



To: Planning Commission
From: Michelle Alexander, Director of Community Development
Date: April 21, 2016
Subject: TA16-0005 - An Ordinance to Amend Section 12B.3., Planning Commission Review, of the Sandy Springs Zoning Ordinance

Department of Community Recommendation:

APPROVAL of an amendment to Section 12B.3., Planning Commission Review, of the Sandy Springs Zoning Ordinance.

Background:

Section 12B.3 outlines the design review process by the Planning Commission for projects within the Sandy Springs Overlay District.

Discussion:

The major elements of the amendment drafted by Staff are as follows:

Sec. 12B.3.A.1. Planning Commission Review for compliance with adopted development standards: This section provides two evaluation criteria for projects seeking a variance from the Overlay requirements.

Sec. 12.B.3.C. Application: This section stipulates the required documents and deadline to submit a complete application.

Amendment Schedule:

Planning Commission Public Hearing – April 21, 2016
City Council Public Hearing – May 19, 2016

Attachments:

Draft Mark-up
Draft Ordinance

COMMUNITY DEVELOPMENT

MARKED-UP FOR AMENDMENT

12B.3. PLANNING COMMISSION REVIEW.

12B.3. A. Planning Commission Review for compliance with adopted development standards

~~1. The Planning Commission shall review applications for land disturbance permits, building permits, fence permits (excluding dumpster enclosures), rezoning, use permits, variances, and modifications which propose changes to standards contained in this Article. The Planning Commission shall make recommendations based on the applicable standards contained in this Article.~~

1. The Planning Commission shall review petitions for variances of all types that propose a deviation from the standards contained in this Article.

An applicant seeking a variance from the requirements of this article shall provide an alternative design that:

- a. Complies with the goals of the Sandy Springs Overlay District described in Section 12B.1 of this ordinance;
- b. Provides a quality of development as high or higher than required by this ordinance

Alternatively, an applicant may seek a variance from the requirements of this article under the variance considerations enumerated in Section 22.3.1. of this ordinance.

The Planning Commission may choose, at their discretion, to disregard franchise prototype standards as an extenuating factor to comply with the requirements of the Overlay.

The Director of Community Development may at his/her discretion bring any development project or permit application for property located in the Sandy Springs Overlay District to the Planning Commission for design review.

The variances remain subject to all the provisions of Article XXII of this ordinance.

2. Staff of the Department of Community Development shall forward the Planning Commission's recommendations to the Board of Appeals (for variance applications) and to the City Council (for applications for ~~rezoning~~, concurrent variances, ~~and/or modifications to conditions~~).

3. The Department of Community Development shall issue, issue with modifications, or withhold a permit based on a project's conformance with the standards set out in this article.

12B.3. B. Planning Commission Review Meetings

1. Planning Commission Review meetings shall be held as a part of regularly scheduled Planning Commission meetings pursuant to the schedule adopted by the City Council as required in Article XXVIII of this Ordinance. Said meetings shall comply with the public notification requirements of the Georgia Open Meetings Act.
2. PUBLIC NOTICE REQUIREMENTS. Applications to be reviewed by the Planning Commission shall be added to the regular Planning Commission agenda ~~to be posted to the City's webpage not less than twenty-four (24) hours prior to the meeting.~~
 - a. Sign Posting. No sign posting shall be required.
 - b. Notice by Mail. No notice by mail shall be required.
 - c. ~~Publication of Notice. No notice published in the newspaper shall be required.~~

~~The variances shall otherwise meet all the notification requirements pursuant to Article XXII or Article XXVIII, whichever is applicable.~~

3. PUBLIC HEARING REQUIREMENTS. The Planning Commission shall hold a public hearing regarding each application.

Any public hearing required by this Article shall be called and conducted in accordance with the following procedures. Nothing contained in this Section shall be construed as prohibiting a presiding officer or hearing body from conducting a public hearing in a fair, orderly, and decorous manner.

- a. Presiding Officer. The presiding officer shall preside over the respective public hearing. The Planning Commission chairman shall preside, or in the absence of the chairman, the vice chairman, if designated. If neither is present to preside, another member of the City Planning Commission shall be designated to preside.
- b. Public Hearing. The Planning Commission Chair shall open

the public hearing and the Director, or his/her designee, shall provide a summary of each application. Applicants shall have a period of ten (10) minutes to present an application. Opponents to an application shall have a period of ten (10) minutes to provide comments. The applicant, if time is remaining from the original allotted time, shall have an opportunity for rebuttal. However, the opposition shall not have time for rebuttal. The Chair shall close the public hearing and the Planning Commission shall deliberate.

The design review hearing may be incorporate into or conducted in conjunction with the hearing for a land use petition, if applicable.

4. A public record shall be kept by the staff of the Department of Community Development of the Planning Commission's resolutions, proceedings, findings and recommendations, and such record shall be maintained in such a place and manner as to allow public access.

12B.3. C. Application

The applicant shall provide a detailed description of the relief requested, and of the proposed alternative. An application may include, but is not limited to, providing material samples, building elevations or models. The applicant shall justify why a deviation from the overlay standards is requested.

Applications received no less than twenty-one (21) calendar days prior to a regularly scheduled Planning Commission meeting will be placed on the same agenda.

TA16-0005
Reading: May 17, 2016

STATE OF GEORGIA
COUNTY OF FULTON

**AN ORDINANCE TO AMEND SECTION 12B.3., PLANNING COMMISSION REVIEW,
OF THE 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 of Sandy Springs have determined that revision of the procedures for design review by the Planning Commission is required for use of the ordinance by staff, citizens, and the development community; 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.

Section 12B.3, *Planning Commission*, of the City of Sandy Springs Zoning Ordinance is hereby amended by the deletion of said article in its entirety and the following inserted therefore:

12B.3. PLANNING COMMISSION REVIEW.

12B.3. A. Planning Commission Review for compliance with adopted development standards

- 1. The Planning Commission shall review petitions for variances of all types that propose a deviation from the standards contained in this Article.
An applicant seeking a variance from the requirements of this article shall provide an alternative design that:
 - a. Complies with the goals of the Sandy Springs Overlay District described in Section 12B.1 of this ordinance; and
 - b. Provides a quality of development as high or higher than required by this ordinance

Alternatively, an applicant may seek a variance from the requirements of this article under the variance considerations enumerated in Section 22.3.1. of this ordinance.

The Planning Commission may choose, at their discretion, to

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disregard franchise prototype standards as an extenuating factor to comply with the requirements of the Overlay.

The Director of Community Development may at his/her discretion bring any development project or permit application for property located in the Sandy Springs Overlay District to the Planning Commission for design review.

The variances remain subject to all the provisions of Article XXII of this ordinance.

- 2. Staff of the Department of Community Development shall forward the Planning Commission’s recommendations to the Board of Appeals (for variance applications) and to the City Council (for applications for concurrent variances).
- 3. The Department of Community Development shall issue, issue with modifications, or withhold a permit based on a project’s conformance with the standards set out in this article.

12B.3. B. Planning Commission Review Meetings

- 1. Planning Commission Review meetings shall be held as a part of regularly scheduled Planning Commission meetings pursuant to the schedule adopted by the City Council as required in Article XXVIII of this Ordinance. Said meetings shall comply with the public notification requirements of the Georgia Open Meetings Act.
- 2. PUBLIC NOTICE REQUIREMENTS. Applications to be reviewed by the Planning Commission shall be added to the regular Planning Commission agenda.
 - a. Sign Posting. No sign posting shall be required.
 - b. Notice by Mail. No notice by mail shall be required.
 - c. **Publication of Notice. No notice published in the newspaper shall be required.**

The variances shall otherwise meet all the notification requirements pursuant to Article XXII or Article XXVIII, whichever is applicable.

- 3. PUBLIC HEARING REQUIREMENTS. The Planning Commission shall hold a public hearing regarding each application.

Any public hearing required by this Article shall be called and conducted in accordance with the following procedures. Nothing contained in this Section shall be construed as prohibiting a presiding officer or hearing body from conducting a public hearing in a fair, orderly, and decorous manner.

a. Presiding Officer. The presiding officer shall preside over the respective public hearing. The Planning Commission chairman shall preside, or in the absence of the chairman, the vice chairman, if designated. If neither is present to preside, another member of the City Planning Commission shall be designated to preside.

b. Public Hearing. The Planning Commission Chair shall open the public hearing and the Director, or his/her designee, shall provide a summary of each application. Applicants shall have a period of ten (10) minutes to present an application. Opponents to an application shall have a period of ten (10) minutes to provide comments. The applicant, if time is remaining from the original allotted time, shall have an opportunity for rebuttal. However, the opposition shall not have time for rebuttal. The Chair shall close the public hearing and the Planning Commission shall deliberate.

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12B.3. C. Application

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1 This Ordinance is effective July 1, 2016; and

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4 **ORDAINED** this the 17th day of May, 2016.

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Approved:

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Russell K. Paul, Mayor

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11 Attest:

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Michael Casey, City Clerk

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17 (Seal)

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