



To: John McDonough, City Manager

From: Angela Parker, Director of Community Development 

Date: August 12 2014 for Submission onto the August 19, 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:

DEFERRAL 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:

- Multifamily dwelling units should not be a permitted use in the commercial 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.

COMMUNITY DEVELOPMENT

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~~Multifamily dwelling units, above or behind commercial and office uses in the same building only for properties located in the area identified on the "Proposed Illustrative Master Plan" map found on Page X of the Sandy Springs City Center Master Plan adopted by City Council on December 18, 2012; said commercial and office uses shall be located along the entire frontage of the subject property. Should the subject property be a double or multiple frontage lot, said commercial and office uses shall only be required along the primary frontage as determined by the Director of Community Development.

ORDINANCE NO. _____

TA14-005

Reading: August 19, 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 August 19, 2014; and

ORDAINED this the 19th day of August, 2014.

Approved:

Rusty Paul, Mayor

Attest:

Michael Casey, City Clerk
(Seal)