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**ORDINANCE NO. 2007-03-026**

**RZ07-006**

**Reading: March 20, 2007**

**STATE OF GEORGIA  
COUNTY OF FULTON**

**AN ORDINANCE TO AMEND ARTICLE 34, DEVELOPMENT REGULATIONS,  
OF THE CITY OF 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 have determined that it is preferred to require cashier's checks versus performance bonds to ensure the proper maintenance and removal of siltation from developments, and to clarify that the collection of these funds to ensure the completion of improvements is a City function; and

**WHEREAS**, the Mayor and City Council find that the same setbacks should apply to private streets as to public streets since their required construction and impact on abutting properties is identical; and

**WHEREAS**, the Mayor and City Council have determined that the owners and operators of pipelines have established adequate easements, and control access to said easements, so that additional setbacks for buildings and structures of a non-hazardous nature are not necessary to further the health, safety, and welfare of the City's residents and property owners; 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 34, *Development Regulations*, Section 34.4, *Permit and Sign Off Requirements*, Section 34.4.2, *Prerequisite to Occupancy Permit Inspection, C., Exceptions*, is hereby amended by the deletion of the word "County" and the insertion of "City" therefor.

2.

Article 34, *Development Regulations*, Section 34.5, *Site Improvement Standards*, Section 34.5.7, *Minimum Setback for New Street*, shall be deleted in its entirety and a new section shall be inserted therefor to read as follows:

34.5.7 **MINIMUM SETBACK FOR NEW PUBLIC AND PRIVATE STREETS.**  
The right-of-way for new public streets and the easement or common area for new private streets must be located a minimum of fifty (50) feet from any peripheral property line adjoining AG-1 and residentially zoned property unless interparcel access is required or provided.

3.

Article 34, *Development Regulations*, Section 34.5, *Site Improvement Standards*, Section 34.5.10, *Building Setback from Pipeline Easement*, shall be deleted in its entirety and a new section shall be inserted therefor to read as follows:

34.5.10 **DEVELOPMENT NEAR PIPELINE EASEMENTS.**

A. **Setback Requirements and Land Use Restrictions**

1. Buildings used for human occupancy shall not be permitted within any easement containing a gathering or transmission line as defined in this Ordinance.
2. No building or structure, or part thereof, which is used for the manufacturing, processing, generation or storage of any material in the following listing shall be constructed within one hundred twenty-five (125) feet of any gathering, or transmission line easement.
  - a. corrosive materials
  - b. highly toxic materials
  - c. oxidizing materials
  - d. pyrophoric materials
  - e. water reactive materials
  - f. highly combustible materials
  - g. flammable materials
  - h. explosive materials
  - i. materials that pose a hazard to human health
  - j. loose of combustible materials

B. **Exceptions and Exemptions.** Setbacks required by this Section that are in addition to easements for gathering or transmission lines, or the actual easements if permission is granted by the owner or operator of the easement, shall not apply to the following:

1. Any land disturbance or construction necessary to provide

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access to a property, when no other reasonable access is permitted, or any building, land disturbance or construction necessary to provide utility service to a parcel of land;

- 2. Any land disturbance or construction on a gathering or transmission line by or on behalf of the owner or operator of the gathering or transmission line;
- 3. Any driveway, street, parking lot, tennis court, volleyball court, play area, recreational area, deck, patio, or any other impervious surfaces.

C. Variance Criteria. The reconstruction of any structure existing at the time of this Section's adoption that does not comply with the terms of this Section (34.5.10) may be considered for an Administrative Variance in accordance with Article 22 and special consideration be given for reconstruction on same foot print when safety permits.

Any other deviation to the requirements of this Section shall be considered as a Primary Variance or Concurrent Variance in accordance with Article 22, *Appeals*, and shall comply with Section 22.4.1, *Variance Considerations and Findings*.

D. Land Disturbance Permit Requirements

In addition to any other requirements contained herein, all land disturbance permit applications shall provide the following:

- 1. A survey by a professional engineer or land surveyor licensed in the State of Georgia indicating the location of all gathering or transmission line easements and rights-of way indicating:
  - a. gathering or transmission line plan location and depth;
  - b. gathering or transmission line size;
  - c. the location of all off-site gathering or transmission line easements and rights-of-way within forty (40) feet of the boundaries of the subject property.

4.

All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

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

6.

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

7.

This Ordinance is effective March 20, 2007; and

**ORDAINED** this the 20<sup>th</sup> day of March, 2007.

Approved:

Eva Galambos  
Eva Galambos, Mayor

Attest:  
Christina Rowland  
Christina Rowland, City Clerk  
(Seal)

