



CITY COUNCIL

SPECIAL CALLED MEETING

Mike Davis, Mayor

Denis Shortal,	District 1, Post 1	Terry Nall,	At Large, Post 4
Adrian Bonser,	District 2, Post 2	Lynn Deutsch,	At Large, Post 5
Doug Thompson,	District 3, Post 3	John Heneghan,	At Large, Post 6

AGENDA

CITY OF DUNWOODY
41 PERIMETER CENTER EAST, SUITE 103
DUNWOODY, GA 30346

September 17, 2013
6:00 PM

- A. CALL TO ORDER
- B. ROLL CALL
- C. INVOCATION
- D. PLEDGE OF ALLEGIANCE
- E. MAYOR AND COUNCIL COMMENTS
- F. PUBLIC COMMENT
- G. MINUTES
- H. APPROVAL OF MEETING AGENDA (Add or Remove Items From Agenda)
- I. CONSENT AGENDA
 - 1. Approval of Minutes of September 9, 2013 City Council Work Session Meeting.
 - 2. Approval of Minutes of September 9, 2013 City Council Meeting.
- J. ORGANIZATIONAL AND PROCEDURAL ITEMS
- K. REPORTS AND PRESENTATIONS
- L. UNFINISHED BUSINESS
 - 1. FIRST READ: Ordinances Amending and Readopting Chapters 27, Zoning, and 16, Land Development, and all Previous Amendments Thereto. (ORDINANCE 2013-XX-XX and ORDINANCE 2013-XX-XX) (Steve Dush)

M. NEW BUSINESS

1. FIRST READ: Ordinance to Approve the Lease of the Property Located at 4555 North Shallowford Road.(ORDINANCE 2013-09-XX) (Warren Hutmacher)

N. OTHER BUSINESS**O. INITIATION OF TEXT AMENDMENTS (CHAPTERS 16, 20, 27)****P. PUBLIC COMMENT****Q. MAYOR AND COUNCIL CLOSING COMMENTS****R. EXECUTIVE SESSION**

1. For the Purposes of Legal, Real Estate, and Personnel Discussions.

S. ADJOURNMENT

MEMORANDUM

To: Mayor and Council
From: Steve Dush, AICP - Community Development Director
Date: September 17, 2013
Subject: Zoning/Land Development Code Rewrite

BACKGROUND

When the City of Dunwoody incorporated in 2008, many of the zoning and development regulations and procedures set forth by DeKalb County were adopted as the official Code of Ordinances. However, this adoption was always viewed as a temporary measure, intended to provide time for the City to establish a comprehensive planning and policy foundation upon which new Dunwoody-specific land use regulations could be built. In early 2012, the City of Dunwoody partnered with Duncan Associates, a planning firm that has provided zoning and land development ordinance update services to over 150 local governments, for the Zoning and Land Development Code Rewrite. The primary objectives in undertaking this rewrite project were to:

- Help implement and ensure consistency with the City's adopted plans, including the Comprehensive Plan, Transportation plan and Sub-Area Master Plans;
- Identify and eliminate inconsistencies and redundancies among existing City regulations and procedures;
- Better integrate and reference other development regulations;
- Ensure that the zoning ordinance is consistent with state and federal law;
- Prepare development regulations (substantive standards and procedures) that are illustrated and as easy to use, administer and enforce as possible; and
- Improve the development review process.

In order to bring these objectives to fruition, Duncan Associates implemented their time-tested five-phase work plan, which incorporated consequential and ongoing public engagement throughout the process. The first phase focused on issue identification and local reconnaissance, which primarily involved City staff and informal "listening sessions" with various stakeholder groups. The Zoning and Land Development Code Rewrite kicked-off with a public meeting on January 24, 2012. This was the first of many community meetings to discuss the zoning and land development codes for the city. According to attendees, the major issues that needed to be addressed during the project included:

- Relationship of "density" and "intensity" to the provision of infrastructure and services (e.g., schools, open space, roads/traffic...)
- Home occupations
- Making the updated code easy to use and understand
- Improving traffic conditions, if at all possible
- Maintaining and ensuring buffer/transition zones between residential and commercial areas
- Reducing regulations on homeowners
- Maintaining residential areas' integrity

These concerns were identified as part of the primary focus during the second phase, where the firm explored new ideas and concepts for dealing with them and began to establish a broad outline for the new ordinances' frameworks.

In order to help guide the conception of the developing ordinances, the Mayor and City Council appointed a Sounding Board, comprised of seven members from the community, who served as constructive benchmarks to the local values that the prospective regulations needed to reflect. The Sounding Board was heavily utilized throughout the third and fourth phases, which consisted of the preparation and delivery of multiple ordinance drafts. With each draft submission, members of the Sounding Board completed a section-by-section analysis, released in modules, and provided comments/ recommendations to the consultant and City staff.

Augmenting the efforts of the Sounding Board was an extensive public outreach process, which included presentations to the Dunwoody Homeowners Association and various City Boards and Commissions such as the Community Council, Planning Commission, Sustainability Commission, and Zoning Board of Appeals. The City also conducted community-wide public outreach meetings following the release of each draft module. These public outreach efforts were further enhanced by the project's website, www.zoningdunwoody.com, which not only utilized the opportunity for real-time blogging and issue discussions, but also housed all the information and materials of the venture in one convenient location. Since the project's inaugural kick-off meeting, the outreach efforts have comprised of:

- The Sounding Board Members meeting to discuss draft ordinances seven times;
- Holding six public meetings to gather input on major ordinance stipulations;
- Two public educational sessions discussing sustainability practices and the importance of stream buffers;
- Updating the Zoning Board of Appeals on the project's status fourteen times;
- Updating the Sustainability Commission on the project's status thirteen times;
- Updating the Community Council five times on the project's status; and
- Updating the Planning Commission on the project's status seven times.

The primary purpose of all these outreach efforts mentioned above was to develop a code that forwards Dunwoody's history of engaged city planning by producing zoning and land development codes through an iterative process of receiving and responding to feedback on key ordinance provisions. While every change that occurred to the regulations is identified, the more substantive changes to each chapter are identified on the first page of the proposed draft for review tonight.

EXECUTIVE SUMMARY

At the Special Called Meeting on August 5, 2013, Mayor and Council reviewed the amendments to City Code Chapter 27, Zoning, and Chapter 16, Land Development, for a first read. Members of the Council had an in-depth discussion on the topics that were previously discussed by the Community Council and Planning Commission. While the public meetings held previously focused heavily on clarifying information for some of the updated ordinance provisions, a strong emphasis was placed on nineteen amendments in particular. The following table summarizes these key topics and has been augmented to include the discussion points from Mayor and Council's August 5th meeting:

Community Council			
Topic	What We Heard	CC Action Taken	MC Discussion
Tree Removal (Section 16-10.50-D)	Homeowners should be allowed to remove more than one specimen tree per calendar year	Motioned to eliminate the requirement for a permit to remove one specimen tree per calendar year. The motion was voted and passed (5 - 0).	Council indicated agreement with CC action.
Public and Civic Sites (Section 16-16.80)	Developers should not have the ability to reserve property for civic uses during the plat process	Motioned to remove Section 16-16.80 from Chapter 16. The motion was voted and passed (3 - 2). Claire Botsch and Debbie Montgomery were the dissenting votes.	Council indicated that they would like the section to remain in the ordinance so as to provide clarity and transparency.
Food Trucks (Section 27-9.80)	Need clarification as to whether or not ice cream trucks are considered food trucks	No further action was taken. Staff determined, pursuant to Section 18-19(b)(16), ice cream trucks are considered "sound trucks," which are declared to be loud, disturbing, and unnecessary noise in violation of the noise ordinance regulations. Therefore, because of the noise they emit and the fact that retail sales are not a permitted use in residential districts, ice cream trucks are prohibited.	Council indicated support for food trucks and ice cream trucks in the City, and showed interest in a text amendment of Chapter 18, Section 18-19(b).
Temporary Outdoor Sales (Section 27-11.30-D)	90 days is too long for temporary outdoor seasonal sales	Motioned to change 90 days to 60 days for temporary outdoor seasonal sales. The motion was voted and passed (4 - 0). Tony Delmichi abstained.	Council indicated agreement with CC action.
Location of Off-Street Parking (Section 27-12.60-B)	Trailers and recreational vehicles should be allowed to park closer to property lines	Motioned to reduce the parking requirements of trailers, recreational vehicles and similar vehicles to the property line. The motion was voted and passed (5 - 0).	Council indicated that the regulation of a 10-foot buffer from any lot line should remain in the ordinance.
Concurrent Variances (Section 27-18.110)	Mayor and Council should not have the ability to approve variances simultaneously with amendment applications	Motioned to remove concurrent variance regulations from Chapter 27. The motion died due to lack of a second as the remaining members preferred the concurrent variance option.	Council indicated a lack of support for the addition of concurrent variance provisions.
Planning Commission			
Topic	What We Heard	PC Action Taken	MC Discussion
Tree Removal (Section 16-10.50-D)	Homeowners should be allowed to remove more than one specimen tree per calendar year.	Motioned to remove Section 16-10.50-D. The motion was voted and passed (5 - 0).	Council indicated agreement with PC action.
Exemptions (Stream Buffers) (Section 16-8.40-A)	Homeowners should be allowed to build or replace structures in the City stream buffer with the minimum amount of land disturbance activity needed.	Motioned to amend Section 16-8.40-A to allow limited land disturbance to build or rebuild decks, porches, and accessory uses up to the 25 foot state stream buffer. The motion was voted and passed (4 - 1). Bob Dallas dissented.	Council indicated agreement with PC action; however, this might not meet the minimum requirement from MNGWPD. Further discussion is necessary.

Access Management (Section 16-16.20-T)	Deceleration lanes are not always necessary and possibly should not be reliant upon Georgia DOT standards.	Motioned to change wording in Section 16-16.20-T(9) from "must" to "should." The motion was voted and passed (5 - 0).	Council indicated support of the language, as written, in the proposed ordinance.
Application Filing (Appeals of Administrative Decisions) (Section 16-5.80-C)	Application deadlines need to be consistent across the entire spectrum of regulations.	Motioned to change the appeal deadline to 30 days in Section 16-5.80-C. The motion was voted and passed (5 - 0).	Council indicated agreement with PC action.
Minor Subdivision Procedure (Article 14)	Neighborhoods need to receive public notice of minor subdivisions so as to provide an opportunity for any comments/ concerns to be made.	Motioned to include a provision for public notification in the Minor Subdivision regulations. The motion was voted and passed (4 - 1). Paul Player dissented.	Council indicated agreement with PC action.
Uses Allowed (Residential Zoning Districts) (Section 27-4.20)	Stables should be allowed in the R-150 zoning district.	Motioned to change Article 4 to include stables in R-150. The motion was voted and passed (6 - 0).	Due to the limited number of R-150 zoning districts, Council indicated that stables do not need to be included as a permitted use.
Single-Dwelling Districts (Section 27-4.30-B)	The rear setback requirement of 40 feet is too restrictive.	Motioned to reduce rear yard setback from 40 feet to 30 feet. The motion was voted and failed (3 - 3). Motioned to reduce rear yard setback from 40 feet to 35 feet. The motion was voted and failed (3 - 3). Bob Dallas, Bill Grossman, and Renate Herod were the dissenting votes.	Council indicated the rear setback regulations should remain the same at 40 feet.
Establishing a Planned Development (Section 27-6.20-B)	Planned developments should be allowed outside two subareas; the current regulations are too restrictive.	Motioned to allow planned developments in any appropriate mixed-use category where it meets the requirements of 10 acres for existing commercially zoned properties and 25 acres for existing residentially zoned properties. The motion was voted and passed (5 - 0 - 1). Paul Player abstained.	Council indicated support of the PC action as well as interest in revisiting the topic with additional information from Staff about 15 acres versus 25 acres for existing residentially-zoned properties.
Residential Composting (Section 27-10.60)	Provisions on composting needed to be updated to include prohibition on meat products and inclusion of waste from non-carnivorous animals.	Motioned to add note to Section 27-10.60 to prohibit meat products, eliminate Section 27-10.60-B and Section 27-10.60-C, and allow waste from herbivores to be used in composts in Section 27-10.60-G The motion was voted and passed (6 - 0).	Council indicated support of the PC action.
Temporary Portable Storage Containers (Section 27-11.30-E)	Provisions need to be added to the maximum amount of time a temporary portable storage container can be located on a property when a construction permit is involved; 60 days is too short.	Motioned to add language to Section 27-11.30-E for buildings under construction to be allowed temporary portable storage containers for a maximum of 120 days. The motion was voted and passed (6 - 0).	Council indicated support of the PC action, with the added provision: If a project is completed before the 120 days expires, a C.O. or C.C. will not be issued until the temporary portable storage container has been removed from the property.

<p>Maximum Height (Fences and Walls) (Section 27-15.20)</p>	<p>If homeowners have a nonconforming fence on their property, and the fence needs to be replaced due to damage and/or deterioration, the city's height requirements should not be enforced.</p>	<p>Motioned to replace nonconforming fences of the same height. The motion was voted and passed (6 - 0).</p>	<p>Council indicated no change from the draft is necessary.</p>
<p>Landscape Material and Design (Section 27-13.80)</p>	<p>Limiting the minimum size of shrubs and ornamental grasses to 3-gallons seems too large and the footnote to Section 27-13.80-I(3) needs to be removed if the city arborist is no longer considering revisions to the provisions.</p>	<p>Motioned to change Section 27-13.80-E for the minimum size of shrubs and ornamental grasses to be 1-gallon and remove the footnote in Section 27-13.80-I. The motion was voted and passed (6 - 0).</p>	<p>Council indicated agreement with PC action.</p>
<p>Neighbor Communications Summary (Section 27-19.40)</p>	<p>Applicants should not be allowed to use forms of social media to advertise pre-submittal neighborhood meetings for special land use permits.</p>	<p>Motioned to specify in Section 27-19.40 a form of communication the City can easily confirm and document without relying on information from neighbors in the 500-foot radius and instead requires an affidavit from the applicant. The motion was voted and passed (5 - 0 - 1). Paul Player abstained.</p>	<p>Council indicated no change from the draft is necessary</p>
<p>Terms Beginning with "H" (Section 27-32.10-H)</p>	<p>The inclusion of pit bulls as non-household pets is contradicting to the definition of companion animals, which includes domestic dogs.</p>	<p>Motioned to remove the term "pit bull" from the household pet definition. The motion was voted and passed (5 - 1). Paul Player dissented.</p>	<p>Council indicated agreement with PC action, and called upon Staff to come back with a better description of household pet and how they should be regulated.</p>

At their first read, Mayor and Council provided input on all topics raised from Community Council, Planning Commission, and Staff. Due to time limitations, several topics were highlighted as needing further discussion as a reset of the first read of the document. These included:

- Minimum project sizes for existing residentially-zoned properties rezoned to Planned Development Districts (Section 27-6.20)
- Home occupations (Section 27-10.30 and attached white paper)
- Household pets (Section 27-32.10-H: companion animal provision proposed below)
- Rooming house (proposed below-not currently in draft)
- Stream buffers (Section 16-8.10)

Council provided Staff a list of those items that required discussion that had not been previously addressed. These items, as well as the items requiring further discussion, will frame the discussion for the September 17 meeting:

- Zoning districts for health clubs and other participant sports (Section 27-5.20)
- Adult use issues (Section 27-8.40-A)
- Front yard gardens (potentially Section 27-9.50)
- Kindergarten/day care fencing (Section 27-9.110)
- Bicycle parking (Section 27-12.5)
- On-street parking (Section 27-12.10)
- Shared parking (Section 27-12.40-E)

- Public hearing notice requirements (Section 27-18.60)
- Appeals of administrative permits (Section 27-24.10)
- Nonconforming multi-family uses in O-I (Section 27-29.10)
- Single-family residences and households (Sections 27-4.10-B, 27-8.20-A, 27-32.10-D, and 27-32.10-H)
- Bike lanes/sharrows (Section 16-16.20-J)
- Sidewalks (Depends on nature of interest)

Many of the aforementioned topics required additional research and input from Staff –the results of which are manifested in text amendments below and attached white papers. Additional discussion may be needed to decide if the amendments are sufficient for clarifying information.

Council requested Staff revise the location of the “definitions sections” so they are consistent between the chapters. This change will be completed when the transmitted draft is cleaned and distributed in the packet for the second read.

Lastly, after the special called meeting in August, Staff was contacted by the Atlanta Apartment Association with concerns of the proposed nonconforming language as they relate to multi-family uses and structures; the memo from the Association is attached. The primary issue the Atlanta Apartment Association had was losing the ability to rebuild if various willful damages occurred outside of their control. As a result, Staff is currently working with the Association on language that forwards the intent of the proposed regulations while addressing their concerns.

ANALYSIS

Recent Revisions

The following provisions are amended from the transmitted draft as a result of successive staff examination of the draft.

1. **Section 27-2.50** Expired, Obsolete and Converted Zoning Districts
2. **Section 27-4.30** Lot and Building Regulations: Variable Lot Coverage Ratios
Due to additional items being raised from the meetings, such as building lot coverage, staff reassessed the proposed “straight-line” percentage increase and formulated a more thought-out variable approach for larger lots, as outlined below.

Regulation	R-150	R-100	R-85	R-75	R-60	R-50	RA-5	RA-8
Maximum Lot Coverage (%)								
Lot area = 43,560 sq. ft. or more	25	25	25	25	25	25	25	25
Lot area = 30,000 to 43,559 sq. ft.	30	30	30	30	30	30	30	30
Lot area = 20,000 to 29,999 sq. ft.	35	35	35	35	35	35	35	35
Lot area = 19,999 sq. ft. or less	40	40	40	40	40	40	50	50

3. Section 27-8.20-B. Group Living: specific use type added

...

Rooming House

A building containing one or more lodging units but not more than 20 lodging units, all of which offer non-transient lodging accommodations, available only at weekly or

longer rental rates to the general public. Meals may only be provided from a single central kitchen and compensation for such meals, if provided, must be included in the weekly or longer rental rate. No restaurant, meeting, reception, or banquet facilities are allowed as part of a rooming house use.

4. **Section 27-9.20 Attached Houses**

The following building separation requirements apply to all attached house buildings on sites containing 2 or more attached house buildings. For the purpose of these provisions, the front and rear faces are those exterior building walls generally perpendicular to the party (or abutting) walls between dwelling units and the side face is the exterior building wall that is generally perpendicular to the building's front and rear faces.

5. **Section 27-9.120 Multi-unit Residential Buildings**

The following building separation requirements apply to all multi-unit buildings on sites containing 2 or more multi-unit buildings. For the purpose of these provisions, the front and rear faces are those exterior building walls generally perpendicular to the party walls between dwelling units and the side face is the exterior building wall that is generally perpendicular to the building's front and rear faces.

6. In order to amend the restrictive nature of the definition for household pets, staff removed the section and replaced it with "Keeping of Companion Animals." It reads:

Section 27-10.40 Keeping of Companion Animals

The keeping of a cumulative total of up to 3 adult, companion animals is allowed as an accessory use to any residential use. The care or keeping of 4 or more companion animals, in cumulative total, is considered "animal care/boarding" and is allowed only in zoning districts that allow animal care/boarding uses. Litters of animals of not more than 6 months of age are not counted for the purpose of calculating the total number of companion animals.

7. **Section 27-30.20 Lot Frontage**

Clarification for frontage measurements added.

8. **Section 27-32.10-L.** Terms Beginning with "L": definition removed

~~Lot width means the horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the street.~~

9. **Section 27-32.10-H.** Terms Beginning with "H": definition removed

~~Household pet means a domestic companion animal that is customarily kept for personal use and enjoyment including domestic dogs, domestic cats, canaries, parrots, parakeets, domestic tropical birds, hamsters and guinea pigs. Household pet does not include livestock, poultry, pot belly pigs, pit bulls, or snakes.~~

10. Section 27-10.40 Household Pets, which was inadvertently omitted from previous drafts, has been removed and replaced with "Keeping of Companion Animals."

Section 27-10.40 Household Pets

~~No more than 3 household pets may be kept on any lot in a residential zoning district, except that on lots exceeding 2 acres in area, one additional household pet may be kept for each additional acre of lot area in excess of 2 acres, up to a maximum of 10 household pets. Litters of animals of not more than 6 months of age are not counted for the purpose of calculating the total number of household pets on a lot in a residential zoning district.~~

10. Section 16-9.30-D. Drainage Outfalls

The drainage system from a proposed development must discharge into an outfall that has adequate capacity to accommodate the runoff from the development. If the connecting downstream system is not able to accommodate the allowable design flow from the site, then the design engineer must design on-site drainage facilities that result in no exacerbation of existing downstream conditions.

RECOMMENDATION

In the interest of clarity and efficiency, staff recommends the following procedure for managing the transmitted draft and subsequently proposed amendments:

- First Read:
 - Hear staff's summary of the process and recommendations.
 - Discuss the draft sequentially, identifying those sections City Council would like to address with a vote at the Second Read. Staff will take note of those sections.
 - Review each of the proposed amendments by the public, Community Council, Planning Commission, and staff, identifying those sections City Council would like to address with a vote at the Second Read.
- Second Read:
 - Hold the Public Hearing and public comments.
 - Staff will provide the recorded list of sections contemplated for a vote at the First Read.
 - Conduct the motions for amendments to the transmitted draft.
 - Vote on whether to accept, defer, or deny the transmitted draft and all proposed amendments.

Staff recommends the codification of City Code Chapters, 27, Zoning and 16, Land Development, and those **Recent Revisions**, be **approved**.

At their regular June meeting, the Community Council heard the City's request to codify amendments to City Code Chapters 27, Zoning, and 16, Land Development, and recommended approval with additional amendments. The motion passed (4 - 0 - 1). Tony Delmichi abstained.

The Planning Commission, at their regular July meeting, reviewed the requested amendments to City Code Chapters 27 and 16 and made a motion to approve with staff recommendations, subject to the Commission's amendments. The motion was voted and passed (6 - 0).

Attachments

- Community Council Meeting Minutes from June 13, 2013
- Planning Commission Meeting Minutes from July 9, 2013
- Chapter 16 – Land Development Regulations
- Chapter 27 – Zoning Ordinance
- Home Occupations Research
- Atlanta Apartment Association Memo

CITY OF DUNWOODY
June 13, 2013
COMMUNITY COUNCIL MINUTES

The Community Council of the City of Dunwoody held a Meeting on June 13, 2013 at 7:00 PM. The meeting was held in the City of Dunwoody City Hall, 41 Perimeter Center East, Dunwoody, Georgia 30346. Present for the meeting were the following:

Voting Members: Norb Leahy, Chairman
 Rick Callihan, Vice Chairman
 Claire Botsch, Community Council Member
 Tony Delmichi, Community Council Member
 Debbie Montgomery, Community Council Member

Also Present: Steve Dush, Community Development Director
 Rebecca Keefer, City Planner
 Christie Mager, Planning Coordinator

A. CALL TO ORDER

B. ROLL CALL

All members were present except Clayton Coley and Sam Verniero.

C. MINUTES

1. Approval of Meeting Minutes from March 14, 2013 Community Council Meeting.

Rick Callihan motioned to approve. Claire Botsch seconded.

The motion was voted and passed (4 - 0). Debbie Montgomery abstained.

D. ORGANIZATIONAL AND PROCEDURAL ITEMS

Council Members stated to review the new ordinances with property owners in mind.

E. UNFINISHED BUSINESS

F. NEW BUSINESS

1. Rewrite and codification of the City of Dunwoody City Code Chapters 27, Zoning, and 16, Land Development, and all previous amendments thereto.

Rebecca introduced the Zoning and Land Development Code Rewrite, providing a synopsis of the entire process thus far and highlighting the major topics of discussion.

Norb Leahy opened public comment.

Bob Lundsten, resident in Dunwoody and former president of Dunwoody

Homeowners Association, commented on the use of concurrent variances.

Mr. Lundsten expressed concern that developers would be given too much power and noted that planning-related issues would result.

Bob Wolford, Dunwoody resident, commented on the problems that will result from allowing home occupations and urged the Council not to approve the regulations.

Norb Leahy closed public comment.

Members of the Council discussed topics in both drafts of the revised chapters.

Section 16-10.50-D. Removal of Specimen Trees: The Council discussed the ability to remove trees on residential lots. Members felt that homeowners should be allowed to remove more than one specimen tree per calendar year.

Rick Callihan motioned to eliminate the requirement for a permit to remove one specimen tree per calendar year. Tony Delmichi seconded.

The motion was voted and passed (5 - 0).

Section 16-7.30-I. Applicability and Exemptions (Soil Erosion, Sedimentation and Pollution Control): Members of the Council sought explanation from Staff on the regulations being placed on the Department of Transportation. Staff clarified that the regulation mimics state standards, stating secondary permittees need to comply and the exemption is based on the criteria as laid out in the section. In other words, the Department of Transportation is exempt only in so far as what is outlined in the provision.

No further action was taken.

Section 16-7.80 Liability: Members of the Council sought clarity on the provisions as set forth in the section. Staff clarified that under any plan approved according to Article 7, if any damage results from said plan, then the individual performing the work is responsible to make amends, not the City.

No further action was taken.

Due to inclement weather, the Council Members discussed recessing the meeting until Tuesday, June 18, 2013 at 6:00 p.m.

Claire Botsch motioned to recess. Tony Delmichi seconded.

The motion was voted and passed (5 - 0).

Section 16-7.70-B. Penalties: Members of the Council asked questions of

Staff related to the \$2,500.00 fee charged for violations to the provisions in Article 7. Staff explained that City Inspectors visit each site with an active land disturbance permit at least once a week in order to survey the property and ensure the work being done is in compliance to regulations. Furthermore, any violations are given three days for remediation. After some discussion, Council Members were in agreement that monetary penalties are necessary so as to ensure the right measures are taken by permittees.

No further action was taken.

Section 16-8.10 Applicability (Stream Buffers): Council Members sought clarity from Staff as to where types of streams were defined. Staff noted Section 16-4.10-S contains the definitions of ephemeral, intermittent, and perennial streams.

No further action was taken.

Section 16-8.40-B. Special Administrative Permits: Members of the Council discussed with Staff the classification given to multi-use trails. Staff noted that multi-use trails are not necessarily considered park property and can be located anywhere.

No further action was taken.

Section 16-12.10 Flood Damage Prevention: Council Members questioned Staff as to whether or not floodplain information is mapped. Staff confirmed that GIS maps are on the city's website.

No further action was taken.

Section 16-15.20-O. Disclosure Statement: Members of the Council sought clarity from Staff as to whose responsibility it is to complete the disclosure statement on the final plat. Staff confirmed it is the responsibility of the applicant, which can be the property owner or owner's agent.

No further action was taken.

Section 16-16.20 J. Street Cross-Sections: Council Members asked Staff why the size of travel lanes on "local streets" was reduced from twelve feet to ten feet. Staff listed the multiple benefits involved with the reduction.

No further action was taken.

Section 16-16.70 Common Open Space: Council Members questioned whether the restrictions left enough flexibility for developers in terms of the amount of open space being required. Staff noted that the provisions are put in place in order to reduce the amount of hardscape for new residential subdivisions of 5 acres or greater, consisting of more than 36

dwelling units.

No further action was taken.

Section 16-16.80 Public and Civic Sites: Council Members and Staff discussed the intent behind the provision. Staff plans to explore different language due to concerns brought up.

Rick Callihan motioned to remove Section 16-16.80 from Chapter 16. Tony Delmichi seconded.

The motion was voted and passed (3 – 2). Claire Botsch and Debbie Montgomery were the dissenting votes.

Section 16-17.40-H. Sidewalks and Bicycle Lanes: Members of the Council sought clarity from Staff as to whether or not the regulations required developers to install sidewalks and bike lanes inside a new subdivision. Staff explained the chart in Section 16-16.20-J is the driving force in this determination.

No further action was taken.

Appendix A. Tree Replacement Density Factor Calculations: Council Members sought clarity as to the purpose behind the calculations. Staff made it clear that the calculations are for new developments.

No further action was taken.

Members of the Council stated that the understanding among some homeowners is that fewer permits will be required from the City from the new provisions in the Code Rewrite. Staff explained that the State determines which projects do not require building permits and the information can be located in Chapter 8 – Buildings and Building Regulations.

No further action was taken.

Section 27-4.30-B. Single-Dwelling Districts: Council Members discussed with Staff the sizes of residential lots. Staff clarified the sizes are *minimum* standards and also explained the reasoning behind increasing the maximum lot coverage standards.

No further action was taken.

Council Members sought clarity as to where apartments can be located. Staff explained that apartments can be in multi-family zoning districts and highlighted the removal of the Special Land Use Permit provision in Office-Institution Districts.

No further action was taken.

Article 7 Overlay Zoning Districts: Members of the Council and Staff discussed the land uses allowed in the Dunwoody Village Overlay District and how the Comprehensive Plan affects the zoning.

No further action was taken.

Section 27-8.20 Residential Use Category: Members of the Council sought clarity as to whether or not houses can be rented in residential districts for less than 30 days. Staff explained that the provision is in place in order to prevent frequent turnover and went on to explain the definition of a household.

No further action was taken.

Section 27-8.60-A. Agriculture: Council Members asked about the possibility of not classifying chickens as livestock. Staff stated that due to recent conflicts on the subject, the provision was not modified in the Code Rewrite.

No further action was taken.

Section 27-9.80 Food Trucks: Members of the Council and Staff discussed whether or not ice cream trucks are considered food trucks. Staff confirmed that they are not considered food trucks and will look into what other parts of the ordinance classify them as.

No further action was taken.

Section 27-10.100 Retail Sales Kiosks, Vending Machines and Donation Drop Boxes: Council Members and Staff conversed about where drop boxes can be located.

No further action was taken.

Section 27-11.30-D. Temporary Outdoor Sales: Members of the Council and Staff discussed the duration regulations of temporary outdoor sales and outdoor seasonal sales.

Rick Callihan motioned to change 90 days to 60 days for temporary outdoor seasonal sales. Claire Botsch seconded.

The motion was voted and passed (4 – 0 – 1). Tony Delmichi abstained.

Section 27-12.60-B. Location of Off-Street Parking – Residential Districts: Council Members discussed the distance trailers and recreational vehicles can be parked on homeowners’ properties from lot lines.

Tony Delmichi motioned to reduce the parking requirements of trailers, recreational vehicles and similar vehicles to the property line. Rick Callihan seconded.

The motion was voted and passed (5 – 0).

Section 27-18.110 Concurrent Variances: Members of the Council and Staff debated the implications of the Mayor and Council deciding the outcomes of variances simultaneously with amendment applications.

Rick Callihan motioned to remove concurrent variance regulations from Chapter 27. The motion died due to lack of a second.

Section 27-32.10-G. Terms Beginning with “G”: Council Members asked Staff why greenspace needs to be defined. Staff clarified the importance of greenspace and noted the benefits of its designation.

Claire Botsch motioned to approve the Zoning/Land Development Code Rewrite with amendments. Rick Callihan seconded.

The motion was voted and passed (4 – 0 – 1). Tony Delmichi abstained.

- G. OTHER BUSINESS
- H. PUBLIC COMMENT
- I. COMMUNITY COUNCIL COMMENT
- J. ADJOURN

Rick Callihan motioned to adjourn. Claire Botsch seconded.

The motion was voted and passed (5 - 0).

Approved by:

Chairman

Attest:

Secretary

**CITY OF DUNWOODY
July 9, 2013
PLANNING COMMISSION MINUTES**

The Planning Commission of the City of Dunwoody held a Meeting on July 9, 2013 at 7:00 PM. The meeting was held in the City of Dunwoody City Hall, 41 Perimeter Center East, Dunwoody, Georgia 30346. Present for the meeting were the following:

Voting Members: Bill Grossman, Chairman
Bob Dallas, Vice Chairman
Don Converse, Commission Member
Tom Dwyer, Commission Member
Renate Herod, Commission Member
Paul Player, Commission Member

Also Present: Steve Dush, Community Development Director
Rebecca Keefer, City Planner
Christie Mager, Planning Coordinator
Scott Robichaux, Legal Counsel

A. CALL TO ORDER

B. ROLL CALL

All members were present, except Kirk Anders.

C. MINUTES

1. Approval of Meeting Minutes from June 11, 2013 Planning Commission Meeting.

Commission Member Tom Dwyer motioned to approve. Commission Member Don Converse seconded.

The motion was voted and passed (5 – 0 – 1). Paul Player abstained.

D. ORGANIZATIONAL AND PROCEDURAL ITEMS

E. UNFINISHED BUSINESS

F. NEW BUSINESS

1. Rewrite and codification of the City of Dunwoody City Code Chapters 27, Zoning, and 16, Land Development, and all previous amendments thereto.

Rebecca introduced the Zoning/ Land Development Code Rewrite –giving background on the entire process and noting the substantive changes to both chapters.

Rebecca also presented the outcomes of the Community Council meeting and highlighted the most recent updates to the drafted ordinances.

The Commission discussed Chapter 16 as follows and voted on the items

after the public comment period.

Section 16-10.50-D. Removal of Specimen Trees: Members of the Commission sought clarification of the policy to remove one tree per calendar year on residential lots. Staff provided information as to what the regulation specifically means and the various provisions it includes.

Section 16-3.20-D. Applicability: Commission Members and Staff discussed the reasoning behind establishing thresholds for commercial developments to provide for public right-of-way improvements.

Section 16-5.80-C. Application Filing (Appeals of Administrative Decisions): Commission Members suggested changing the deadline for appeals from 15 days to 30 days in order to be consistent with other deadline requirements. Staff will look further into it.

Article 8. Stream Buffers: Members of the Commission and Staff discussed the length of stream buffers, and the change in definitions. The Commission showed support for the new stream classifications.

Section 16-8.40-A. Exemptions: Commission Members and Staff discussed the benefits to characterizing stream buffers as "no-disturbance" areas as well as the implications involved in omitting certain activities from stream buffer regulations or reducing the size of the buffer. Staff advised that future annual reviews of the proposed ordinances will provide opportunities to refine regulations in case certain instances deem them as being inappropriate for the community.

Section 16-8.40-B. Special Administrative Permits: Members of the Commission stated multi-use trails should not be allowed in stream buffers due to the change in current design standards. Staff clarified that the regulation only comes into effect for trails on Council approved plans, which undergo a public outreach process and still have to maintain the 25 foot state stream buffer.

Part III. Subdivisions: Staff explained the substantive changes in subdivision regulations.

Section 16-16.20-T. Access Management: Commission Members and Staff discussed how deceleration lanes *should* be provided in accordance with Georgia Department of Transportation Regulations for Driveway and Encroachment Control (Driveway Manual).

Bill Grossman opened public comment.

Ken Ashhurst, resident at 5321 Seaton Drive, spoke on the Minor Subdivision regulations in Chapter 16, Article 14 and the various impositions it includes.

Bill Grossman closed the public comment.

Members of the Commission asked questions of staff in regard to the approval process for subdivision plats.

Bill Grossman stepped out of the Council Chambers momentarily.

Commission Member Renate Herod motioned to remove Section 16-10.50-D. Commission Member Paul Player seconded.

The motion was voted and passed (5 - 0).

Commission Member Renate Herod motioned to amend Section 16-8.40-A to allow limited land disturbance to build or rebuild decks, porches, and accessory uses up to the 25 foot state stream buffer. Commission Member Don Converse seconded.

The motion was voted and passed (4 - 1). Bob Dallas dissented.

Commission Member Tom Dwyer motioned to change Section 16-16.20-T(9) "must" to "should." Commission Member Paul Player seconded.

The motion was voted and passed (5 - 0).

Commission Member Paul Player motioned to change the appeal deadline to 30 days in Section 16-5.80-C. Commission Member Renate Herod seconded.

The motion was voted and passed (5 - 0).

Commission Member Renate Herod motioned to include a provision for public notification in the Minor Subdivision regulations. Commission Member Tom Dwyer seconded.

The motion was voted and passed (4 - 1). Paul Player dissented.

The Commission discussed Chapter 27 as follows and voted on the items after the public comment period.

Section 27-4.20 Uses Allowed: Members of the Commission and Staff discussed why stables were removed from commercial districts. Staff noted that they are still allowed in residential districts that provide for larger lots.

Section 27-4.30-B. Single-Dwelling Districts: Commission Members and Staff debated regulations placed on setbacks and lot coverage for residential property.

Bill Grossman returned to the meeting.

Section 27-7.20-B. Redevelopment: Members of Commission conversed on the appropriateness of continuing to limit the Dunwoody Village Overlay District to the pre-1900 Mid Atlantic American Colonial Architecture style. It was clarified that the redevelopment provisions intend to give potential

developers more design possibilities for the area.

Section 27-6.20-B. Establishing a Planned Development: Members of the Commission and Staff discussed the possibility of making planned developments available outside of the current subareas. Commission Members showed support for this provision so long as there is a minimum of 10 acres.

Section 27-7.20-C. Thresholds for Compliance: Commission Members sought clarity as to where thresholds for full compliance occur in Dunwoody.

Section 27-8.20-A. Household Living Category: Members of the Commission sought clarity on whether the "Mixed-use Building, Vertical" category was a new addition to the ordinance. It was confirmed that the category is new due to this proposed residential building type not being currently allowed in any existing district.

Section 27-9.10-A. Animal Hospitals and Veterinary Clinics: Commission Members and Staff discussed the provision of not allowing boarding services unless when required in connection with medical treatment or the hospital is located in a zoning district that allows animal boarding. Staff noted animal hospitals are allowed in OCR, NS, C-1, CR-1, C-2 and M zoning districts.

Section 27-9.50 Community Garden: Commission Members and Staff discussed community gardens in residential zoning districts.

Section 27-8.40-E. Eating and Drinking Establishments: Members of the Commission debated making an exception to the noise ordinance in order to allow for ice cream trucks. Staff clarified why ice cream trucks are not included in the definition of food trucks.

Section 27-9.80 Food Trucks: Commission Members and Staff discussed where food trucks are allowed and the parking requirements associated with their presence.

Section 27-10.30-G. Supplemental Regulations for Type B Home Occupations: Members of the Commission and Staff conversed on where specialty parties for products, such as Tupperware and jewelry, fit in to the regulations. Staff clarified that these situations do not fit into the requirements for home occupations.

Section 27-10.60 Residential Composting: Commission Members discussed the importance of specifying meat products are not permitted in composting as well as limiting animal waste to carnivorous animals.

Section 27-11.30-E. Temporary Portable Storage Containers: Commission Members and Staff debated the duration temporary portable storage containers can be located on an individual's property. It was determined

that a construction permit provision should be added.

Section 27-11.30-B. Temporary Buildings: Members of the Commission felt that a certificate of occupancy and a certificate of completion should be noted in the provision of when temporary buildings should be removed.

Section 27-11.30-A. Garage Sales: Commission Members and Staff discussed the number of garage sales that should be permitted per calendar year.

Section 27-11.30-C. Temporary Outdoor Seasonal Sales: Members of the Commission and Staff conversed on where farmers markets fit in to the definition of temporary outdoor seasonal sales. Staff stated they are regulated through the provision of permits no being approved for the same lot or any portion of the same lot for a cumulative total of more than 90 days in any calendar year.

Section 27-12.20 Minimum Motor Vehicle Parking Ratios: Members of the Commission and Staff discussed parking ratios for adult uses in commercial districts. Staff mentioned that the provisions were not modified from current standards.

Section 27-12.60-B. Residential Districts (Location of Off-Street Parking): Members of the Commission sought clarity as to the meaning of "street yard."

Section 27-12.50-B. Replacement of Motor Vehicle Parking Spaces with Bicycle Parking Spaces: Commission Members and Staff discussed the purpose and intent behind allowing any nonresidential use to convert or substitute up to 25 parking spaces in exchange for providing bicycle parking spaces.

Section 27-12.60-B. Residential Districts (Location of Off-Street Parking): Members of the Commission debated the distancing requirements for parking trailers and recreational vehicles on residential property.

Section 27-13.30-C. Options (Parking Lot Interior Landscaping): Commission Members discussed the two options available for landscape islands. Staff clarified that the options give developers design choices.

Section 27-13.80-E. Shrubs and Ornamental Grasses: Members of the Commission directed Staff's attention to the minimum requirements being listed as inaccurate. Staff plans to reconcile provision in order to note shrubs and ornamental grasses must be a minimum size of 1-gallon.

Section 27-13.80-I. Installation: Members of the Commission sought clarity as to whether the city arborist was still currently evaluating proposed revisions to the installation provisions. Staff explained the footnote needed to be removed and that certain landscaping designs can be efficient with drip irrigation.

Section 27-15.20 Maximum Height: Members of the Commission and Staff discussed the limitations placed on fence heights in residential districts. It was recommended that homeowners be allowed to replace damaged or deteriorated fences like-for-like.

Section 27-17.100-C. Public Notices (Public Hearings): Commission Members discussed requiring public notices for all Public Hearing applications.

Section 27-18.70 Community Council Meeting and Recommendation: Members of the Commission discussed the removal of the Community Council from the Special Land Use Permit (SLUP) process.

Section 27-18.90 City Council Public Hearing and Decision: Members of the Commission discussed the ability of the Mayor and Council to defer an item and not remand it full-cycle, which would include the Community Council. Staff explained the Community Council's role in the decision-making process.

Section 27-18.110 Concurrent Variances: Commission Members questioned why staff recommends concurrent variances. Staff explained the benefits of allowing variances to be discussed in terms of how they affect the design of the development.

Section 27-19.40 Neighbor Communications Summary: Members of the Commission and Staff discussed the regulations that allow for different forms of communication in notifying neighbors of pre-submittal meetings.

Section 27-21.70-B. Review and Approval Criteria: Commission Members and Staff conversed about the conditions required for obtaining a variance.

Article 30. Measurements: Members of the Commission and Staff discussed how various zoning district requirements are determined throughout the City.

Article 32. Definitions: Commission Members and Staff discussed various changes made to definitions, such as whether or not pit bulls should be included as dogs, which are household pets, and the removal of "neighborhood" and "parking space."

Section 27-10.100 Retail Sales Kiosks, Vending Machines and Donation Drop Boxes: Members of the Commission and Staff discussed how the locations of drop boxes are currently situated and how the regulations will affect future determinations.

Bob Dallas opened public comment.

No one spoke.

Bob Dallas closed public comment.

Commission Member Renate Herod motioned to change Article 4 to include stables in R-150. Commission Member Bill Grossman seconded.

The motion was voted and passed (6 - 0).

Commission Member Tom Dwyer motioned to reduce rear yard setback from 40 feet to 30 feet. Commission Member Paul Player seconded.

The motion was voted and failed (3 - 3). Bob Dallas, Bill Grossman, and Renate Herod were the dissenting votes.

Commission Member Tom Dwyer motioned to reduce rear yard setback from 40 feet to 35 feet. Commission Member Don Converse seconded.

The motion was voted and failed (3 - 3). Bob Dallas, Bill Grossman, and Renate Herod were the dissenting votes.

Commission Member Bill Grossman motioned to allow planned developments in any appropriate mixed-use category where it meets the requirements of 10 acres for commercial properties and 25 acres for residential properties. Commission Member Don Converse seconded.

The motion was voted and passed (5 - 0 - 1). Paul Player abstained.

Commission Member Don Converse motioned to add note to Section 27-10.60 to prohibit meat products, eliminate Section 27-10.60-B and Section 27-10.60-C, and allow waste from herbivores to be used in composts in Section 27-10.60-G. Commission Member Paul Player seconded.

The motion was voted and passed (6 - 0).

Commission Member Tom Dwyer motioned to add language to Section 27-11.30-E for buildings under construction to be allowed temporary portable storage containers for a maximum of 120 days. Commission Member Renate Herod seconded.

The motion was voted and passed (6 - 0).

Commission Member Bill Grossman motioned to replace fences to same height. Commission Member Don Converse seconded.

The motion was voted and passed (6 - 0).

Commission Member Renate Herod motioned to change Section 27-13.80-E for the minimum size of shrubs and ornamental grasses to be 1-gallon and remove the footnote in Section 27-13.80-I. Commission Member Don Converse seconded.

The motion was voted and passed (6 - 0).

Commission Member Bill Grossman motioned to specify in Section 27-19.40 a form of communication the City can easily confirm and document

without relying on information from neighbors in the 500-foot radius and instead requires an affidavit from the applicant. Commission Member Don Converse seconded.

The motion was voted and passed (5 – 0 – 1). Paul Player abstained.

Commission Member Renate Herod motioned to remove the term “pit bull” from the household pet definition. Commission Member Don Converse seconded.

The motion was voted and passed (5 - 1). Paul Player dissented.

Commission Member Renate Herod motioned to approve with staff recommendations, subject to the Commission’s amendments. Commission Member Bill Grossman seconded.

The motion was voted and passed (6 - 0).

- G. OTHER BUSINESS
- H. PUBLIC COMMENT
- I. COMMISSION COMMENT
- J. ADJOURN

Approved by:

Chairman

Attest:

Secretary



Zoning and Land Development Regulations Rewrite

Chapter 16 | Land Development Regulations

Public Review/Hearing Draft
May 30, 2013

#L.1.

Many of the provisions in this draft are identical or very similar to those currently in Chapter 16 of the city code. Despite the similarities, there *are* substantive changes and new concepts interspersed among the existing provisions. These proposed changes are identified through the use of footnotes and occasional underline (new/changed material) and ~~striketrough~~ (deleted material) text. The absence of footnotes and identified redline changes is an indication that the provisions do not constitute a substantive modification, but most all of the provisions have been edited for internal consistency and clarity.

The major changes made between the February 15 and April 30, 2013 drafts are as follows:

- [Article 3](#) (Required Public Improvements): establishes new proposed thresholds governing when applicants for building permits or development permits are required to dedicate right-of-way and install other public improvements.
- [Article 9](#) (Stormwater Management): several new provisions added to reflect Metropolitan North Georgia model ordinance requirements.
- ~~[16-10.30-E \(tree removal from single family residential lots\): added new provision requiring property owners to notify city arborist before removal of trees. This was an issue discussed at length and receiving majority support at the March 5 public workshop. \(See explanation of Sec. 16.10.50-D, below\)](#)~~
- [Article 14](#) (Minor Subdivision): establishes a new expedited procedure for subdivisions that:
 - will result in the creation of no more than 3 lots;
 - do not require utility extensions (other than individual service lines); and
 - do not require additional right-of-way dedication or new streets or street improvements.

The major changes made since release of the April 30, 2013 draft are as follows:

- [16-3.20-E \(Required Public Improvements\): new item \(E\) added to the applicability provisions.](#)
- [16-9.40-B.2 \(Stormwater Detention Storage Requirements\) New provision added allowing city-waiver of detention storage requirements when such waiver will not have negative impacts.](#)
- [16-10.50-D \(Removal of Specimen Trees\) revised to allow single-family property owners to remove a maximum of one specimen tree per calendar year without replacement. Additional trees may be removed only subject to tree replacement provisions.](#)
- [16-12.30-C removes \(currently unused\) "method of disclosure provision"](#)
- [16-16.20-D \(Subdivisions/Lots Bordering Major Streets\) authorized city to place reasonable limits on access \(driveways\) along major streets](#)
- [16-17.40-H.9 \(Bike Lanes\) clarifies bike lane width requirements](#)