

STATE OF GEORGIA

CITY OF DUNWOODY

ORDINANCE NO. 2018-__

AN ORDINANCE TO AMEND CHAPTER 27 (ZONING ORDINANCE) TO AMEND ARTICLE II (ZONING DISTRICTS); AND FOR OTHER PURPOSES

WHEREAS, the Mayor and Council of the City of Dunwoody (“City Council”) are charged with creating the zoning plan for the City of Dunwoody; and

WHEREAS, The Mayor and Council wish to amend the language of the zoning ordinance so that it is in substantial conformance with the language contained in the comprehensive plan.

THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DUNWOODY, GEORGIA HEREBY ORDAIN:

Section 1: Chapter 27, relating to the Zoning Ordinance is hereby amended by Amending Division IV of Article II to read as follows:

Sec. 27-104(C)(1) - Description and Intent:

*“The PC-2 District is meant primarily for employment uses, **limited** residential buildings, and limited shopfront retail and services”*

Section 2

a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section paragraph, sentence, clause or phrase of this Ordinance.

c. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 3

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 4

This Ordinance shall be codified in accordance with state law and the Code of the City of Dunwoody, Georgia. This Ordinance shall become effective upon adoption.

SO ORDAINED, this ____ day of _____, 2018.

Approved by:

Approved as to Form and Content

Denis L. Shortal, Mayor

City Attorney

Attest:

Sharon Lowery, City Clerk

SEAL

MEMORANDUM

To: City Council
 From: John Olson, AICP
 Planning Manager
 Date: July 23, 2018
 Subject: Text Amendment to City of Dunwoody Ordinances
 Chapter 27, Article II, Division 5 – Perimeter Center Districts

ITEM DESCRIPTION

The subject items are a consideration of zoning text amendments to Chapter 27, Article II, Division 5, (c) PC-2 District, (1) Description and Intent.

BACKGROUND

The City's Comprehensive Plan and PC-2 District zoning include separate purpose and intent statements for the PC-2 district. According to the Comprehensive Plan, the PC-2 District is intended for *'employment uses, limited shop front retail, residential and services'* (See Exhibit A); on the other hand, the City's zoning ordinance calls for *'employment uses, residential buildings, and limited shopfront retail and services'* (See Exhibit B). While the City's Comprehensive Plan and zoning ordinance both provide a description and intent for uses within the PC-2 District, the above verbiage indicates that they vary when comes to defining residential as 'limited'. In an effort to align the purpose and intent statements of Comprehensive Plan and PC-2 District, the Mayor has requested staff to insert the word 'limited' into *Chapter 27, Article II, Division 5, (c) PC-2 District, (1) Description and Intent*. With the above-mentioned revision included into the text of the zoning, it is proposed to read as follows:

Chapter 27, Article II, Division 5, (c) PC-2 District, (1) Description and Intent:

"The PC-2 District is meant primarily for employment uses, limited residential buildings, and limited shopfront retail and services"

PLANNING COMMISSION

At their June 12th meeting, the Planning Commission reviewed the above text amendment. In the meeting they discussed the fact that the word 'limited' is very broad in nature, and suggested it should be defined if inserted into the text. In addition, they said the City should consider identifying undesirable types of residential for the PC-2 District. Staff discussed these suggestions with the Commission, and stated that defining "limited residential" and identifying undesirable residential uses would involve a much larger discussion that would take many months to resolve. Following discussion, the Commission opted not seek this path, and motioned to deny the text amendment. The motion passed unanimously 7-0.

RECOMMENDATION

It is the opinion of staff that inserting the word 'limited' residential into the intent statement of the PC-2 district would create ambiguity in terms of the nature of residential uses within the district. Equally as important, the requested verbiage does not, to any degree, explain how residential would be limited; as a result, staff recommends denial of the request as proposed.

Attachments:

- A. Zoning Ordinance
- B. Applicable section of Comprehensive Plan
- C. Applicable section of Zoning Ordinance

27-104 Districts

PC-2 District

(c) PC-2 District

Requirements for this district are provided in Figure 27-104-3. PC-2 District Requirements.

(1) Description & Intent. The PC-2 District is meant primarily for employment uses, residential buildings, and limited shopfront retail and services.

PC-2 DISTRICT REQUIREMENTS			Reference
PERMITTED BUILDING TYPES	Shopfront	● Permitted on Primary Street frontages only. Refer to Figure 27-98-2 Street Types Map.	27-105 Building Types
	General	●	
	Townhouse	●	
	Detached House	●	
	Civic	●	
USE MIX	Minimum Mix of Uses	No mix required	27-104(f) Uses
HEIGHT	Minimum	1 story; single story buildings shall be 18 to 24 feet in height.	27-230 for transition yards; 27-105(a)(9)e for perimeter buffer; 27-105(b)(2) for floor-to-floor heights per Building Type
	Maximum: less than 100 feet from a lot line adjacent to single family zoning district	3 stories or 35 feet, whichever is less	
	Maximum: between 100 feet and 500 feet a lot line adjacent to single family zoning district	5 stories or 70 feet, whichever is less	
	Maximum: greater than 500 feet to a lot line adjacent to single family zoning district	14 stories or 180 feet, whichever is less	
	Additional Height: in any location	Additional height may be approved as a condition of rezoning or, if already zoned, with a special land use permit	
STREETS & BLOCKS	Streets & Block Configurations	Required per Figure 27-104-1 Regulating Map & Figure 27-98-2 Street Types Map	27-98(c) Streets & Blocks
	Minor Parkway	●	27-98(b) Street Types
	Primary Street	●	
	Secondary Street	●	
	Secondary Street Narrow	●	
SITE COVERAGE	Maximum Impervious Cover	65 percent	27-621 Terms Defined
	Maximum Impervious plus Semi-Pervious Cover	75 percent	
OPEN SPACE REQUIREMENTS	One Open Space Type is required within 1/4 of a mile of the principal entrance(s) to each building. For developments over 18 acres, at least one Open Space Type shall be a minimum of 1 contiguous acre in size. For developments with a floor-area-ratio over 12, one additional Green or Park Open Space Type is required		27-106 Open Space Types
	When multiple open spaces are required, no more than 2 of any one type may be utilized to meet the required open space.		
	Plaza	●	
	Green	●	
	Commons	●	
	Park	●	

● = permitted

Figure 27-104-3. PC-2 District Requirements

PERIMETER CENTER

Vision/Intent

Perimeter Center will be a visitor friendly “livable” regional center with first-class office, retail, entertainment, hotels, and high-end restaurants in a pedestrian and bicycle-oriented environment. The area will serve as a regional example of high quality design standards. The City of Dunwoody works in partnership with the Perimeter Community Improvement Districts (PCIDs) and adjacent communities to implement and compliment the framework plan and projects identified in the Perimeter Center Livable Centers Initiative study (LCI) and its current and future updates.

In the future, the area should add public gathering space and pocket parks, venues for live music and entertainment and continue to create transportation alternatives, mitigate congestion, and reduce remaining excessive surface parking. The area creates the conditions of possible true “live-work” environment. All future development continues to emphasize high quality design standards and building materials and incorporates the current national best practices on energy efficiency, where possible.

The City of Dunwoody recognizes the value of creating mixed-use, transit-oriented development within walking distance of public transit stations. However, the City has concerns about the impact of such development on the City’s infrastructure and schools.

Future Development

The Perimeter Center Character Area will be divided into four subareas (PC-1, PC-2, PC-3, and PC-4) which match the draft proposed overlay district outline that the City is reviewing as part of the Perimeter Center Zoning Code. This area was the subject of a previous LCI Study. The cities of Dunwoody, Sandy Springs, and Brookhaven work in partnership with the Perimeter Community Improvement Districts (PCIDs) to implement and complement the framework plan and projects identified in the Perimeter Center Livable Centers Initiative study (LCI) and its current and future updates.

For specific recommendations on height, density and use refer to the provisions of the Perimeter Center Overlay District and Zoning, available from the Dunwoody Community Development Department.

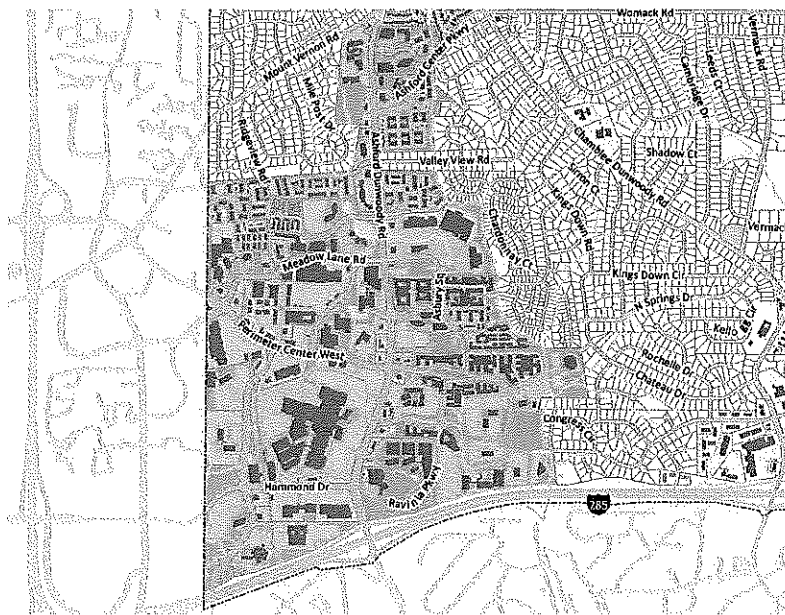


FIGURE 13: Perimeter Center Character Area Map

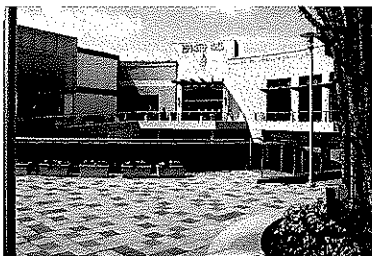
PC-1: Intended to apply to the central core area of Perimeter Center, including the area directly surrounding the Dunwoody MARTA train station. This district allows for the highest intensity of buildings, a high level of employment uses, and active ground story uses and design that support pedestrian mobility.

PC-2: Made up primarily of employment uses and limited shop front retail, residential, and services.

PC-3: A smaller scale, less intensive commercial district, permitting both shop front and office buildings.

PC-4: Made up primarily of residential uses at a scale that provides a transition between the intensity of Perimeter Center and the surrounding single-family residential neighborhoods.

Action Items



▲ Perimeter Mall



▲ Housing in Perimeter Center