

STATE OF GEORGIA  
COUNTY OF FULTON

**AN ORDINANCE TO AMEND ARTICLE XII-B, SANDY SPRINGS OVERLAY  
DISTRICT, OF THE CITY OF SANDY SPRINGS ZONING ORDINANCE**

**WHEREAS**, the Mayor and City Council of the City of Sandy Springs are charged with the protection of the public health, safety, and welfare of the citizens of Sandy Springs; and

**WHEREAS**, the State of Georgia authorizes the City of Sandy Springs to exercise regulations where it sees fit to maintain the safety and welfare of the citizens; and

**WHEREAS**, the Legislature of the State of Georgia and passed legislation regarding the Consumer Sales of Fireworks; and

**WHEREAS**, the Mayor and City Council of the City of Sandy Springs find that from time to time it is appropriate to amend sections of the Code to correct, clarify, and update the provisions of the Ordinance; and

**WHEREAS**, the City regulates the location and permitting of Retail Consumer Sales of Fireworks to protect the health and safety of the citizens; and

**WHEREAS**, it has been determined that amendments to Article III Section 3.3, Article XII-B Section 12B.7, and Article XIX Part II of the City Zoning Ordinance are necessary in order to protect the health and safety of the citizens.

**NOW, THEREFORE**, to accomplish the foregoing, the Mayor and City Council of the City of Sandy Springs, Georgia, pursuant to their authority, do hereby adopt and amend the following Ordinances:

**1.**

Article III Section 3.3, Article XII-B Section 12B.7, and Article XIX Part II, of the Sandy Springs Zoning Ordinance is hereby amended as shown in the attached mark-up.

**2.**

*Repeal of Conflicting Provisions.* All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

**3.**

*Severability.* Should any court of competent jurisdiction declare any word, phrase, clause, sentence, paragraph, or section of this Ordinance invalid or unconstitutional, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, which is not specifically declared to be invalid or unconstitutional.

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4.

It is the intention of the Mayor and City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Sandy Springs, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

5.

This Ordinance is effective November 3, 2015; and

**APPROVED AND ADOPTED** this the 3<sup>rd</sup> day of November, 2015.

Approved:

  
\_\_\_\_\_  
Russell K. Paul, Mayor

Attest:

  
\_\_\_\_\_  
Michael D. Casey, City Clerk

(Seal)



**TEXT AMENDMENT FOR REGULATION OF RETAIL CONSUMER FIREWORKS SALES**

*Amend Article III Section 3.3 to add the following definitions:*

3.3.3.

Consumer Fireworks. Any small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion, that comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission as provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations, the United States Department of Transportation as provided for in Part 172 of Title 49 of the Code of Federal Regulations, and the American Pyrotechnics Association as provided for in the 2001 American Pyrotechnics Association Standard 87-1, and additionally shall mean Roman candles.

3.3.6.

Fireworks - Consumer Retail Sales Facility – Mixed Sales Use – Temporary or Year-Round. A use within a permanent building or structure in which the retail display, storage, and sale of consumer fireworks to the public constitutes ten (10) percent or less of the gross floor area of the sales facility.

Fireworks - Consumer Retail Sales Facility – Dedicated Fireworks Sales Use – Year-Round. A use within a permanent building or structure in which the retail display, storage and sale of consumer fireworks to the public constitutes greater than ten (10) percent of the gross floor area of the building.

Fireworks - Temporary Consumer Retail Sales Stand. A temporary structure that has a floor area not greater than 800 square feet, including tents, canopies, or membrane structures, that is used for the retail display and sale of consumer fireworks to the public. Temporary use shall be defined as a use not to exceed ninety (90) days after issuance of a City license for the purpose of this definition.

Fireworks - Store - A building classified as a mercantile occupancy that contains a variety of merchandise and that is not used primarily for the retail sales of consumer fireworks.

Fireworks - Retail Chain - A person, firm, corporation, association, or partnership with more than one store, where all such stores are collectively known to the public by the same name or share central management.

Fireworks - Distributor - any person, firm, corporation, association, or partnership which sells consumer fireworks.

*Amend Article XII-B Section 12B.7. to add the following as prohibited uses in all zoning districts within the Sandy Springs Overlay District:*

Article XII-B Sandy Springs Overlay District

12B.7. PROHIBITED USES (added 09/18/07, RZ07-028, Ord. 2007-08-56)

A. All Districts

The following uses shall be prohibited from all districts, including the Main Street District, of the Sandy Springs Overlay District:

- a. All uses permitted under the M-1A, M-1, and M-2 districts.
- b. Pawn Shops
- c. Check Cashing Establishments
- d. Self Storage/Mini
- e. Self Storage/Multi
- f. Fireworks - Temporary Consumer Retail Sales Stand
- g. Fireworks - Consumer Retail Sales Facility – Dedicated  
Fireworks Sales Use – Year-Round

**Amend Article XIX Administrative Permits and Use Permits – Part II Administrative Permits as follows:**

~~19.3.4. ——— OPEN~~

19.3.4. FIREWORKS – CONSUMER FIREWORKS RETAIL SALES AS PRIMARY USE

19.3.4.1. FIREWORKS - TEMPORARY CONSUMER FIREWORKS RETAIL SALES STAND.

A. Allowed in These Districts with Administrative Use Permit Only: C-2

B. Standards:

1. The following standards apply to temporary fireworks retail sales stands as defined in Sec. 3.3.6 Fireworks – Temporary Consumer Retail Sales Stand. Permanent

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consumer fireworks retail sales stands are not an allowed use in any City of Sandy Springs zoning district.

2. Administrative permit applications shall be submitted to the Department of Community Development no later than 45 calendar days prior to commencement of sales. An administrative permit shall expire 90 calendar days after issuance of any subsequently applied for Temporary Consumer Retail Sales Stand License by the Sandy Springs Department of Revenue pursuant to O.C.G.A 25-10-5.1(c). The permitted location is not transferable and no more than two (2) permits per year shall be issued for one (1) location or parcel. Said permit shall be posted on the site during the operation.
3. Temporary Consumer Fireworks Retail Sales Stands shall not be located within fifteen hundred (1,500) feet of another Temporary Consumer Fireworks Retail Sales Stand or Temporary Consumer Fireworks Retail Sales Facility.
4. Temporary Consumer Fireworks Retail Sales Stands shall be located within 500 feet of a fire hydrant, unless the chief Fire Chief or designee of the Sandy Springs Fire Department in writing authorizes operation in excess of 500 feet.
5. A minimum of six (6) Parking Spaces shall be provided adjacent to the vending area for the exclusive use of the vending operation and shall not occupy minimum required Parking Spaces for any other Use on site.
6. Any Temporary Consumer Fireworks Retail Sales Stands shall maintain a minimum twenty-five (25) foot setback from the Right-of-Way and not be located within a required Landscape Strip, Buffer, or Improvement Setback. Said stands shall also maintain a minimum setback of ten (10) feet from any driveway.
7. The applicant shall provide a notarized written permission statement from the Property owner or lease holder of the subject site. A twenty-four (24) hour contact number of the Property owner or lease holder shall be provided along with the permit application.
8. The hours of operation shall be limited to the hours of 8:00 a.m. to 9:00 p.m.

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9. No Distributor equipment, vehicle, display or sales activity shall block access to a public facility including, but not limited to a telephone booth, mail box, parking meter, fire alarm box, fire hydrant, traffic control box, driveway or other access point.
10. Vending shall not be permitted from any vehicle.
11. Signs shall be limited to one (1) banner sign as defined in Article XXXIII, Section 3 – Signs of the zoning ordinance.
12. Temporary Consumer Fireworks Retail Sales Stands shall not be located within one hundred-fifty (150) feet of nursing homes, hospitals, day care facilities, schools, or residential districts.
13. Temporary Consumer Fireworks Retail Sales Stands shall conform to all applicable fire code and building regulations including NFPA 1124.

19.3.4.2. FIREWORKS - CONSUMER FIREWORKS RETAIL SALES FACILITY - Dedicated Fireworks Sales Use – Year-Round.

A. Allowed in These Districts with Administrative Use Permit Only: C-2

B. Standards:

1. The following standards apply to fireworks retail sales within permanent structures as defined in Sec. 3.3.6 Fireworks – Consumer Retail Sales Facility Dedicated Fireworks Sales Use –Year-Round.
2. The Property on which the Dedicated Fireworks Sales Use – Year-Round is permitted must be located at least fifteen hundred (1,500) feet from any other Dedicated Fireworks Sales Use – Year-Round. The Distributor shall provide to the City the names of all such businesses.
3. The applicant shall provide a notarized written permission statement from the Property owner or lease holder of the subject site. A twenty-four (24) hour contact number of the Property owner or lease holder shall be provided along with the permit application.

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4. The hours of operation shall be limited to the hours of 8:00 a.m. to 9:00 p.m.
5. Consumer Fireworks Retail Sales Facilities Dedicated Fireworks Sales Use – Year-Round may not be located within multi-tenant buildings.
6. Consumer Fireworks Retail Sales Facilities shall not be located within one hundred-fifty (150) feet of nursing homes, hospitals, day care facilities, schools, and residential dwelling units.
7. Consumer Fireworks Retail Sales Facilities shall conform to all applicable fire code and building regulations including NFPA 1124.

19.3.4.3. FIREWORKS - CONSUMER FIREWORKS RETAIL SALES FACILITY MIXED SALES USE – TEMPORARY OR YEAR-ROUND

A. Allowed in These Districts with Administrative Use Permit Only: C-2

B. Standards:

1. The following standards apply to fireworks retail sales within permanent structures as defined in Sec. 3.3.6 Fireworks – Consumer Fireworks Retail Sales Facility Mixed Sales Use – Temporary or Year-Round.
2. The applicant shall provide a notarized written permission statement from the Property owner or lease holder of the subject site. A twenty-four (24) hour contact number of the Property owner or lease holder shall be provided along with the permit application.
3. The hours of sales for all consumer fireworks shall be limited to the hours of 8:00 a.m. to 9:00 p.m.
4. Consumer Fireworks Retail Sales Facility Dedicated Fireworks Sales Use – Year-Round shall not be located within one hundred-fifty (150) feet of nursing homes, hospitals, day care facilities, schools, and any residential dwelling unit.

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5. Consumer Fireworks Retail Sales Facility Dedicated Fireworks Sales Use – Year-Round shall conform to all applicable fire code and building regulations including NFPA 1124.