

STATE OF GEORGIA

COUNTY OF FULTON

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SANDY SPRINGS, GEORGIA TO AMEND CHAPTER 2 (ADMINISTRATION) OF THE CITY'S CODE OF ORDINANCES TO DELEGATE APPROVAL OF DESIGN MODIFICATIONS FOR PUBLIC WORKS PROJECTS IN PUBLIC RIGHT OF WAY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the Code of Ordinances of the City of Sandy Springs ("Code") currently provides that variances for city projects or city-sponsored projects, including capital improvements and work conducted on city property, shall be considered solely by the city council and follow all notice and hearing criteria required for variances; and

WHEREAS, during the design phase of city public works projects such as a road widening, sidewalk installation or stormwater improvement, design modifications are often needed inside the public right of way to account for unforeseen circumstances or uncovered data related to site conditions or costs; and

WHEREAS, these design modifications sometimes vary from certain standards in the Sandy Springs Development Code in order to mitigate damages to, including without limitation, trees, infrastructure and private property; and

WHEREAS, such design modifications are often time sensitive and notice requirements currently prescribed in the Code could adversely impact construction schedules resulting in additional costs to the city; and

WHEREAS, the City Manager is entrusted with the day to day operations of the city and is best situated to respond to the time constraints and offer the flexibility needed in the execution of a public works project in the public right of way.

BE IT ORDAINED by the Mayor and City Council of the City of Sandy Springs, Georgia that the City's Code of Ordinances is amended as follows:

SECTION I: Article I of Chapter 2 relating to General Provisions of Administration is hereby amended by changing Section 2-3 to delegate the review of variances on city or city-sponsored projects and for other purposes, and will read as follows:

Sec. 2-3. - Variances for city or city-sponsored projects.

For design modifications to public works projects necessitated by cost, supply or project site conditions, where such modifications are wholly contained within existing or proposed public right of way, any request shall be heard and determined by the city manager. For variances on any city

projects, whether part of the capital improvement project (CIP) plan, work conducted on city property by the city or its designee, or any other city or city-sponsored projects, any request shall be considered solely by the city council. Any such application to council shall otherwise follow all notice and hearing criteria required by the relevant Code section.

SECTION II: It is the intention of the City Council and it is hereby ordained by the authority of the City Council that the provisions of this Ordinance shall become and be made a part of The Code of the City of Sandy Springs, Georgia, and the codifier is authorized to make the specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and where appropriate.

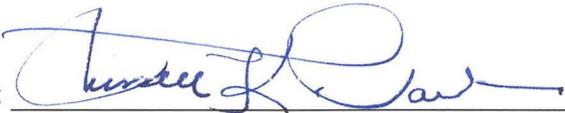
SECTION III: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION IV: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

SECTION V: This Ordinance shall become effective immediately upon its adoption.

SO ORDAINED this 19th day of November, 2019.

Approved:

By: 
Russell K. Paul, Mayor

Attest:


Coty Thigpen, City Clerk

