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**To: Mayor and Council**  
**From: Richard McLeod, Director of Community Development**  
**Date: December 9, 2019**  
**Subject: Temporary Moratorium for the Dunwoody Village Overlay**

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## **ITEM DESCRIPTION**

Due to several requests on staff for approvals of land development or buildings permits in the Dunwoody Village Overlay a temporary moratorium is requested to allow the City to complete the Dunwoody Overlay Master plan rewrite or changes for the area. The amount of time for the moratorium is 180 days.

## **BACKGROUND**

Staff has been working since January of 2019 with TSW of Atlanta on the planning and rewrite of the Overlay and the master plan. Staff and TSW does have a draft version of the code written and has presented it to the public. We are planning on bringing it to the planning commission and the city council in the coming months for approval.

## **RECOMMENDATION**

The resolution is attached and staff does support this request.

Denis Shortal Mayor  
Eric Linton, ICMA-CM City Manager  
Sharon Lowery, CMC City Clerk

Pam Tallmadge City Council Post 1  
Jim Riticher City Council Post 2  
Tom Lambert City Council Post 3

Terry Nall City Council Post 4  
Lynn Deutsch City Council Post 5  
John Heneghan City Council Post 6

Packet page:...

**A RESOLUTION ESTABLISHING A TEMPORARY MORATORIUM ON THE  
ACCEPTANCE OF NEW OR REVISED APPLICATIONS FOR SPECIAL USE  
APPROVAL, PERMITTED USE APPROVAL, OR BUILDING, LAND  
DISTURBANCE, SITE PLAN AND DESIGN REVIEW OR OTHER PERMITS FOR  
ANY CONSTRUCTION IN THE DUNWOODY VILLAGE OVERLAY DISTRICT**

**WHEREAS,** the Mayor and City Council of the City of Dunwoody (“City Council”) are charged with the protection of the public health, safety and welfare of citizens of the City of Dunwoody (“City”); and

**WHEREAS,** the City currently has a Dunwoody Village Overlay District (“Village Overlay”) which has been adopted over the Dunwoody Village area of the City as defined in the Village Overlay (“Village Overlay Area”); and

**WHEREAS,** a copy of the current Village Overlay is attached hereto as Exhibit “A”; and

**WHEREAS,** in January, 2019 the City began the process of developing an amendment to the Village Overlay; and

**WHEREAS,** after a period of analysis and input from the City Council, City Staff and the public, a proposed amendment to the Village Overlay has been completed and is prepared to move through the zoning process for anticipated adoption by the City (“Village Overlay Amendment”); and

**WHEREAS,** the Mayor and Council believe that it is in the best interest of the City that a temporary moratorium be enacted regarding the Village Overlay Area to prohibit the filing of any new Applications for Special Use Approval, Permitted Use Approval, or Building, Land Disturbance, Site Plan and Design Review, or other Permits such moratorium will allow the City the opportunity to move the Village Overlay Amendment through the zoning process to receive public input and for the City council to consider the Village Overlay Amendment for adoption; and

**WHEREAS,** it is determined that a temporary moratorium of 180 (one hundred-eighty) days is the minimum time necessary to allow for a full evaluation of the Village Overlay Amendment via the zoning process and potential adoption by the City;

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DUNWOODY, GEORGIA:**

**Section 1.** The Moratorium imposed herein incorporates the findings and statements set forth in the preceding “whereas” clauses and such clauses are made a part of this moratorium, and the aforesaid recitals are not mere recitals, but are material portions of this Resolution; and

**Section 2.** This moratorium becomes effective immediately upon adoption of this resolution; and

**Section 3.** From the time of adoption of this moratorium notwithstanding any provisions of the Code of Ordinances of the City of Dunwoody, to the contrary, there shall be a complete moratorium on the filing, consideration, or approval of any new Applications for Special

**STATE OF GEORGIA  
CITY OF DUNWOODY**

**RESOLUTION 2019-XX-XX**

Use Approval, Permitted Use Approval, or Building, Land Disturbance, Site Plan and Design Review, or other Permits in the Village Overlay Area; and

**Section 4.** During the moratorium neither the City nor any of its departments or staff shall accept, process or review new or revised applications for Applications for Special Use Approval, Permitted Use Approval, or Building, Land Disturbance, Site Plan and Design Review, or other Permits within the Village Overlay Area; and

**Section 5.** This moratorium shall expire at **11:59 pm. On June 6, 2020**, and be of no further force and effect, unless shortened or extended by an official action of the Mayor and City Council of the City of Dunwoody; and

**Section 6.** The moratorium period adopted herein is deemed to be the appropriate minimum time for the development of such regulations without unduly diminishing the rights of individuals; and

**Section 7.** This Resolution shall not apply to or otherwise effect completed applications duly filed prior to the effective date of this Resolution, however, this moratorium shall apply to all applications which have not been completed and are revised in any manner by the applicant; and

**Section 8.** The provisions of this Resolution are severable, and should any section, subsection, sentence, clause, phrase or other portion of this Resolution, or its application to any person, entity or circumstance, be held by a court of competent jurisdiction to be unconstitutional or invalid, the remainder of the Resolution, or application of the provision to other persons, entities or circumstances, shall not be affected.

Approved:

\_\_\_\_\_  
Denis L. Shortal, Mayor

Attest:

\_\_\_\_\_  
Sharon Lowery, City Clerk

(Seal)

Approved As To Form:

\_\_\_\_\_  
City Attorney

- **Sec. 27-97. - DVO, Dunwoody Village Overlay.**

(a)

*Purpose and intent.* The Dunwoody Village Overlay district is primarily intended to implement the policies and objectives of the comprehensive plan and the Dunwoody Village Master Plan. It is further intended to help:

(1)

Maintain and enhance the identity and image of the Dunwoody Village area;

(2)

Accommodate and promote walkable, development patterns containing a complementary mix of land uses;

(3)

Create new opportunities for public open spaces and gathering spaces in the commercial core of Dunwoody;

(4)

Ensure that new development and substantial additions to existing buildings are designed to promote the Dunwoody Village Overlay as an area of unique character while requiring that all new construction makes use of design standards and materials that enhance the district, complement existing character, and allow for the introduction of new design elements while encouraging the addition of walkability and green space;

(5)

Support efforts to create a vibrant shopping and entertainment area in which merchants and businesses thrive and grow, thereby helping to maintain property values and keeping vacancy rates low; and

(6)

Maintain and enhance the area's role as a place for civic activities and public gatherings within well-designed open spaces.

(b)

*Redevelopment.* The city council anticipates that in the future a developer may desire to redevelop all or portions of the Dunwoody Village area, and that the type of redevelopment proposed may be difficult or impossible to carry out under the existing zoning. To accommodate and encourage large-scale redevelopment in accordance with the approved Dunwoody Village Master Plan, the city council may consider rezoning or planned development (PD) development proposals.

(c)

*Site plan review.* No building permit may be issued for buildings that are subject to one or more of the overlay district regulations of this section until the building has been reviewed through the site plan

review process prescribed in article V, [division 10](#). In order to ensure compliance with the requirements set forth in this section, a code compliance certificate (CCC) shall be required prior to approval of any building permit for any exterior and building facade additions, improvements, or renovations within the Dunwoody Village Overlay.

(d)

*Architecture and design.* The architecture and design regulations of this subsection apply within the Dunwoody Village Overlay district to all new buildings, additions, and exterior renovations to building facades. Work that includes maintenance and repair of the existing doors, windows, paint and roofs does not apply. These requirements govern in the event of conflict with other DVO district and base zoning regulations.

(1)

*Exterior materials.*

a.

*Predominant exterior materials.* Exterior finish materials must include brick, natural stone, wood, cement-based siding, and/or hard coat stucco.

b.

*Secondary exterior materials.* Secondary façade materials include all predominant materials. Other materials may be approved by the director of community development during the site plan process.

c.

*Accent materials.* The following materials may be used for trim, details, soffits, eaves, and other accent areas: all predominant exterior material, wood or painted wood; PVC/cementitious trim boards, aluminum and other durable metals. Other materials may be approved by the director of community development.

d.

*Restrictions.* The use of plain CMU block, aluminum siding, and vinyl materials are prohibited as a façade material.

e.

*Roof materials.* Acceptable roofing materials include asphalt shingles, wood shingles, reflective flat roofing systems, and other materials approved by the director of community development. Wherever asphalt shingles are used, they shall be a minimum three-dimensional architectural type. Standing seam metal roofs are permitted only as accents on porches or dormers.

(2)

*Building facades.*

a.

Provide front entrance(s) that are distinct and visible from the street, but should not exaggerate or double the height of the entrance.

b.

Simple massing is preferred and should be used with stoops, porches, galleries, arcades, roof eaves, and/or balconies to provide expressive character.

c.

Facades shall provide a discernable base, middle and cap that are clearly defined by horizontal elements along the bottom and top of the building. Expression of the elements should be handled through changes in material selection, color, or plane. Use of horizontal bands, cornices, and/or varied window patterns can assist in expression.

d.

Building wall materials may be combined on each facade only horizontally, with the lighter above more substantial materials.

e.

All glass shall be clear and free of color.

f.

Low pitch or flat roofs shall be enclosed by a parapet that is a minimum of 42 inches in height, or a greater height as necessary to conceal mechanical equipment.

g.

Hardwood used for rafters, fascia boards and all visible portions of roof decking shall be varnished, oiled, stained or painted. Pressure treated wood shall be painted.

(e)

*Signs.* All signs within the Dunwoody Village Overlay district are subject to the requirements of the city's sign ordinance and the following additional regulations:

(1)

Signs must be designed and constructed to be compatible with the architectural style that is characteristic of the Dunwoody Village Overlay district area.

(2)

Ground signs must be monument-style signs with a brick base.

(3)

For lots containing nine or fewer storefronts, ground signs may not exceed eight feet in height and eight feet in width.

(4)

For lots containing ten or more storefronts, ground signs may not exceed 12 feet in height and eight feet in width.

(5)

Temporary signs are prohibited except for new businesses as permitted in [chapter 20](#) and pole banners as permitted in [chapter 26](#) of the Municipal Code.

(6)

Signs must have a matte finish and be constructed of wood or other substitute material approved by the design review advisory committee because of its wood-like appearance and durability.

(7)

Neon, gas, colored, flashing, animated, marquee, sound emitting, fluorescent, rotating or otherwise moving signs are prohibited. This prohibition notwithstanding, a single LED or neon sign up to two square feet in area is allowed, provided that the sign does not employ any flashing, animation, movement or sound and provided that the sign may be illuminated only during hours in which the establishment is open for business.

(8)

Sign shape and lettering is limited as follows:

a.

Sign facing must be flat in profile and may not exceed eight inches in thickness.

b.

Sign lettering and logo content may not exceed 18 inches in height.

(9)

Standard informational signs:

a.

May not be more than three feet above grade;

b.

May not exceed six square feet in area;

c.

May not have more than two sign faces;

d.

May not be made from flexible materials, such as vinyl, cloth or paper;

e.

Must be free-standing and not attached to permanent or temporary structures;

f.

Must comply with the color standards of the district; and

g.

Must be maintained in good repair.

(f)

*Parking and circulation.* The parking and circulation regulations of article IV, division 4, apply within the Dunwoody Village Overlay district except as modified by the following regulations:

(1)

New nonresidential buildings and nonresidential uses and additions to existing nonresidential buildings and nonresidential uses may not provide more than five parking spaces per 1,000 square feet of floor area for restaurants and three parking spaces per 1,000 square feet for all other uses. This provision does not require that existing "excess" parking spaces be removed.

(2)

Parking areas must be separated from the main road by a minimum distance of 30 feet and include at least the landscaping required by [section 27-229](#). Wherever possible, parking must be confined to the rear of structures or be placed underground.

(g)

*Landscaping and open space.*

(1)

The landscaping and screening regulations of article IV, division 2, apply within the Dunwoody Village Overlay district. See also subsection (i).

(2)

Street tree regulations of [chapter 16, section 16-238](#) shall apply within the Dunwoody Village Overlay district.

(3)

For any redevelopment, all open space provided within Dunwoody Village shall comply with the open space requirements in [section 27-106](#).

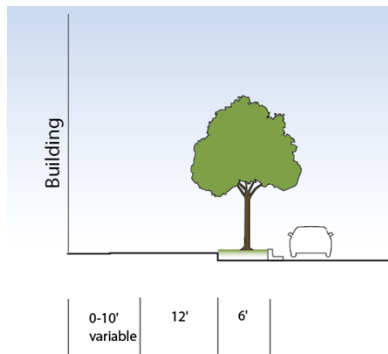
(h)

*Streetscape and pedestrian amenities.*

(1)



The streetscape and pedestrian regulations of this subsection apply within the Dunwoody Village Overlay District to all new buildings, additions, and exterior renovations. A minimum six-foot wide landscape area must be established abutting the back of the curb along abutting public and private streets. This landscape area must adjoin a minimum 12-foot wide sidewalk. Buildings must abut the sidewalk or be located within ten feet of the sidewalk. If buildings are set back from the edge of the required 12-foot sidewalk, the setback area must include features such as outdoor dining and seating areas, plazas and landscaped open spaces that provide a safe, comfortable and active environment for pedestrians.



(2)

Lighting must conform to the following:

a.

Pedestrian and street lighting must be placed in the landscape zone at intervals of 90 to 100 feet on center and must be equal distance from required street trees.

b.

Pole height may not exceed 15 feet.

c.

Light poles and lamps must be selected from the city's approved streetscape list, which is available in the community development department; alternative designs may be approved on a case-by-case basis with the approval of the community development director.

(3)

Furniture must be provided as follows:

a.

Benches and trash and recycling receptacles must be installed every 250 feet along the public street and at each building entrance adjacent to a pedestrian walkway.

b.

Furniture must be selected from the city's approved streetscape list, which is available in the community development department; alternative designs may be approved on a case-by-case basis with the approval of the community development director.

(4)

Maintenance of trash and recycling receptacles, including servicing, repair, and replacement, is the full responsibility of the nearest adjacent property owner.

(5)

Recycling receptacles must be clearly identified with symbols and/or text indicating its intended use for recyclables.

(i)

*Public areas, service areas, retaining walls, and drive-thrus.*

(1)

Public plazas and outdoor dining areas must be easily accessible to pedestrians and provide protection from vehicular traffic by means of their location and design.

(2)

All dumpsters and other building service areas must be concealed from view of public rights-of-way, publicly accessible areas of the site and residential zoning districts. All dumpsters must be concealed with secured gates screening in accordance with [section 27-231](#).

(3)

Retaining walls must comply with the city building code. Visible areas of retaining wall must be covered with the face brick or stone of the downhill neighbor with a roll lock at the top. Horizontal wall expanses exceeding 20 feet must include offset pilasters with the same brick or stone rising three courses above the top of the adjoining wall and finished with a double course capital of the same brick or stone.

(4)

Evergreen hedges and street walls may be used to mask parking, so long as they are no less than 75 percent opaque and built along the build-to-line. Street walls shall be a minimum of 3.5 feet in height. The street wall shall have other individual openings not exceeding four square feet in area at height of less than 3.5 feet.

(5)

All utilities must be placed underground unless otherwise approved by the director of community development and the public works director.

(6)

Drive-thrus for new buildings are prohibited.

(j)

*Building placement.* The form and design regulations of this subsection apply to all new buildings, and additions to existing buildings within the DVO-district that result in an increase of ten percent or more in the buildings gross floor area. These requirements govern in the event of conflict with other [chapter 27](#) zoning regulations.

(1)

*Build-to-zone.*

a.

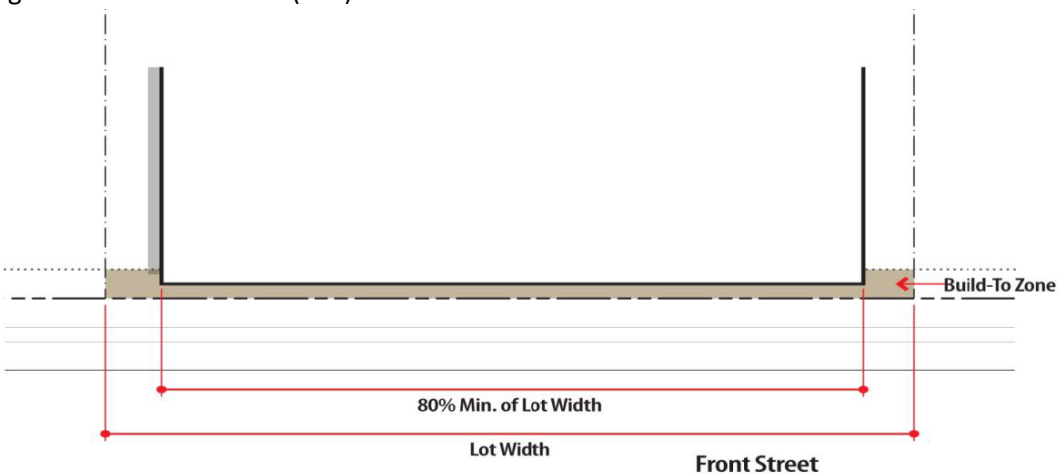
The build-to zone is the area on the lot where a certain percentage of the front building façade must be located, measured as a minimum and maximum yard (setback) range from the edge of the right-of-way. The requirements are as follows:

| <b>Build-to-Zone</b>                                   |      |
|--|------|
| Minimum/maximum (feet)                                 | 0/10 |
| Minimum percent of building in build-to-zone (percent) | 80   |
| <b>Parking Setback</b>                                 |      |
| Minimum (feet)   | 30   |

b.

The required percentage specifies the amount of the front building façade that must be located in the build-to zone, based on the width of the front building façade divided by the width of the lot.

Figure 7-1: Build-to-Zone (BTZ)



c.

Outdoor open space, plazas and outdoor dining areas are counted as part of the building for the purpose of measuring compliance with build-to-zone requirements, provided that:

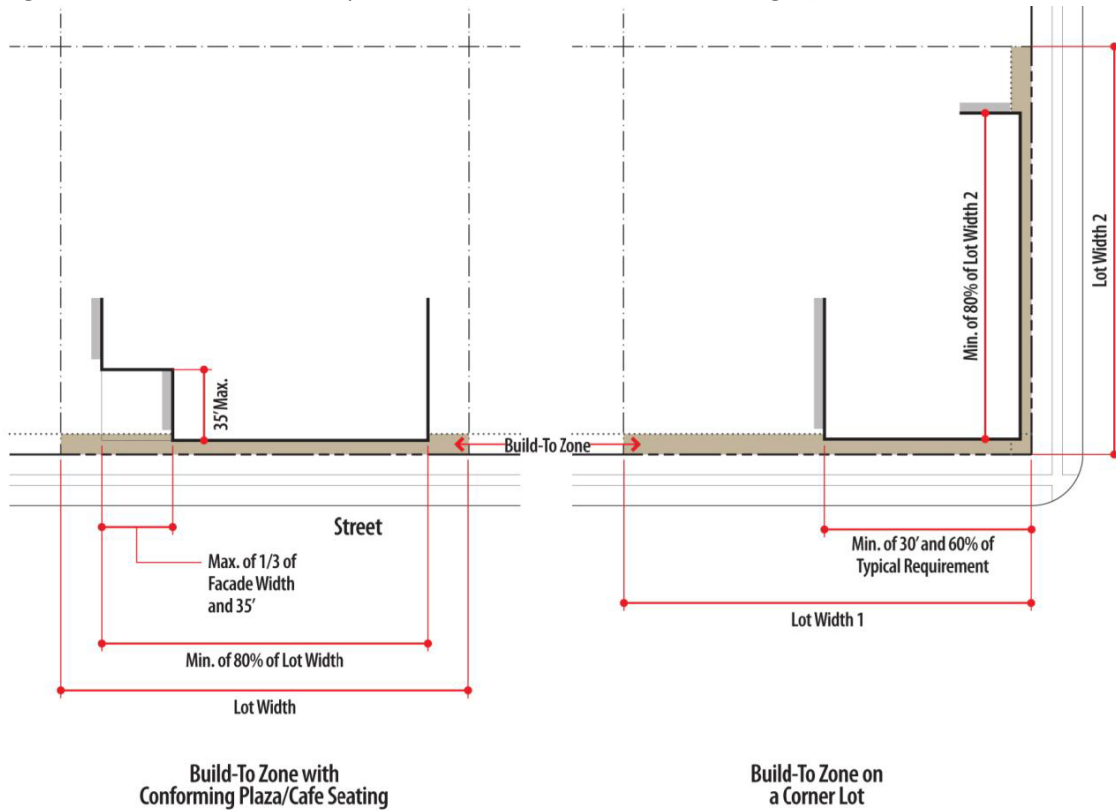
1.

The area does not exceed one-third the length of the building face or 35 feet, whichever is less; and

2.

The area is no more than 35 feet in depth (see Figure 7-2).

Figure 7-2: BTZ with allowed plaza (left) and BTZ on corner lot (right)



d.

On corner lots, minimum requirements governing the percent of building façade that must be located in the build-to-zone may be reduced by 60 percent along one of the frontages, at the property owner's option, provided that a building façade must be placed in the build-to zone for the first 30 feet along each street extending from the corner (the intersection of the build-to-zones) (see Figure 7-2).

(2)

*Transparency.*

a.

Transparency regulations govern the percentage of a street-facing building façade that must be covered by glazing (e.g., transparent windows and doors). The minimum requirements are as follows:

| Transparency             |    |
|--------------------------|----|
| Minimum ground story (%) | 65 |
| Minimum upper story (%)  | 20 |

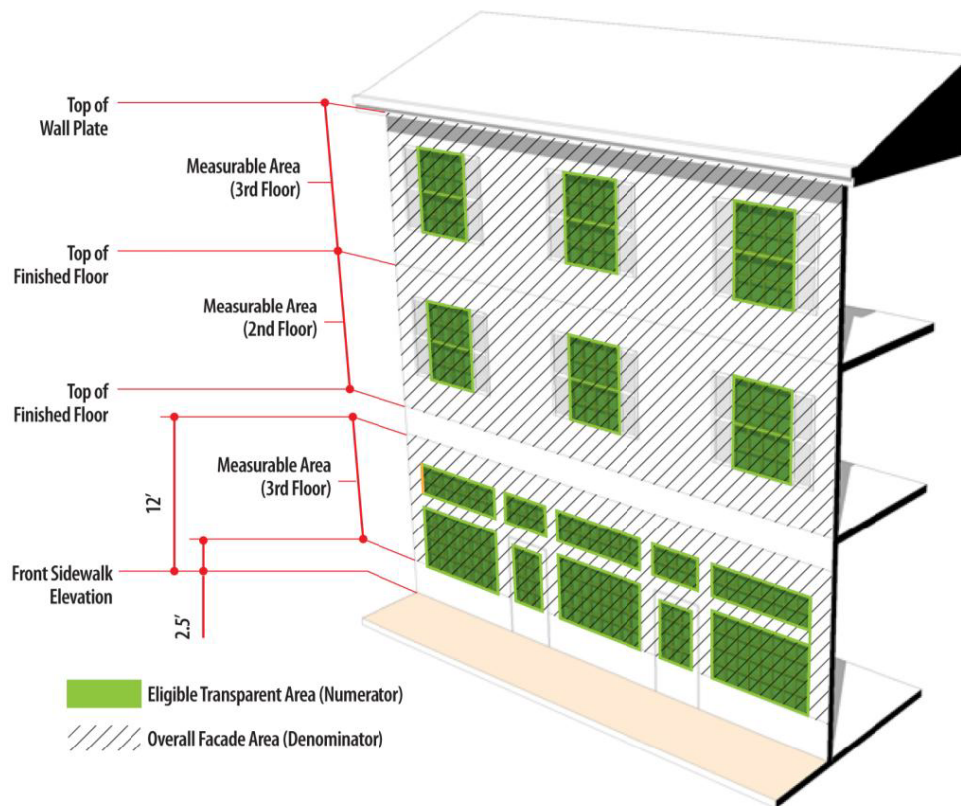
b.

The transparency of a ground story façade is measured between 2.5 and 12 feet above the adjacent sidewalk.

c.

The transparency of an upper-story façade is measured from top of the finished floor to the top of the finished floor above. When there is no floor above, upper-story transparency is measured from the top of the finished floor to the top of the wall plate (see Figure 7-3).

Figure 7-3: Transparency Measurements



d.

Glazed element must be clear and non-reflective and not be painted or tinted, provided that low-emission (Low-E) glass coatings are permitted.

e.

On the ground floor or street level, finished ceiling heights must be a minimum of 12 feet tall.

f.

Along street frontages, the base of the building and entrances shall be at the average level of the sidewalk.

(3)

*Blank wall area.*

a.

Blank walls are areas on the exterior façade of a building that do not include a substantial material change; windows or doors; columns, pilasters or other articulation greater than 12 inches in depth. Blank wall limits are established as follows:

|                                  |    |
|----------------------------------|----|
| Maximum blank wall length (feet) | 20 |
|----------------------------------|----|

b.

Blank wall area regulations apply in both a vertical and horizontal direction.

(4)

*Street-facing building entrances.* At least one street-facing building entrance must be provided on all principal buildings. The building entrance must provide ingress and egress for residents and customers. Additional entrances off another street, pedestrian area or internal parking area are also permitted.

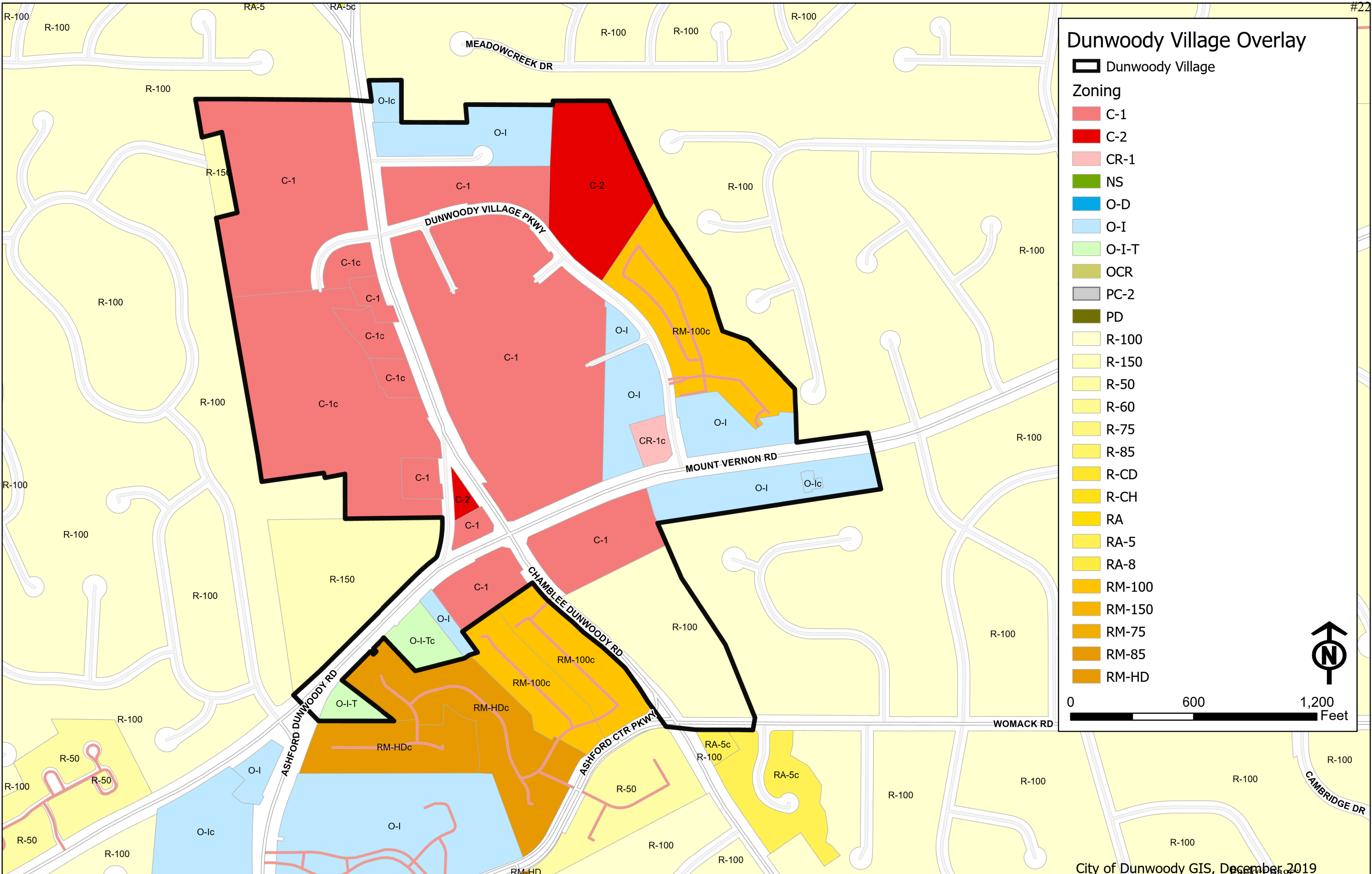
(k)

*Building heights.* All buildings heights are allowed up to three stories in the DVO-district. Buildings in excess of three stories may be approved through the special land use permit procedures of article V, division 3.

(l)

*Modifications and adjustments.* Unless otherwise stated in the chapter, the regulations of subsections (d) through (j) above may be modified only if reviewed and approved in accordance with the special exceptions procedures of article V, division 6.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-7.20), 10-14-2013; Ord. No. 2015-01-05, § 1, 1-26-2015; Ord. No. 2017-02-03, § 1, 2-13-2017; Ord. No. 2017-04-07, § 1, 4-11-2017; Ord. No. 2018-12-20, § 1, 12-10-2018; Ord. No. 2019-05-08, § 2, 5-6-2019)



# Dunwoody Village Overlay

**Dunwoody Village**

**Zoning**

- C-1
- C-2
- CR-1
- NS
- O-D
- O-I
- O-I-T
- OCR
- PC-2
- PD
- R-100
- R-150
- R-50
- R-60
- R-75
- R-85
- R-CD
- R-CH
- RA
- RA-5
- RA-8
- RM-100
- RM-150
- RM-75
- RM-85
- RM-HD

0 600 1,200 Feet