



MEMORANDUM

To: Mayor and City Council

From: Steve Dush, AICP

Date: May 14, 2012

Subject Amendment to the Zoning Ordinance to Create the PD (Planned Development) District

ITEM DESCRIPTION

At the March 12, 2012 Mayor and City Council Meeting, Councilman Thompson initiated a text amendment that would create a new mixed-use zoning district for the city, to be named the PD (Planned Development) district. The purpose of the new district is to incentivize private developers to invest in those parcels deemed appropriate for unified and integrated developments. The new district will allow much greater flexibility in design and uses, which when implemented will permit a much greater variety of housing types and land uses not currently permissible in any other existing city zoning district.

Community Council reviewed the item on April 12, 2012. The Council voted (5-1) in favor of the item. Susan Harper was the dissenting vote—her concerns focused mainly on the flexibility for the administrative amendment process. To address this concern, staff has augmented Section 2(c)(i) with the amendment procedures from the existing code that handle modifications and changes to conditional zoning amendments, Section Sec. 27-1450. These additions provide some additional parameters around granting an administrative amendment.

Planning Commission reviewed the item on May 8, 2012, and voted 6-1 in favor of the text amendment with the following changes: clarify that the zoning process includes the Community Council to the procedures in Section 2(c)(i) and amend the tree plan requirements in Section 3(a) to require applicants identify existing hardwood trees six inches in diameter and greater. Both amendments have been made in the recommended draft below. Renate Herod was the dissenting vote—she had concerns that the amendment was not prescriptive enough.

BACKGROUND

An opportunity to advance a number of objectives within the Georgetown Master Plan has presented itself. This opportunity is a horizontal mixed-use development that incorporates a number of best practices including multi-modal components, creation of a linear park segment; new urbanist elements, daily commercial needs opportunities and complimentary housing varieties. The current Dunwoody zoning code is not designed to adequately address the complexities of infill development such as this. This issue was highlighted throughout the various plan updates the City recently undertook and a major zoning code rewrite effort is currently underway.



The PD district is designed and intended for constrained infill and redevelopment sites. The new PD district will serve as a tool that encourages infill development in areas of the city that have had extensive public input and deliberation through the creation of those specific sub-area master plans. Its purpose is to permit the planning and development of parcels of land which are suitable in location and character for the uses proposed as unified and integrated developments, as encouraged in the related area master plan.

There are a variety of eligibility requirements that would permit an application to utilize the PD designation. These eligibility requirements include limiting the properties eligible for this zoning categories to parcels located in specific sub-area plan study areas, like the Georgetown or Dunwoody Village Master Plans; requiring a minimum of 10 acres for the project size; requiring the finished project to incorporate an actual mix of uses; and mandate that the plan must advance a public purpose, including Public-Private-Partnerships on occasion.

The design review and overall project approval process for new PD district projects will occur as a rezoning, which is ultimately decided by the Mayor and City Council. Development of the PD shall be guided by an overall development plan (ODP) that designates the land uses of the PD. The ODP shall be accompanied by a development standards text, which may be approved as a condition of zoning, providing development standards and uses for the project which can vary, augment or limit the requirements of this zoning chapter and the development regulations.

RECOMMENDATION

Staff recommends approving the proposed PD district text as follows:

Section 27-XXXX – Planned Development Zone District (PD)

Purpose and administration of district

- 1) Purpose: The Planned Development Zone District is intended to permit the planning and development of parcels of land which are suitable in location and character for the uses proposed as unified and integrated developments in accordance with detailed development plans. The PD Zone district is intended to provide a means of accomplishing the following objectives:
 - a) To provide for development concepts not otherwise permitted within standard zone districts.
 - b) To provide flexibility, unity and diversity in land planning and development, resulting in convenient and harmonious groupings of uses, structures and common facilities; varied type design and layout of housing and other buildings; and appropriate relationships of open spaces to intended uses and structures.
 - c) To encourage innovations in residential, commercial, and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings.
 - d) To encourage a more efficient use of land and of public services, or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economies may endure to the benefit of those who need homes.
 - e) To lessen the burden of traffic on streets and highways.



- f) To provide a procedure which can relate the type, design, and layout of residential, commercial, and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics.
- 2) Establishing a PD
- a) No PD mixed-use district shall be established without the concurrent approval of a regulating Overall Development Plan (ODP) by the city council following public hearing and recommendation by the planning commission in accordance with §27-1446.
- b) The boundaries of each PD, following approval, shall be shown on the city's official zoning map, shall be in conformance with the master plan and sub-area plan, shall be located within established sub-area boundaries, and shall be regulated through the implementation of the ODP.
- c) Once adopted, an ODP may be modified in the following ways:
- i) The community development director shall have sole authority to approve minor changes to conditions attached to an approved zoning amendment. Minor changes are those that implement only slight alterations to the approved conditions, made necessary by actual field conditions at the time of development, that do not alter the impact of the development on nearby properties nor the intent or integrity of the conditions as originally imposed. Any request for minor change of conditions shall be made in written form to the community development director. If an approved site plan exists, the request for minor change shall be accompanied by four copies of the revised site plan. Any major change to conditions attached to an approved zoning amendment shall require an application, a meeting before the community council, and hearings before the planning commission and the city council as is required in this division for amendments to the official zoning map generally. Without limiting the meaning of the phrase, the following shall be deemed to constitute major change for purposes of interpreting this section:
- (1) The movement of any building or structure adjacent to an exterior boundary line, closer to the boundary line of the property;
 - (2) Any increase in the number of dwelling units or any increase in the total amount of floor space of any nonresidential building;
 - (3) Any decrease in the minimum size of residential units imposed in the original conditional zoning amendment;
 - (4) Any change in any buffer requirement imposed in the original conditional zoning amendment;
 - (5) Any increase in the height of any building or structure; or
 - (6) Any change in the proportion of floor space devoted to different authorized uses.



3) Application of regulations.

- a) Overall Development Plan (ODP) required. Development of the PD shall be guided by an ODP that designates the land uses of the PD. The ODP shall be accompanied by a development standards text, which may be approved as a condition of zoning, providing development standards and uses for the project which can vary, augment or limit the requirements of this zoning chapter and the development regulations. The ODP shall be submitted as a part of the petition to rezone any property to PD.
At a minimum the ODP shall include: a sketch plat in accordance with §27-1433; Type and location of all intended uses; Expected gross land areas of all intended uses including Open Space; Gross floor area or residential unit size and number for all buildings or structures, including a statement pertaining to the appropriateness of the density and intensity of the suggested uses relative to policies and standards contained within the Comprehensive Plan; architectural elevations of all proposed building sides, a description of the types of exterior treatments of buildings, a site plan to scale, density calculations; circulation plan; street documentation; parking analysis; a tree plan showing the existing trees on site that are six inches in diameter at breast height or greater for hardwoods and 16-inch dbh for other trees, an existing site survey and a grading plan, and any other information deemed necessary by staff for planning review.
- b) Applicability of existing regulations. To the extent that the approved ODP and development standards for a PD contradict the development regulations and this zoning chapter, the contradictory provisions of the development regulations and zoning chapter are inapplicable.
- c) ODP as a condition of zoning. No changes in land use or density shall be allowed in any approved and incorporated concept plan or development standards text, except as subsequently approved pursuant to a rezoning of the property.
- d) Architectural standards. Due to the mixed-use nature of PD's proposals, architectural compatibility shall be determined based upon the context and guidance of the Master Plan and specific Sub-area plan in which the PD is located. As a part of the architectural design, a "four-sided" design philosophy shall be used, materials used shall be enduring in their composition and include as the primary material, brick, stone or equivalent durable material(s).
- e) Permitted Uses: Land uses within a Planned Development Zone District development may be multiple in nature and may include uses not otherwise permitted within the same zone district. The location and relationship of these uses shall be as established in and conform to the policies and standards contained within the Comprehensive Plan and other appropriate adopted and approved plans and established as part of the ODP.

AN ORDINANCE OF THE CITY OF DUNWOODY AMENDING CHAPTER 27 (ZONING ORDINANCE) TO ALLOW TO ALLOW FOR PLANNED UNIT DEVELOPMENTS

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

WHEREAS, the Mayor and City Council wish to create a zoning category that will incentivize private developers to invest in property in the City deemed appropriate for unified and integrated developments; and

WHEREAS, the Mayor and City Council find that creating Planned Unit Development districts is one of the best ways to implement the intent of the Georgetown Master Plan as the current Zoning Ordinance is not designed to adequately address the complexities of infill developments; and

WHEREAS, the creating of the Planned Unit Developments Districts will help to support the private-public partnership the City master plans have intended to support redevelopment of the Georgetown and other areas of the City that are part of a created sub-area Master Plan; and

WHEREAS, a properly advertised public hearing, pursuant to the Zoning Procedures Act, was conducted to review this proposed amendment and to accept public comment on same, prior to the final adoption of this Ordinance.

THEREFORE, THE MAYOR AND COUNCIL FOR THE CITY OF DUNWOODY HEREBY ORDAIN AS FOLLOWS:

Section 1: Chapter 27 (Zoning Ordinance) of the City of Dunwoody Code of Ordinances shall be revised by adding a new Division 35 to Article II titled "PUD (Planning Unit Development) District" to read as follows:

DIVISION 35. PUD (PLANNED UNIT DEVELOPMENT) DISTRICT

Sec. 27-1201. Purpose and Administration of District.

The Planned Development Zone District is intended to permit the planning and development of parcels of land which are suitable in location and character for the uses proposed as unified and integrated developments in accordance with detailed development plans. The PD Zone district is intended to provide a means of accomplishing the following objectives:

- (1) To provide for development concepts not otherwise permitted within standard zone districts;
- (2) To provide flexibility, unity and diversity in land planning and development, resulting in convenient and harmonious groupings of uses, structures and common facilities; varied type design and layout of housing and other buildings; and appropriate relationships of open spaces to intended uses and structures;

- (3) To encourage innovations in residential, commercial, and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings;
- (4) To encourage a more efficient use of land and of public services, or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economies may endure to the benefit of those who need homes;
- (5) To lessen the burden of traffic on streets and highways; and
- (6) To provide a procedure which can relate the type, design, and layout of residential, commercial, and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics.

Sec. 27-1202. Establishing a Planned Unit Development

- (a) No PUD mixed-use district shall be established without the concurrent approval of a regulating Overall Development Plan (ODP) by the City Council pursuant to the requirements of the Zoning Procedures Act and this Zoning Ordinance.
- (b) The boundaries of each PUD, following approval, shall be shown on the City's official zoning map, shall be in conformance with the Comprehensive Plan and sub-area plan, shall be located within established subarea boundaries and shall be regulated through the implementation of the ODP.
- (c) Once adopted, an ODP may be modified in the following ways:
 - (1) The Community Development Director shall have sole authority to approve minor changes to conditions attached to an approved PUD zoning designation. Minor changes are those that implement only slight alterations to the approved conditions, made necessary by actual field conditions at the time of development, that do not alter the impact of the development on nearby properties nor the intent or integrity of the conditions as originally imposed. Any request for minor change of conditions shall be made in written form to the community development director. If an approved site plan exists, the request for minor change shall be accompanied by four (4) copies of the revised site plan. Any major change to conditions attached to an approved zoning amendment shall require an application, a meeting before the Community Council and hearing before the Planning Commission and the City Council as is required in the Zoning

Ordinance for amendments to the official zoning map generally. Without limiting the meaning of the phrase, the following shall be deemed to constitute major change for purposes of interpreting this section:

- (i) The movement of any building or structure adjacent to an exterior boundary line, closer to the boundary line of the property;
- (ii) Any increase in the number of dwelling units or any increase in the total amount of floor space of any nonresidential building;
- (iii) Any decrease in the minimum size of residential units imposed in the original conditional zoning amendment;
- (iv) Any change in any buffer requirement imposed in the original conditional zoning amendment;
- (v) Any increase in the height of any building or structure; or
- (vi) Any change in the proportion of floor space devoted to different authorized uses.

Sec. 27-1203. Application of Regulations.

- (a) Overall Development Plan (ODP) required. Development of the PUD shall be guided by an ODP that designates the land uses of the PUD. The ODP shall be accompanied by a development standards text, which may be approved as a condition of zoning, providing development standards and uses for the project which can vary, augment or limit the requirements of this zoning chapter and the development regulations. The ODP shall be submitted as a part of the petition to rezone any property to PUD.
- (b) At a minimum the ODP shall include: a sketch plat in accordance with §27-1433; Type and location of all intended uses; Expected gross land areas of all intended uses including Open Space; Gross floor area or residential unit size and number for all buildings or structures, including a statement pertaining to the appropriateness of the density and intensity of the suggested uses relative to policies and standards contained within the Comprehensive Plan; architectural elevations of all proposed building sides, a description of the types of exterior treatments of buildings, a site plan to scale, density calculations; circulation plan; street documentation; parking analysis; a tree plan showing the existing trees on site that are six (6) inches in diameter at breast height or greater for hardwoods and 16-inch dbh for other trees, an existing site survey and a grading plan, and any other information deemed reasonably necessary by staff for planning review.

- (c) Applicability of existing regulations. To the extent that the approved ODP and development standards for a PUD contradict the development regulations and this zoning chapter, the contradictory provisions of the development regulations and zoning chapter are inapplicable.
- (d) ODP as a condition of zoning. No changes in land use or density shall be allowed in any approved and incorporated concept plan or development standards text, except as subsequently approved pursuant to a rezoning of the property.
- (e) Architectural standards. Due to the mixed-use nature of PUD proposals, architectural compatibility shall be determined based upon the context and guidance of the Comprehensive Plan and specific Sub-area plan in which the PUD is located. As a part of the architectural design, a "four-sided" design philosophy shall be used, materials used shall be enduring in their composition and include as the primary material, brick, stone or equivalent durable material(s).
- (f) Permitted Uses: Land uses within a Planned Unit Development Zone District development may be multiple in nature and may include uses not otherwise permitted within the same zone district. The location and relationship of these uses shall be as established in and conform to the policies and standards contained within the Comprehensive Plan and other appropriate adopted and approved plans and established as part of the ODP.

Section 2: This Ordinance shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Ordinance hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED, this ____ day of _____, 2012.

Approved:

Michael G. Davis, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk
(Seal)

Brian Anderson, City Attorney