SANDY SPRINGS
GEORGIA

CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council **DATE:** November 3, 2010

FROM: John McDonough, City Manager

AGENDA ITEM: **TA10-013** - An Ordinance to Amend Article 8, Multiple Use District Regulations, of the Sandy Springs Zoning Ordinance

MEETING DATE: For Submission onto the November 16, 2010, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Ordinance

APPROVAL BY CITY MANAGER: JTM *APPROVED*

_____ *NOT APPROVED*

PLACED ON AGENDA FOR: 11/16/2010

CITY ATTORNEY APPROVAL REQUIRED: (✓) *YES* ( ) *NO*

CITY ATTORNEY APPROVAL: _____

REMARKS:

SANDY SPRINGS
GEORGIA

To: John McDonough, City Manager

From: Blake J. Dettwiler, AICP, Director of Community Development BD

Date: November 3, 2010 for Submission onto the November 16, 2010 City Council Regular Meeting

Subject: Proposed TA10-013, An Ordinance to Amend Article 8, Multiple Use District Regulations, of the Sandy Springs Zoning Ordinance

---

Please find enclosed a proposed text amendment to Article 8, Multiple Use District Regulations, with corresponding mark-up.

Background:
Staff has had issues regarding the City's Zoning Ordinance. Therefore, it has been determined that the Zoning Ordinance should be reviewed in its entirety to ameliorate these issues and provide clarification of the current text.

Discussion:
Staff has determined to revise Article 8, Multiple Use District Regulations of the City's Zoning Ordinance as part of the comprehensive overhaul of the ordinance.

Planning Commission Recommendation:
The Planning Commission heard the amendment at the October 21, 2010 meeting and recommended approval as presented by staff (6-0, Thatcher, Pond, Maziar, Rubenstein, Rupnow, and Tart for; Duncan not voting).

Alternatives:
The City Council could choose to not recommend the changes prepared by staff.

cc: Wendell K. Willard, City Attorney

7840 Roswell Road, Building 500 • Sandy Springs, Georgia 30350 • 770.730.5600 • 770.393.0244 fax • www.sandyspringsga.org

~~ADOPTED BY MAYOR AND CITY COUNCIL, DECEMBER 27, 2005~~

ARTICLE VIII

SECTION 8.1

O-I OFFICE INSTITUTIONAL DISTRICT

8.1.1. O-I DISTRICT SCOPE AND INTENT. Regulations in this ~~Section~~ **section** are the O-I ~~District~~ **district** regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by ~~Administrative~~ **administrative** ~~Permit~~ **permit** or ~~Use~~ **use** ~~Permit~~**permit**. The O-I ~~District~~ **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~~**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~~ **administrative** ~~Permit~~ **permit** or ~~Use~~ **use** ~~Permit~~ **permit** shall be prohibited.

A. Permitted Uses. ~~Structures and~~ **A building or** ~~-~~land may be used for ~~-~~the following purposes:

1. Single family ~~dwellings~~**dwelling unit**
2. Two **(2)** family dwelling **units**~~s~~
3. Rooming house and ~~Boarding~~ **boarding** ~~house~~**house**
4. Art ~~Galleries~~**gallery**
5. Assembly ~~Halls~~**hall**
6. Church~~es~~, ~~Temples~~ **temple** or ~~Other~~ **other** ~~Places~~ **place** of ~~Worship~~**worship**
7. Clinics
8. Community ~~Center~~ **center** ~~Buildings~~**building**
9. ~~Convalescent Centers/~~Nursing ~~Homes~~**home**/~~Hospices~~**hospice**
10. Dancing ~~Schools~~ **school**
11. Day ~~Care~~ **care** ~~Facilities~~**facility**
12. Financial ~~Establishments~~ **establishment/institution**
13. Funeral ~~Homes~~**home**
14. Group ~~Residences~~**residence/shelter**
15. Gymnasium~~s~~
16. Health **c**~~C~~lub~~s~~/**s**~~S~~pa~~s~~
17. Hospital~~s~~
18. Hotel/**motel**~~s~~
19. Institution~~s~~ of ~~Higher~~ **higher** ~~Learning~~**learning**, ~~Business~~ **business**

~~Colleges~~college, ~~Music~~ music ~~Conservator~~conservatory~~ies~~, and ~~Similar~~ similar ~~Institutions~~ institutions

20. Library~~ies~~

~~21. Motels~~

~~22.~~21. Museum~~s~~

~~23.~~22. Office~~s~~

~~24.~~23. Parking ~~Garages~~ garage/d~~D~~eck~~s~~

~~25.~~24. Parking ~~Lots~~lot

~~26.~~25. Personal ~~Care~~ care ~~Homes~~home/assisted living

~~27.~~26. Recording ~~Studios~~ studio

~~28.~~27. Research ~~Laboratories~~ laboratory

~~29.~~28. Stadium~~s~~

~~28. Thrift Institutions~~

B. Accessory Uses. ~~Structures and~~A building or land may be used for uses customarily incidental to any permitted use and ~~a~~ the principal dwelling unit may be used for a home occupation. No more than twenty-five percent (25%) ~~percent~~ 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~~s~~ with no outdoor advertising; provided, however, ~~except~~ 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%) ~~percent~~ of the total floor area devoted to retail and service ~~business~~ commercial uses, and shall not occupy more than ten percent (10%) ~~percent~~ 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.~~A. Height Regulations. Buildings shall be no higher than 60 feet or 4 stories, whichever is higher, except when a Use Permit to exceed the maximum height is approved.~~

~~B. Minimum Front Yard - 40 feet~~

~~C. Minimum Side Yard~~

~~- 40 feet adjacent to street~~
~~- 20 feet interior.~~

~~D. Minimum Rear Yard - 25 feet~~

~~E. Minimum Lot Area Per Dwelling~~

~~Single Family 18,000 square feet~~
~~Two Family 18,000 square feet~~

~~F. Minimum Lot Width~~

~~- 100 feet for residential use only~~

~~G. Minimum O-I Lot Frontage~~

~~- 100 feet adjoining a street~~
~~- 35 feet adjoining a street for residential uses~~

~~H. Minimum Heated Floor Area~~

~~Single Family 1,100 square feet~~
~~Two Family 800 square feet~~

~~I. Minimum Accessory Structure Requirements~~

~~Single Family and Two Family Uses - Accessory structures may be located in the rear or side yards only but shall not be located within a minimum yard.~~

~~Multi-family 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 70 percent of the total land area.~~

8.1.4. OTHER REGULATIONS. The headings below contain provisions applicable to the O-I ~~District~~**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

~~Development Regulations. Article XXXIV~~
~~Exceptions. Section 4.3~~
~~Floodplain Management. Section 4.24~~
~~Off Street Parking and Loading. Article XVIII~~
~~Outside Storage. Section 4.2~~
~~Landscape Area and Buffer Regulations. Section 4.23~~
~~River Protection. Metropolitan River Protection Act~~
~~Signs. Article XXXIII~~
~~Noise Study Report, Article 28.4.7.~~

ARTICLE VIII

SECTION 8.2

MIX MIXED USE DISTRICT

8.2.1. MIX DISTRICT SCOPE AND INTENT. Regulations in this ~~Section~~ **section** are the MIX ~~District~~ **district** regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by ~~Administrative~~ **administrative** ~~Permit~~ **permit** or ~~Use~~ **use** ~~Permit~~**permit**. The MIX ~~District~~ **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~~ **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~~**living**-~~Working~~ **working** corridors.

8.2.2. USE REGULATIONS. The MIX ~~District~~ **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~~**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~~ **administrative** ~~Permit~~ **permit** or ~~Use~~ **use** ~~Permit~~ **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**

~~1. Single family dwellings~~
~~2. Duplexes~~
~~3. Townhouses~~
~~4. Multifamily dwellings~~
~~5. Rooming houses and Boarding houses~~
~~6. Art Galleries~~
~~7. Assembly Halls~~
~~8. Car Washes, detail shops 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. Convalescent Centers/Nursing Homes/Hospices~~
~~10. Churches, Temples or Other Places of Worship~~
~~11. Clinics~~
~~12. Community Center Buildings~~
~~13. Dancing Schools~~
~~14. Day Care Centers~~
~~15. Financial Establishments~~
~~16. Funeral Homes~~
~~17. Group Residence~~
~~18. Gymnasiums~~
~~19. Health Clubs/Spas~~
~~20. Hospitals~~
~~21. Hotels~~
~~22. Institutions of Higher Learning including Business Colleges, Music Conservatories, and Similar Institutions~~

~~23. Libraries~~
~~24. Museums~~
~~25. Offices~~
~~26. Parking Garages/Decks~~
~~27. Parking Lots~~
~~28. Personal Care Homes~~
~~29. Recording Studios~~
~~30. Research Laboratories~~
~~31. Retail and/or Service Establishments~~
~~32. Restaurants and/or Fast Food Restaurants~~
~~33. Stadiums~~
~~34. Theaters~~

B. ~~B.~~ Accessory Uses.~~-~~ Structures and land may be used for uses customarily incidental to any permitted use and ~~a~~ **the principal** dwelling **unit** may be used for a home occupation. No more than **twenty-five percent (25%)** ~~percent~~ 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.

~~A. Height Regulations. Structures shall be no higher than 60 feet, except with a Use Permit to exceed the maximum height.~~

~~B. Minimum Development Front Yard – As specified in conditions~~

~~C. Minimum Development Side Yards – As specified in conditions~~

~~D. Minimum Development Rear Yard - As specified in conditions~~

~~E. Minimum Development Frontage - 35 feet~~

~~F. Minimum Internal Setbacks, Separations , Landscaping and Buffering Between Uses - As specified in conditions~~

~~G. Minimum Lot Area (amended 10/21/08, RZ08-030, Ord. 2008-10-56) -~~

~~1. Single Family or Duplex – As specified in conditions.~~

~~2. All Other Uses – Parcels with a land use of Living Working Neighborhood shall have a minimum parcel size of 3 acres. Parcels with a land use of Living Working Community shall have a minimum parcel size of 5 acres. Parcels with a land use of Living Working Regional shall have a minimum parcel size of 10 acres.~~

~~H. Minimum Lot Frontage for Single Family or Duplex - 20 feet adjoining a~~

~~street~~

~~I. Minimum Lot Width for Single Family or Duplex - None, unless specified in conditions~~

~~J. Minimum Interior Setbacks for Single family or Duplex~~

~~1. Minimum Front Yard - As specified in conditions~~

~~2. Minimum Side Yard - As specified in conditions~~

~~3. Minimum Rear Yard - As specified in conditions~~

~~K. Minimum Building Separations – All building separations shall be as specified by the Standard Building Code.~~

~~L. Minimum Heated Floor Area Per Dwelling Unit - As specified in conditions~~

~~M. Minimum Accessory Structure Requirements~~

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

~~Multifamily 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 of Community Development, off-street parking as required by Article 18 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~~**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

~~A.~~ Signs, Article XXXIII, Zoning Ordinance~~Development Regulations. Article XXXIV~~

~~B. Exceptions. Section 4.3~~

~~C. Floodplain Management. Section 4.24~~

~~D. Off Street Parking and Loading. Article XVIII~~

~~E. Outside Storage. Section 4.2~~

~~F. Landscape Area and Buffer Regulations Section 4.23~~

~~G. River Protection. Metropolitan River Protection Act~~

~~H. Signs. Article XXXIII~~

~~I. Noise Study Report, Article 28.4.7~~

~~J.~~H.