



CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council

DATE: August 26, 2014

FROM: John McDonough, City Manager

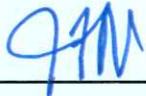
AGENDA ITEM: TA14-005 - An Ordinance to Amend Article 9, Commercial District Regulations, of the Sandy Springs Zoning Ordinance to clarify Permitted Uses

MEETING DATE: For Submission onto the September 2, 2014, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Rezoning Petition

APPROVAL BY CITY MANAGER:  APPROVED

PLACED ON AGENDA FOR: 09/02/2014

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: 



To: John McDonough, City Manager

From: Angela Parker, Director of Community Development 

Date: August 26, 2014 for Submission onto the September 2, 2014 City Council Regular Meeting

Subject: TA14-005 An Ordinance to Amend Article 9, Commercial District Regulations, of the Sandy Springs Zoning Ordinance, Apartment Uses

Department of Community Recommendation:

APPROVAL of an amendment to the Zoning Ordinance provisions regarding multifamily dwelling units as an allowable use in the commercial zoning districts.

Background:

Currently, the commercial zoning districts allow for “apartments, above or behind commercial and office uses in the same building”. However, there are no standards that clearly outline how these apartments are to be developed or the amount of commercial and/or office space that is required. In addition, there is no definition of apartment as the Zoning Ordinance refers to multifamily dwelling units and does not distinguish between owner and renter occupancy types.

Discussion:

Staff prepared a draft ordinance to clarify the standards for multifamily dwelling units in commercial districts. This ordinance was presented to the Planning Commission in a Work Session on June 19, 2014. The Planning Commission recommended:

- Removal of multifamily dwelling units as a permitted use in commercial zoning districts.

Staff revised the proposed amendment to prohibit multifamily dwelling uses in commercial districts as recommended by Planning Commission. The item was heard at the July 17, 2014 Planning Commission meeting. The Commission recommended approval as presented by staff (5-0, Maziar, Porter, Tart, Frostbaum and Squire for; Nickles absent and Duncan not voting).

At the August 5, 2014 City Council Work Session staff presented several amendment options for consideration by Council. Council directed staff to conduct additional research and bring recommendations back at a later meeting.

Staff presented additional alternatives to Council at the August 19, 2014 Regular Meeting and Council, through consensus, directed staff to prepare an amendment removing multifamily units as a permitted use in commercial districts. Council indicated that they wanted to ensure existing multifamily developments within the Commercial Zoning Districts are grandfathered and could be rebuilt if destroyed.

Staff modified the amendment language to incorporate multifamily uses that are existing or have an approved Land Disturbance Permit prior to September 2, 2014 as an allowable use. Staff is recommends **approval** of the amendment to remove multifamily units as a permitted use in the commercial districts, pursuant to the attached mark-up.

MARK-UP PURSUANT TA14-005

ARTICLE IX

SECTION 9.1

C-1 COMMUNITY BUSINESS DISTRICT

- 9.1.1. C-1 DISTRICT SCOPE AND INTENT. Regulations set forth in this section are the C-1 district regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative permits or use permits. The C-1 district is intended to provide locations in which neighborhood and community-oriented retail and service activities conclude a transition, or land areas which complement a transition into a more intense activity area. Complementary non-commercial uses are also permitted.
- 9.1.2. USE REGULATIONS. Within the C-1 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:
2. Apartment, above or behind commercial and office uses in the same building, which were issued development permits and/or certificates of occupancy prior to September 2, 2014.

ORDINANCE NO. _____

TA14-005

Reading: September 2, 2014

STATE OF GEORGIA
COUNTY OF FULTON

**AN ORDINANCE TO AMEND ARTICLE 9, COMMERCIAL DISTRICT REGULATIONS, OF
THE SANDY SPRINGS ZONING ORDINANCE TO CLARIFY PERMITTED USES**

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 Code to correct, clarify, and update the provisions of the Ordinance; and

WHEREAS, the commercial zoning districts currently allow for “apartments, above or behind commercial and office uses in the same building”; and

WHEREAS, there are no standards in the Zoning Ordinance that clearly outline how these apartments are to be developed or the amount of commercial and/or office space that is required; and

WHEREAS, there is no definition of apartment as the Zoning Ordinance refers to multifamily dwelling units and does not distinguish between owner and renter occupancy types; and

WHEREAS, an ordinance amendment is necessary to clarify how multifamily dwelling units are permitted in commercial districts.

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 9, *Commercial District Regulations*, of the Sandy Springs Zoning Ordinance is hereby amended pursuant to the attached mark-up.

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 September 2, 2014; and

ORDAINED this the 2nd day of September, 2014.

Approved:

Rusty Paul, Mayor

Attest:

Michael Casey, City Clerk
(Seal)