



CITY OF DUNWOODY

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MEMORANDUM

Date: **December 14, 2009**

Subject: **Text Amendment to §2C-3(b) & (c) of the Zoning Ordinance**

Dunwoody Councilman Denis Shortal has directed staff to review the current Zoning Ordinance as it relates to “personal care homes”. Personal care homes are defined as:

[B]uilding(s) in which is provided housing, meals, and twenty-four-hour continuous watchful oversight for one (1) or more ambulatory adults and which is licensed as a personal care home by the Office of Regulatory Services of the State of Georgia Department of Human Resources.

Specifically, staff has been asked to investigate the idea that *registered* personal care homes (offering services to no more than 3 persons) and *family* personal care homes (offering services to no less than 4 but no more than 6 persons) in the R-100 zoning district are allowed to be operated as a use permitted by right, without need for a specific review and approval process.

The Community Council at their regular October meeting heard this item, and following a very brief discussion it was agreed that there is no current need to alter the allowances in the Zoning Ordinance for these types of land uses in the city.

There was no working draft of a text amendment ordinance presented to the Planning Commission in November, as Community Development staff and the Community Council had not determined any necessary changes to the current ordinance text. Instead a portion of the definitions section (1-17) and section 2C-3(b) & (c) of the Zoning Ordinance related directly to registered and family personal care homes was included in the staff memo for the review and consideration by the Planning Commission at their regular November meeting. The Planning Commission, citing the lack of an ordinance to review, chose instead to make no recommendation for or against the proposal.

Community Development staff does not recognize any reason to amend the text of the zoning ordinance related to personal care homes. City legal staff has indicated that if any change were affected, it should be to require an administrative permit from the Community Development office for family personal care homes, so that life safety improvements (if any) can be inspected by the appropriate regulatory agency prior to establishment of the use.

This item was first read at a Public Hearing on November 23, 2009, and is to be second read on December 14, 2009. The proposed ordinance text is attached to this memo.

**AN ORDINANCE AMENDING CHAPTER 27 OF THE CITY OF DUNWOODY CODE
OF ORDINANCES BY DELETING PERSONAL CARE HOMES AS PERMITTED
USES AND REQUIRING SPECIAL ADMINISTRATIVE PERMITS**

WHEREAS, the City of Dunwoody is charged with preserving the health, safety and welfare of the citizens of the City; and

WHEREAS, the City desires to be informed of personal care family homes that exist within the City of Dunwoody to ensure compliance with State laws; and

WHEREAS, the City has determined that the best way to ensure compliance with state law is to require applicants for personal care family homes to acquire an administrative permit from the City; and

WHEREAS, A properly-advertised public hearing has been held on November 23, 2009 during the First Read of this Ordinance and the Second Read of this Ordinance and adoption is being held on December 14, 2009.

THEREFORE, Mayor and City Council of the City of Dunwoody hereby ordain as follows:

Section 1: The City of Dunwoody Zoning Ordinance, Chapter 27 of the City Code of Ordinances, is hereby amended by deleting the following sections in their entirety: Sec.2A-3(b), Sec. 2A(1)-3(b), 2B-3(b), 2C-3(b), 2D-3(b), 2E-3(b), 2F-3(b), 2F(1)-3(b), 2F(2)-3(c), 2G-3(c), 2H-2(g)(1), 2I-2(i)(1), 2J-3(d), 2K-3(c)(1), 2L-3(c)(1), 2M-3(c)(1), 2N-3(c)(1), 2P-3(c)(1), 2Q-3(e)(1), 2R-3(f), and 2S-5(f).

Section 2: The following sections shall be added to Chapter 27, Article 2 of the City Code of Ordinances (Zoning Ordinance), being residential zoning district regulations of the City of Dunwoody Zoning Ordinance, Special Permits provisions, to read as follows:

Sec. 2A-5(a)(2): "Personal Care Home, family."

Sec. 2A(1)-5(a)(2): "Personal Care Home, family."

Sec. 2B-5(a)(2): "Personal Care Home, family."

Sec. 2C-5(a)(2): "Personal Care Home, family."

Sec. 2D-5(a)(2): "Personal Care Home, family."

Sec. 2E-5(a)(2): "Personal Care Home, family."

Sec. 2F-5(a)(2): "Personal Care Home, family."

Sec. 2F(1)-5(a)(2): "Personal Care Home, family."

Sec. 2F(2)-5(d): “*Special administrative permit from City Manager or his/ her designee:*

(1) Personal Care Home, family.”

Sec. 2G-5(a)(2): “Personal Care Home, family.”

Sec. 2J-5(d): “*Special administrative permit from City Manager or his/ her designee:*

(1) Personal Care Home, family.”

Sec. 2K-5(d): “*Special administrative permit from City Manager or his/ her designee:*

(1) Personal Care Home, family.”

Sec. 2L-5(d): “*Special administrative permit from City Manager or his/ her designee:*

(1) Personal Care Home, family.”

Sec. 2M-5(d): “*Special administrative permit from City Manager or his/ her designee:*

(1) Personal Care Home, family.”

Sec. 2N-5(a)(2): “Personal Care Home, family.”

Sec. 2P-5(d): “*Special administrative permit from City Manager or his/ her designee:*

(1) Personal Care Home, family.”

Sec. 2Q-5(d): “*Special administrative permit from City Manager or his/ her designee:*

(1) Personal Care Home, family.”

Sec. 2R-5(d): “*Special administrative permit from City Manager or his/ her designee:*

(1) Personal Care Home, family.”

Sec. 2S-7(d): “*Special administrative permit from City Manager or his/ her designee:*

(1) Personal Care Home, family.”

Section 3: This Amendment shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED, this 14th day of December, 2009.

Approved:

Ken Wright, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk
(Seal)

Brian Anderson, City Attorney