

STATE OF GEORGIA
COUNTY OF FULTON

**AN ORDINANCE TO AMEND ARTICLE 8, MULTIPLE USE 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 8, *Multiple Use 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 VIII

SECTION 8.1

O-I OFFICE INSTITUTIONAL DISTRICT

8.1.1. O-I DISTRICT SCOPE AND INTENT. Regulations in this section are the O-I district regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative permit or use permit. The O-I district is intended to provide land areas for office and institutional uses where proximity to residential, public, commercial and other land uses, and existing and projected traffic patterns make it desirable to locate office and institutional uses.

8.1.2. USE REGULATIONS. Within the O-I 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 units
3. Rooming house and boarding house

4. Art gallery
5. Assembly hall
6. Church, temple or other place of worship
7. Clinics
8. Community center building
9. Nursing home/hospice
10. Dancing school
11. Day care facility
12. Financial establishment/institution
13. Funeral home
14. Group residence/shelter
15. Gymnasium
16. Health club/spa
17. Hospital
18. Hotel/motel
19. Institution of higher learning, business college, music conservatory, and similar institutions
20. Library
21. Museum
22. Office
23. Parking garage/deck
24. Parking lot
25. Personal care home/assisted living
26. Recording studio
27. Research laboratory
28. Stadium

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. No more than twenty-five percent (25%) of the total floor area of a building may be devoted to storage.

1. Accessory retail and service uses shall be located within a building with a majority of the floor area designed for office uses. Accessory uses shall be located wholly within the principal building with no outdoor advertising; provided, however, that a car wash, detail shop or service station may be located inside a parking garage as long as such uses are not visible from the exterior of the parking garage.
2. Retail and service commercial uses permitted shall be limited to employee convenience, business oriented retail, and service establishments such as computer hardware and software companies, commercial art, drafting, travel agencies, office equipment and supply stores, reproduction services, stenographic services, typing services, messenger services, delivery

services, telecommunications sales and teleconferencing centers, personnel services and training centers, florists, gift shops, tailor shops, radio and television repair shops, shoe repair shops and barber or beauty shops. Restaurants are accessory whenever office and institutional floor area is at least one hundred thousand (100,000) square feet. Fast food restaurants shall be limited to no more than ten percent (10%) of the total floor area devoted to retail and service commercial uses, and shall not occupy more than ten percent (10%) of any floor in a building. A drug store is accessory, provided only drugs, prescription medicines, medicinal supplies and pharmaceutical products shall be sold.

- C. Additional Uses. Additional uses may be allowed by administrative or use permit, pursuant to Article XIX of this Ordinance.

8.1.3. 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

- C. Minimum Side Yard:

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

- D. Minimum Rear Yard:

Twenty-five (25) feet

- E. Minimum Lot Area Per Dwelling:

Single family dwelling unit – Eighteen thousand (18,000) square feet
Two (2) family dwelling units – Eighteen thousand (18,000) square feet

- F. Minimum Lot Width:

One hundred (100) feet for residential use only

- G. Minimum Lot Frontage:

One hundred (100) feet adjoining a street
Thirty-five (35) feet adjoining a street for residential use

H. Minimum Heated Floor Area:

Single family dwelling unit - One thousand one hundred (1,100) square feet
Two (2) family dwelling units – Eight hundred (800) square feet

I. Minimum Accessory Structure Requirements:

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

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

J. Maximum Lot Coverage:

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

8.1.4. OTHER REGULATIONS. The headings below contain provisions applicable to the O-I 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 VIII

SECTION 8.2

MIX MIXED USE DISTRICT

- 8.2.1. MIX DISTRICT SCOPE AND INTENT. Regulations in this section are the MIX district regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative permit or use permit. The MIX district is intended to encourage flexible, innovative and creative concepts in site planning and efficient use of land and to provide a stable multiple use environment that is compatible with surrounding uses. The MIX district is particularly encouraged in areas designated by the Comprehensive Plan Land Use Map as suitable for commercial (including retail, service commercial and office) uses and in living-working corridors.
- 8.2.2. USE REGULATIONS. The MIX district mandates a residential component of single family dwellings, duplexes, townhouses, multifamily dwellings or any combination thereof along with at least two (2) of the following: retail, service commercial, office or institutional uses.

Within the MIX 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. Structures and land may be used for the following purposes:

1. Single family dwelling unit
2. Two (2) family dwelling units
3. Townhouse dwelling units
4. Multifamily dwelling units
5. Rooming house and boarding house
6. Art gallery
7. Assembly hall
8. Car wash, detail shop and/or service stations located inside a parking garage as long as such uses are not visible from the exterior of the parking garage
9. Church, temple or other place of worship
10. Clinics
11. Community center building
12. Nursing home/hospice
13. Dancing school
14. Day care facility
15. Financial establishment/institution

16. Funeral home
17. Group residence/shelter
18. Gymnasium
19. Health club/spa
20. Hospital
21. Hotel/motel
22. Institution of higher learning, business college, music conservatory, and similar institutions
23. Library
24. Museum
25. Office
26. Parking garage/deck
27. Parking lot
28. Personal care home/assisted living
29. Recording studio
30. Research laboratory
31. Retail and/or commercial service establishment
32. Restaurant and/or fast food restaurant
33. Stadium
28. Theater

- B. Accessory Uses. Structures and land may be used for uses customarily incidental to any permitted use and the principal dwelling unit may be used for a home occupation. No more than twenty-five percent (25%) of the total floor area of a building may be devoted to storage.
- C. Additional Uses. Additional uses may be allowed by administrative or use permit, pursuant to Article XIX of this Ordinance.

8.2.3. DEVELOPMENT STANDARDS.

A. Height Regulations:

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

B. Minimum Front Yard:

As specified in zoning conditions

C. Minimum Side Yard:

As specified in zoning conditions

- D. Minimum Rear Yard:
As specified in zoning conditions
- E. Minimum Development Frontage:
Thirty-five (35) feet
- F. Minimum Internal Setbacks, Separations, Landscaping and Buffering Between Uses:
As specified in zoning conditions
- G. Minimum Lot Area:
1. Single family or duplex dwelling unit - As specified in zoning conditions
 2. All other uses – Parcels in living-working corridors shall have a minimum parcel size of ten (10) acres.
- H. Minimum Lot Frontage for Single Family or Duplex Dwelling Units:
Twenty (20) feet adjoining a street
- I. Minimum Lot Width for Single Family or Duplex Dwelling Units:
None, unless specified in zoning conditions
- J. Minimum Interior Setbacks for Single Family or Duplex Dwelling Units:
1. Minimum front yard – As specified in zoning conditions
 2. Minimum side yard – As specified in zoning conditions
 3. Minimum rear yard – As specified in zoning conditions
- K. Minimum Building Separations:
All building separations shall be as specified by the International Building Code.
- L. Minimum Heated Floor Area Per Dwelling Unit:
As specified in zoning conditions.

M. Minimum Accessory Structure Requirements:

Single family, duplex and townhouse uses – Accessory structures may be located in the rear or side yards only but shall not be located within a minimum yard.

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

N. Minimum Common Outdoor Area:

Twenty percent (20%) of the total site area shall be common outdoor area and shall be maintained by the property owner(s).

O. Pedestrian Connectivity:

All components are required to be interconnected with pedestrian paths constructed of either colored/textured materials or conventional sidewalk materials and clearly identified.

P. Parking:

Subject to the approval of the Director, off-street parking, as required by Article XVIII of this Ordinance, may be reduced and shared parking among uses may be permitted.

8.2.4. OTHER REGULATIONS. The headings below contain some additional, but not necessarily all, provisions applicable to the MIX 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.

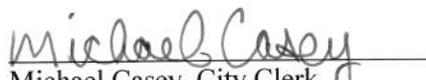
This Ordinance is effective November 16, 2010; and

ORDAINED this the 16th day of November, 2010.

Approved:


Eva Galambos, Mayor

Attest:


Michael Casey, City Clerk

(Seal)

