

**AN ORDINANCE TO AMEND ARTICLE 4, GENERAL PROVISIONS, 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 adoption of the 2006 Flag Lot Ordinance deleted the regulations that established the minimum building setback lines for flag lots and that the Mayor and City Council find that the deletion of this section, while prohibiting new flag lots, did not provide staff or the public direction on how existing flag lots are permitted to be developed; and

WHEREAS, the Mayor and City Council of the City of Sandy Springs find that the creation of a Cemetery Protection ordinance necessary as the city currently has no regulations regarding the general protection of cemeteries or development near cemeteries.; 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.

Chapter 4, *General Provisions*, Section, 4.3.4, *Minimum Building Lines*, of the City of Sandy Springs Zoning Ordinance is hereby amended by the insertion of Section 4.3.4, *Minimum Building Lines, C., Flag Lots* to read as follows:

- C. Flag Lots. Minimum yards shall not be identified within the stem portion of a flag lot unless such portion, independent of the flag portion, can meet the requirements of 4.2.2. Measurements for a front yard setback shall begin at the point of intersection of the stem and the flag portion of a flag lot running along the property line the most perpendicular to the stem. A flag lot stem shall not be less than 15 feet in width.

2.

Chapter 4, *General Provisions*, of the City of Sandy Springs Zoning Ordinance is hereby amended by the insertion of Section 4.14, *Cemetery Protection* to read as follows:

4.14 CEMETERY PROTECTION

In a parcel with a cemetery, burial ground, human remains or burial object(s), there shall be no land disturbing activity or timbering unless approved by the City of Sandy Springs Department of Community Development. The person or entity seeking a permit shall also comply with O.C.G.A.36-72. If a parcel is adjacent to a cemetery, there shall be no land disturbance in that parcel unless approved by the Department of Community Development.

The following development standards shall be required as a part of the application process for a Land Disturbance Permit or Building Permit on any

parcel with a cemetery provided; however: (1) any parcel adjacent to a cemetery shall only be required to meet standards C, D, and E below, and (2) any landlocked cemetery shall only be required to meet standards C, D, E, and F below.

- A. A report prepared by an archeologist determining the boundary of the cemetery and stating the number of graves believed to be present and their location as can be determined from the use of minimally invasive investigation techniques, including remote sensing methods and the use of metal probes.
- B. A survey of the cemetery prepared by or under the direction of a registered surveyor showing the location of the boundaries of the cemetery or burial ground based on an archeologist's report.
- C. A 25-foot natural undisturbed buffer shall be provided around the perimeter of the outermost burials, as determined by an archeologist, if a cemetery is located on the parcel of land to be developed. If a cemetery is adjacent to the parcel to be developed, a 25-foot natural undisturbed buffer shall be provided along common property lines on the parcel where the Land Disturbance Permit or Building Permit is being sought.
- D. A temporary tree protection fence shall be installed on the outer perimeter of the 25-foot undisturbed buffer before any land disturbing activity occurs. If the cemetery is located on an adjacent parcel, the tree protection fence shall be installed on the outer perimeter of the 25-foot undisturbed buffer before any land disturbing activity occurs. The temporary tree protection fence shall remain in place until construction is completed.
- E. A permanent 6-foot high fence or wall with a gate shall be constructed along the perimeter of a cemetery on a parcel for which land disturbing activity is sought. The fence constructed of a durable metal material. At minimum fence shall be black vinyl clad chain-link. Uncoated chain-link fence is prohibited. The location of the fence shall be as determined by an archaeologist. If the cemetery is located on an adjacent parcel, the fence shall be located interior to the required buffer and improvement setback or along the common property line(s) as may be approved by the Sandy Springs Arborist. The gate shall have a latch and be 4 feet wide if the cemetery is inactive or 10 feet wide if active.
- F. Uninhibited daylight access to the cemetery shall be provided via a 20-foot graveled easement which shall be filed with the Fulton County Tax Assessor's Office and recorded with the Clerk's Office of the Superior Court of Fulton County.
- G. A maintenance plan for a cemetery located on the parcel for which a Land Disturbance Permit or Building Permit is sought shall be developed and implemented.
- H. The location of a cemetery, as identified by the surveyor, shall be included on the recorded plat.

I. A small plaque/marker with the name of the cemetery, range of burials and any other historical information may be placed on the cemetery fence.

3.

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

4.

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.

5.

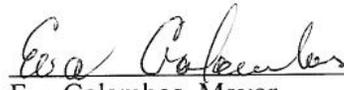
Repeal of Conflicting Provisions. It is the intention of the Mayor and Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Sandy Springs, Georgia and the sections of this Ordinance may be renumbered to accomplish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

6.

This Ordinance is effective February 19, 2008; and

ORDAINED this the 19th day of February, 2008.

Approved:



Eva Galambos, Mayor

Attest:



Christina Rowland, City Clerk

(Seal)

