

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO AMEND ARTICLE 7, TWO FAMILY AND MULTIFAMILY DISTRICT REGULATIONS, OF THE SANDY SPRINGS ZONING ORDINANCE

WHEREAS, the Mayor and City Council adopted a resolution on June 1, 2010 directing staff to review, clarify, and recodify the Zoning Ordinance with the assistance of the City Attorney's office; and

WHEREAS, this recodification will address recent developments in the law and issues that have been raised during the implementation, administration, and enforcement of the Zoning Ordinance; and

WHEREAS, this recodification will not include any policy changes to the ordinance.

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 7, *Two Family and Multifamily District Regulations*, of the City of Sandy Springs Zoning Ordinance is hereby amended by the deletion in its entirety and the following inserted therefor:

ARTICLE VII

SECTION 7.1

R-6 TWO FAMILY DWELLING DISTRICT

7.1.1. R-6 DISTRICT SCOPE AND INTENT. Regulations set forth in this section are the R-6 district regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative permit or use permit. The R-6 district is intended to provide land areas devoted to medium density, single family and two (2) family dwelling units. Land areas zoned R-6 are further intended to provide a transition between low and high density dwelling areas or between low density dwelling areas and nonresidential areas.

7.1.2. USE REGULATIONS. Within the R-6 district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by administrative permit or use permit shall be prohibited.

A. Permitted Uses. A building or land may be used for the following purposes:

1. Single family dwelling unit

2. Agriculture, general and specialized farming, initiated prior to March 7, 1990, including: horticulture, plant nursery, dairy farming, truck gardening and poultry raising; provided, however, that an agricultural building must be at least two hundred (200) feet from all side and rear property lines, and further provided that no products shall be offered for sale on land so utilized.
 3. Two (2) family dwelling units
- B. Accessory Uses. A building or land may be used for uses customarily incidental to any permitted use and the principal dwelling unit may be used for a home occupation.
- C. Additional Uses. Additional uses may be allowed by administrative or use permit, pursuant to Article XIX of this Ordinance.

7.1.3. DEVELOPMENT STANDARDS.

A. Height Regulations:

No building shall exceed forty (40) feet in height.

B. Minimum Front Yard:

Twenty-five (25) feet

C. Minimum Side Yard:

Seven (7) feet adjacent to interior lot line
Twenty (20) feet adjacent to street

D. Minimum Rear Yard:

Twenty (20) feet

E. Minimum Lot Area:

Nine thousand (9,000) square feet

F. Minimum Lot Width:

Seventy (70) feet

G. Minimum Lot Frontage:

Thirty-five (35) feet adjoining a street

H. Minimum Heated Floor Area:

Single family - One thousand (1,000) square feet on ground level for less than two (2) stories

One thousand one hundred (1,100) square feet for two (2) stories or more than two (2) stories with eight hundred (800) square feet on the ground floor

I. Minimum Accessory Structure Requirements:

Accessory structures may be located in rear or side yards only but shall not be located within a minimum yard.

7.1.4. OTHER REGULATIONS. The headings below contain provisions applicable to the R-6 district:

- A. Development Regulations, Chapter 103, Code
- B. Exceptions, Section 4.3., Zoning Ordinance
- C. Floodplain Management, Chapter 109, Article II, Code
- D. Off Street Parking and Loading, Article XVIII, Zoning Ordinance
- E. Outside Storage, Section 4.2., Zoning Ordinance
- F. Tree Conservation Ordinance, Administrative Standards and Best Management Practices, Section 4.23., Zoning Ordinance
- G. River Protection, Metropolitan River Protection Act
- H. Signs, Article XXXIII, Zoning Ordinance

ARTICLE VII

SECTION 7.2

TR TOWNHOUSE RESIDENTIAL DISTRICT

- 7.2.1. TR DISTRICT SCOPE AND INTENT. Regulations set forth in this section are the TR district regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative permit or use permit. The TR district is intended to provide land areas devoted to medium density uses consisting of single-family and multi-family dwelling units. Land areas zoned TR are further intended to provide a transition between low density and higher density residential areas or between low density residential and non-residential areas. The TR district is intended to:
- A. Encourage the provision of usable open space and recreation areas as part of a living environment.
 - B. Be located primarily in areas near or adjacent to single family areas.
 - C. Be located so as to provide a transition between single family areas and nonresidential areas.
 - D. Be located near retail shopping and major thoroughfares.
 - E. Encourage home ownership.
- 7.2.2. USE REGULATIONS. Within the TR district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by administrative permit or use permit shall be prohibited.
- A. Permitted Uses. A building or land may be used for the following purposes:
 - 1. Single family dwelling unit
 - 2. Two (2) family dwelling unit
 - 3. Townhouse dwelling unit
 - B. Accessory Uses. A building or land may be used for uses customarily incidental to any permitted use and the principal dwelling unit may be used for a home occupation.
 - C. Additional Uses. Additional uses may be allowed by administrative or use permit, pursuant to Article XIX of this Ordinance.

7.2.3. DEVELOPMENT STANDARDS.

A. Height Regulations:

No building shall exceed forty (40) feet in height.

B. Minimum Lot Area or Land Area Per Unit:

Nine (9) units per gross acre

C. Minimum Lot Width:

Twenty (20) feet

D. Minimum TR Development Frontage:

Thirty-five (35) feet

E. Minimum Lot Frontage:

Twenty (20) feet adjoining a street except up to thirty-five (35) feet may be required whenever the Director of Public Works requires the extra width to protect catch basins.

F. Minimum Heated Floor Area Per Unit:

One thousand one hundred (1,100) square feet

G. Minimum Perimeter Setbacks for the Entire TR Development:

1. Minimum Front Yard – Forty (40) feet

2. Minimum Side Yard

Thirty (30) feet adjacent to interior lot line

Forty (40) feet adjacent to street

3. Minimum Rear Yard – Thirty-five (35) feet

H. Minimum Perimeter Setbacks When One (1) Building Per Lot:

1. Minimum Front Yard – Twenty (20) feet from right-of-way

2. Minimum Side Yard

Seven (7) feet adjacent to interior lot line, except that up to a seven (7) foot encroachment and maintenance easement may be provided on adjacent parcels, in combination with or in lieu of a side yard, such that a minimum building separation of fourteen (14) feet is maintained.

Fifteen (15) feet adjacent to street

3. Minimum Rear Yard – Twenty-five (25) feet

I. Minimum Accessory Structure Requirements:

Single family and two (2) family dwelling units – Accessory structures may be located in rear or side yards only but shall not be located within a minimum yard.

Townhouse dwelling units - Accessory structures may be located within the side or rear yards only but not within minimum perimeter setbacks or minimum yards.

J. Maximum Lot Coverage:

The area of the footprint of all buildings and parking shall not exceed fifty (50) percent of the total land area.

K. Minimum Building Separation When More Than One (1) Building Per Lot:

All building separations shall be as specified by the International Building Code.

L. Other Minimum Standards

1. No more than twenty (20) dwelling units shall form a single building.
2. Setbacks and roof lines shall be varied by at least two (2) feet so that no more than three (3) adjoining dwelling units within a single building shall have the same front setback or roof line.

7.2.4. TR DISTRICT SUBDIVISION. In the TR district, dwelling units proposed to be sold with the lot upon which the dwelling unit is located shall comply with the Subdivision Regulations of the City.

7.2.5. OTHER REGULATIONS. The headings below contain provisions applicable to the TR district:

- A. Development Regulations, Chapter 103, Code
- B. Exceptions, Section 4.3., Zoning Ordinance
- C. Floodplain Management, Chapter 109, Article II, Code
- D. Off Street Parking and Loading, Article XVIII, Zoning Ordinance
- E. Outside Storage, Section 4.2., Zoning Ordinance
- F. Tree Conservation Ordinance, Administrative Standards and Best Management Practices, Section 4.23., Zoning Ordinance
- G. River Protection, Metropolitan River Protection Act
- H. Signs, Article XXXIII, Zoning Ordinance

ARTICLE VII

SECTION 7.3

A MEDIUM DENSITY APARTMENT DISTRICT

- 7.3.1. A DISTRICT SCOPE AND INTENT. Regulations set forth in this section are the A district regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative permit or use permit. The A district is intended to provide land areas for medium density apartment dwellings which will:
- A. Encourage attractive apartment development.
 - B. Encourage the provision of recreation areas and facilities.
 - C. Be located in areas of moderate to intense development near retail shopping, schools and major thoroughfares.
 - D. Be located so as to provide a transition between moderate density residential areas and high density residential areas or between moderate density residential areas and nonresidential areas.
- 7.3.2. USE REGULATIONS. Within the A district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by administrative permit or use permit shall be prohibited.
- A. Permitted Uses. A building or land may be used for the following purposes:
 - 1. Single family dwelling unit
 - 2. Two (2) family dwelling unit
 - 3. Multifamily dwelling unit
 - 4. Rooming house and boarding house
 - 5. Nursing home and hospice
 - 6. Personal care home/assisted living
 - 7. Medical related lodging
 - 8. Group residence/shelter
 - B. Accessory Uses. A building or land may be used for uses customarily incidental to any permitted use and the principal dwelling unit may be used for a home occupation.
 - C. Additional Uses. Additional uses may be allowed by administrative or use permit, pursuant to Article XIX of this Ordinance.

7.3.3. DEVELOPMENT STANDARDS.

A. Height Regulations:

A building shall be no higher than forty-five (45) feet or three (3) stories, whichever is higher, except when a use permit to exceed the maximum height is approved.

B. Minimum Front Yard:

Forty (40) feet from right-of-way

C. Minimum Side Yard:

Twenty-five (25) feet adjacent to interior lot line
Forty (40) feet adjacent to street

D. Minimum Rear Yard:

Twenty-five (25) feet

E. Minimum Land Area or Lot Size Per Unit:

Two thousand (2,000) square feet

F. Minimum Width:

Two hundred (200) feet throughout depth from front to rear lot line

G. Minimum Lot Frontage:

Thirty-five (35) feet adjoining a street

H. Maximum Density:

Fourteen (14) units per gross acre

I. Minimum Heated Floor Area Per Unit:

Single family dwelling unit - One thousand one hundred (1,100) square feet
Two (2) family dwelling units – Eight hundred (800) square feet
Efficiency or studio – Four hundred fifty (450) square feet
All other multifamily – Seven hundred (700) square feet

J. Minimum Accessory Structure Requirements:

Single family and two (2) family uses – Accessory structures may be located in the rear and side yards only but shall not be located within a minimum yard.

Multifamily uses - Accessory structures may be located in the rear yard only but shall not be located within a minimum yard.

K. Maximum Lot Coverage:

The area of the footprint of all buildings and parking shall not exceed forty (40) percent of the total land area.

L. Minimum Building Separation:

All building separations shall be as specified by the International Building Code.

7.3.4. A DISTRICT SUBDIVISION. In the A district, dwelling units proposed to be sold with the lot upon which the dwelling unit is located shall comply with the Subdivision Regulations of the City.

7.3.5. OTHER REGULATIONS. The headings below contain provisions applicable to the A district.

- A. Development Regulations, Chapter 103, Code
- B. Exceptions, Section 4.3., Zoning Ordinance
- C. Floodplain Management, Chapter 109, Article II, Code
- D. Off Street Parking and Loading, Article XVIII, Zoning Ordinance
- E. Outside Storage, Section 4.2., Zoning Ordinance
- F. Tree Conservation Ordinance, Administrative Standards and Best Management Practices, Section 4.23., Zoning Ordinance
- G. River Protection, Metropolitan River Protection Act
- H. Signs, Article XXXIII, Zoning Ordinance

ARTICLE VII

SECTION 7.4

A-L APARTMENT LIMITED DWELLING DISTRICT

- 7.4.1. A-L DISTRICT SCOPE AND INTENT. Regulations in this section are the A-L district regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative permit or use permit. The A-L district is intended to provide land areas for high to very high density apartment dwellings which will:
- A. Encourage attractive apartment living opportunities.
 - B. Encourage the provision of recreation areas and facilities.
 - C. Be located in areas of intense development near retail shopping, schools and major thoroughfares.
 - D. Be located so as to provide a transition between medium density residential areas and nonresidential areas.
- 7.4.2. USE REGULATIONS. Within the A-L district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by administrative permit or use permit shall be prohibited.
- A. Permitted Uses. A building or land may be used for only the following purposes:
 - 1. Multifamily dwelling unit
 - 2. Any use permitted in the A district
 - B. Accessory Uses. A building or land may be used for uses customarily incidental to any permitted use and the principal dwelling unit may be used for a home occupation. Accessory retail and service uses such as restaurants, gift shops, flower shops, snack bars, barber shops, and beauty shops shall be located wholly within principal buildings with no outdoor advertising.
 - C. Additional Uses. Additional uses may be allowed by administrative or use permit, pursuant to Article XIX of this Ordinance.

7.4.3. DEVELOPMENT STANDARDS.

A. Height Regulations:

A building shall be no higher than sixty (60) feet or four (4) stories, whichever is higher, except when a use permit to exceed the maximum height is approved.

B. Minimum Front Yard:

Forty (40) feet from right-of-way

C. Minimum Side Yard:

Twenty (20) feet adjacent to interior side lot line
Forty (40) feet adjacent to street

D. Minimum Rear Yard:

Twenty (20) feet

E. Minimum Width:

None

F. Minimum Lot Frontage:

Thirty-five (35) feet adjoining a street

G. Minimum Heated Floor Area:

Three (3) bedroom apartments – Seven hundred (700) square feet
Two (2) bedroom apartments – Six hundred (600) square feet
One (1) bedroom apartments – Five hundred (500) square feet
Efficiency or studio apartments – Four hundred (400) square feet

H. Minimum Accessory Structure Requirements:

Accessory structures shall not be located in the minimum front yard.

I. Maximum Lot Coverage:

The area of the footprint of all buildings and parking shall not exceed seventy (70) percent of the total land area.

J. Minimum Building Separation:

All building separations shall be as specified by the International Building Code.

K. Outdoor Recreation:

Outdoor area consisting of not less than ten (10) percent of the gross land area shall be provided for recreation.

7.4.4. OTHER REGULATIONS. The headings below contain provisions applicable to the A-L district.

- A. Development Regulations, Chapter 103, Code
- B. Exceptions, Section 4.3., Zoning Ordinance
- C. Floodplain Management, Chapter 109, Article II, Code
- D. Off Street Parking and Loading, Article XVIII, Zoning Ordinance
- E. Outside Storage, Section 4.2., Zoning Ordinance
- F. Tree Conservation Ordinance, Administrative Standards and Best Management Practices, Section 4.23., Zoning Ordinance
- G. River Protection, Metropolitan River Protection Act
- H. Signs, Article XXXIII, Zoning Ordinance

2.

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

3.

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.

4.

Repeal of Conflicting Provisions. 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 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.

5.

This Ordinance is effective November 16, 2010; and

ORDAINED this the 16th day of November, 2010.

Approved:

Eva Galambos
Eva Galambos, Mayor

Attest:

Michael Casey
Michael Casey, City Clerk

(Seal)

