

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO AMEND ARTICLE 3 -- DEFINITIONS, SECTION 3.3 --
DEFINITIONS, ARTICLE 12B -- SANDY SPRINGS OVERLAY DISTRICT, SECTION
12B.7 -- PROHIBITED USES, AND ARTICLE 19 -- ADMINISTRATIVE PERMITS AND
USE PERMITS, SECTION 19.3.4 -- FIREWORKS -- CONSUMER FIREWORKS RETAIL
SALES AS PRIMARY USE, OF THE SANDY SPRINGS ZONING ORDINANCE

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

WHEREAS, the Mayor and City Council of Sandy Springs have determined that revision of the fireworks provisions and their associated definitions is required for consistency with State Law, House Bill 727; and

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

1.

Article III, *Definitions*, of the City of Sandy Springs Zoning Ordinance is hereby amended by the deletion of definitions "Fireworks – Consumer Retail Sales Facility – Mixed sales Use – Temporary or Year Round," "Fireworks – Consumer Retail Sales Facility – Dedicated Fireworks Sales Use – Year Round," "Fireworks – Store," and "Fireworks – Retail Chain," and "Fireworks – Distributor" and the following inserted therefore:

3.3.6.

Fireworks - Consumer Fireworks Retail Sales Facility. A permanent or temporary building or structure or Consumer Fireworks Retail Sales Stand that is used primarily for the retail display and sale of consumer fireworks to the public, BUT shall not include a tent, canopy, or membrane structure. Primarily means that 80% or greater of the Consumer Fireworks Retail Sales Facility is used for the retail display and sale of consumer fireworks to the public.

Fireworks - Temporary Consumer Fireworks Retail Sales Stand. A temporary or permanent building or structure that has a floor area not greater than 800 square feet (74 square meters), other than tents, canopies, or membrane structures, that is used primarily for the retail display and sale of consumer fireworks to the public.

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 and shall only include such buildings with at least 4000 square feet of retail display space and wherefrom: (A) no more than 25% of such retail display space is used for consumer fireworks and items or products as provided under O.C.G.A. § 25-10-1(b)(2)¹ and (B) other items or products which are not consumer fireworks or items or products as provided

¹ O.C.G.A. § 25-10-1(b)(2) reads: "(2) wire or wood sparklers of 100 grams or less of mixture per item; other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical compound per tube or a total of 500 grams or less for multiple tubes; snake and glow worms; smoke devices; or trick noise makers which include paper streamers, party poppers, string poppers, snappers, and drop pops each consisting of 0.25 grains or less of explosive mixture."

for under O.C.G.A. § 25-10-1(b)(2) are sold; and provided, further, that such term means a person, firm, corporation, association, or partnership with more than one mercantile location, where all such mercantile locations 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 and is properly licensed by the State as such.

2.

Article XII-B, *Sandy Springs Overlay District*, Section 12B.7, Prohibited Uses, of the City of Sandy Springs Zoning Ordinance is hereby replaced in its entirety and the following inserted therefore:

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

A. All Districts

The following uses shall be prohibited from the Main Street District, the Suburban District, and the Perimeter Community Improvement 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 Fireworks Retail Sales Stand as defined in Section 3.3.6 of Article III
- g. Fireworks - Consumer Fireworks Retail Sales Facility – as defined in Section 3.3.6 of Article III
- h. Fireworks - Store as defined in Section 3.3.6 of Article III.

3.

Article XIX, *Administrative Permits and Use Permits* – Part II Administrative Permits, Section 19.3.4, Fireworks – Consumer Fireworks Retail Sales, of the City of Sandy Springs Zoning Ordinance is hereby amended and the following inserted therefore:

19.3.4. FIREWORKS - CONSUMER FIREWORKS RETAIL SALES

19.3.4.1. FIREWORKS - TEMPORARY CONSUMER FIREWORKS RETAIL SALES STAND AS DEFINED BY SECTION 3.3.6 OF ARTICLE III.

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

B. Standards:

1. The following standards apply to temporary consumer fireworks retail sales stands as defined in Section 3.3.6 Fireworks – Temporary Consumer Fireworks Retail Sales Stand.
2. Administrative permit applications shall be submitted to the Department of Community Development no later than 60 calendar days prior to the desired date for commencement of sales. If a Temporary Consumer Fireworks Retail Stand Sales license is subsequently applied for and issued by the Sandy Springs Department of

Revenue, the Administrative permit shall expire on the next January 31 immediately following the date of issuance of the license as provided by O.C.G.A. § 25-10-5.1(c)(1). 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 the property line of another Temporary Consumer Fireworks Retail Sales Stand, Consumer Fireworks Retail Sales Facility, or Store.
4. Temporary Consumer Fireworks Retail Sales Stands shall be located within 1,000 feet of a fire hydrant, unless the Fire Chief or designee of the Sandy Springs Fire Department in writing authorizes operation in excess of 1,000 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 Stand 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 stand 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.
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 or from a trailer towed by a motor vehicle or from a tent, canopy, or membrane structure.
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 three hundred (300) feet of the property line of a nursing home, hospital, day care facility, school, or residential dwelling.
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 AND STORE AS BOTH ARE DEFINED IN SECTION 3.3.6 OF ARTICLE III

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

B. Standards:

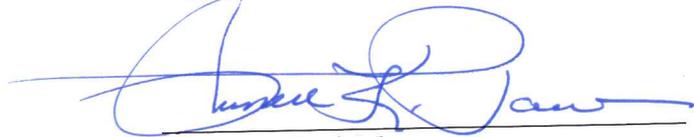
1. The following standards apply to consumer fireworks retail sales within Consumer Fireworks Retail Sales Facilities and Stores as defined in Section 3.3.6, not including, however, Temporary Consumer Fireworks Retail Sales Stands which are covered in the preceding Section 19.3.4.1.
2. The Property on which the Consumer Fireworks Sales Facility or Store selling consumer fireworks is permitted must be located at least fifteen hundred (1,500) feet from the property line of any other such Consumer Fireworks Sales Facility or Store.
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.
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 and Stores may not be located within multi-tenant buildings.
6. Consumer Fireworks Retail Sales Facilities and Stores shall not be located within three hundred (300) feet of the property line of a nursing home, hospital, day care facility, school, or residential dwelling.
7. Consumer Fireworks Retail Sales Facilities and Stores shall conform to all applicable fire code and building regulations including NFPA 1124.

4.

This Ordinance is effective August 17, 2016; and

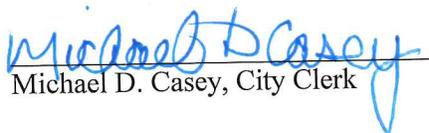
APPROVED AND ADOPTED this the 16th day of August, 2016.

Approved:



Russell K. Paul, Mayor

Attest:



Michael D. Casey, City Clerk

(Seal)

