbance must not exceed ¼ of the area containing slopes of 35% or greater in areas of 1,000 square feet or more, except that where an existing lot of record does not have a reasonable building site with less than 35% slope or natural grade, the Director may approve the site, subject to any necessary mitigation measures.

F. **Construction Techniques** Construction activities on slopes of 15% or greater must comply with the following:

1. All plans must show provisions for reducing and minimizing stormwater runoff during construction on steep slopes and cut and fill slopes.

2. All swales and all slopes must be provided temporary or permanent stabilization with ground cover sufficient to restrain erosion as soon as practicable, but in any event, within 7 calendar days of any phase of grading.

3. All other disturbed areas must be provided temporary or permanent stabilization with ground cover sufficient to restrain erosion as soon as practicable, but in any event, within 14 calendar days of termination or completion of any phase of grading.

4. Prior to issuance of a certificate of occupancy, vegetation must be reestablished.

5. Where irrigation is not provided, the exposed soil must be planted with species that survive without irrigation.

6. Vegetative ground cover or any alternative cover (rock, masonry, or similar materials) must be maintained in perpetuity.

G. **Grading** In order to protect trees and vegetation on sites, and to protect the character of the neighborhood, the following limits on grading are required.

1. **Mitigation measures** Any grading in side building setbacks in RE-, RD- and RU- districts, must be mitigated following the measures listed below.

   a. For each tree of 10 inches DBH or greater removed or damaged by grading in the side setback, one tree must be planted;

   b. If no tree of 10 inches DBH or greater is removed or damaged, at least one large canopy shade tree must be planted for every 1,000 square feet of area disturbed in the side setback;

   c. Replacement tree species must be of comparable canopy size at maturity as those of the trees removed or damaged;

   d. Replacement trees must be at least 2 inches caliper at time of planting;

   e. Planting must take place in the graded area. If this is not possible, the replacement trees may be located elsewhere on the property. If this is not possible, recompense provisions (see Sec. 9.3.8) of the Tree Ordinance apply;

   f. This mitigation is required in addition to any other provisions of the Tree Ordinance, including those that apply to Setback Trees (see Sec. 9.3.5).

2. ~~**In the common side and side street building setbacks**~~**Common side and side street grading setback**

a. In all RE- districts, grading may encroach up to 10 feet into the required side building setbacks.

b. In all RD- and RU- districts, grading may encroach into the required side building setbacks.

3. **Rear grading setback**~~**In the rear building setbacks**~~

a. In all RE- districts, no grading is allowed within 20 feet of the rear lot line.

b. In the RD-27, RD-18, and RD-15 districts, no grading is allowed within 15 feet of the rear lot line.

c. In the RD-12, RD-9, RD-7.5, and RU- districts, no grading is allowed within 10 feet of the rear lot line.

4. **Common, side street, and rear grading setback exceptions**

The following may be granted exceptions from common, side street, and rear grading setback requirements:

a. Where a building setback encroachment is allowed (certain accessory structures and site elements) for site area within the grading setback, the grading is permitted with the installation of a mitigation zone (Described under "Mitigation Zone" below), and;

b. Also, where a side or rear yard is the only feasible option for a construction entrance, grading disturbance may be approved by the Director, so long as the width of the area of activity within the buffer does not impact an existing tree with a 15" DBH or greater and is replaced with a mitigation zone.

c. **Mitigation Zone:** Regardless of the original state of the affected grading buffer area, mitigation in the form of plantings, a mix of evergreen and deciduous trees, and shrubs is required per the prescription provided:

i. The mitigation zone must be at least 5 feet deep bordering the entire project area within the grading setback;

ii. Evergreen trees spaced at 1 per 25 linear feet, minimum of 1, full to the ground and at least 6 feet tall at the time of planting;

iii. Understory trees spaced at 1 per 25 linear feet, minimum of 1, with a minimum caliper of 2 inches;

iv. Shrubs spaced 8 per 25 linear feet, minimum of 8, with a minimum size of 3; and

v. Additional BMPs determined to be necessary by the Director to preserve existing vegetation.

45. In all districts, resulting graded slopes must not exceed 3 feet (horizontal) to 1 foot (vertical). Steeper slopes may be approved by the Director upon certification of stability by a soils engineer or geologist.

6. Any unauthorized clearing and grading must replant the cleared area according to the requirements of the Mitigation Zone in Sec. 9.4.2.G.4.c.

H. **Variance from Standards** In granting a variance from the standards of this Section, the Board of Appeals may determine that some features or areas may not be disturbed. These include, but are not limited to:

1. Large stands of trees;

2. Areas containing state waters, floodplain, or wetlands or in the Nancy Creek Declared Sensitive Area;

3. Rock outcroppings; and

4. Slopes of 35% or greater.

Sec. 9.4.3. Retaining Walls

Where retaining walls are necessary, they are limited as follows:

A. **Design**

1. **Height**

a. **Measurement** Total retaining wall height is considered to be:

i. **Structure Height (Building Code)—**The vertical distance measured from the bottom of the footing to the top of the wall at the same section.

ii. **Exposed Height (Zoning Code)—**The vertical distance measured from finished grade at the bottom of the front (exposed) side of the wall to the top of the wall at the same section.

b. **Maximum Height**

i. **Retaining Walls**

Up to six (6) feet in exposed wall height as a single wall in RE-, RD-, and RU zoning districts. Up to eight (8) feet in exposed wall height as a single wall in all other districts, except when abutting a Protected Neighborhood.

ii. **Tiering Walls**

Over the maximum exposed wall heights for a single wall in each district, requires tiering. Each wall tier must adhere to the maximum wall height as described above. See Sec. 9.4.3.A.2.a. below for horizontal spacing requirements.

iii. **Interior Facing**

a) Retaining walls that are entirely interior facing are permitted up to 12 feet in exposed height. This includes Wing Walls (retaining wall extensions from the building foundation walls that allow daylighting of a basement and/or egress from a basement) that are inward facing and finished with a permitted material finish.

1. **Setbacks**

If they are to encroach into building setbacks and are entirely inward facing the walls ~~shall~~must be a maximum of six (6) feet in exposed wall height and meet the retaining wall setback requirements found in Sec. 9.4.3.C. below.

2. **Length**

Maximum length of any wall exceeding the normal maximum retaining wall height is 36 feet (based on the maximum 3:1 allowable grading slope). Any length of wall past 36 feet ~~shall~~must meet the requirements of a retaining wall as outlined above.

b) The Director may permit retaining walls that are entirely interior facing on campuses with civic or institutional uses to have up to 24 feet in exposed height. This includes wing walls that are finished with a permitted material finish.

iv. Exterior Facing

Retaining walls that are exterior facing and at least 100' from a street lot line and 75' from a common lot line are permitted up to 12 feet in exposed height. This includes wing walls that are finished with a permitted material finish.

c. **Elevation Marks** Wall height elevations marks ~~shall~~must be demonstrated on the grading plan through callouts at various locations along the retaining wall using the following or similar: TW-Top of Wall; BW-Bottom of Wall (at Grade); BF-Bottom of Footing.

d. **Fences or Walls on Top of Retaining Walls** Fences or walls extending on top of retaining walls are subject to the requirements of Sec. 8.3~~2~~.10.
Within Setbacks at Any Point
For retaining walls and tiered wall systems which begin in or enter into a building setback, the combined height of the retaining wall and an extension fence or wall ~~shall~~must not exceed the maximum height of retaining walls, per Sec. 9.4.3.D. and Sec. 9.4.3.E., unless required in order to comply with applicable life safety regulations. In a tiered retaining wall system, an extension fence or wall ~~shall~~must only be located on the highest tier.

2. **Spacing**

a. **Distance** Retaining walls must be separated horizontally by at least four (4) feet from other retaining walls (measured from the back of the lower wall to the front of the upper wall). This horizontal separation area must be graded to capture stormwater and not sloped such that stormwater will run off. The stormwater design must be included with the retaining wall permit plans.

b. **Design** Each tier between retaining walls, and any retaining wall within a building setback, must be vegetated and maintained with a mix of native, evergreen, and deciduous shrubs, one (1) shrub every four (4) linear feet to be approved by the City Arborist.
The Director may waive this landscaping standard for retaining walls that slope back (are inward facing) and contain natural planting.

3. **Materials**

a. **Material and Finish** All retaining walls must be finished with stucco, brick, or stone. No beveled modular block, plain unfinished concrete masonry units, or other similar materials are allowed. Retaining walls which meet the description of Garden Walls below in Sec. 9.4.3.B.3. may also use cross ties, landscape timbers, or similar as a wall, material finish.

B. **Permits and Other Requirements**

1. **All** Retaining walls, whether in commercial or residential settings, regardless of height:
Require a retaining wall permit and a professional engineer's certification of the design of the wall if they support a surcharge.
Surcharge is defined as any 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 include:

a. Sloping retaining soil;

b. Structure footings supported by the retained soil;

c. Adjacent vehicle loads supported by the retained soil;

d. Tiered retaining wall systems.

2. **Permit Required** All retaining walls over four (4) feet in structure height require a retaining wall permit and a professional engineer's certification of the design of the wall.

3. **No Permit Required** All other retaining walls four (4) feet or less in structure height do not require a permit but do require an indemnification letter. This includes retaining walls otherwise known as "Garden Walls" which for the purposes of this code have a maximum exposed height of three (3) feet, while also not exceeding four (4) feet of structure height.

4. **Global Stability** During the permit review process, the global stability of any series of tiered retaining walls will be reviewed. A safety factor of at least 1.5 is required.

5. **Impact** Where a retaining wall or wing wall might impact (either visually or structurally) an existing structure, adjacent property, street, buffer, utility, or other similar significant interest, the Director and/or Building Official may require plans, details, cross-sections, and professional engineer calculations beyond those cited in this Section.

C. **Setback Encroachment** In order to protect trees and vegetation on sites and the character of the neighborhood, the following setback standards apply:

1. **Side Setbacks** In the side building setbacks:

a. In all RE- districts, retaining walls may encroach up to 10 feet into required side building setbacks.

b. In all RD- districts, retaining walls may encroach up to half the depth of the required side building setbacks.

c. In all RU- districts, no encroachment for retaining walls is allowed into the required side building setbacks.

d. All other districts, retaining walls may encroach into the side setbacks so long as they are at least three (3) feet from the vertical plane of any lot line.

2. **Rear Setbacks** In the rear building setbacks:

a. In all RE- d~~D~~istricts, no retaining walls are allowed within 20 feet of the rear lot line.

b. In the RD-27, RD-18, and RD-15 districts, no retaining walls are allowed within 15 feet of the rear lot line.

c. In the RD-12, RD-9, RD-7.5, and RU- districts, no retaining walls are allowed within 10 feet of the rear lot line.

d. All other districts, retaining walls may encroach into the rear setbacks so long as they are at least three (3) feet from the vertical plane of any lot line.

D. **Maintenance and Replacement** Existing legally permitted and constructed retaining walls may be maintained and repaired, provided the maintenance and repair is structurally sound and does not result in an increase in the height of the wall above grade.

Div. 9.5. Floodplain Management

Sec. 9.5.1. In General

A. **Purpose** The purpose of this Division is to protect, maintain, and enhance the public health, safety, environment, and general welfare and to minimize public and private losses due to flood conditions in flood hazard areas, as well as to protect the beneficial uses of floodplain areas for water quality protection, streambank and stream corridor protection, wetland preservation, and ecological and environmental protection by provisions designed to:

1. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

2. Restrict or prohibit uses which are dangerous to health, safety and property due to flooding or erosion hazards, or which increase flood heights, velocities, or erosion;

3. Control filling, grading, dredging, and other development which may increase flood damage or erosion;

4. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands;

5. Limit the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters; and

6. Protect the stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation, and ecological functions of natural floodplain areas.
(In Sec. 9.5.1.D. and following)

B. **Applicability** This Division ~~shall be~~is applicable to all areas of special flood hazard within the City. For the purposes of defining and determining areas of special flood hazard, areas of future-conditions flood hazard, areas of shallow flooding, base flood elevations, floodplains, floodways, future-conditions floodplains, potential flood hazard or risk categories as shown on FIRM maps, and other such terms used in this Division, the following documents and sources may be used for such purposes and are adopted by reference thereto:

1. The flood insurance study (FIS) for the county, dated May 7, 2001, with accompanying maps and other supporting data and any revision thereto.

2. Other studies which may be relied upon for the establishment of the base flood elevation or delineation of the base or one-percent (100-year) floodplain and floodprone areas, including:

3. Any flood or flood-related study conducted by the United States Corps of Engineers, the United States Geological Survey, or any other local, state or federal agency applicable to the City; and

4. Any base flood study conducted by a licensed professional which has been prepared utilizing FEMA-approved methodology and approved by the Director.

5. Other studies which may be relied upon for the establishment of the future-conditions flood elevation or delineation of the future-conditions floodplain and floodprone areas including:

6. Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey, or any other local, state, or federal agency applicable to the City; and

7. Any future-conditions flood study conducted by a licensed professional engineer which has been prepared by utilizing FEMA-approved methodology approved by the Director.

8. The repository for public inspection of the FIS, accompanying maps and other supporting data is located at the City hall.

C. **Compatibility with Other Regulations** This Division is not intended to modify or repeal any other chapter, rule, regulation, statute, easement, covenant, deed restriction or other provision of law. The requirements of this Division are in addition to the requirements of any other chapter, rule, regulation or other provision of law, and where any provision of this Division imposes restrictions different from those imposed by any other chapter, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment ~~shall~~must control.

D. **Severability** If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance ~~shall~~must be adjudged invalid by a court of competent jurisdiction, such judgment ~~shall~~will not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

E. **Warning and Disclaimer of Liability** The degree of flood protection required by this Division is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by manmade or natural causes. This Division does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Division ~~shall~~will not create liability on the part of the City or by any

officer or employee thereof for any flood damages that result from reliance on this Division or any administrative decision lawfully made thereunder.

F. **Violations, Enforcement, and Penalties** Any action or inaction which violates the provisions of this Division or the requirements of an approved stormwater management plan or permit may be subject to the enforcement actions outlined in this section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief.

G. **Notice of Violation** If the Department determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan, or the provisions of this Division, it ~~shall~~must issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this Division without having first secured a permit therefor, the notice of violation is served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation ~~shall~~must contain:

1. The name and address of the owner, the applicant, or the responsible person;
2. The address or other description of the site upon which the violation is occurring;
3. A statement specifying the nature of the violation;
4. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan, or this Division and the date for the completion of such remedial action;
5. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and
6. A statement that the determination of violation may be appealed to the Department by filing a written notice of appeal within 30 days after the notice of violation.

H. **Penalties** In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Department ~~shall~~will first notify the applicant or other responsible person in writing of its intended action and ~~shall~~will provide a reasonable opportunity, of not less than 10 days (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice is sufficient), to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the Department may take any one or more of the following actions or impose any one or more of the following penalties:

1. **Stop Work Order** The Department may issue a stop work order which is served on the applicant or other responsible person. The stop work order ~~shall~~will remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.
2. **Withhold Certificate of Occupancy** The City may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
3. **Suspension, Revocation or Modification of Permit** The City may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice

of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the Department may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

4. **Civil Penalties** In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the Department ~~shall~~will deem appropriate (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice is sufficient) after the Department has taken one or more of the actions described in Sec. 9.5.1.G, the Department may impose a penalty not to exceed $1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

5. **Criminal penalties** For intentional and flagrant violations of this Division, the Department may issue a citation to the applicant or other responsible person, requiring such person to appear in court to answer charges for such violation. Upon conviction, such person ~~shall~~will be guilty of a violation of this Code.

Sec. 9.5.2. Administration and Enforcement

A. **Designation of Administrator**

1. **Appointed** The Director or his designee is hereby appointed to administer and implement the provisions of this division.

2. **Duties and Responsibilities** Duties of the Director ~~shall~~will include, but not be limited to:

   a. Review all land development applications and permits to assure that the requirements of this Division have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding;

   b. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1344;

   c. Require the applicant to obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, when base flood elevation data or floodway data have not been provided, in order to meet the provisions of Sec. 9.8.4. and Sec. 9.8.5.;

   d. Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures;

   e. Review and record the actual elevation, in relation to mean sea level to which any substantially improved structures have been flood proofed;

   f. Obtain certification of design criteria from a registered professional engineer or architect when flood proofing is utilized for a structure;

   g. Notify affected adjacent communities and the state Department of Natural Resources (DNR) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the federal Emergency Management Agency (FEMA);

   h. Make the necessary interpretation where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions). Any person contesting the location of the boundary is given a reasonable opportunity to appeal the interpretation, as provided in this

Division. Where floodplain elevations have been defined, the floodplain is determined based on flood elevations rather than the area graphically delineated on the floodplain maps.

i. Coordinate all Flood Insurance Rate Map (FIRM) revisions with the Georgia DNR and FEMA.

j. Review variance applications and make recommendations to the appointed board.

3. **Records**

a. All records pertaining to the provisions of this Division is maintained in the office of the Director, and is open for public inspection.

b. Lowest floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of adopted City building code.

B. **Permit Requirements**

1. No owner or developer ~~shall~~will perform any land development activities on a site where an area of special flood hazard or area of future-conditions flood hazard is located, without first meeting the requirements of this division prior to commencing the proposed activity.

2. No land development permit will be approved for any land development activities that do not meet the requirements, restrictions and criteria of this division.

C. **Additional Requirements**

1. An application for a development project with any area of special flood hazard located on the site ~~shall~~must include a floodplain management/flood damage prevention plan. This plan ~~shall~~must include the following items:

2. Site plan drawn to scale, which includes but is not limited to:

a. Existing and proposed elevations of the area in question and the nature, location and dimensions of existing and/or proposed structures, earthen fill placement, amount and location of excavation material, and storage of materials or equipment;

b. For all proposed structures, spot ground elevations at building corners and 20-foot or smaller intervals along the foundation footprint, or one-foot contour elevations throughout the building site;

c. Proposed locations of water supply, sanitary sewer, and utilities;

d. Proposed locations of drainage and stormwater management facilities;

e. Proposed grading plan;

f. Base flood elevations and future-conditions flood elevations;

g. Boundaries of the base flood floodplain and future-conditions floodplain;

h. If applicable, the location of the floodway; and

i. Certification of the information required in this subsection by a licensed professional engineer or surveyor.

3. Building and foundation design detail, including but not limited to:

a. Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;

b. Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;

c. Certification that any proposed nonresidential floodproofed structure meets the criteria in Sec. 9.5.4.B.2;

d. For enclosures below the base flood elevation, location and total net area of flood openings as required in Sec. 9.5.4.A.5; and

e. Design plans certified by a licensed professional engineer or architect for all proposed structure(s).

4. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development;

5. Hard copies and digital files of computer models, if any, copies of work maps, comparison of pre-development and post-development conditions base flood elevations, future-conditions flood elevations, flood protection elevations, special flood hazard areas and regulatory floodway, flood profiles and all other computations and other information similar to that presented in the FIS;

a. Copies of all applicable state and federal permits necessary for proposed development, including but not limited to permits required by Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334; and

b. All appropriate certifications required under this Division.

6. The approved floodplain management/flood damage prevention plan ~~shall~~must contain certification by the applicant that all development activities will be done according to the plan or previously approved revisions. Any and all development permits and/or use and occupancy certificates or permits may be revoked at any time if the construction and development activities are not in strict accordance with approved plans.

D. **Construction Stage Submittal Requirements**

1. **New Construction and Substantial Improvements** For all new construction and substantial improvements on sites with a floodplain management/flood damage prevention plan, the permit holder ~~shall~~must provide to the Director a certified as-built elevation certificate or floodproofing certificate for nonresidential construction, including the lowest floor elevation or floodproofing level immediately after the lowest floor or floodproofing is completed. A final elevation certificate is provided after completion of construction including final grading of the site. Any lowest floor certification made relative to mean sea level is prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. When floodproofing is utilized for nonresidential structures, said certification is prepared by or under the direct supervision of a professional engineer or architect and certified by same, using the FEMA floodproofing certificate. This certification ~~shall~~must also include the design and operation/maintenance plan to assure continued viability of the floodproofing measures.

2. **Failure to Obtain a Permit or Certification** Any work undertaken prior to approval of these certifications is at the permit holder's risk. The Director ~~shall~~will review the referenced certification data submitted. Deficiencies detected by such review are corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit certification or failure to make the corrections required hereby is cause to issue a stop work order for the project.

E. **Appeals and Variances** The following variance and appeals procedures ~~shall~~will apply to an applicant who has been denied a permit for a development activity, or to an owner or developer who has not applied for a permit because it is clear that the proposed development activity would be inconsistent with the provisions of this Division.

1. The Board of Appeals ~~shall~~will hear and decide requests for appeals or variances from the requirements of this Division. At a minimum, such procedures ~~shall~~will include notice to all affected parties and the opportunity to be heard.
2. The Board of Appeals ~~shall~~will hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Director in the enforcement or administration of this Division. At a minimum, such procedures ~~shall~~will include notice to all affected parties and the opportunity to be heard.
3. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance issued is the minimum necessary to preserve the historic character and design of the structure.
4. Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Division are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
5. Variances ~~shall~~will not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
6. In reviewing such requests, the Board of Appeals ~~shall~~will consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this Division.
7. Conditions for variances:

   A variance is issued only when there is:

   a. A finding of good and sufficient cause;
   b. A determination that failure to grant the variance would result in exceptional hardship; and
   c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or the creation of a nuisance.
8. The provisions of this Division are minimum standards for flood loss reduction, therefore, any deviation from the standards must be weighed carefully. Variances ~~shall~~will only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
9. Any applicant to whom a variance is granted is given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance resulting from the lowest floor elevation being placed below the base flood elevation will be commensurate with the increased risk to life and property, and that such costs may be as high as $25.00 for each $100.00 of insurance coverage provided.
10. The Director ~~shall~~will maintain the records of all variance actions, both granted and denied, and report them to the Georgia Department of Natural Resources and the Federal Emergency Management Agency upon request.
11. Any person requesting a variance ~~shall~~must, from the time of the request until the time the request is acted upon, submit such information and documentation as the Board of Appeals ~~shall~~will deem necessary for the consideration of the request.
12. Upon consideration of the factors listed in this section and the purposes of this Division, the Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Division.
13. Variances ~~shall~~will not be issued "after the fact."

Sec. 9.5.3. Development Standards

A. **Definition of Floodplain Boundaries**

1. "A" zones, as identified in the FIS, are used to establish base flood elevations.

2. For all streams with a drainage area of 100 acres or greater, the future-conditions flood elevations are provided by the City. If future-conditions elevation data is not available from the City, then it is determined by a licensed professional engineer using a method approved by FEMA and the City.

B. **Definition of Floodway Boundaries** The width of a floodway is determined from the FIS or FEMA-approved flood study. For all streams with a drainage area of 100 acres or greater, the regulatory floodway is provided by the City. If floodway data is not available from the City, then it is determined by a licensed professional engineer using a method approved by FEMA and the City.

C. **General Standards**

1. The following uses are permitted within the 100-year floodplain:

   a. Agriculture, including forestry and livestock raising, requiring no structure. Agriculture and forestry access roads are permitted provided they are constructed in conformance with the development regulations.

   b. Dams, provided that they are constructed in accordance with the requirement of this article, the United States Department of Agriculture Soil and Conservation Service and when applicable, meet the specifications of the U.S. Army Corps of Engineers and/or the Georgia Department of Natural Resources.

   c. Fences having sufficient open area to permit the free flow of water and/or debris.

   d. Identification, regulatory and warning signs.

   e. Public and private parks and recreational areas including boat ramps and docks and other functionally dependent uses not including temporary or permanent structures; provided, such use is approved by the department of community development and, if applicable, the U.S. Corps of Engineers.

   f. Parking.

   g. Utility lines, pipelines, sewers, roads and stream crossings (if no other means of access is available), and similar features, provided they are constructed in such a manner as to permit the free flow of waters.

2~~1~~. No development ~~shall~~will be allowed within any area of special flood hazard or area of future-conditions flood hazard that could result in any of the following:

   a. Raising the base flood elevation or future-conditions flood elevation equal to or more than 0.01 foot;

   b. Reducing the base flood or future-conditions regulatory flood storage capacity;

   c. Changing the flow characteristics as to the depth and velocity of the waters of the base flood or future-conditions flood as they pass both the upstream and the downstream boundaries of the property; or

   d. Creating hazardous or erosion-producing velocities, or resulting in excessive sedimentation.

3~~2~~. Any development within any area of special flood hazard or area of future-conditions flood hazard allowed under Sec. 9.5.3.C.1 ~~shall~~must also meet the following conditions:

a. Compensation for storage capacity ~~shall~~must occur between the average groundwater table elevation and the base flood elevation for the base flood, and between the average groundwater table elevation and the future-conditions flood elevation for the future-conditions flood, and lie within the boundaries of ownership of the property being developed and is within the immediate vicinity of the location of the encroachment. Acceptable means of providing required compensation:

   i. Include lowering of natural ground elevations within the floodplain, or lowering of adjoining land areas to create additional floodplain;

   ii. Storage. In no case ~~shall~~will any required compensation be provided via bottom storage or by excavating below the elevation of the natural (pre-development) stream channel unless such excavation results from the widening or relocation of the stream channel;

b. Cut areas are stabilized and graded to a slope of no less than two percent;

c. Effective transitions are provided such that flow velocities occurring on both upstream and downstream properties are not increased or decreased;

d. Verification of no-rise conditions (0.01 foot or less), flood storage volumes, and flow characteristics are provided via a step-backwater analysis meeting the requirements of Sec. 9.5.3.D;

e. Public utilities and facilities, such as water, sanitary sewer, gas, and electrical systems, are located and constructed to minimize or eliminate infiltration or contamination from floodwaters; and

f. Any significant physical changes to the base flood floodplain is submitted as a conditional letter of map revision (CLOMR) or conditional letter of map amendment (CLOMA), whichever is applicable. The CLOMR submittal is subject to approval by the Department using the FEMA community concurrence forms before forwarding the submittal package to FEMA for final approval. The responsibility for forwarding the CLOMR to FEMA and for obtaining the CLOMR approval is the responsibility of the applicant. Within six months of the completion of development, the applicant ~~shall~~must submit as-built surveys and plans for a final letter of map revision (LOMR).

D. **Engineering Study Requirements for Floodplain Encroachments** An engineering study is required, as appropriate to the proposed development activities on the site, whenever a development proposes to disturb any land within the future-conditions floodplain, except for a residential single-lot development on streams without established base flood elevations and floodways. This study is prepared by a licensed professional engineer and made a part of the application for a permit. This information is submitted to and approved by the Department prior to the approval of any permit which would authorize the disturbance of land located within the future-conditions floodplain. Such study ~~shall~~must include all requirements specified in the Sandy Springs Technical Manual:

1. Description of the extent to which any watercourse or floodplain will be altered or relocated as a result of the proposed development;

2. Step-backwater analysis, using a FEMA-approved methodology approved by the Department. Cross sections (which may be supplemented by the applicant) and flow information will be obtained whenever available. Computations will be shown duplicating FIS results and will then be rerun with the proposed modifications to determine the new base flood profiles and future-conditions flood profiles;

3. Floodplain storage calculations based on cross sections (at least one every 100 feet) showing existing and proposed floodplain conditions to show that base flood floodplain and future-conditions floodplain storage capacity would not be diminished by the development;

4. The study ~~shall~~must include a preliminary plat, grading plan, or site plan, as appropriate, which ~~shall~~must clearly define all future-conditions floodplain encroachments.

E. **Floodway Encroachments** Located within areas of special flood hazard are areas designated as floodways. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, floodways must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions ~~shall~~will apply:

1. Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway, except for activities specifically allowed in [subsection] (2) below.

2. Encroachments for bridges, culverts, roadways and utilities within the regulatory floodway may be permitted provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment will not result in any increase to the pre-project base flood elevations, floodway elevations, or floodway widths during the base flood discharge. A licensed professional engineer must provide supporting technical data and certification thereof; and

3. If the applicant proposes to revise the floodway boundaries, no permit authorizing the encroachment into or an alteration of the floodway is issued by the City until an affirmative conditional letter of map revision (CLOMR) is issued by FEMA or a no-rise certification is approved by the Department.

F. **Maintenance Requirements** The property owner is responsible for continuing maintenance as may be needed within an altered or relocated portion of a floodplain on the property so that the flood-carrying or flood storage capacity is maintained. The City may direct the property owner, at no cost to the City, to restore the flood-carrying or flood storage capacity of the floodplain if the owner has not performed maintenance as required by the approved floodplain management plan on file with the Department.

Sec. 9.5.4. Flood Damage Reduction

A. **General Standards** In all areas of special flood hazard and areas of future-conditions flood hazard the following provisions apply:

1. New construction and substantial improvements of structures (residential or nonresidential), including manufactured homes, ~~shall~~will not be allowed within the limits of the future-conditions floodplain, unless all requirements of Sec. 9.5.3 have been met.

2. If, due to site conditions, an existing single-family residential structure cannot comply with section 9.5.4.A.1, the structure may be elevated in accordance with either section 9.5.4.B.1.C or section 9.5.4.B.1.d: provided however, section 9.5.4.A.5 ~~shall~~will apply to all elevated structures regardless of whether section 9.5.4.B.1.c or section 9.5.4.B.1.d applies.

3~~2~~. New construction and substantial improvements ~~shall~~must be anchored to prevent flotation, collapse, and lateral movement of the structure.

4~~3~~. New construction and substantial improvements ~~shall~~must be constructed with materials and utility equipment resistant to flood damage.

5~~4~~. New construction and substantial improvements ~~shall~~must be constructed by methods and practices that minimize flood damage.

6~~5~~. Elevated building. All new construction and substantial improvements that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls are designed so as to be an unfinished or flood-resistant enclosure. The enclosure is designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.

a. Designs for complying with this requirement must either be certified by a licensed professional engineer or architect to meet or exceed the following minimum criteria:

i. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

ii. The bottom of all openings are no higher than one foot above grade; and

iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.

b. So as not to violate the lowest floor criteria of this Division, the unfinished or flood-resistant enclosure ~~shall~~must only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and

c. The interior portion of such enclosed area ~~shall~~must not be finished or partitioned into separate rooms.

7~~6~~. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities are designed and/or located three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher, so as to prevent water from entering or accumulating within the components during conditions of flooding;

8~~7~~. Manufactured homes are anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard is in addition to and consistent with applicable state requirements for resisting wind forces;

9~~8~~. All proposed development ~~shall~~must include adequate drainage and stormwater management facilities per the requirements of the City to reduce exposure to flood hazards;

10~~9~~. New and replacement water supply systems are designed to minimize or eliminate infiltration of floodwaters into the system;

11~~0~~. New and replacement sanitary sewage systems are designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;

12~~1~~. On-site waste disposal systems are located and constructed to avoid impairment to, or contamination from such systems during flooding;

13~~2~~. Other public utilities such as gas and electric systems ~~shall~~must be located and constructed to avoid impairment to them, or public safety hazards from them during flooding;

14~~3~~. Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this Division is undertaken only if the nonconformity is not furthered, extended or replaced;

15~~4~~. If the proposed development is located in multiple flood zones or multiple base flood elevations cross the proposed site, the higher or more restrictive base flood elevation or future-condition elevation and development standards ~~shall~~must take precedence;

16~~5~~. When only a portion of a proposed structure is located within a flood zone or the future conditions floodplain, the entire structure ~~shall~~must meet the requirements of this Division; and

17~~6~~. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, ~~shall~~must be reasonably safe from flooding:

a. All such proposals ~~shall~~must be consistent with the need to minimize flood damage within the flood-prone area;

b. All public utilities and facilities, such as sewer, gas, electrical, and water systems ~~shall~~must be located and constructed to minimize or eliminate flood damage; and

c. Adequate drainage ~~shall~~must be provided to reduce exposure to flood hazards.

B. **Building Standards for Structures and Buildings within the Future-Conditions Floodplain**

1. **Residential Buildings**

a. **New Construction** New construction of principal residential structures ~~shall~~must not be allowed within the limits of the future-conditions floodplain.

b. **Substantial Improvements** Substantial improvements of any principal residential structure ~~shall~~must have the lowest floor, including basement, elevated no lower than three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is highest. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls ~~shall~~must be provided in accordance with the standards of Sec. 9.5.4.A.

c. **Elevation of existing structures via jacking on existing foundation** An existing structure that has been substantially damaged or is proposed for substantial improvement may be elevated by jacking, intact, on an existing foundation, provided the criteria of section 9.5.4.A.5 are met in addition to the following criteria:

i. No elevated structure can exceed the original geometric footprint area or horizontally expand living space into or over the future conditions floodplain;

ii. Foundations must contain a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding as provided in 44 C.F.R. § 60.3;

iii. The bottom of all openings must be no higher than one foot above grade; and

iv. Openings may be equipped with screens, louvers or other coverings provided they permit the flow of floodwater in both directions.

d. **Elevation of existing structures via demolition and rebuilding on an equivalent footprint area** An existing structure that has been substantially damaged or is proposed for substantial improvement may be demolished and relocated on the lot such that the passage of water is facilitated or the floodplain is otherwise enhanced or protected, provided the criteria of section 9.5.4.A.5 are met in addition to the following criteria:

i. No elevated structure can exceed the original footprint area or increase the net encroachment into or over the floodplain; and

ii. Foundations must be designed to resist anticipated hydrodynamic loads, potential for debris impact, and scour pursuant to FEMA Technical Bulletin I (August 2008). Foundations must be designed with the following criteria:

a. The total area of the walls below the base flood elevation exposed to flood waters must be at least 50 percent open. Wall openings must be distributed along all walls exposed to flood waters;

b. The bottoms of all wall openings must be at grade;

c. Garage doors not allowing the natural flow of floodwaters when closed must not be considered wall openings; and

d. Openings may be equipped with grilles, louvers, or bars provided they allow the natural flow of floodwater in both directions.

2. **Nonresidential Buildings**

a. **New Construction** New construction of principal nonresidential structures ~~shall~~must not be allowed within the limits of the future-conditions floodplain unless all of the requirements of Sec. 9.5.3 are met.

If all of the requirements of Sec. 9.5.3 have been met, all new construction ~~shall~~must have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher.

Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls ~~shall~~must be provided in accordance with the standards of Sec. 9.5.4.A.

New construction that has met all of the requirements of Sec. 9.5.3 may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed professional engineer or architect ~~shall~~must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and ~~shall~~must provide such certification to the Director using the FEMA floodproofing certificate along with the design and operation/maintenance plan.

b. **Substantial Improvements** Substantial improvements of any principal nonresidential structure located in A1-30, AE, or AH zones may be authorized by the Director to be elevated or floodproofed.

Substantial improvements ~~shall~~must have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher.

Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls ~~shall~~must be provided in accordance with the standards of Sec. 9.5.4.A.

Substantial improvements may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is highest, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed professional engineer or architect ~~shall~~must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and ~~shall~~must provide such certification to the Director using the FEMA floodproofing certificate along with the design and operation/maintenance plan.

c. **Accessory Structures and Facilities** Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, recreational facilities and other similar non-habitable structures and facilities) which meet the requirements of Sec. 9.5.3 and are permitted to be located within the limits of the future-conditions floodplain ~~shall~~must be constructed of flood-resistant materials and

designed to provide adequate flood openings in accordance with Sec. 9.5.4.A and be anchored to prevent flotation, collapse, and lateral movement of the structure.

d. **Recreational Vehicles** All recreational vehicles placed on sites must either:

i. Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or

ii. Meet all the requirements for residential buildings—substantial improvements set forth in Sec. 9.5.4.B.1.b, including the anchoring and elevation requirements.

e. **Manufactured Homes**

i. New manufactured homes ~~shall~~must not be allowed to be placed within the limits of the future-conditions floodplain unless all of the requirements of Sec. 9.5.3 have been met, all new construction and substantial improvements ~~shall~~must have the lowest floor, including basement, elevated no lower than three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls ~~shall~~must be provided in accordance with the standards of Sec. 9.5.4.A.

ii. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision are elevated so that either: (a) The lowest floor of the manufactured home is elevated no lower than three feet above the level of the base flood elevation, or one foot above the future-conditions flood elevation, whichever is higher; or (b) The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.

iii. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with the standards of Sec. 9.5.4.A.7.

C. **Building Standards for Structures and Buildings Authorized Adjacent to the Future-Conditions Floodplain**

1. **Residential Buildings** For new construction of and substantial improvement to any principal residential building or manufactured home, the elevation of the lowest floor, including basement and access to the building, is at least three feet above the level of the highest base flood (100-year) elevation adjacent to the building or at least one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls ~~shall~~must be provided in accordance with the standards of Sec. 9.5.4.

2. **Nonresidential Buildings** For new construction of and substantial improvement to any principal nonresidential building, the elevation of the lowest floor, including basement and access to the building, is at least three feet above the level of the highest base flood elevation adjacent to the building or at least one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls ~~shall~~must be provided in accordance with the standards of Sec. 9.5.4. Nonresidential buildings may be floodproofed in lieu of elevation.

D. **Building Standards for Residential Single-Lot Development on Streams without Established Base Flood Elevations and/or Floodway (A zones)** For a residential single-lot development not part of a subdivision that

has areas of special flood hazard, where streams exist but no base flood data have been provided (A zones), the Director ~~shall~~will review and reasonably utilize any available scientific or historic flood elevation, data, base flood elevation floodway data or future-conditions flood elevation data available from a federal, state, or other source in order to administer the provisions and standards of this Division. If data are not available from any of these sources, the following provisions ~~shall~~will apply:

1. No encroachments, including structures or fill material, ~~shall~~must be located within an area equal to twice the width of the stream or fifty feet from the top of the bank of the stream, whichever is greater.

2. In special flood hazard areas without base flood or future-conditions flood elevation data, new construction and substantial improvements ~~shall~~must have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet above the highest adjacent grade at the building site. Flood openings sufficient to facilitate automatic equalization of hydrostatic flood forces ~~shall~~must be provided for flood-prone enclosures in accordance with Sec. 9.5.4.A.5.a.

E. **Building Standards for Areas of Shallow Flooding (AO zones)** Areas of special flood hazard may include designated AO shallow flooding areas. These areas have base flood depths of one foot to three feet above ground, with no clearly defined channel. In these areas the following provisions apply:

1. All new construction and substantial improvements of residential and nonresidential structures ~~shall~~must have the lowest floor, including basement, elevated to no lower than one foot above the flood depth number specified on the flood insurance rate map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, is elevated at least three feet above the highest adjacent grade. Flood openings sufficient to facilitate automatic equalization of hydrostatic flood forces ~~shall~~must be provided in accordance with the standards of Sec. 9.5.4.A.5.a;

2. New construction and substantial improvement of a nonresidential structure may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to the specified FIRM flood level plus one foot above the highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed professional engineer or architect ~~shall~~must certify that the design and methods of construction are in accordance with accepted standards of practice, and ~~shall~~must provide such certification to the City using the FEMA floodproofing certificate along with the design and operation/maintenance plan; and

3. Drainage paths ~~shall~~must be provided to guide floodwater around and away from any proposed structure.

F. **Standards for Subdivisions of Land and Other Development**

1. All subdivision proposals ~~shall~~must identify the areas of special flood hazard and areas of future-conditions flood hazard therein and provide base flood elevation data and future-conditions flood elevation data;

2. All residential lots in a subdivision proposal ~~shall~~must have sufficient buildable area outside of the future-conditions floodplain such that encroachments into the future-conditions floodplain for residential structures will not be required;

3. All subdivision plans will provide the elevations of proposed structures in accordance with Sec. 9.5.2.C.

G. **Standards for Utilities**

1. All new and replacement water supply and sanitary sewerage systems are designed to minimize or eliminate:

   a. Infiltration of floodwaters into the systems; and

b. Discharges from the systems into floodwaters.

2. On-site waste disposal systems are located outside the floodplain to avoid impairment to them, or contamination from them during flooding.

Div. 9.6. Stormwater Management

Sec. 9.6.1. Purpose

The purpose of this Division is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and non-point source pollution associated with new development and redevelopment by focusing on the types of frequently occurring storm events that generate the most water quality impacts. Proper management of post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water and aquatic resources. This Division seeks to meet that purpose through the following objectives:

A. Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources;

B. Require that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, stream bank erosion, non-point source pollution and increases in stream temperature, and maintain the integrity of stream channels and aquatic habitats;

C. Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality and to preserve and/or restore natural hydrologic conditions on development sites;

D. Establish design and application criteria for the construction and use of structural stormwater control facilities that meet the minimum post-development stormwater management standards;

E. Encourage the use of nonstructural stormwater management and stormwater better site design practices, peak rate and/or runoff reduction, and the preservation of greenspace and other conservation areas, by establishing minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality. Coordinate site design plans, which include greenspace, with the City's greenspace protection plan;

F. Establish provisions for the long-term responsibility of operation, inspection, maintenance and repair of private structural stormwater control facilities and private commitments for nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety or the environment;

G. Establish administrative procedures for the submission, review, approval and disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term compliance; and

H. Protect public health and safety by reducing the risk of localized flooding and reducing the amount of runoff entering streets.

Sec. 9.6.2. Violations, Enforcement, Penalties

Any action or inaction which violates the provisions of this Division or the requirements of an approved stormwater management plan or permit may be subject to the enforcement actions outlined in this section. Any

such action or inaction that is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described in Sec. 9.6.2.B ~~shall~~will not prevent such equitable relief.

A. **Notice of Violation** If the Department determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this Division, it ~~shall~~will issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this Division without having first secured a permit therefor, the notice of violation is served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation ~~shall~~will contain:

1. The name and address of the owner or the applicant or the responsible person;
2. The address or other description of the site upon which the violation is occurring;
3. A statement specifying the nature of the violation;
4. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this Division and the date for the completion of such remedial action;
5. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and
6. A statement that the determination of violation may be appealed to the Department by filing a written notice of appeal within 30 days after the notice of violation (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice ~~shall~~will be sufficient).

B. **Penalties** In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Department ~~shall~~will first notify the applicant or other responsible person in writing of its intended action, and ~~shall~~will provide a reasonable opportunity, of not less than ten days (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice is sufficient), to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the Department may take any one or more of the following actions or impose any one or more of the following penalties:

1. **Stop Work Order** The Department may issue a stop work order that is served on the applicant or other responsible person. The stop work order ~~shall~~will remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.
2. **Withhold Certificate of Occupancy** The Department may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
3. **Suspension, Revocation or Modification of Permit** The Department may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such

permit may be reinstated (upon such conditions as the City may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

4. **Civil Penalties** In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the Department ~~shall~~will deem appropriate (except that, in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice is sufficient) after the City has taken one or more of the actions described above, the Department may impose a penalty not to exceed $1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

5. **Criminal Penalties** For intentional and flagrant violations of this Division, the Department may issue a citation to the applicant or other responsible person, requiring such person to appear in municipal court to answer charges for such violation. Upon conviction, such person ~~shall~~will be guilty of a violation of this Code. Each act of violation and each day upon which any act of violation ~~shall~~ occurs ~~shall~~will constitute a separate violation of this Code.

Sec. 9.6.3. Standards

A. **Applicability**

1. This Division is applicable to all land development, including, but not limited to, site plan applications, single family residential applications, subdivision applications, and grading applications, unless exempt pursuant to subsection (2) of this section. These standards apply to any new development or redevelopment site that meets one or more of the following criteria, or as otherwise required by the Director:

   a. New development that creates or adds 1,000 square feet or greater of new impervious surface area or that involves land disturbing activity of 5,000 square feet acre of land or greater;

   b. Redevelopment (excluding routine maintenance and exterior remodeling) that creates, adds, or replaces 1,000 square feet or greater of new impervious surface area or that involves land disturbing activity of 5,000 square feet or more;

   c. Any new development, redevelopment, addition or replacement that involves the creation of impervious cover, of any quantity, that is located within any Declared Sensitive Area.

      i. NANCY CREEK BASIN SENSITIVE AREA

         1. ~~Single Family~~Single unit Residential:

            a. Water quality in the form of runoff reduction is required on all projects of land disturbance, including additions to existing structures, according to the following:

            b. Infiltrate on site the first 1.2 inches of rainfall within 24 hours falling within the Limit of Disturbance Area shown on the construction documents.

            c. Infiltrate on site an additional 1.2 inches of rainfall within 24 hours falling on impervious areas contained within the Limit of Disturbance Area shown on the construction documents. No less than 90% of a site's impervious area must be directed to an infiltration area, unless otherwise approved by the Direction of Community Development.

         2. Exempt: The Maintenance, repair or replacement of any impervious surface footprint up to 500 square feet ~~shall be~~is exempt from this Division.

Maintenance, repair or replacement activities ~~shall~~will be cumulative for a period of three (3) years.

d. New development and redevelopment if:

i. Such new development or redevelopment is part of a subdivision or other common plan of development; and

ii. the sum of all associated impervious surface area or land disturbing activities that are being developed as part of such subdivision or other common plan of development meets or exceeds the threshold in (a) and (b) above;

e. Any commercial or industrial new development or redevelopment, regardless of size, that is within a declared sensitive area; and

f. Linear transportation projects that exceed the threshold in (a) or (b) above.

2. The following activities are exempt from this Division:

a. Agricultural or silvicultural land management activities within areas zoned for these activities; and

b. Repairs to any stormwater management facility or practice deemed necessary by the Director.

c. Minor improvements to public parks involving less than 5,000 square feet of land disturbance and less than 1,000 square feet of impervious surface.

d. Utility installations, repairs or modifications outside of stream buffers.

e. Installations or modifications to existing structures to accommodate Americans with Disability Act (ADA) requirements.

f. Installation of pervious pavers (City detail) less than 5,000 square feet.

g. Maintenance, repair and resurfacing of existing paved surfaces, except within a Declared Sensitive Area.

h. Addition of sidewalks along streets.

i. Stream bank stabilization or restoration.

j. Land disturbance required for environmental cleanup or remediation.

k. Residential driveway replacement, except within a Declared Sensitive Area.

3. **Minimum Requirements** Except for repairs to existing stormwater facilities or stormwater facilities in the right-of-way, all developments and redevelopment activity, including ~~single-family~~single unit residential and those which are otherwise exempt from this Division, the following minimum requirements ~~shall~~ apply:

a. Lots and buildings ~~shall~~must be developed in a manner to ensure that stormwater exiting individual parcels or lots under post-development conditions does not adversely impact the adjacent parcels or lots as a result of concentrated flows, flooding, erosion or deposits of silt or sediment;

b. The stormwater discharge from a downspout, cistern, or any water collection device ~~shall~~must be located no closer to a property line than ten feet and oriented so direction of flow is away from any downstream improvements. Discharge from any outlet must be dissipated, infiltrated or diverted such that flows will not be concentrated; and

c. No person ~~shall~~must erect, construct, or otherwise permit any obstruction that prevents the natural or contained flow of water to or from any component of the stormwater system of the City unless such obstruction is allowed as a part of a permit approved pursuant to this Division.

d. Lots and buildings ~~shall~~must be developed to provide Green Infrastructure/Low Impact Development best management practices. Single Family - Single Lot Development that is not part of a larger common development ~~shall~~will be exempt from this requirement.

B. **Designation of Administrator** The Director or a designee is hereby appointed to administer and implement the provisions of this Division.

C. **Compatibility With Other Regulations** This Division is not intended to modify or repeal any other chapter, rule, regulation or other provision of law. The requirements of this Division are in addition to the requirements of any other chapter, rule, regulation or other provision of law, and where any provision of this Division imposes restrictions different from those imposed by any other chapter, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment ~~shall~~will control.

Sec. 9.6.4. Stormwater Design Manual

The City will utilize the policy, criteria and information including technical specifications and standards in the latest edition of the 2016 Georgia Stormwater Management Manual and any relevant City addenda (or equivalent City stormwater management design manual) for the proper implementation of the requirements of this Division. The manual may be updated and expanded periodically, based on improvements in science, engineering, monitoring and local maintenance experience.

Sec. 9.6.5. Permit Application Requirements

A. No owner or developer ~~shall~~will perform any land development activities without first meeting the requirements of this Division prior to commencing the proposed activity.

B. Unless specifically exempted by this Division, any owner or developer proposing a land development activity ~~shall~~must submit to the Department a permit application on a form provided by the City for that purpose.

C. Unless otherwise exempted by this Division, a permit application is accompanied by the following items in order to be considered:

1. Stormwater concept plan and consultation meeting certification in accordance with Sec. 9.6.7;
2. Stormwater management plan in accordance with Sec. 9.6.8;
3. Green Infrastructure Feasibility Form in accordance with Sec 9.6.7;
4. Inspection and maintenance agreement in accordance with Sec. 9.6.8, if applicable;
5. Performance bond, if applicable; and
6. Permit application and plan review fees in accordance with Sec. 9.6.10.

D. The approved stormwater management plan ~~shall~~must obligate the responsible party to accomplish all land clearing, construction, development and drainage in accordance with the stormwater management plan. Any and all permits for development activities may be revoked at any time if the construction of stormwater management facilities is not conducted in substantial conformity with approved plans.

E. Applicant or responsible party ~~shall~~must obtain all state and federal permits required for the proposed development activity in addition to the plans and permits required by the City.

F. Upon completion of the project the applicant or responsible party ~~shall~~must submit the engineer-of-record's certification and as-built plan that includes the global positioning system coordinates of the stormwater management facilities. If the as-built plan differs substantially from the approved plan but is still acceptable to the City, then the applicant or responsible party ~~shall~~must update the recorded inspection and maintenance agreement upon approval by the City.

Sec. 9.6.6. Application Procedure

A. Applications for land development permits are filed with the Department.

B. Permit applications ~~shall~~must include the items set forth in Sec. 9.6.5. Two copies of the stormwater management plan and the inspection maintenance agreement, if applicable, are included.

C. The Department ~~shall~~will inform the applicant whether the application, stormwater management plan and inspection and maintenance agreement are approved or disapproved.

D. If the permit application, stormwater management plan or inspection and maintenance agreement is disapproved, the Department ~~shall~~will notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same, in which event this section and Sec. 9.6.6.C ~~shall~~will apply to such resubmittal.

E. Upon a finding by the Department that the permit application, stormwater management plan and inspection and maintenance agreement, if applicable, meet the requirements of this Division, the Department may issue a permit for the land development project, provided all other legal requirements for the issuance of such permit have been met.

F. Notwithstanding the issuance of the permit, in conducting the land development project, the applicant or other responsible person is subject to the following requirements:

1. The applicant ~~shall~~must comply with all applicable requirements of the approved plan and this Division and ~~shall~~must certify that all land clearing, construction, land development and drainage will be done according to the approved plan;
2. The land development project is conducted only within the area specified in the approved plan;
3. The Department is allowed to conduct periodic inspections of the project;
4. No changes may be made to an approved plan without review and written approval by the Department; and
5. Upon completion of the project, the applicant or other responsible person ~~shall~~must submit the engineer's report and certificate and as-built plans required by Sec. 9.6.13.

Sec. 9.6.7. Stormwater Concept Plan

A. Discussion of post-development stormwater management. Before any stormwater management permit application is submitted, it is recommended that the landowner or developer ~~shall~~must meet with the Department for a consultation meeting on a concept plan for the post-development stormwater management system to be utilized in the proposed land development project. This consultation meeting ~~shall~~must take place at the time of the preliminary plan of subdivision or other early step in the development process. The purpose of this meeting is to discuss the post-development stormwater management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities and potential ideas for stormwater management designs before the formal site design engineering is commenced.

B. Information to be submitted. To accomplish this goal, the following information is included in the concept plan that is submitted in advance of the meeting:

1. **Existing Conditions** Proposed site plans. Existing conditions and proposed site layout sketch plans which illustrate, at a minimum, existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys (when available); boundaries of existing predominant vegetation and proposed limits of clearing and grading; and location of existing and proposed roads, buildings, parking areas and other impervious surfaces.

2. **Natural Resources Inventory** A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site, as well as the location and boundaries of other natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.). Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.

3. **Stormwater Management System Concept Plan** A written or graphic concept plan of the proposed post-development stormwater management system including: preliminary selection and location of proposed structural stormwater controls; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of proposed stream channel modifications, such as bridge or culvert crossings. Local watershed plans, the City greenspace protection plan (if applicable), and any relevant resource protection plans will be consulted in the discussion of the concept plan.

4. **Green Infrastructure Feasibility Form** The standard City form will be provided with required documentation for Linear or Non-linear projects determining whether the installation of Green Infrastructure best management practices are feasible or infeasible for the proposed project based on soil infiltration rates, water table or bedrock conditions, setbacks, landmark trees, endangered species, brownfield site conditions, on-site contaminants, historic resources, steep slopes, utility conflicts or practicability hardships.

Sec. 9.6.8. Stormwater Management Plan

A. The stormwater management plan ~~shall~~must detail how post-development stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this Division, including the performance criteria set forth in Sec. 9.6.12.

B. This plan is in accordance with the criteria established in this section and must be submitted with the stamp and signature of a design professional licensed in the state, who must verify that the design of all stormwater management facilities and practices meet the submittal requirements outlined in the current Georgia Stormwater Management Manual 2016 Edition (here and henceforth all references to this manual assume the 2016 edition, including all amendments as may be forthcoming from time to time) and the City's submittal requirements for commercial and ~~single-family~~single unit residential development.

C. The stormwater management plan must ensure that the requirements and criteria in this Division are being complied with and that opportunities are being taken to minimize adverse post-development stormwater runoff impacts from the development. The plan ~~shall~~must consist of maps, narrative, and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system. The plan ~~shall~~must include all of the applicable design requirements and forms found in the Georgia Stormwater Management Manual and the City's submittal requirement for commercial and ~~single-family~~single unit residential development. This includes but is not limited to:

1. The common address and legal description of the site.

2. Vicinity map.

3. Existing conditions and proposed site plans. Existing conditions and proposed site layout plans which illustrate at a minimum: existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys; boundaries of existing predominant vegetation and proposed limits of clearing and grading; and location of existing and proposed roads, building parking area and other impervious surfaces.

4. Infiltration rates. Infiltration rates ~~shall~~must be determined by soil surveys, on-site soil analysis or a percolation test. If the site has been previously developed or graded or contains urban soil types, a percolation test is required.

5. Natural resources inventory. A written or graphic inventory of the natural resources in existence prior to the commencement of the project. This inventory ~~shall~~must address resources both on the site and in the surrounding area that are or may be impacted by the project. This inventory ~~shall~~must also include a description of the soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site, as well as the location and boundaries of other natural features protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers and other setbacks, including but not limited to drinking water well setbacks and septic setbacks. Particular attention should be paid to environmentally sensitive features that present constraints for development.

6. Existing conditions hydrologic analysis. The existing condition hydrologic analysis for stormwater runoff rates, volumes, and velocities in accordance with the current Georgia Stormwater Management Manual, which ~~shall~~must include: a topographic map of existing site conditions with the drainage basin boundaries indicated; acreage, soil types and land cover of areas for each subbasin affected by the project; all perennial and intermittent streams and other surface water features; all existing stormwater conveyances and structural control facilities; direction of flow and exits from the site; analysis of runoff provided by off-site areas upstream of the project site; and methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. For redevelopment sites, pre-development conditions are modeled using guidelines established by the Director for the portion of the site undergoing land development activities.

7. Postdevelopment hydrologic analysis. The post-development hydrologic analysis for stormwater runoff rates, volumes, and velocities ~~shall~~must be calculated in accordance with the Georgia Stormwater Management Manual and include: a topographic map of developed site conditions with the post-development drainage basin boundaries indicated; total area of postdevelopment impervious surfaces and other land cover areas for each subbasin affected by the project; calculations for determining the runoff volumes that need to be addressed for each subbasin for the development project to meet the post-development stormwater management performance criteria in Sec. 9.6.12; location and boundaries of proposed natural feature protection and conservation areas; documentation and calculations for any applicable site design credits that are being utilized; methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. If the land development activity on a redevelopment site constitutes more than 50 percent of the site area for the entire site, then the performance criteria in Sec. 9.6.12 must be met for the stormwater runoff from the entire site. For a subdivision of land or planned development, post-development runoff volumes, rates, and velocities ~~shall~~must be calculated based on the built-out conditions of the entire parcel to be subdivided, regardless of future ownership of individual lots. Estimates of impervious surfaces ~~shall~~must be made based on maximum allowable lot coverage in accordance with the City's Development Code when meeting the performance criteria. The developer of said subdivided parcel may provide runoff reduction and water quality measures for individual lots, which must be reflected accordingly on the final plat.

8. Stormwater management system. The description, scaled drawings and design calculations for the proposed post-development stormwater management system, which ~~shall~~must include: A map and/or

drawing or sketch of the stormwater management facilities, including the location of nonstructural site design features and the placement of existing and proposed structural stormwater controls, including design water surface elevations, storage volumes available from zero to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes; a narrative describing how the selected structural stormwater controls will be appropriate and effective; cross section and profile drawings and design details for each of the structural stormwater controls in the system, including supporting calculations to show that the facility is designed according to the applicable design criteria; a hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including stage-storage or outlet rating curves, and inflow and outflow hydrographs); documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria in section 109-195; drawings, design calculations, elevations and hydraulic grade lines for all existing and proposed stormwater conveyance elements including stormwater drains, pipes, culverts, catchbasins, channels, swales and areas of overland flow; and where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans and/or local greenspace protection plan.

9. Post development downstream analysis. A downstream peak flow analysis that includes the assumptions, results and supporting calculations to show safe passage of post-development design flows downstream. The analysis of downstream conditions in the report ~~shall~~must address each and every point or area along the project site's boundaries at which runoff will exit the property. The analysis ~~shall~~must focus on the portion of the drainage channel or watercourse immediately downstream from the project. This area ~~shall~~must extend downstream from the project to a point in the drainage basin where the project area is ten percent of the total basin area. In calculating runoff volumes and discharge rates, consideration may need to be given to any planned future upstream land use changes. The analysis is in accordance with the stormwater design manual.

10. Construction-phase erosion and sedimentation control plan. An erosion and sedimentation control plan in accordance with the Georgia Erosion and Sedimentation Control Act of 1975 (O.C.G.A. § 12-7-1 et seq.) or NPDES permit for construction activities. The plan ~~shall~~must also include information on the sequence/phasing of construction and temporary stabilization measures and temporary structures that will be converted into permanent stormwater controls. Prior to the approval of the stormwater management plan, the applicant or responsible party ~~shall~~must submit a proposed staged construction and inspection control schedule for approval; otherwise, the construction and inspection control schedule will be for the entire drainage system. No stage work related to the construction of stormwater management facilities or BMPs ~~shall~~will proceed until the next proceeding stage of work, according to the sequence specified in the approved stage construction and inspection control schedule, as inspected and approved. Runoff reduction and water quality measures ~~shall~~must be installed in the final phase of construction to prevent clogging.

11. Landscaping and open space plan. A detailed landscaping and vegetation plan describing the woody and herbaceous vegetation that will be used within and adjacent to stormwater management facilities and practices. The landscaping plan must also include: the arrangement of planted areas, natural and greenspace areas and other landscaped features on the site plan; information necessary to construct the landscaping elements shown on the plan drawings; descriptions and standards for the methods, materials and vegetation that are to be used in the construction; density of plantings; descriptions of the stabilization and management techniques used to establish vegetation; and a description of who will be responsible for ongoing maintenance of vegetation for the stormwater management facility and what practices will be employed to ensure that adequate vegetative cover is preserved.

12. Operations and maintenance plan. Detailed description of ongoing operations and maintenance procedures for stormwater management facilities and practices to ensure their continued function as designed and constructed or preserved. These plans will identify the parts or components of a

stormwater management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary. The plan ~~shall~~must include a narrative describing how the stormwater management system is designed to function, including capture, runoff control, water quality treatment, channel and flood protection, and ongoing operations and maintenance procedures for all stormwater management facilities and practices shown on the stormwater management site plan. The plan ~~shall~~must include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, funding, access and safety issues. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures are included in the plan.

13. Maintenance access easements. The applicant must ensure access from right-of-way to stormwater management facilities and practices requiring regular maintenance at the site for the purpose of inspection and repair by securing all the maintenance access easements needed on a permanent basis. Such access is sufficient for all necessary equipment for maintenance activities. Upon final inspection and approval, a plat or document indicating that such easements exist is recorded and ~~shall~~will remain in effect even with the transfer of title of the property.

14. Inspection and maintenance agreements. Unless an on-site stormwater management facility or practice is dedicated to and accepted by the Department as provided in Sec. 9.6.9, the applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management facility or practice in accordance with Sec. 9.6.9.

15. Evidence of acquisition of applicable local and nonlocal permits. The applicant ~~shall~~must certify and provide documentation to the Department that all other applicable environmental permits have been acquired for the site prior to approval of the stormwater management plan.

Sec. 9.6.9. Inspection, Maintenance Agreements

A. Prior to the issuance of any permit for a land development activity requiring a stormwater management facility or practice hereunder and for which the Department requires ongoing maintenance, the applicant or owner of the site must, unless an on-site stormwater management facility or practice is dedicated to and accepted by the Department, execute an inspection and maintenance agreement, and/or a conservation easement, if applicable, that is binding on all subsequent owners of the site.

B. The inspection and maintenance agreement, if applicable, must be approved by the Department prior to plan approval, and recorded in the deed records upon final plat approval.

C. The inspection and maintenance agreement ~~shall~~must identify by name or official title the person responsible for carrying out the inspection and maintenance. Responsibility for the operation and maintenance of the stormwater management facility or practice, unless assumed by a governmental agency, ~~shall~~will remain with the property owner and ~~shall~~will pass to any successor owner. If portions of the land are sold or otherwise transferred, legally binding arrangements are made to pass the inspection and maintenance responsibility to the appropriate successors in title. These arrangements ~~shall~~must designate for each portion of the site the person to be permanently responsible for its inspection and maintenance.

D. As part of the inspection and maintenance agreement, a schedule is developed for when and how often routine inspection and maintenance will occur to ensure proper function of the stormwater management facility or practice. The agreement ~~shall~~must also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance and ~~shall~~must also include remedies for the default thereof.

E. In addition to enforcing the terms of the inspection and maintenance agreement, the Department may also enforce all of the provisions for ongoing inspection and maintenance in Sec. 9.6.14.

F. The Department, in lieu of an inspection and maintenance agreement, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this Division and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

Sec. 9.6.10. Application Review Fees

The fee for review of any stormwater management application is based on the fee structure established by the Department and is made prior to the issuance of any building permit for the development.

Sec. 9.6.11. Modifications for Off-Site Facilities

A. The stormwater management plan for each land development project ~~shall~~must provide for stormwater management measures located on the site of the project, unless provisions are made to manage stormwater by an off-site or regional facility. The off-site or regional facility must be located on property legally dedicated for the purpose, must be designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by on-site practices and there must be a legally obligated entity responsible for long-term operation and maintenance of the off-site or regional stormwater facility. In addition, on-site measures are implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the off-site facility.

B. A stormwater management plan must be submitted to the Department that shows the adequacy of the off-site or regional facility.

C. To be eligible for a modification, the applicant must demonstrate to the satisfaction of the Director that the use of an off-site or regional facility will not result in the following impacts to upstream or downstream areas:

1. Increased threat of flood damage to public health, life, and property;
2. Deterioration of existing culverts, bridges, dams, and other structures;
3. Accelerated stream bank or streambed erosion or siltation;
4. Degradation of in-stream biological functions or habitat; or
5. Water quality impairment in violation of the state water quality standards, and/or violation of any state or federal regulations.

Sec. 9.6.12. Performance Criteria

A. For new developments, the following performance criteria ~~shall~~will be applied to the area of the site impacted by the proposed work. For redevelopment, the following performance criteria ~~shall~~will be applied to the area of the site impacted by the proposed work, provided that the impacted area does not exceed 35 percent of the previously developed area. If the impacted area exceeds 35 percent of the previously developed area, the following performance criteria ~~shall~~will be applied to the entire development, including previously developed area:

1. **Water Quality/Runoff Reduction:** All stormwater runoff generated from a site ~~shall~~must provide runoff reduction of the first 1.2 inches of rainfall or ~~shall~~must be adequately treated for water quality before discharge. With the exception of single lot residential developments that are not part of a common development, this ~~shall~~must be accomplished by the use of Green Infrastructure Best Management Practices unless determined to be infeasible in accordance with Sec. 9.6.7.B.4. of this code.

It will be presumed that a stormwater management system complies with this requirement if it satisfies the stormwater reduction criteria in this section. However if any of the stormwater runoff volume generated by the first 1.2 inches of rainfall cannot be reduced or retained on site due to constraints such as a high water table, rock, low infiltration rates or the presence of a hotspot, the remaining volume ~~shall~~must be increased by a multiplier of 1.2 and ~~shall~~must be intercepted and treated in one or more stormwater management practices that provide at least an 80 percent reduction in total suspended solids loads in accordance with the following criteria:

a. It is sized to treat the prescribed water quality treatment volume from the site, as defined in the Georgia Stormwater Management Manual;

b. Appropriate structural stormwater controls or nonstructural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the Georgia Stormwater Management Manual or constitutes an alternative practice responsibly designed and documented by the design professional to reproduce the intent of the Georgia Stormwater Management Manual; and
c. Runoff from hotspot land uses and activities identified by the Department are adequately treated and addressed through the use of appropriate structural stormwater controls, nonstructural practices and pollution prevention practices.

2. **Stream Channel Protection** Protection of stream channels from bank and bed erosion and degradation is provided by using all of the following three approaches:

a. Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer;

b. Twenty-four-hour extended detention storage of the one-year, 24-hour return frequency storm event;

c. Erosion prevention measures such as energy dissipation and velocity control.

d. For redevelopment projects that create, add, or demolish and replace less than 5,000 square feet of impervious surface and meet the performance criteria of this section, stream channel protection is not required.

3. **Overbank Flooding Protection**

a. Downstream overbank flood and property protection is provided by controlling (attenuating) the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour return frequency storm event. If control of the one-year, 24-hour storm under subsection (a) of this section is exempted, then peak discharge rate attenuation of the two-year through the 25-year return frequency storm event must be provided. For redevelopment projects overbank flood and property protection ~~shall~~must be provided by reducing the peak discharge rate up to the 25-year, 24-hour storm event in accordance with the following formula:

b. %PIC/2 = %PDRR

c. PIC = Predevelopment Impervious Cover

i. PDRR = Peak Discharge Rate Reduction

d. For sites where previous demolition has removed impervious surfaces, pre-development peak discharge rate calculations and percentage of impervious coverage ~~shall~~must be calculated based on pre-demolition conditions. For sites that have been demolished and have remained fallow and stabilized with vegetation for a minimum of five years, they ~~shall~~must be considered as having pre-development conditions of 20 percent impervious cover for purposes of calculating peak discharge rate reduction.

e. For land development permitted after 2005 and served by appropriate stormwater management facilities, subsequent redevelopment of the same area is not required to further reduce the peak discharge rate, provided that the site continues to meet the reduction previously achieved.

f. For redevelopment projects that create, add, or demolish and replace less than 5,000 square feet of impervious surface and meet the performance criteria of this section, overbank flooding protection is not required.

4. **Extreme Flooding Protection**

a. Extreme flood and public safety protection is provided by controlling and safely conveying the 100-year, 24-hour return frequency storm event such that flooding is not exacerbated.

b. For redevelopment projects that create, add, or demolish and replace less than 5,000 square feet of impervious surface and meet the performance criteria of this section, extreme flooding protection is not required.

5. **Structural Stormwater Controls** All structural stormwater management facilities are selected and designed using the appropriate criteria from the Georgia Stormwater Management Manual. All structural stormwater controls must be designed appropriately to meet their intended function. For other structural stormwater controls not included in the Georgia Stormwater Management Manual, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from the Department before being included in the design of a stormwater management system. In addition, if hydrologic or topographic conditions, or land use activities warrant greater control than that provided by the minimum control requirements, the City may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency, and rate of stormwater runoff or increased non-point source pollution loads created on the site in question. Applicants ~~shall~~must consult the Georgia Stormwater Management Manual for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

6. **Stormwater Credits for Nonstructural Measures** The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under Sec. 9.6.12.A.1. The applicant may, if approved by the Department, take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, there is a minimum set of criteria and requirements that identifies the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are included in the Georgia Stormwater Management Manual.

7. **Drainage System Guidelines** Stormwater conveyance facilities, which may include but are not limited to culverts, stormwater drainage pipes, catchbasins, drop inlets, junction boxes, headwalls, gutters, swales, channels, ditches, and energy dissipaters, are provided when necessary for the protection of right-of-way and private properties adjoining project sites and/or rights-of-way. Stormwater conveyance facilities that are designed to carry runoff from more than one parcel, existing or proposed, ~~shall~~must meet the following requirements:

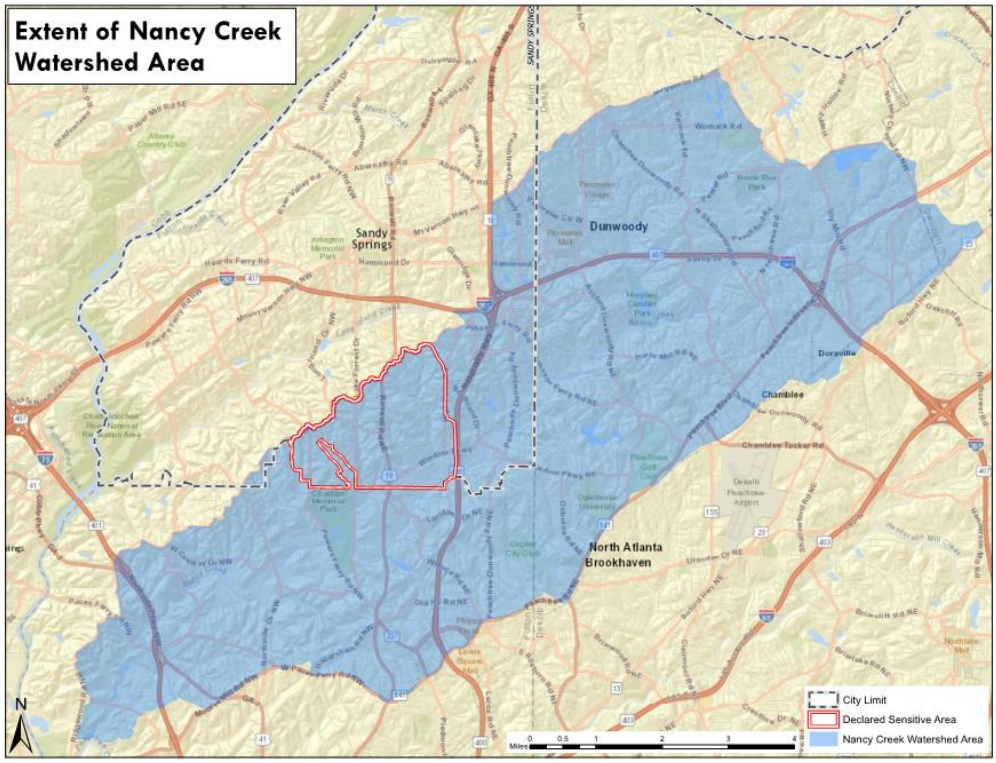
a. Methods to calculate stormwater flows are in accordance with the stormwater design manual;

b. All culverts, pipe systems and open channel flow systems are sized in accordance with the stormwater management plan using the methods included in the Georgia Stormwater Management Manual; and

c. Design and construction of stormwater conveyance facilities are in accordance with the criteria and specifications found in the Georgia Stormwater Management Manual.

8. **Dam Design Guidelines** Any land disturbing activity that involves a site that proposes a dam ~~shall~~must comply with the Georgia Safe Dams Act of 1978 (O.C.G.A. § 12-5-370 et seq.) and rules for dam safety as applicable.

9. Declared Sensitive Area Guidelines In accordance with the Georgia Stormwater Management Manual, Volume 2 Section 2.2.2.1, the City reserves the right to establish more stringent standards for sub-basin areas that may cause significant adverse water quality, quantity and discharge rates due to numerous small developments. The sub-basin areas ~~shall~~must be Declared Sensitive Areas. Any development within a Declared Sensitive Area ~~shall~~must comply with the design and construction standards as set forth in the Technical Manual Section 10.M



Sec. 9.6.

A. Inspections to ensure plan compliance during construction. Periodic inspections of the stormwater management system construction is conducted by the staff of the Department or conducted and certified by a professional engineer who has been approved by the Department. Construction inspections ~~shall~~must utilize the approved stormwater management plan for establishing compliance. All inspections are documented with written reports that contain the following information:

1. The date and location of the inspection;
2. Whether construction is in compliance with the approved stormwater management plan;
3. Variations from the approved construction specifications; and
4. Any other variations or violations of the conditions of the approved stormwater management plan.
5. If any violations are found, the applicant is notified in writing of the nature of the violation and the required corrective actions.

B. Final inspection and as-built plans. Upon completion of a project, and before a certificate of occupancy is granted, the applicant is responsible for certifying that the completed project is in accordance with the approved stormwater management plan including the global positioning system coordinates of all stormwater management facilities. All applicants are required to submit actual "as-built" plans for any stormwater management facilities or practices after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and practices and must be certified by a professional engineer. A final inspection by the Department is required before the release of any performance securities can occur.

Sec. 9.6.14. Ongoing Inspection, Maintenance

A. **Long-Term Maintenance Inspection of Stormwater Facilities and Practices**

1. The absence of an inspection and maintenance agreement ~~shall~~will not relieve the owner or responsible party from performing proper maintenance and inspection of the stormwater management facility. If the owner or responsible party fails or refuses to meet the requirements of this Division, the City may correct the violation at the owner's expense.

2. For facilities constructed prior to the effective date of this Division the owner or responsible party ~~shall~~must perform proper maintenance of the stormwater maintenance facility as required by the indemnification agreement. If the owner or responsible party fails or refuses to meet the requirements of this Division, the City may correct the violation at the owner's expense.

3. Stormwater management facilities and practices included in a stormwater management plan which are subject to an inspection and maintenance agreement must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the agreement, the plan and this Division.

4. A stormwater management facility or practice is inspected on a periodic basis by the responsible person in accordance with the approved inspection and maintenance agreement or in the absence of an inspection and maintenance agreement, in accordance with the requirements of this Division. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, the Department ~~shall~~will notify the person responsible for carrying out the maintenance plan who is specified in the inspection and maintenance agreement by registered or certified mail. The notice ~~shall~~will specify the measures needed to comply with the agreement and the plan and ~~shall~~will specify the time within which such measures are completed. Failure of the City to provide such notice ~~shall~~will not relieve the owner or responsible party from performing proper maintenance and inspection of the stormwater maintenance facility. If the responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the Department may correct the violation as provided in Sec. 9.6.14 hereof.

5. An annual inspection ~~shall~~will be performed and attested to by a professional engineer with results reported to the City. Any deficiencies noted in either operation or maintenance of the facility must be included in the report along with the proposed remedies required and a time table for their implementation. If substantial deficiencies are found, a follow-up inspection to confirm correction of said deficiencies ~~shall~~must be performed and reported to the City.

6. Inspection programs by the Department may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater management facilities; and evaluating the condition of stormwater management facilities and practices.

B. **Right-of-Entry for Inspection** The terms of the inspection and maintenance agreement ~~shall~~must provide for the City to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this Division is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this Division.

C. **Records of Maintenance Activities** Parties responsible for the operation and maintenance of a stormwater management facility ~~shall~~must provide records of all maintenance and repairs to the Department.

Sec. 9.6.15. Failure to Maintain

If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the Department, after 30 days' written notice (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice is sufficient), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition. The Department may assess the owners of the facility for the cost of repair work that is a lien on the property, and may be placed on the ad valorem tax bill for such property and collected in the ordinary manner for such taxes.

Sec. 9.6.16. Marsh Creek Watershed Regional Detention Pond

A. **Purpose** The purpose and intent of this section is to protect the public health, safety, environment and general welfare through the establishment of a policy and procedure for the protection and maintenance of the water quality and flood storage capacity being controlled by the Marsh Creek Watershed Improvement Project and the Stormwater Best Management Practice (Marsh Creek BMP) for present and future development and redevelopment within the drainage basin of the Marsh Creek BMP. The following policy and procedures seek to meet that purpose and ~~shall~~must be known as the Marsh Creek Watershed Regional Detention Pond Ordinance:

1. This section will apply to the developed parcels that lie, in whole or in part, within the drainage basin area boundaries of the Marsh Creek BMP.
2. The applicant ~~shall~~must be any property owner and/or developer proposing to develop or redevelop sites within the Marsh Creek BMP.
3. The applicant ~~shall~~must submit the site plan with the proposed development addressing all application requirements for review by the Department to determine the availability of stormwater detention capacity within the Marsh Creek BMP.
4. Should capacity within the facility be available, the applicant will have the option to:
    a. Utilize the Marsh Creek BMP facility for stormwater detention and submit a fee to the City for the cost and maintenance of the facility; or
    b. Provide onsite detention through the use of underground storage facilities in accordance with the City's stormwater management plan requirements.
5. Upon approval of the application by the City, acceptance of the utilization of the Marsh Creek BMP by the applicant, and payment of the fee, a license ~~shall~~will be granted to the applicant; however, the responsibility for operation, maintenance and regulation of the stormwater management services within the Marsh Creek BMP ~~shall~~must be owned, operated and maintained by the City of Sandy Springs in accordance with the SWMP and stormwater management services performed, owned and operated or maintained by the City of Sandy Springs.

B. **Application Requirements**

1. A certified topographic map of existing conditions that delineate the drainage area boundaries of the applicant's parcel defining the areas within and outside the Marsh Creek BMP drainage basin as well as the existing impervious area within and outside the basin;
2. A site plan of the proposed improvements, including a delineation of new and/or redeveloped impervious areas within the applicant's parcel;
3. A hydraulic analysis of the downstream public stormwater conveyance system of the applicant's parcel, to verify the capacity of the system to carry the proposed stormwater flows in compliance with the development regulations;
4. Confirmation of onsite erosion and sediment control which applicant will utilize during the course of the construction project to protect the Marsh Creek BMP from any construction related damage;
5. A fee in the amount of $180,000.00 per impervious acre of applicant's parcel (measured to the nearest one-hundredth of an acre) ~~shall~~will be charged and assessed to the applicant for the cost of utilizing stormwater detention services and ongoing maintenance to the stormwater management system and facility of the Marsh Creek BMP.
6. Conformity by the applicant with onsite water quality requirements through the use of green infrastructure or low impact development (LID) practices, or other approved structural practices as directed by the City;
7. Applicant ~~shall~~must comply with the City development regulations ordinance, floodplain management ordinance, and any other City and state rules, regulations or permits, which regulate the development of land.
8. If the parcel is to be developed in phases, then a separate application process ~~shall~~will be required for each phase.

C. **Application process**

1. Immediately upon receipt of all application requirements, the Department ~~shall~~will review the plans and determine the capacity ~~feasability~~feasibility of the Marsh Creek BMP facility as to the proposed development. The Department ~~shall~~will be expected to complete its review of the application within 35 days of receipt of all documents required from the applicant.
2. Availability will be determined based on the impervious area of the parcel proposing to drain to the facility, as well as the capacity of the existing and to be installed conveyance system to carry the proposed stormwater discharge to the facility.
3. An application may be rejected if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application.
4. Upon final approval, the applicant ~~shall~~will be granted a license allowing utilization of the Marsh Creek BMP for the site's stormwater control within the drainage basin area.
5. The applicant ~~shall~~will be responsible for the installation and maintenance of all required onsite erosion and sediment control during the course of the construction project to protect the Marsh Creek BMP and the related drainage system from any construction related damage.
6. Should the applicant not select utilization of the Marsh Creek BMP, or should the proposed conveyance system be found inadequate to carry the proposed development or redevelopment of the parcel, the applicant ~~shall~~will be required to conform to all stormwater management ordinance, development regulations ordinance, floodplain management ordinance, and any other ordinances, rules, regulations or permits, which regulate the development of land within the City.

Div. 9.7. Soil Erosion and Sedimentation Control

Sec. 9.7.1. Title and Findings

A. **Title** This Division will be known as "The City of Sandy Springs Soil Erosion, Sedimentation and Pollution Control Ordinance."

B. **Findings** The City of Sandy Springs finds that soil erosion and sediment deposition onto land and into water within the watersheds of the City are a result of failure to apply proper soil erosion and sedimentation control practices in land clearing, soil movement, and construction activities and that such erosion and sediment deposition result in pollution of state waters and damage to domestic, agricultural, recreational, fish and wildlife, and other resource uses. It is therefore declared to be the policy of the City of Sandy Springs and the intent of this Division to strengthen and extend the present erosion and sediment control activities and programs of the City of Sandy Springs and to provide for the establishment and implementation of a City-wide comprehensive soil erosion and sediment control program to conserve and protect the land, water, air, and other resources of the City of Sandy Springs.

Sec. 9.7.2. Exemptions

This Division ~~shall~~will apply to any land-disturbing activity undertaken by any person or any land except for the following:

A. Surface mining, as the same is defined in O.C.G.A. § 12-4-72, "The Georgia Surface Mining Act of 1968";

B. Granite Quarrying and land for such quarrying;

C. Such minor land-disturbance activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities. If such activities cause excessive erosion an official notice ~~shall~~will be provided to implement a best management practice (BMP) to stop continued erosion;

D. The construction of ~~single-family~~single unit residences, when such construction disturbs less than one acre and is not a part of a larger common plan or development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this paragraph; provided, however:

   1. Construction of any such residence (~~single-family~~single unit) ~~shall~~must conform to the minimum requirements as set forth in Sec. 9.7.3.C of this Division.

   2. For ~~single-family~~single unit residential construction covered by the provisions of this paragraph, there ~~shall~~must be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 1 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity ~~shall~~must be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone ~~shall~~must be at least 50 horizontal feet, and no variance to a smaller buffer ~~shall~~must be granted. For secondary trout waters, the buffer zone ~~shall~~must be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer ~~shall~~must be at least 25 horizontal feet, and no variance to a smaller buffer ~~shall~~will be granted.

   3. The minimum requirements of Sec. 9.7.3.C of this Division and the buffer zones provided by this section ~~shall~~will be enforced by the City;

E. Agricultural operations as defined in O.C.G.A. §1-3-3, "definitions," to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including, but not limited to, chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aquaculture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;

F. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in Sec. 9.7.3.C of this Division, no other land-disturbing activities, except for normal forest management practices, ~~shall~~will be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices;

G. Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;

H. Any project involving less than one acre of disturbed area; provided, however, that this exemption ~~shall~~will not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre or within 200 feet of the banks/points of wrested vegetation of any state waters, and for purposes of this paragraph, "state waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events, however, that any person responsible for a project which involves less than one acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainageway, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein ~~shall~~will prevent the local issuing authority from regulating any such project which is not specifically exempted by paragraphs A., B., C., D., E., F., G., I. or J. of this Section;

I. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Georgia Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Georgia Department of Transportation or the State Road and Tollway Authority which disturb one or more contiguous acres of land ~~shall~~will be subject to provisions of O.C.G.A. § 12-7-7.1; except where the Georgia Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit ~~shall~~must be submitted to the local issuing authority, the local issuing authority ~~shall~~will enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6, as if a permit had been issued, and violations ~~shall~~will be subject to the same penalties as violations by permit holders;

J. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Georgia Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Georgia Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the local issuing authority ~~shall~~will enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6, as if a permit had been issued, and violations ~~shall~~will be subject to the same penalties as violations by permit holders; and

K. Any public water system reservoir.

Sec. 9.7.3. Minimum Requirements

A. **General Provisions** Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the ordinance [from which this Division derived] and the NPDES general permit are not met. Therefore, plans for those land-disturbing activities that are not exempted by this Division ~~shall~~will contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions ~~shall~~must be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices ~~shall~~must conform to the minimum requirements of Sec. 9.7.3.B and Sec. 9.7.3.C of this Division. The application of measures and practices ~~shall~~will apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures ~~shall~~must be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this Division and the NPDES general permit.

B. **Minimum Requirements/BMPs**

1. Best management practices as set forth in this section of this Division ~~shall~~will be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices ~~shall~~will constitute a complete defense to any action by the Director or to any other allegation of noncompliance with Sec. 9.7.3.B.2 or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act." As used in this section, the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. § 12-7-6(b).

2. A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained ~~shall~~will constitute a separate violation of any land-disturbing permit issued by a local issuing authority or of any state general permit issued by the division pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act," for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than ten nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters ~~shall~~must be measured in accordance with guidelines to be issued by the Director, EPD. This paragraph ~~shall~~will not apply to any land disturbance associated with the construction of ~~single-family~~single unit homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five acres.

3. Failure to properly design, install, or maintain best management practices ~~shall~~will constitute a violation of any land-disturbing permit issued by a local issuing authority or of any state general permit issued by the division pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act," for each day on which such failure occurs.

4. The Director may require, in accordance with regulations adopted by the Board of Natural Resources, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.

5. The local issuing authority (LIA) may set more stringent buffer requirements than stated in Sec. 9.7.3.C.15 and Sec. 9.7.3.C.16, in light of O.C.G.A. § 12-7-6(c).

C. The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. § 12-7-1 et seq. for the purpose of governing land-disturbing activities ~~shall~~will require, as a minimum, protections at least as stringent as the state general permit and best management practices, including sound conservation and

engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the "Manual for Erosion and Sediment Control in Georgia" published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

1. Stripping of vegetation, regrading and other development activities ~~shall~~must be conducted in a manner so as to minimize erosion;
2. Cut-fill operations must be kept to a minimum;
3. Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;
4. Whenever feasible, natural vegetation ~~shall~~must be retained, protected and supplemented;
5. The disturbed area and the duration of exposure to erosive elements ~~shall~~must be kept to a practicable minimum;
6. Disturbed soil ~~shall~~must be stabilized as quickly as practicable;
7. Temporary vegetation or mulching ~~shall~~must be employed to protect exposed critical areas during development;
8. Permanent vegetation and structural erosion control practices ~~shall~~must be installed as soon as practicable;
9. To the extent necessary, sediment in runoff water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. § 12-7-1 et seq.;
10. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
11. Cuts and fills may not endanger adjoining property;
12. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
13. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
14. Land-disturbing activity plans for erosion, sedimentation and pollution control ~~shall~~must include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on site or preclude sedimentation of adjacent waters beyond the levels specified in Sec. 9.7.3.B.2 of this Division;
15. Except as provided in paragraph (16) of this section, there is established a 25-foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director, EPD determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director, EPD pursuant to O.C.G.A. § 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented; or along any ephemeral stream. As used in this provision, the term "ephemeral stream" means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the groundwater table year round; for which groundwater is not a source of water; and for which runoff from precipitation is the primary source of water flow, unless exempted as along an

ephemeral stream, the buffers of at least 25 feet established pursuant to Part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", ~~shall~~will remain in force unless a variance is granted by the Director, EPD as provided in this paragraph. The following requirements ~~shall~~ apply to any such buffer:

a. No land-disturbing activities ~~shall~~will be conducted within a buffer and a buffer ~~shall~~must remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the streambed; provided, however, that any person constructing a ~~single-family~~single unit residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the streambed; and

b. The buffer ~~shall~~will not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) stream crossings for water lines; or (ii) stream crossings for sewer lines;

16. There is established a 50-foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act," except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less ~~shall~~must have a 25-foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board of Natural Resources, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director, EPD may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements ~~shall~~ apply to such buffer:

a. No land-disturbing activities ~~shall~~will be conducted within a buffer and a buffer ~~shall~~must remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the streambed; provided, however, that any person constructing a ~~single-family~~single unit residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the streambed; and

b. The buffer ~~shall~~will not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) stream crossings for water lines; or (ii) stream crossings for sewer lines.

17. Nothing contained in O.C.G.A. § 12-7-1 et seq. ~~shall~~will prevent any local issuing authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Sec. 9.7.3.B and Sec. 9.7.3.C of this Division.

18. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another ~~shall~~will neither constitute proof of nor create a presumption of a violation of the standards provided for in this Division or the terms of the permit.

Sec. 9.7.4. Application/Permit Process

A. **General** The property owner, developer and designated planners and engineers ~~shall~~must design and review before submittal the general development plans. The local issuing authority ~~shall~~will review the tract to be developed and the area surrounding it. They ~~shall~~will consult the zoning ordinance, stormwater management ordinance, subdivision ordinance, flood damage prevention ordinance, this Division, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the local issuing authority. However, the owner and/or operator are the only parties who may obtain a permit.

B. **Application Requirements**

1. No person ~~shall~~will conduct any land-disturbing activity within the jurisdictional boundaries of Sandy Springs, Georgia, without first obtaining a permit from the Department to perform such activity and providing a copy of notice of intent submitted to EPD, if applicable.

2. The application for a permit ~~shall~~must be submitted to the Department and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans ~~shall~~must include, as a minimum, the data specified in Sec. 9.7.4.C of this Division. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land-disturbing activity proposed will be carried out in such a manner that the provisions of Sec. 9.7.3.B and Sec. 9.7.3.C of this Division will be met. Applications for a permit will not be accepted unless accompanied by three copies of the applicant's erosion, sedimentation and pollution control plans. All applications ~~shall~~must contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-10.

3. In addition to the local permitting fees, fees will also be assessed pursuant to paragraph O.C.G.A. § 12-5-23(5)(a), provided that such fees ~~shall~~will not exceed $80.00 per acre of land-disturbing activity, and these fees ~~shall~~will be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees ~~shall~~must be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to O.C.G.A. § 12-7-8(a), half of such fees levied ~~shall~~will be submitted to the division; except that any and all fees due from an entity which is required to give notice pursuant to O.C.G.A. § 12-7-17(9) or (10) ~~shall~~must be submitted in full to the division, regardless of the existence of a local issuing authority in the jurisdiction.

4. Upon receipt of an application and plan for a permit, the City ~~shall~~will review and approve or disapprove concerning the adequacy of the erosion, sedimentation and pollution control plan. The City ~~shall~~will approve or disapprove a plan within 35 days of receipt. Failure of the City to act within 35 days ~~shall~~will be considered an approval of the pending plan. No permit will be issued unless the plan has been approved by the City, and any variances required by Sec. 9.7.3.C have been obtained, all fees have been paid, and bonding, if required as per Sec. 9.7.4.B, has been obtained.

5. If a permit applicant has had two or more violations of previous permits, this Division section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing the application under consideration, the local issuing authority may deny the permit application.

6. The local issuing authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, $3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions ~~shall~~will not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the local issuing authority with respect to alleged permit violations.

C. **Plan Requirements**

1. Plans must be prepared to meet the minimum requirements as contained in Sec. 9.7.3.B and Sec. 9.7.3.C of this Division, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The "Manual for Erosion and Sediment Control in Georgia" is hereby incorporated by reference into this Division. The plan for the land-disturbing activity ~~shall~~must consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures, including roadways, constructed waterways, sediment control and stormwater management facilities, local ordinances and state laws. Maps, drawings and supportive computations ~~shall~~must bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land-disturbing activity ~~shall~~must meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the commission and in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.

2. Data required for site plan ~~shall~~must include all the information required from the appropriate erosion, sedimentation and pollution control plan review checklist established by the commission as of January 1 of the year in which the land-disturbing activity was permitted.

3. Stand-alone residential development permit and procedures.

4. All building permits for a stand alone residential development or redevelopment ~~shall~~must be submitted for review and approval that includes an erosion control plan and details.

5. The building permit ~~shall~~must include a site erosion control plan, sealed by a Georgia registered Engineer, Landscape Architect, Certified Person in Erosion and Sediment Control (CPESC) or Land Surveyor, to accompany the building plans. No permit ~~shall~~will be issued by the local issuing authority unless the erosion, sedimentation and pollution control plan has been approved by the local issuing authority pursuant to Sec. 9.7.3.C. All proposed BMPs on the site erosion control plan ~~shall~~must be designed per requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia."

6. At the time of the preconstruction meeting the owner, operator or applicant ~~shall~~must sign the memorandum of understanding titled "Erosion Control Responsibilities." This document is on file with the Department.

7. Self-inspections and rain event logs.

   a. The on-site operator, owner or applicant ~~shall~~must perform self-inspections of the erosion control BMPs daily when land disturbing is underway and at a minimum of once per week when the site is stabilized.

b. An inspection be conducted after every rain event of 0.5 inches or more within a 24 hour period.

c. Any problems noted during these inspections should be logged and corrected immediately.

d. A log of the self-inspections and remedial measures undertaken must be available for review by the City of Sandy Springs at any time during the development and up to the final site stabilization.

8. Permits

a. Permits ~~shall~~will be issued or denied as soon as practicable, but in any event not later than 45 days after receipt by the local issuing authority of a completed application, providing variances and bonding are obtained, where necessary, and all applicable fees have been paid prior to permit issuance. The permit ~~shall~~will include conditions under which the activity may be undertaken.

b. No permit ~~shall~~will be issued by the local issuing authority unless the erosion, sedimentation and pollution control plan has been approved by the district and the local issuing authority has affirmatively determined that the plan is in compliance with this Division, any variances required by Sec. 9.7.3.C.15 and Sec. 9.7.3.C.16 are obtained, bonding requirements, if necessary, as per Sec. 9.7.4.B.6 are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the local issuing authority are met. If the permit is denied, the reason for denial ~~shall~~will be furnished to the applicant.

c. Any land-disturbing activities by a local issuing authority ~~shall~~will be subject to the same requirements of this Division and any other ordinances relating to land development, as are applied to private persons, and this Division ~~shall~~will enforce such requirements upon the local issuing authority.

d. If the tract is to be developed in phases, then a separate permit ~~shall~~will be required for each phase.

e. The permit may be suspended, revoked, or modified by the local issuing authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this Division. A holder of a permit ~~shall~~must notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

f. The local issuing authority may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. § 12-7-7(f)(1).

Sec. 9.7.5. Inspection and Enforcement

A. The Director will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the local issuing authority ~~shall~~will regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees ~~shall~~will be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees ~~shall~~will be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees ~~shall~~will be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the

approved plan, with permit conditions, or with the provisions of this Division, a written notice to comply ~~shall~~will be served upon that person. The notice ~~shall~~will set forth the measures necessary to achieve compliance and ~~shall~~will state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he ~~shall~~will be deemed in violation of this Division.

B. The local issuing authority must amend its ordinances to the extent appropriate within 12 months of any amendments to the Erosion and Sedimentation Act of 1975.

C. The Director ~~shall~~will have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this Division, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.

D. No person ~~shall~~will refuse entry or access to any authorized representative or agent of the local issuing authority, the commission, the district, or division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor ~~shall~~will any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

E. The district or the commission or both ~~shall~~will semi-annually review the actions of counties and municipalities which have been certified as local issuing authorities pursuant to O.C.G.A. § 12-7-8(a). The district or the commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The district or the commission ~~shall~~will notify the division and request investigation by the division if any deficient or ineffective local program is found.

F. The division may periodically review the actions of counties and municipalities which have been certified as local issuing authorities pursuant to O.C.G.A. § 12-7-8(a). Such review may include, but ~~shall~~will not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. § 12-7-8(a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. § 12-7-7(e), the division ~~shall~~will notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified ~~shall~~will have 90 days within which to take the necessary corrective action to retain certification as a local issuing authority. If the county or municipality does not take necessary corrective action within 90 days after notification by the division, the division ~~shall~~will revoke the certification of the county or municipality as a local issuing authority.

Sec. 9.7.6. Penalties and Incentives

A. **Failure to Obtain a Permit for Land-Disturbing Activity** If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this Division without first obtaining said permit, the person ~~shall~~will be subject to revocation of the work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the local issuing authority.

B. **Stop-Work Orders**

1. For the first violation of the provisions of this Division, the Director, EPD or the local issuing authority ~~shall~~will provide official notice to the violator. The violator ~~shall~~will have 48 hours to correct the violation. If the violation is not corrected within 48 hours, the Director, EPD or the local issuing authority ~~shall~~will issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred. In cases where there is danger of damage to

state waters, stormwater systems or adjacent property a stop work order may be issued and the violator ~~shall~~will correct the violation immediately.

2. All stop-work orders ~~shall~~will be effective immediately upon issuance and ~~shall~~will be in effect until the necessary corrective action or mitigation has occurred.

3. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, failure to follow the approved plan, failure to maintain required BMPs or significant amounts of sediment, as determined by the local issuing authority or by the Director, EPD or his or her designee, have been or are being discharged into state waters, offsite or streets and where best management practices have not been properly designed, installed, and maintained, a stop-work order ~~shall~~will be issued and citation may be issued, by the local issuing authority or by the Director, EPD or his or her designee. All such stop-work orders ~~shall~~will be effective immediately upon issuance and ~~shall~~will be in effect until the necessary corrective action or mitigation has occurred. Such stop-work orders ~~shall~~will apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

C. **Bond Forfeiture** If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply ~~shall~~will be served upon that person. The notice ~~shall~~will set forth the measures necessary to achieve compliance with the plan and ~~shall~~will state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he ~~shall~~will be deemed in violation of this Division and, in addition to other penalties, ~~shall~~will be deemed to have forfeited his performance bond, if required to post one under the provisions of Sec. 9.7.4.B. The local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

D. **Monetary Penalties** Any person who violates any provisions of this Division, or any permit condition or limitation established pursuant to this Division, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director may be cited for the violation of this Division. Any person who violates any provisions of this Division, or any permit condition or limitation established pursuant to this Division, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this Division ~~shall~~will be liable for a civil penalty not to exceed $2,500.00 per day, except that the penalty for violations associated with stand alone residential development ~~shall~~will be pursuant to Sec. 1-10 of the City Code. For the purpose of enforcing the provisions of this Division, notwithstanding any provisions in any City Charter to the contrary, municipal courts ~~shall~~will be authorized to impose penalty not to exceed $2,500.00 for each violation, except that the penalty for violations associated with stand alone residential development ~~shall~~will be pursuant to Sec. 1-10 of the City Code for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this Division under county ordinances approved under this Division ~~shall~~will be authorized to impose penalties for such violations not to exceed $2,500.00 for each violation, except that the penalty for violations associated with stand alone residential development ~~shall~~will be pursuant to Sec. 1-10 of the City Code for each violation. Each day during which violation or failure or refusal to comply continues ~~shall~~will be a separate violation.

Sec. 9.7.7. Education and Certification

A. Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity ~~shall~~must meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.

B. For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, ~~shall~~must have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the commission present on site whenever land-disturbing activities are conducted on that site. A project site ~~shall~~will herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.

C. Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this Division.

D. If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of O.C.G.A. § 12-7-19(b)(1), then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee ~~shall~~must meet those educational requirements specified in O.C.G.A. § 12-7-19(b)(4) and ~~shall~~will not be required to meet any educational requirements that exceed those specified in said subsection.

Sec. 9.7.8. Administrative Appeal, Judicial Review

A. **Administrative remedies** The suspension, revocation, modification or grant with condition of a permit by the local issuing authority upon finding that the holder is not in compliance with the approved erosion, sediment and pollution control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; ~~shall~~will entitle the person submitting the plan or holding the permit to a hearing before the Board of Appeals within 30 days after receipt by the local issuing authority of written notice of appeal.

B. **Judicial Review** Any person, aggrieved by a decision or order of the local issuing authority, after exhausting his administrative remedies, ~~shall~~will have the right to appeal denovo to the Superior Court of Fulton County, Georgia.

Sec. 9.7.9. Effectivity, Validity and Liability

A. **Effectivity** This Division became effective on the twentieth day of April, 2010.

B. **Validity** If any section, paragraph, clause, phrase, or provision of this Division ~~shall~~will be adjudged invalid or held unconstitutional, such decisions ~~shall~~will not affect the remaining portions of this Division.

C. **Liability**

1. Neither the approval of a plan under the provisions of this Division, nor the compliance with provisions of this Division ~~shall~~will relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the local issuing authority or district for damage to any person or property.

2. The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another ~~shall~~will neither constitute proof of nor create a presumption of a violation of the standards provided for in this Division or the terms of the permit.

3. No provision of this Division ~~shall~~will permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any waters of the state as defined thereby.

Div. 9.8. Illicit Discharge and Connection

Sec. 9.8.1. General Provisions

A. **Purpose and intent** The purpose of this Division is to protect the public health, safety, environment and general welfare through the regulation of nonstormwater discharges to the City separate storm sewer system to the maximum extent practicable as required by federal law. This Division establishes methods for controlling the introduction of pollutants into the City separate storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this Division are to:

1. Regulate the contribution of pollutants to the storm sewer system by any person;
2. Prohibit illicit discharges and illegal connections to the storm sewer system;
3. Prevent nonstormwater discharges, generated as a result of spills, inappropriate dumping or disposal, to the storm sewer system; and
4. Establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this Division.

B. **Compatibility with Other Regulations** This Division is not intended to modify or repeal any other chapter, rule, regulation, or other provision of law. The requirements of this Division are in addition to the requirements of any other chapter, rule, regulation, or other provision of law, and where any provision of this Division imposes restrictions different from those imposed by any other chapter, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

C. **Responsibility for Administration** The Department shall administer, implement, and enforce the provisions of this Division.

Sec. 9.8.2. Violations, Enforcement, Penalties

A. **Violations**

1. It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this Division. Any person who has violated or continues to violate the provisions of this Division may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.
2. In the event the violation constitutes an immediate danger to public health or public safety, the Department is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The Department is authorized to seek costs of the abatement as provided herein.

B. **Notice of Violation** Whenever the Department finds that a violation of this Division has occurred, the Department may order compliance by written notice of violation.

1. The notice of violation shall contain:
    a. The name and address of the alleged violator;
    b. The address, when available, or a description of the building, structure or land upon which the violation is occurring, or has occurred;
    c. A statement specifying the nature of the violation;
    d. A description of the remedial measures necessary to restore compliance with this Division and a time schedule for the completion of such remedial action;

e. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and

f. A statement that the determination of violation may be appealed to the Department by filing a written notice of appeal within 30 days of service of notice of violation.

2. Such notice may require, without limitation:

a. The performance of monitoring, analyses, and reporting;

b. The elimination of illicit discharges and illegal connections;

c. That violating discharges, practices, or operations shall cease and desist;

d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

e. Payment of costs to cover administrative and abatement costs; and

f. The implementation of pollution prevention practices.

C. **Appeal of Notice** Any person receiving a notice of violation may appeal the determination of the Department. The notice of appeal must be received within 30 days from the date of the notice of violation. Hearing on the appeal before the Director or his designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the appropriate authority or designee is final.

D. **Enforcement Measures After Appeal** If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within 30 days of the decision of the appropriate authority upholding the decision of the Department, then representatives of the Department may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It is unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth in this section.

E. **Costs of Abatement of Violation** Within 60 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the assessment or to the amount of the assessment within 30 days of such notice. If the amount due is not paid within 30 days after receipt of the notice, or if an appeal is taken within 30 days after a decision on said appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

F. **Civil Penalties** In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the Department shall deem appropriate, after the Department has taken one or more of the actions described in Sec. 9.8.2.E, the Department may impose a penalty not to exceed $1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

G. **Criminal Penalties** For intentional and flagrant violations of this Division, the Department may issue a citation to the alleged violator requiring such person to appear in municipal court to answer charges for such violation. Upon conviction, such person shall be guilty of a violation of this Code. Each act of violation and each day upon which any act of violation shall occur shall constitute a separate violation of this Code.

H. **Violations Deemed a Public Nuisance** In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Division is a threat to public health, safety, welfare, and environment and is declared and deemed a nuisance, and may be abated by injunctive or other equitable relief as provided by law.

I. **Remedies not Exclusive** The remedies listed in this Division are not exclusive of any other remedies available under any applicable federal, state or local law and the Department may seek cumulative remedies.

J. **Recovery of Fees and Costs** The Department may recover attorney's fees, court costs, and other expenses associated with enforcement of this section, including sampling and monitoring expenses.

Sec. 9.8.3. Prohibitions

A. **Prohibition of Illicit Discharges** No person shall throw, drain, or otherwise discharge, cause, or allow others under his control to throw, drain, or otherwise discharge into the City separate storm sewer system any pollutants or waters containing any pollutants other than stormwater.

B. **Exemptions** The following discharges are exempt from the prohibition provision above:

1. Water line flushing performed by a government agency, other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, natural riparian habitat or wetland flows, and any other water source not containing pollutants;

2. Discharges or flows from firefighting, and other discharges specified in writing by the Director as being necessary to protect public health and safety;

3. The prohibition provision above shall not apply to any nonstormwater discharge permitted under an NPDES permit or order issued to the discharger and administered under the authority of the state and the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the City separate storm sewer system.

C. **Prohibition of Illegal Connections** The construction, connection, use, maintenance or continued existence of any illegal connection to the storm sewer system is prohibited.

1. This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

2. A person violates this Division if the person connects a line conveying sewage to the storm sewer system, or allows such a connection to continue.

3. Improper connections in violation of this Division must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the Public Works Department.

4. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, is located by the owner or occupant of that property upon receipt of written notice of violation from the Department requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be completed, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the Department.

Sec. 9.8.4. Industrial, Construction Discharges

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Department prior to allowing discharges to the City separate storm sewer system.

Sec. 9.8.5. Access, Inspection

The Department is permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with this Division.

A. If a property or facility has security measures in force that require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to representatives of the Department.

B. The owner or operator shall allow the Department ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination and copying of any records that are required under the conditions of an NPDES permit to discharge stormwater.

C. The Department shall have the right to set up on any property or facility such devices as are necessary, in the opinion of the Department, to conduct monitoring and/or sampling of flow discharges.

D. The Department may require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to its designees. This sampling and monitoring equipment is maintained at all times in a safe and proper operating condition by the owner or operator at his own expense. All devices used to measure flow and quality is calibrated to ensure their accuracy.

E. Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled is promptly removed by the owner or operator at the written or oral request of the Department and shall not be replaced. The costs of clearing such access is borne by the owner or operator.

F. Unreasonable delays in allowing the Department access to a facility is a violation of this Division.

G. If the Department has been refused access to any part of the premises from which stormwater is discharged, and the Department is able to demonstrate probable cause to believe that there may be a violation of this Division, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Division or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the Department may seek issuance of a search warrant from any court of competent jurisdiction.

Sec. 9.8.6. Notification

A. Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or nonstormwater discharges from that facility or operation which is resulting or may result in illicit discharges or pollutants discharging into stormwater, the City separate storm sewer system, state waters, or waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.

B. Said person shall notify the authorized enforcement agency in person or by phone, facsimile or in person no later than 24 hours of the nature, quantity and time of occurrence of the discharge. Notifications in person or by phone are confirmed by written notice addressed and mailed to the Department within three business days of the phone or in-person notice. If the discharge of prohibited materials emanates from a commercial

or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records are retained for at least three years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill.

C. In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies are immediately notified.

D. Failure to provide notification of a release as provided above is a violation of this Division.

ARTICLE 10.
STREETS & IMPROVEMENTS

Div. 10.1. General Provisions

Sec. 10.1.1. Purpose and Intent

This chapter is intended to serve the following purposes.

A. To protect and promote the public health, safety, and general welfare.

B. To provide a system for the subdividing of lands and the accurate recording of land titles.

C. To provide assurance that, lots shown on recorded subdivision plats are usable by the purchasers for their intended and permitted functions.

D. To encourage economically sound and orderly land development in accordance with the policies and objectives of the City of Sandy Springs, Georgia, Comprehensive Plan.

E. To assure the provision of required streets, utilities, and other facilities and services to new land developments in conformance with public improvement policies of the City.

F. To assure adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, within new land developments and the surrounding City thoroughfares.

G. To assure the provision of needed open spaces and public facility sites in new land developments through the dedication or reservation for purchase of land for public purposes.

H. To assure equitable review and approval of all subdivision and site plans by providing uniform procedures and standards for the developer.

Sec. 10.1.2. – Complete Streets Policy

A. This policy applies to all new construction and reconstruction of roadways within the limits of the City of Sandy Springs;

B. Roadway projects should balance the transportation operational and safety needs of all users regardless of mode, for commercial and non-commercial travel, as well as access and mobility to adjacent land use;

C. Roadway projects should consider the unique needs of vulnerable road users including pedestrians, bicyclists, persons using transit, persons with disabilities, older adults and youth;

D. Roadway projects should make use of the latest and best design standards, policies, and guidelines;

E. Complete Streets solutions shall be developed based on adopted standards (Division 10.4 – Street Standards of the Development Code and Section 2 – Street Framework and Mobility Maps: Typical Sections and Details of the Technical Manual) to fit within the context of the community, and these solutions shall be flexible so that the needs of the corridor can be met without wasting resources; and

F. All departments shall collaborate to ensure the implementation of the policy through all public capital improvements and~~,~~ maintenance and private development projects.

Sec. 10.1.3. Suitability of Land

A. Land subject to flooding, improper drainage or erosion, and any land deemed to be unsuitable for development due to steep slopes, unsuitable soils or subsurface conditions, or similar conditions, must not be subjected to development for any uses as may continue such conditions or increase danger to health, safety, life, or property, unless steps are taken to eliminate or abate these conditions.

B. Land within a proposed subdivision or development that is unsuitable for development must be:

1. Incorporated into the buildable lots as excess land,
2. Established as a conservation area, common area; or
3. Legally disposed of in a manner which would prevent the potential sale or transfer of the lot as potentially buildable lot of record.

Div. 10.2. Subdivision

Sec. 10.2.1. Lots

A. Lots must conform to minimum requirements of the applicable zoning district.

B. The size, shape, arrangement and orientation of every lot is subject to the approval of the Director for the type of development and use contemplated.

C. Lots not served by public sewer or community sanitary sewage system or public water must meet the minimum dimension and area requirements of the Fulton County Health Department in addition to the minimum dimension and area requirements of this Development Code.

D. Reserved.

E. Each lot must have direct access to an abutting, existing public street, ~~or to~~ a street contained within the proposed subdivision, or follow the requirements of a Development Pattern (Div. 6.3.). A connection through an approved private drive may be permitted by the Director.

F. When subdividing land adjacent to or surrounding an existing or proposed lake, the lots abutting the lake must be drawn to the center of the lake, except when the lake is proposed for recreational or stormwater management purposes and will be contained on an individual lot of record and maintained by the homeowners' association.

Sec. 10.2.2. Exempt Lots

Lots that do not comply with the requirements of the applicable zoning district are prohibited, except as follows:

A. **Signage, Landscape Features** The creation of an unbuildable lot in a proposed subdivision for the exclusive purpose of subdivision identification ~~signage~~signs or subdivision entrance landscape features is authorized only under the following circumstances (no waiver, exception or variance is allowed):

1. The lot must be located at an entrance to the subdivision as an "island" in the right-of-way of a local or minor collector street;

2. A mandatory ~~homeowner's~~ property owners' association is required for the subdivision for ownership and maintenance of the lot as common area;

3. Landscape planting within the right-of-way must comply with the Sandy Springs Technical Manual.

B. **Stormwater Management Facilities** The creation of an un-buildable lot for the exclusive purpose of providing and maintaining a stormwater management facility is authorized.

C. **Private Streets** The creation of an un-buildable lot for the exclusive purpose of providing and maintaining a private street is authorized.

D. **Conservation Areas** The creation of an un-buildable lot for the exclusive purpose of conserving land from development is authorized and must be recorded as such.

E. **Common Areas** The creation of an un-buildable lot, in common ownership, for the exclusive purpose of providing ~~neighborhood~~ amenities such as swimming pools or outdoor amenity space is authorized.

Sec. 10.2.3. Offers of Land Dedication

Where an applicant proposes the dedication of land to public use, and the Director or the appropriate agency finds that such land is neither required nor is it suitable for public use, the Director will require the rearrangement of lots to include such land in private ownership.

Sec. 10.2.4. Public Dedication

A. No land dedicated as a public street or any other public purpose will be opened or accepted, and no subdivision of land may be recorded before obtaining final plat approval from the Director.

B. Approval must be entered in writing on the final plat by the Director.

C. The Director is authorized to accept dedications of land and public facilities on behalf of the City and to cause such dedications to be recorded by the Clerk of Superior Court of Fulton County, subject to ratification by the City Council.

Sec. 10.2.5. Transfer of Land Ownership

A. The City will not recognize any transfer of title to land in the City by any person, firm, partnership, association, corporation, estate, trust, developer, subdivider or any other owner or agent and no building permit may be issued on said land, unless:

1. Legal access to the land is provided to a public or private street or accessible shared or public open space approved under the terms of this Development Code; and at least one of the following conditions is met:

a. The land existed as a single parcel of ownership, recorded as such in its entirety and present boundaries with the clerk of Superior Court of Fulton County prior to the effective date of the 2007 development/subdivision regulations and at the time of recording was in compliance with the zoning and subdivision regulations in effect at that time; OR

b. The land is shown in its entirety and present boundaries on a final plat as approved (under this or any previous applicable ordinances or regulations) and duly recorded with the clerk of Superior Court of Fulton County; OR

c. The land is shown in its entirety and present boundaries on a plat authorized by the Director and recorded with the Clerk of Superior Court of Fulton County pursuant to the ordinances governing subdivision exemptions contained in this Development Code; OR

d. The land is an aggregation of properties for land assembly purposes, and no building permit will be requested prior to the filing of an application for an issuance of a land disturbance permit, pursuant to this Development Code.

B. No person, firm, partnership, association, corporation, estate, trust, developer, subdivider or any other owner or agent may transfer title to any property by reference to, exhibition of, or any other use of any map of plat illustrating the subdivision of land without a final plat of said land showing the property first having been duly approved under the procedures of this Development Code or any previously applicable ordinances or regulations and recorded with the clerk to Superior Court of Fulton County.

C. The division of property by court order, including, but not limited to, judgments of foreclosure or consolidation and disbursement of existing lots by deed or other recorded instruments, are not be considered a subdivision for purposes of, and do not obviate the necessity for compliance with, this Development Code.

Sec. 10.2.6. Survey Monuments

A. At least two permanent monuments must be accurately set and established to tie with the City GIS monuments or as required by the Director.

B. The monuments must consist of a permanent material such as steel, concrete, iron or stone. The monuments must be set so that the top is 6 inches above the ground level, unless otherwise approved by the Director.

C. The accurate location, material and size of all existing monuments must be shown on the final plat, as well as the future location of monuments to be placed after street improvements have been completed.

Sec. 10.2.7. Standard Details and Specifications

The Department maintains a set of standard details and specifications on file illustrating details of construction and design of streets, stormwater drainage facilities, site improvements and other elements related to the development of land in accordance with this Development Code and under the jurisdiction of the Department for

consultation and distribution. These details and specifications are contained in the Sandy Springs Technical Manual.

Sec. 10.2.8. Plan and Plat Specifications

The City's plan and plat specifications are contained in the Sandy Springs Technical Manual.

Sec. 10.2.9. Open Space in River Corridor

Open space provided in projects located in the Chattahoochee River Corridor must meet the following requirements:

A. Open space must be permanent and must remain in its natural state, undisturbed and unoccupied by any structures or impervious surfaces, including septic tanks and septic tank drain fields, and except for approved access or utility crossings.

B. Pedestrian access in open space is subject to the review and approval of the Director.

C. Buffers, floodplains and wetlands may be used as open space.

D. Open space provided in a development must be owned and maintained by the property owner, or in the case of a subdivision, by a property owner's association. The association must be established prior to or concurrent with the recording of the final plat of the subdivision. The association bylaws must include all of the following provisions:

1. Automatic (mandatory) membership of all purchasers of lots in the subdivision and their successors;
2. Conditions and timing of transferring control of the association from the developer to the lot owners, which must not exceed 4 years from the date of recording of the final plat of the subdivision;
3. Responsibility for maintenance, insurance and taxes;
4. Sharing of the costs of maintenance among the lot owners with shares defined by the association bylaws;
5. Authority to place liens on the real property of members who fail to pay their dues or assessments; and
6. Prohibition on the dissolution of the association without the approval of the City Council.

E. The property owner, or the property owner's association, is responsible for the maintenance of open space. Open space must be kept in reasonable order and condition and maintained free from refuse, junk and debris.

Sec. 10.2.10. Addresses and Names

Addresses and names must meet the requirements set out in the Sandy Springs Technical Manual.

Div. 10.3. Blocks and Access

Sec. 10.3.1. Blocks

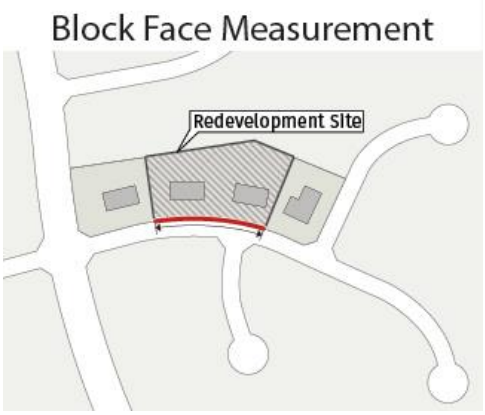
A. **Maximum Block ~~Face~~** The block standards below are required for all subdivision and major land development permits for sites exceeding the stated block face length. No block face or perimeter, when measured for the specific development, is allowed to exceed the thresholds of the following table, except as otherwise specified in this Section.

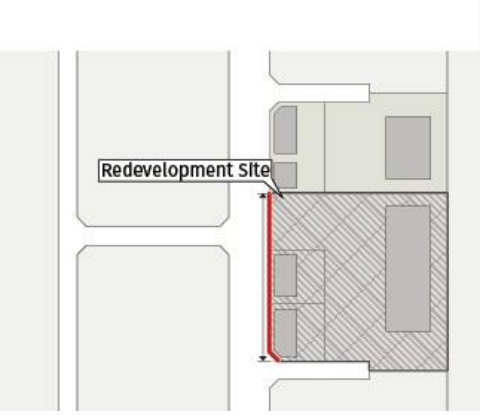
Connections to existing roads are required in all districts, except as described in Sec. 10.3.2.C.

	Block Face	Maximum Block Perimeter
Protected Neighborhoods		
RE-	n/a	n/a
RD-27, RD-18, RD-15, RD-12	1,320' max	3,960′ max.
RD-9, RD-7.5	660' max	2,400′ max.
PK, CON	n/a	n/a
Urban Neighborhoods		
RU-, RT, RM-, RX-	660' max	2,000′ max.
Corridors and Nodes		
OX-, CX-, SX-, NEX-	660' max	2,000′ max.
TX-, CS-	500' max	2,000′ max.
IX-, CC-	660' max	2,000′ max.
Perimeter Center		
PRL-, PXL-, PXM-, PXH-, PMH-	500' max	2,000′ max.

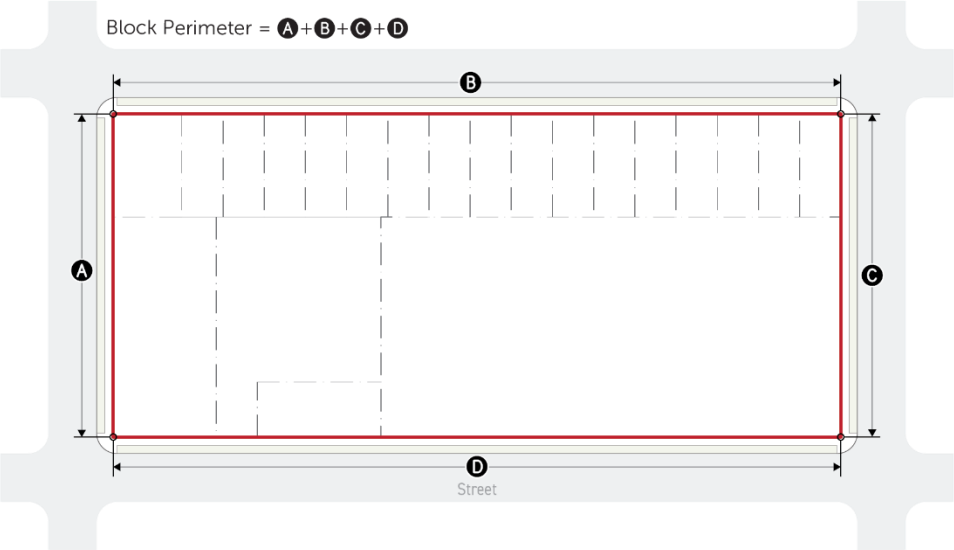
B. **Block Measurement**

1. A block face is bounded by a public or private street (not including an alley).
2. All public right-of-way or private easement proposed as part of a development must be improved with a street.
3. Block face is measured along the edge of the property adjoining the public right-of-way or private easement.
4. The Director may modify the block face requirements when steep slopes in excess of 35%, freeways, railways, waterways, tree protection areas, stream buffers, cemeteries, open space or easements would make the provision of a complete block infeasible. When block length is modified by the Director, bicycle and pedestrian connections must be provided in place of the required street.
5. When a newly created street results in a new block face greater than the dimensions established under Sec 10.3.1.A, additional streets intersecting the new block face are required.





6. Block perimeter is the total length measured along all lot lines abutting public or private streets.



Sec. 10.3.2. Access Standards

A. **Required Access Improvements** Every developer of lands within the jurisdiction of this Development Code must provide access improvements as required by this Development Code and other pertinent codes, ordinances, and regulations of the City. The improvements and associated lands must be provided at no cost to the City, and must be dedicated or otherwise transferred, as required, to the public in perpetuity and without covenant or reservation, except as otherwise provided in this Division.

B. **Type of Improvements** If no new street is required per Sec. 10.3.1. Blocks, any development project of at least 3 acres in size, 100,000 sq. ft. in gross floor area, or 25 residential units, whichever is less, or subject to Sec. 11.7.4. Preliminary ~~Plat and Conceptual~~ Plan Approval must provide a street (and not a drive) through the site. The street type and frontage, if applicable, must be determined by the Director, based on the proposed use and layout.

C. **Access to Adjacent Properties** No subdivision or development may be designed to completely eliminate street access to adjoining parcels of land. Every development must be designed to facilitate access to adjoining properties which are developed or anticipated to be developed in a manner substantially similar to the subject property.

1. **Exceptions**

   a. In all districts, this requirement may be modified by the Director in cases of serious topographical hardship, dissimilar zoning which would create unacceptable land use conflicts between the two developments, or otherwise.

   b. In Protected Neighborhood Character Area zoning districts where a neighborhood street already exists and an extension or connection of said street to adjacent property, proposed for development or otherwise, would be to a road of collector or arterial classification, the street shall not be extended to connect to the collector or arterial road. Equally, if the development is proposed to be accessed from the collector or arterial road it shall not connect to the existing neighborhood street.

2. **Mitigation** In all cases where the requirement for street access to adjacent properties is modified, prohibited, or waived by the Director as described in Sec. 10.3.2.C.1. above, bicycle and pedestrian connections must be provided in place of the otherwise required street.

D. **Cross-Access Easement** In the RM- or RX- District, any Corridors & Nodes district or Perimeter Center district, the property owner must grant a cross-access easement as described in this Section to each adjoining property that is in the RM- or RX-District, any Corridors & Nodes district or Perimeter Center district~~, unless a street is provided as required in Sec. 10.3.1~~. The purpose of the easement or inter-parcel access is to facilitate movement of residents and customers and their vehicles from location or establishment to another ~~establishment~~ (lot to lot) without generating additional turning movements on a public street.

When required by this Section, cross-access easements must be recorded in the office of the Clerk of Superior Court, Fulton County, and reference to deed book and copy of the recorded easement provided to the Director.

1. **Access Easement Provisions**

   a. The cross-access easement must permit vehicle access from the adjoining property to driveways and parking areas intended for customer or tenant use.

   b. On-site parking spaces may be restricted to use by the owner's customers and tenants only.

   c. Upon the availability of access to driveways and parking areas of the adjoining lot, the pavement or other surfacing of the owner's driveways and parking areas must be extended to the point of access on the property line.

   d. Where cross-access arrangements exist that predate the provisions of this Ordinance, this access may not be blocked by any party,

2. **Location of Cross-Access Connections** The location of vehicular connections across a property line should be mutually determined and constructed by both property owners, with priority given to the rear of the lot. In the case of coordination problems or any factors preventing construction of a cross-access connection, the Director will determine the location of the connection to be constructed by property owners.

3. **Stub** When an abutting owner refuses in writing to allow construction of the cross-access circulation on their property, a stub for future cross-access must be provided as close as possible to the common property line.

4. **Relief**

   a. The Director may grant relief from this cross-access requirement, in whole or in part, provided the relief is deemed reasonable due to one or more of the following:

i. Topographic changes are too steep;

ii. The presence of ~~existing buildings,~~ a stream or other natural features;

iii. Site layout of developed properties;

iv. Adjoining uses or their vehicles are incompatible; or

v. Strict compliance would pose a safety hazard.

b. When cross-access is waived by the Director, bicycle and pedestrian connections must be provided between abutting properties, except where there is a stream crossing greater than 15 feet in width that interferes with such access.

E. **Vehicular Access to Lots** All lots must provide vehicular access directly from a public street along the frontage or along another property line that abuts a public street.

Div. 10.4. Street Standards

Sec. 10.4.1. General

A. **Improvements Along State Highways**

1. For any development that abuts a State highway or other right-of-way controlled by the State of Georgia, improvements to the roadway and the location and design of any street or driveway providing access from the State highway must comply with the standards and requirements of the Georgia Department of Transportation.

2. An approved permit for proposed access or improvements is required by Georgia Department of Transportation and must be incorporated into the construction drawings for the project prior to the issuance of a Land Disturbance Permit.

Sec. 10.4.2. Street Types

Streetscape improvements on all street frontages are required with major LDPs:

a. On sites smaller than 2 acres;

b. On sites at least 2 acres in size and with disturbance of at least 25% of the total site area;

c. On sites at least 2 acres in size and less than 25% of the area disturbed, a determination will be made by the Director on which, if any, streetscape improvements will be required.

The 25% threshold is calculated as cumulative disturbance over the past 3 years.

For information on the requirements, see Div. 10.4.2.

A. **Applicability**

1. When a Preliminary Plat, Final Plat, or Major Land Disturbance Permit proposes the construction of a new street, the requirements of this Division apply.

2. When constructing a public or private street or reconstructing an existing street, sidewalks, bike lanes, curb and gutter, street trees, landscape areas, and other applicable improvements must be installed and constructed in accordance with this Division and the Sandy Springs Technical Manual.

3. Existing streets may continue serving existing development in their current configuration; however, they must not be extended or substantially rebuilt except in conformance with this Division.

4. A Major Land Disturbance Permit triggers both required street and streetscape improvements. These required improvements may be waived where the Director determines that a City project for these improvements is underway. This waiver does not include a waiver of the obligation to provide the required street right-of-way.

B. **Mobility Maps** The City has created a series of maps included in the Sandy Springs Technical Manual that implement the Comprehensive Plan and Transportation Plan. The maps describe the required attributes for all streets throughout the City, including total right-of-way, lane width, sidewalk and sidewalk width, trails, bicycle facilities and pedestrian lighting. See also Appendix: City-wide Street Framework Map.

C. **Street Right-of-Way Width**

1. Street right-of-way or private easement width must be dedicated as specified in the Sandy Springs Technical Manual.

2. Applicants must dedicate sufficient right-of-way to the City for streets and sidewalks. Generalized street right-of-way widths are illustrated in this Division. For further details, see the Sandy Springs Technical Manual.

3. The Director may require turn lanes, and additional right-of-way beyond that shown in the applicable typical street cross-section to accommodate these lanes.

4. City Projects do not need to dedicate right-of-way, and may be granted relief from this Division when deemed appropriate for the good of the community and general public, with the approval of the Director.

D. **Streets** The streets included here describe a range of dimensions appropriate for each street type. A summary map is included in the Appendix. For additional details (including required dimensions and designations), see the Sandy Springs Technical Manual. City-initiated projects may differ from these typical sections.

1. Type A: Two-Lane, No Parking

2. Type B: Two-Lane, Parking

3. Type C: Two-Lane, Median, No Parking

4. Type D: Two-Lane, Median, Parking

5. Type E: Four-Lane, Median, No Parking

6. Type F: Two-Lane, Residential

7. Roswell Road

~~8. Powers Ferry Road~~

~~9. Mount Vernon Highway~~

8. Shared Street

E. **Accessways** Accessways are not considered streets. They cannot be used to meet the lot width requirements as required by Articles 2, 3, 4 and 5.

1. Alley, Residential
2. Alley, Mixed Use
3. Pedestrian Passage
4. Multi-Use Trail
5. Commuter Trail

F. **City Center Network** The City Center has a specific set of typical street standards, which are included in the Sandy Springs Technical Manual.

G. **Perimeter Center Improvement Districts (PCIDs) Network** In addition to the remaining requirements of this Division, all development located within the Perimeter Community Improvement District, regardless of the Sandy Springs zoning district applied, must conform to the Public Space Standards issued by the District, except where they are less stringent than the City's own requirements.

H. **Street, Pedestrian Lights and Landscaping** Street, pedestrian lighting and landscaping requirements are set out in the Sandy Springs Technical Manual.

Sec. 10.4.3. Two-Lane, No Parking

Type A



Public Realm		
A	Right-of-way, total	62' to 88' min
B	Right-of-way to centerline	31' to 44' min
Streetscape		
C	Maintenance strip	1' min
D	Walkway width	6' to 12' min

E	Street tree planting zone*	6' to 8' min
Curb to Curb		
F	Curb and gutter	
	Collector	24"
	Arterial	30"
	Bike facility	5' to 8' min
	On-street parking	Not Required
H	Travel lane	11' to 12'
*A reduced landscape strip of 2' may be allowed for existing single-family residential units within Protected Neighborhoods on streets classified as Collector or lower.		

Sec. 10.4.4. Two-Lane, Parking

Type B

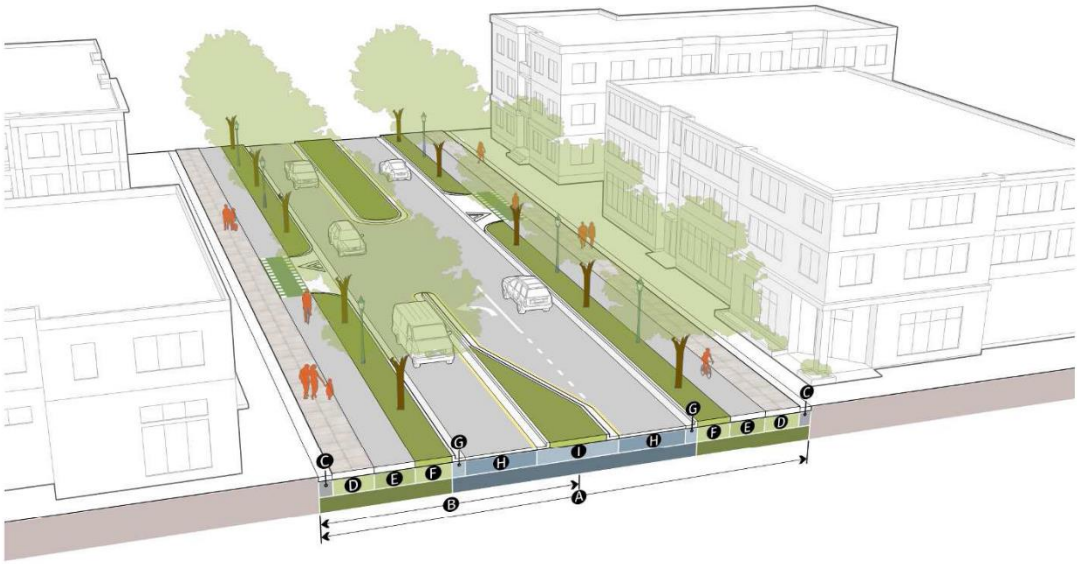


Public Realm		
A	Right-of-way, total	80' to 96' min
B	Right-of-way to centerline	40' to 48' min
Streetscape		
C	Maintenance strip	1' min
D	Walkway width	6' to 8' min
E	Bike facility	5' to 8' min
F	Street tree planting zone*	6' to 8' min
Curb to Curb		

G	Curb and gutter	
	Collector	24"
	Arterial	30"
H	On-street parking	Required
	Parking lane width	8'
I	Travel lane	12'
*A reduced landscape strip of 2' may be allowed for existing single-family residential units within Protected Neighborhoods on streets classified as Collector or lower.		

Sec. 10.4.5. Two-Lane, Median, No Parking

Type C

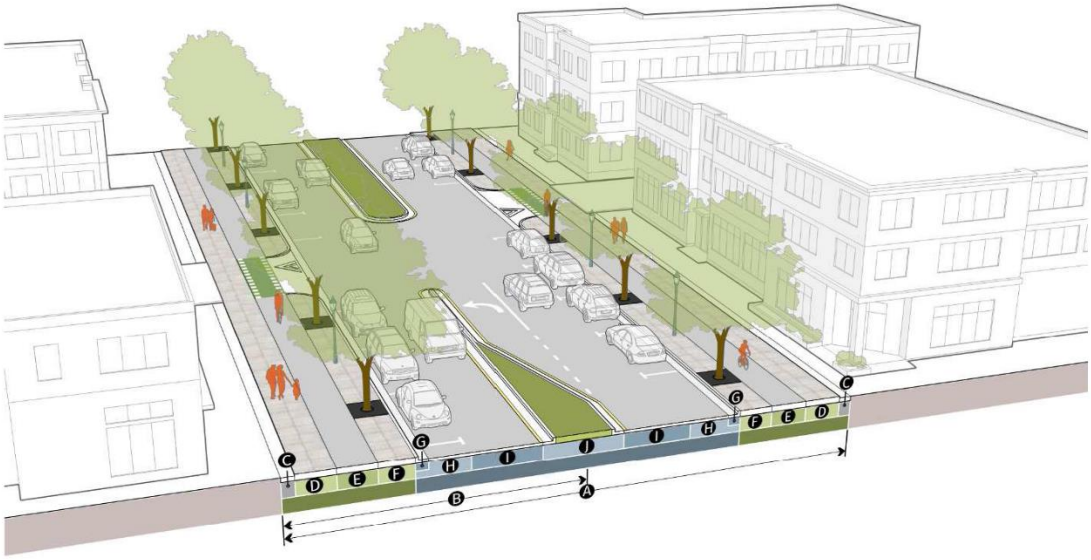


Public Realm		
A	Right-of-way, total	76' to 98' min
B	Right-of-way to centerline	38' to 49' min
Streetscape		
C	Maintenance strip	1' min
D	Walkway width	6' to 10' min
E	Bike facility	5' to 8' min
F	Street tree planting zone	6' to 8' min
Curb to Curb		
G	Curb and gutter	
	Collector	24"
	Arterial	30"

	On-street parking	Not Required
H	Travel lane	11' to 14'
I	Turn lane/median (including curb and gutter)	14' min.

Sec. 10.4.6. Two-Lane, Median, Parking

Type D



Public Realm		
A	Right-of-way, total	94' to 114' min
B	Right-of-way to centerline	47' to 57' min
Streetscape		
C	Maintenance strip	1' min
D	Walkway width	6' to 10' min
E	Bike facility	5' to 8' min
F	Street tree planting zone	6' to 8' min
Curb to Curb		
G	Curb and gutter	
	Collector	24"
	Arterial	30"
H	On-street parking	Required
	Parking lane width	8'
I	Travel lane	12'

J	Turn lane/median (including curb and gutter)	14' min.

Sec. 10.4.7. Four-Lane, Median, No Parking

Type E



Public Realm		
A	Right-of-way, total	105' to 134' min
B	Right-of-way to centerline	52.5' to 67' min
Streetscape		
C	Maintenance strip	1' min
D	Walkway width	6' to 12' min
E	Bike facility	8' to 12' min
F	Street tree planting zone	6' to 8' min
Curb to Curb		
G	Curb and gutter	30"
	On-street parking	Not Required
H	Travel lane	11' to 12'
I	Turn lane/median	14' min.

Sec. 10.4.8. Two-Lane, Residential

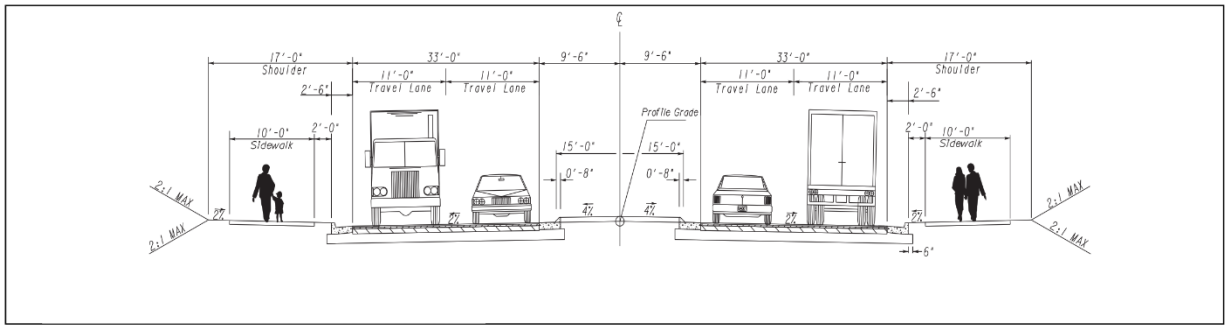
Type F

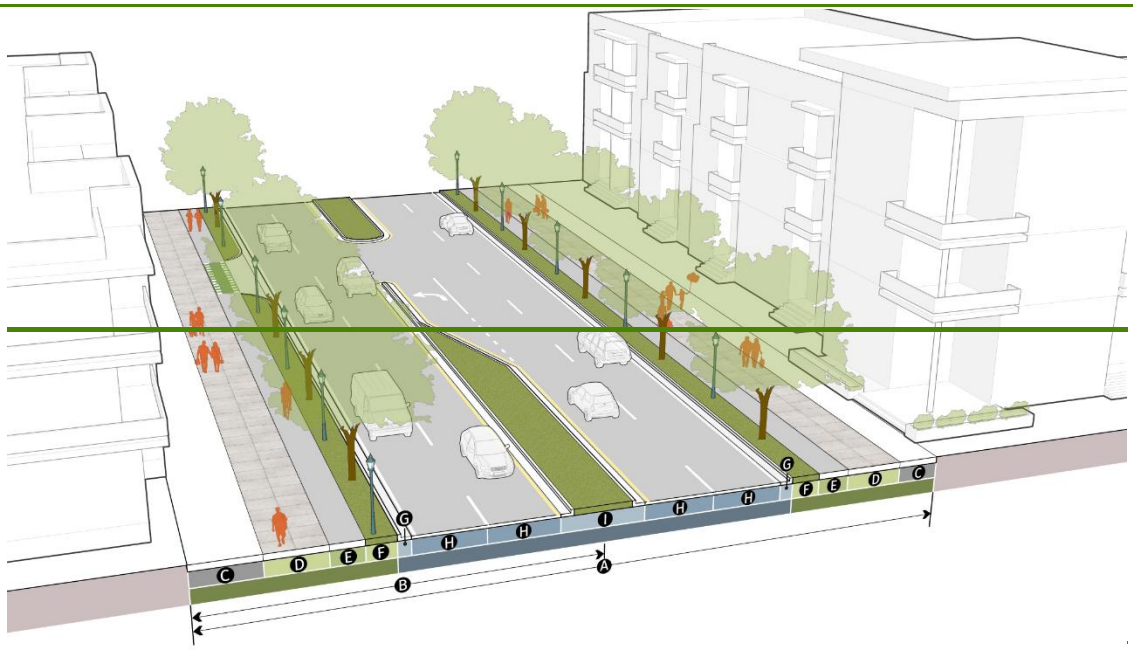


Public Realm		
A	Right-of-way, total	50' to 80' min
B	Right-of-way to centerline	25' to 40' min
Streetscape		
C	Maintenance strip	1' min
D	Walkway width	6' min
E	Street tree planting zone*	6' min
Curb to Curb		
G	Curb and gutter	24"
	Bike facility	0' to 5' min
G	On-street parking	Optional
	Parking lane width (if provided)	8'
H	Travel lane	10' to 12'
*A reduced landscape strip of 2' may be allowed for existing single-family residential units within Protected Neighborhoods on streets classified as Collector or lower.		

Sec. 10.4.9. Roswell Road

VIEW FACING NORTH

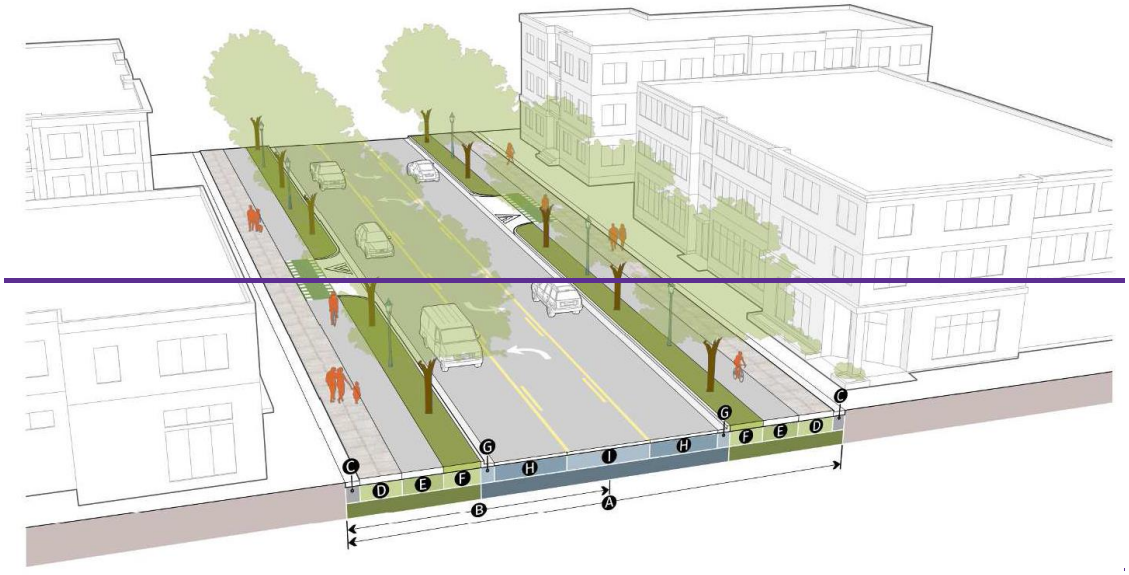




Public Realm		
A	Right-of-way, total	~~130'~~ 175' min
B	Right-of-way to centerline	~~65'~~ 87'-6" min
Streetscape		
C	Maintenance strip	1' min
D	Walkway width	~~9~~10' min
E	Bike facility (reserved)	~~5' min~~ N/A
F	Street tree planting zone	~~10' min~~ In Supplemental Zone
Curb to Curb		

G	Curb and gutter	~~18~~30"
	On-street parking	Not Required
H	Travel lane	11' min
I	Turn lane/median (including curb and gutter)	~~10'~~ 15' min

~~Sec. 10.4.10. Powers Ferry Road~~



~~Public Realm~~		
~~A~~	~~Right-of-way, total~~	~~76' to 98' min~~
~~B~~	~~Right-of-way to centerline~~	~~38' to 49' min~~
~~Streetscape~~		
~~C~~	~~Maintenance strip~~	~~1' min~~
~~D~~	~~Walkway width~~	~~6' to 10' min~~
~~E~~	~~Bike facility~~	~~5' to 8' min~~
~~F~~	~~Street tree planting zone~~	~~6' to 8' min~~
~~Curb to Curb~~		
~~G~~	~~Curb and gutter~~	
	~~Collector~~	~~24"~~
	~~Arterial~~	~~30"~~
	~~On-street parking~~	~~Not Required~~
~~H~~	~~Travel lane~~	~~11' to 12'~~
~~I~~	~~Turn lane/median (including curb and gutter)~~	~~14'~~

~~Sec. 10.4.11. Mount Vernon Highway~~



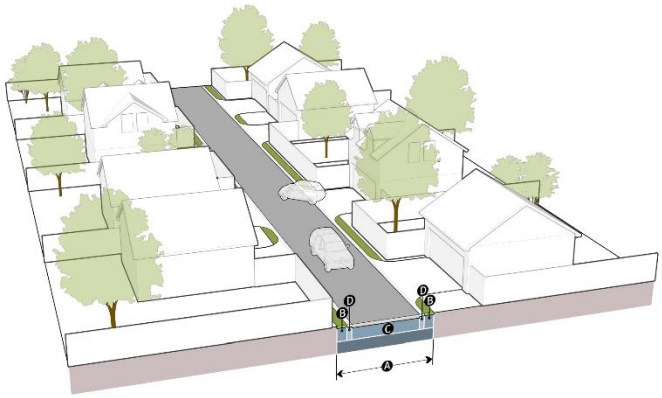
~~Public Realm~~		
~~A~~	~~Right-of-way, total~~	~~98' to 122' min~~
~~B~~	~~Right-of-way to centerline~~	~~49' to 61' min~~
~~Streetscape~~		
~~C~~	~~Maintenance strip~~	~~1' min~~
~~D~~	~~Walkway width~~	~~6' to 10' min~~
~~E~~	~~Bike facility~~	~~5' to 8' min~~
~~F~~	~~Street tree planting zone~~	~~6' to 8' min~~
~~Curb to Curb~~		
~~G~~	~~Curb and gutter~~	
	~~Collector~~	~~24"~~
	~~Arterial~~	~~30"~~
	~~On-street parking~~	~~Not Required~~
~~H~~	~~Transit lane (reserved)~~	~~11' to 12'~~
~~I~~	~~Travel lane~~	~~11' to 12'~~
~~J~~	~~Turn lane/median~~ (including curb and gutter)	14'

Sec. 10.4.10. Shared Street



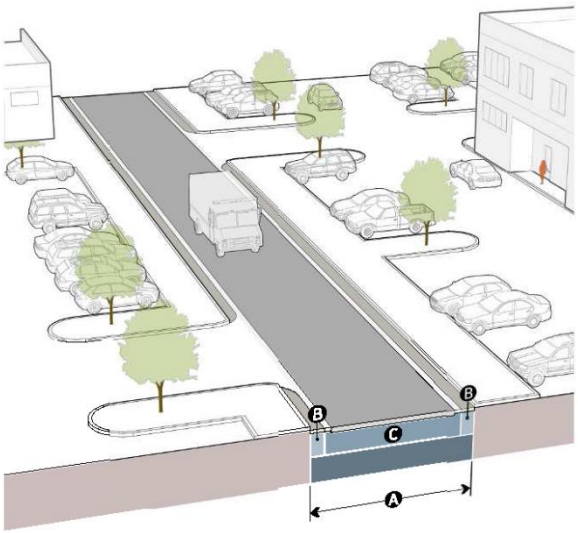
Public Realm		
	Right-of-way, total	24’-36’
	Right-of-way to centerline	12’-18’
	Maximum Length	<600’
	Maintenance strip	1' min
	Walkway width	N/A
	Bicycle facility (reserved)	N/A
	Street tree planting zone	V~~v~~aries
	Curb and gutter	Flush/none
	On-street parking	Allowed
	Travel lane	9’-10’
	Turn lane	N/A
	Paving Materials	Unit Pavers, Flamed Granite Slab or cobbles, Brick, Textured and/or Tinted (not stamped) Concrete

Sec. 10.4.12. Alley, Residential



Public Realm		
A	Right-of-way	20' min
Streetscape		
B	Utility zone	2' min
Travelway		
C	Lane Width	14'
D	Flush Curb	1' min

Sec. 10.4.13. Alley, Mixed Use



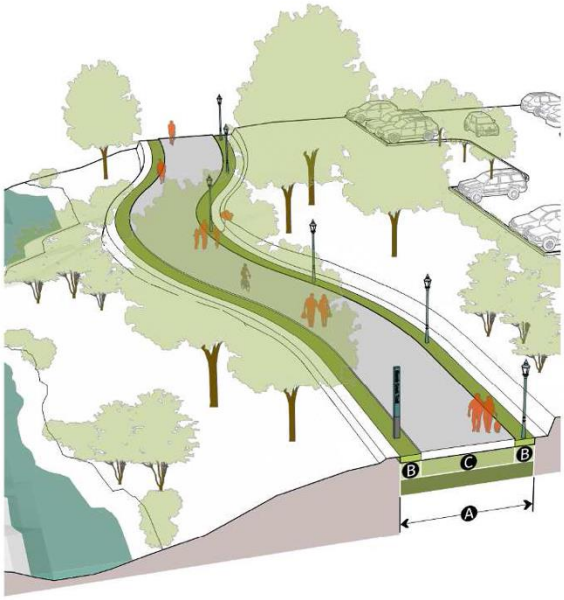
Public Realm		
Ⓐ	Right-of-way	26' min
Streetscape		
Ⓑ	Utility zone	2' min
Travelway		
Ⓒ	Lane Width	16' min
	Curb (unspecified)	—

Sec. 10.4.14. Pedestrian Passage



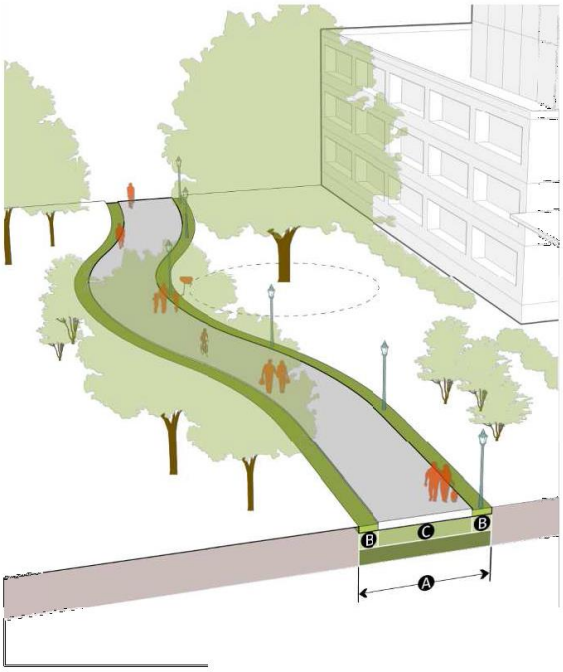
Public Realm		
Ⓐ	Right-of-way	20' min
Streetscape		
Ⓑ	Utility zone	5' min
Ⓒ	Paved pedestrian zone	6' min
	Walkway type	Sidewalk

Sec. 10.4.15. Multi-Use Trail



Public Realm		
A	Right-of-way	20' min
Streetscape		
B	Utility zone	4' min
C	Paved pedestrian/bike zone	12' min
	Walkway type	Pathway

Sec. 10.4.16. Commuter Trail



Public Realm		
A	Right-of-way	28' min
Streetscape		
B	Utility zone	4' min
C	Paved pedestrian/bike zone	12' min
	Walkway type	Pathway

Sec. 10.4.17. Alternative Streets

A. **Private Streets**

1. Private streets and accessways may be approved by the Director. Private streets must be platted as a separate lot. Such lots do not need to meet the zoning district dimensional requirements.
2. Private streets and accessways must be designed and constructed to the roadway construction and right-of-way standards of the City, both aboveground and belowground, as contained in this Division and the Sandy Springs Technical Manual. The Director will determine the applicable street type per Sec. 10.4.2.D.
3. Private streets are not dedicated to the public and will not be publicly maintained.
4. In residential subdivisions where private streets are proposed, the Director may require a public street for cross-access connectivity to adjacent lots.

5. Private streets must be maintained by a mandatory homeowners association and documents of incorporation must be submitted to the Director for review and approval prior to the recording of the final plat. Private streets must be clearly designated on the final plat.

B. **Gated Access** Gated public or private streets are not allowed.

C. **Vehicular Access Easements** Vehicular access may be provided from a public street indirectly via easement in any of the following circumstances:

1. The property is not required to provide a minimum frontage by the applicable zoning district, provided that the easement must be in a location and the access driveway must have a width and alignment acceptable to the Fire Department and the Department.

2. The property is a buildable lot of record, as defined in this Development Code, but does not meet the minimum frontage requirement of the applicable zoning district. The property must be served by an exclusive access easement which is limited to the provision of access to only one principal use or structure.

3. The access easement serves a single-family residence on a lot that is otherwise a buildable lot of record, and is sharing a common driveway with no more than 2 other single-family residences.

4. The access easement was lawfully established as such under the code or ordinances of the City, prior to the adoption of this Development Code.

5. The access easement coincides with a private roadway approved under the code, ordinances, or regulations of the City. All new private roadways must be constructed to the roadway standards of this Article, and their ownership and maintenance responsibility by private parties. The access easement width must be the same as required for right-of-way on a similarly classified public road, for example, the easement on a local street within a residential subdivision must be the same width as the right-of-way for a public, local residential street.

Sec. 10.4.18. Additional Street Standards

A. **Total Dwelling Units with Single Entrance**

1. A maximum of 50 residential dwelling units is allowed to be constructed with only one street outlet to an existing public street.

2. A modified maximum may be approved by the Director, provided that alternative mitigation that ensures life safety is provided.

3. A modified maximum may be approved by the Director where extreme topography prohibits an additional connection.

B. **Visibility at Intersections** Where a driveway intersects a public or private right-of-way or where property abuts the intersection of two public or private rights-of-way, unobstructed sight distance must be provided at all times within the sight triangle area on the property adjacent to the intersection in order to ensure that safe and adequate sight distance is provided. For calculation of the appropriate sight triangle, see the Sandy Springs Technical Manual.

C. **Dead-End Streets**

1. **General** Dead-end streets are permitted only with the approval of the Director. Dead-end streets that exceed 150 feet in length must provide an adequate turn-around as approved by the Fire Marshal. Street length is measured from the end of the improved surface to the center of the intersection with the connecting street.

2. **Alternative Designs** Alternative designs may be approved at the time of subdivision. Sample alternative designs are included in the Sandy Springs Technical Manual.

3. **Traffic Calming Measures** Where existing residential streets are longer than 600 feet, traffic calming devices may be required by the Director. These measures may include green space, median islands, roundabouts and or other traffic calming devices. Any traffic calming must be consistent with the City's adopted traffic calming policy.

Div. 10.5. Improvements

Sec. 10.5.1. Sandy Springs Technical Manual

A. The Sandy Springs Technical Manual contains improvement requirements, including but not limited to:

1. Plan and Plat Specifications.
2. Street Design and Construction Standards.
3. Access and Driveway Spacing.
4. Utilities and Easements.
5. Grading and Drainage.
6. Water Conservation.