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**CITY COUNCIL AGENDA ITEM**

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**TO:** Mayor & City Council

**DATE:** October 20, 2010

**FROM:** John McDonough, City Manager

**AGENDA ITEM:** TA10-014 - An Ordinance to Amend Article 9, Commercial District Regulations, of the Sandy Springs Zoning Ordinance

**MEETING DATE:** For Submission onto the November 2, 2010, City Council Work Session Meeting Agenda

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**BACKGROUND INFORMATION:** (Attach additional pages if necessary)

See attached:

Memorandum  
Ordinance

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**APPROVAL BY CITY MANAGER:**     jam     APPROVED

\_\_\_\_\_ NOT APPROVED

**PLACED ON AGENDA FOR:**     11/2/2010    

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

**CITY ATTORNEY APPROVAL:**     [Signature]    

**REMARKS:**



To: John McDonough, City Manager

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

Date: October 26, 2010 for Submission onto the November 2, 2009 City Council Work Session

Subject: Proposed TA10-014, An Ordinance to Amend Article 9, Commercial District Regulations, of the Sandy Springs Zoning Ordinance

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Please find enclosed a proposed text amendment to Article 9, Commercial 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 9, Commercial 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

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~~**section** are the C-1 ~~District~~**district** regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by ~~Administrative~~**administrative Permits**~~permits~~ or ~~Use~~**use Permits**~~permits~~. The C-1 ~~District~~**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~~**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.**

~~Any use not specifically designated as permitted shall be prohibited.~~

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

1. ~~1. Amusements, Indoor~~**indoor**
2. ~~2. Apartments, Above~~**above** or ~~Behind~~**behind Commercial**~~commercial~~ and
2. ~~Office~~**office** uses in the ~~Same~~**same Building**~~building~~
3. ~~3. Art Galleries~~**gallery**
4. ~~4. Assembly Halls~~**hall**
5. ~~5. Automotive Parking~~**parking Lots**~~lot~~
6. ~~6. Automotive Specialty~~**specialty Shops**~~shop~~
7. ~~7. Catering, Carry~~**carry-out** and ~~Delivery~~**delivery business**
8. ~~8. Church, Temple~~**temple** or ~~Other~~**other Place**~~place~~ of ~~Worship~~**worship**
9. ~~9. Clinics~~
10. ~~10. Convalescent Center/Nursing/Hospice~~
10. ~~11. Day Care~~**care Facilities**~~facility~~
11. ~~12. Delicatessens~~
12. ~~13. Financial Establishments~~**establishment/institution**
13. ~~14. Funeral Homes~~**home**
14. ~~15. Garage, Automobile~~**automobile Repair**~~repair~~ (except painting,

- body repair and overhaul of major components)
15. ~~16.~~ ~~Group Residences~~**residence**
16. ~~17.~~ ~~Gymnasiums~~
17. ~~18.~~ ~~Hospice~~
- ~~17.~~**18.** ~~Hotel/motels~~
- ~~18.~~**19.** ~~19.~~ ~~Health Club~~**club/s** ~~Spa~~
- ~~19.~~**20.** ~~20.~~ ~~Laundromats~~
- ~~20.~~**21.** ~~21.~~ ~~Landscaping Business~~**business**, ~~Garden~~**garden** ~~Center~~  
**center**
- ~~21.~~**22.** ~~22.~~ ~~Laundry and Dry~~**dry** ~~Cleaning~~**cleaning** ~~Shops~~**shop**
- ~~22.~~**23.** ~~23.~~ ~~Lawn Service~~**service** ~~Businesses~~**business**
- ~~23.~~**24.** ~~24.~~ ~~Libraries~~**Library**
- ~~24.~~**25.** ~~25.~~ ~~Communication Services~~**service**
- ~~25.~~**26.** ~~26.~~ ~~Millinery or Similar~~**similar** ~~Trade~~**trade** whenever  
products are sold retail, exclusively on the site where produced:
- ~~27.~~ ~~Motels~~
- ~~26.~~**27.** ~~28.~~ ~~Museums~~
- ~~28.~~ ~~29.~~ ~~Nursing home~~
- ~~27.~~**29.** ~~Offices~~
- ~~28.~~**30.** ~~30.~~ ~~Parking Garages~~**garage** ~~Decks~~**deck**
- ~~29.~~**31.** ~~31.~~ ~~Parking Lots~~**lot**
- ~~30.~~**32.** ~~32.~~ ~~Personal Care~~**care** ~~Homes~~**home/assisted living**
- ~~31.~~**33.** ~~33.~~ ~~Personal Services~~**service**, including barber, beauty
- ~~32.~~**34.** ~~34.~~ ~~Pet Grooming~~**grooming** (~~No~~**no** overnight stay)
- ~~33.~~**35.** ~~35.~~ ~~Photography Studios~~**studio**
- ~~34.~~**36.** ~~36.~~ ~~Plant Nurseries~~**nursery**
- ~~35.~~**37.** ~~37.~~ ~~Printing Shops~~**shop**, ~~Convenience~~**convenience**
- 38. Recycling center, collecting**
- ~~36.~~**39.** ~~38.~~ ~~Repair Shops~~**shop** not involving any manufacturing on the  
site
- ~~37.~~**40.** ~~39.~~ ~~Research Laboratories~~**laboratory**
- ~~38.~~**41.** ~~40.~~ ~~Restaurants~~
- ~~39.~~**42.** ~~41.~~ ~~Retail Stores~~**store** or ~~Shops~~**shop**
- ~~40.~~**43.** ~~42.~~ ~~School of Business~~**business**, ~~Dance~~**dance**, ~~Music~~**music** or  
similar schools
- ~~41.~~**44.** ~~43.~~ ~~Service Stations~~**station** (except that repair and service  
offerings shall not include painting, body repair nor overhaul of major  
components, and no portion of the site shall be used for the display of cars  
for sale)
- ~~42.~~**45.** ~~44.~~ ~~Stadiums~~
- ~~43.~~**46.** ~~45.~~ ~~Theaters~~
- ~~44.~~ ~~46.~~ ~~Reeyeling Centers, Collecting~~

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. Automobile and/or moving truck rental may be used ~~in~~**accessory** ~~to~~ a permitted use. Not more than ~~45~~**forty-five** percent (**45%**) of the floor area of a building or land may be devoted to storage incidental to ~~a~~ primary uses.

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

9.1.3. **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 permit to exceed the maximum height is approved.

A. **Minimum Front Yard:**

Forty (40) feet

B. **Minimum Side Yard:**

Twenty-five (25) feet for dwelling units adjacent to interior lot line

None for all other buildings

Forty (40) feet for all buildings adjacent to street

C. **Minimum Rear Yard:**

Twenty-five (25) feet for dwelling units adjacent to interior lot lines

None for all other buildings

D. **Minimum Lot Area:**

Multifamily dwelling units, including a unit above or behind a commercial use – Two thousand (2,000) square feet

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

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

**All other buildings – No minimum**

**E. Minimum Heated Floor Area Per Unit:**

**Single family dwelling unit - One thousand one hundred (1,100) square feet**

**Two (2) family dwelling unit – Eight hundred (800) square feet**

**Multifamily dwelling unit – Seven hundred (700) square feet**

**Efficiency dwelling unit – Four hundred fifty (450) square feet**

**F. Minimum Lot Frontage:**

**Thirty-five (35) feet adjoining a street**

**G. Minimum Accessory Structure Requirements:**

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

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

~~Height Regulations. No structure shall exceed the higher of 4 stories or sixty 60 feet in height except as approved pursuant to Article XIX.~~

~~B. Minimum Front Yard – 40 feet~~

~~C. Minimum Side Yard~~

~~– 25 feet for dwellings adjacent to interior lot lines~~

~~– None for all other buildings. See 4.23 for buffer and landscape requirements~~

~~– 40 feet for all buildings adjacent to streets~~

~~D. Minimum Rear Yard~~

~~– 25 feet for dwellings adjacent to interior lot lines~~

~~None for all other buildings. See Section 4.23 for buffer and landscape requirements~~

~~E. Minimum Lot Area~~

~~Multi-family Dwellings including a unit above or behind a commercial use  
2,500 square feet~~

~~Single family 18,000 square feet.~~

~~Two family 18,000 square feet~~

~~All other buildings no minimum~~

~~F. Minimum Heated Floor Area Per Unit~~

~~Single Family 1,100 square feet~~

~~Two family 800 square feet~~

~~Multi-family 700 square feet~~

~~Efficiency 450 square feet~~

~~G. Minimum Lot Frontage 35 feet adjoining a street~~

~~H. Minimum Accessory Structure Requirements~~

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

~~Other Use Accessory structures shall not be located in the minimum front yard.~~

9.1.4. OTHER REGULATIONS. The headings below contain provisions applicable to the C-1 ~~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 -IX

SECTION 9.2

C-2 COMMERCIAL DISTRICT

9.2.1. C-2 DISTRICT SCOPE AND INTENT. Regulations set forth in this ~~Section~~**section** are the C-2 ~~District~~**district** regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by ~~Administrative Permits~~**permits** or ~~Use~~**use Permits****permits**. The C-2 ~~District~~**district** is intended to provide locations in which community and regionally-oriented retail and service activities conclude a transition, or locations which complement a transition into a more intense activity area. Complementary non-commercial uses are also permitted.

9.2.2. USE REGULATIONS. Within the C-2 ~~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 permit or use permit shall be prohibited.**

~~Any use not specifically designated as permitted shall be prohibited.~~

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

1. Any ~~Use~~**use Permitted****permitted** in the C-1 ~~District~~**district**
2. Automotive ~~Garage~~**garage**
3. Automotive ~~Repair~~**repair** ~~Garage~~**garage**
4. Automobile ~~& and Light Truck~~**truck** ~~Sales~~**sales** ~~Leasing~~**leasing**
5. Batting ~~Cage~~**cage**, ~~Outdoor~~**outdoor**
6. Bowling ~~Alley~~**alley**
7. Car Wash
8. Check ~~Cashing~~**cashing** ~~Establishment~~**establishment**
9. Drive-in ~~Theater~~**theater**
10. Garage, ~~Automobile~~**automobile** ~~Repair~~**repair**
11. Landscaping ~~Business~~**business**
12. Lawn ~~Service~~**service** ~~Business~~**business**
13. Laundry and/or ~~Dry~~**dry** ~~Cleaning~~**cleaning** ~~Plant~~**plant** ~~Distribution~~**distribution** ~~Center~~**center** (n. ~~Not~~ including processing, fabrication or manufacturing)
14. Pawn ~~Shop~~**shop**
15. Plant ~~Nursery~~**nursery**
16. Plumbing ~~Shop~~**shop** associated with retail sales
17. Radio and ~~Television~~**television** ~~Stations~~**stations**
18. Service ~~Establishments~~**establishments**

19. Skating ~~r-Rink~~

~~19.20.~~ Tinsmithing ~~Shop-shop~~ associated with retail sales

- ~~B. B. ———~~ Accessory Uses. ~~Structures and~~ **A building or** land may be used for uses customarily incidental to any permitted use and **the principal** dwellings **unit** may be used for a home occupation.
- C. Additional Uses. Additional uses may be allowed by administrative or use permit, pursuant to Article XIX of this Ordinance.**

9.2.3. DEVELOPMENT STANDARDS.

~~A.~~

**A. Height Regulations:**

**A building shall be no higher than sixty (60) feet or four (4) stories, whichever is higher, except when a permit to exceed the maximum height is approved.**

**B. Minimum Front Yard:**

**Forty (40) feet**

**C. Minimum Side Yard:**

**Twenty-five (25) feet for dwelling units adjacent to interior lot line**

**None for all other buildings**

**Forty (40) feet for all buildings adjacent to street**

**D. Minimum Rear Yard:**

**Twenty-five (25) feet for dwelling units adjacent to interior lot lines**

**None for all other buildings**

**E. Minimum Lot Area:**

**Multifamily dwelling units, including a unit above or behind a commercial use – Two thousand five hundred (2,500) square feet**

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

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

All other buildings – No minimum

**F. Minimum Heated Floor Area Per Unit:**

Single family dwelling unit - One thousand one hundred (1,100) square feet

Two (2) family dwelling unit – Eight hundred (800) square feet

Multifamily dwelling unit – Seven hundred (700) square feet

Efficiency dwelling unit – Four hundred fifty (450) square feet

**G. Minimum Lot Frontage:**

Thirty-five (35) feet adjoining a street

**H. Minimum Accessory Structure Requirements:**

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

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

~~Height Regulations. No structure shall exceed the higher of 4 stories or sixty 60 feet in height except as approved pursuant to Article XIX.~~

~~B. Minimum Front Yard 40 feet~~

~~C. Minimum Side Yard~~

~~—25 feet for dwellings adjacent to interior lot lines~~

~~—None for all other buildings. See 4.23 for buffer and landscape requirements~~

~~—40 feet for all buildings adjacent to streets~~

~~D. Minimum Rear Yard~~

~~—25 feet for dwellings adjacent to interior lot lines~~

~~—None for all other buildings. See 4.23 for buffer and landscape requirements~~

~~E. Minimum Lot Area~~

~~—Multiple Dwellings including a unit above or behind a commercial use—  
2,500 square feet~~

~~—Single family 18,000 square feet~~

~~—Two family 18,000 square feet~~

~~—All other buildings—no minimum~~

~~F. Minimum Heated Floor Area~~

~~—Single Family 1,100 square feet~~

~~—Two family 800 square feet~~

~~—Multi family 700 square feet~~

~~—Efficiency 450 square feet~~

~~G. Minimum Lot Frontage – 35 feet adjoining a street~~

~~H. Minimum Accessory Structure Requirements~~

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

~~Other Use – Accessory structures shall not be located in the minimum front yard.~~

9.2.4. OTHER REGULATIONS. The headings below contain provisions applicable to the C-2 ~~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~~