



CITY OF DUNWOODY

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MEMORANDUM

Date: **November 23, 2009**

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

The Dunwoody Mayor & City Council 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 prior to establishment of the use.

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