

MEMORANDUM

To: Mayor and City Council

From: Community Development Staff

Date: May 12, 2014

Subject: Six Month Review of Zoning/Land Development Code Rewrite

EXECUTIVE SUMMARY

The City’s Ordinances are established to implement goals and visions identified through long-range planning processes. As those long-range planning documents are dynamic, the implementation tools themselves should be amended as necessary to maintain concurrence with adopted plans. As such, during the Zoning Code Rewrite adoption process in the fall of 2013, staff committed to conduct analyses in regard to the functionality of the adopted code over the subsequent six months so as to identify any changes that would make the codes more effective and continue guiding development in a Dunwoody-specific manner. During that time, staff has observed the policy and procedural implications of the newly adopted code, and has developed a list of sections or topics that may need additional tweaking or clarification. Below is a chart containing sections observed by Council, the community, or staff requiring further amendments. Because there are varying degrees of changes required to address such concerns, the chart describes the section, summary of proposed changes, and when necessary, provides options to City Council to direct the policy outcome of the amendment. Staff recommends City Council initiate a text amendment for the following sections and also requests direction on those identified items.

Chapter 16 – Land Development		
Section	Proposal	Council Direction
Section 16-27. Applicability. (Required public improvements)	The provision “New buildings or building additions that result in an increase in existing building floor area on the subject property by more than ten percent, based on the total floor area added over the previous 12-month period” could require single-family residences to make improvements, which may be an unintended consequence. Make certain exemptions for single-family residential additions.	Should a 10% increase trigger public improvements (sidewalks, street trees, etc) for all additions, or should there be some exemptions (e.g.: for a single-family residence)? If there should be some exemptions should splitting one lot into two trigger the improvements?
Sec. 16-99. Exemptions and special administrative permits. (Stream buffers)	Allow minimal additions of impervious surfaces (e.g.: swing sets) located 50 feet or more from the stream. Also allow land disturbance as close as 25’ to the stream for construction involving a reduction in impervious surface within the buffer (permit as special administrative permits).	

<p>Sec. 16-99. Exemptions and special administrative permits. (Stream buffers)</p>	<p>Cite the special administrative permit process from Chapter 27 to define the appropriate process in this section. Consider reorganizing stream exemptions versus administrative permits.</p>	
<p>Section 16-178 (b). Exemptions.</p>	<p>Remove exemptions from platting review to require all plats to go through a minor or major subdivision process.</p>	
<p>Sec. 16-191. Applicability. (Minor Subdivision Procedure)</p>	<p>Under the criteria listed for eligible minor subdivisions, add a link to the section (Article 1, Division 2) that specifies whether “no new streets or street improvements are required.” If necessary, define “street improvements” or other technique to determine what requires a major versus minor subdivision process.</p>	
<p>Section 16-206(c)(32). Corner Lots.</p>	<p>Amend the section that reads, “Show that corner lots must have an extra width of not less than 15 feet more than required for interior lots for the zoning district within which they are located” to expressly state it applies to both frontages. Make requirement applicable to all processes—not just major subdivisions.</p>	
<p>Sections 16-206(f), (g), and (h) Application submittal, Referral of sketch plat for review, and Public Notice (Sketch plat/preliminary plat); and Sections 16-207(d) and (e) City manager approval and Appeals (Final plat).</p>	<p>Remove timelines for plat acceptance and transmittance. Amend appeals process for plats so that they are processed by Zoning Board of Appeals.</p>	
<p>Section 16-207(f). Recording. (Final plats)</p>	<p>Section states “The approved final plat must be recorded with the clerk of the county superior court by the community development director and returned to the applicant.” Require the applicant to record the final plat with the clerk of the county superior court.</p>	
<p>Section 16-207(q). Revised final plat (plat amendments).</p>	<p>Require all owners of the property to be divided to grant permission for the process. Also, amend so the revised final plat does not need to be in conformance with preliminary plat, as by its nature, it is different.</p>	

Chapter 16, Article III, Division 4. Subdivision Design and Division 5. Subdivision Improvements.	Add a general applicability section in order to expressly require the design standards for all projects, not just subdivision processes.	
Section 16-222(f)(1). Intersections (Streets).	Amend the provision to require that the offset be measured from the edge of the street for intersection separation.	
Section 16-222(j). Street Cross-Sections (Streets).	Amend street design standards to give staff more administrative authority to adjust the configuration of the streetscape for more context-sensitive design.	
Section 16-244(h). Sidewalks and bicycle lanes	Amend to clarify that sidewalks are required on both sides of all new but in the case of subdividing on an existing street sidewalk is required on the side(s) on which the subdivision or new development is occurring.	
Chapter 16, Article III, Division 6. Subdivision Variances (b)(c)—reference to Section 16-226.	Currently, lots subdivided under this code are not allowed to receive variances—for setbacks, stream buffers, etc. Because the lots are required to be built to a certain standard, it is inherent that they would not meet the hardship requirements of the code—now or in the future. Clarify whether there is a prohibition of variances to Chapter 27 standards.	Should certain variances be allowed? If not, should there be a requirement that all lots be buildable as well?
Section 16-286. Terms defined.	Add more clarification for definitions of public vs. private streets.	
Section 16-286. Terms defined.	Add definition of corner lot or reference to it.	

Chapter 27 – Zoning		
Section	Proposal	Council Direction
Section 27-57. Uses allowed. (Residential Zoning Districts)	Add the ability for people to request a SLUP for day care with 7 or more children in R-100, where the site is above certain acreages.	Is this a use City Council would like to open for potential Special Land Use Permit requests?
Section 27-57. Uses allowed. (Residential Zoning Districts)	Remove personal care home, congregate (16 or more) as a use by Special Land Use Permit in R-150, 100, 85, 75, 60, and 50 Districts and review for other changes.	

<p>Section 27-58(c). Multi-dwelling districts. (Lot and building regulations)</p>	<p>Modify 10-foot side setback rule for accessory buildings/structures in RM districts. Interior side setback for primary buildings is 7.5 feet—reconcile the accessory setback to be 7.5 feet as well.</p>	
<p>Sec. 27-72. Uses allowed. (Nonresidential and Mixed-Use Zoning Districts)</p>	<p>Add a supplemental regulation link to Section 27-145 for congregate personal care homes.</p>	
<p>Sec. 27-73. Lot and building regulations.</p>	<p>OCR district requires 50-foot front setback—reduce to a zero foot setback, similar to the desired development pattern of other mixed-use districts.</p>	<p>Is 50 feet too restrictive for the development pattern that is sought in this district?</p>
<p>Sec. 27-113. Quasi-public and institutional category. (Use Classifications)</p>	<p>Amend to refer to all day cares as “facilities” and make the distinction based on the number of students. Currently, day cares with 6 or fewer children are ‘facilities’ and day cares with 7 or more are ‘centers.’</p>	
<p>Section 27-138. Food Trucks.</p>	<p>Because food trucks require an Administrative Permit, they must adhere to the posted notice requirements—“a sign must be placed in a conspicuous location on the subject property at least 30 days before the date of the community development director's decision on the administrative permit request.” Amend the text to clarify the requirement.</p>	<p>Should food trucks be exempt from 30-day noticing requirement? If not, clarify whether the noticing shall apply to each truck temporarily locating on the property, or whether it is a one-time notification.</p>
<p>Section 27-147(2). Contextual Street Setbacks. (Residential Infill)</p>	<p>Add a procedure for determining contextual setback when adjacent lot is the result of a subdivision under the same action. Also add exception for vacant, unbuildable lots in applying the vacant lot calculation.</p>	
<p>Section 27-166(e). Accessory buildings and structures.</p>	<p>Add clarification about what additional characteristics define a structure as being part of the primary structure. For instance, structures attached to the primary structure via a covered passage are defined as being part of the primary structure.</p>	<p>Should a structure be considered primary or accessory when attached to the primary structure via sidewalks, patios, driveways, or other one-dimensional structures?</p>

<p>Sec. 27-188. Authorized temporary uses.</p>	<p>Currently, temporary buildings (e.g.: construction trailers) are permitted to remain on a site under construction up to one year; additional time requires a SLUP. Amend the code to allow the construction trailer to remain by-right for any amount, provided a valid, active building permit exists for the site.</p>	<p>Should we continue to require a SLUP for construction trailers located on a site for over one year, or could it be tied to a valid building permit?</p>
<p>Chapter 27, Article IV, Division 3. Outdoor Lighting.</p>	<p>Make changes based on best sustainability practices by working with industry professionals—came about when GA Power attempted to retrofit a building to demonstrate efficiency measures and had to modify plan (in a less sustainable way) to meet our ordinance.</p>	
<p>Section 27-337. Amending conditions of approval.</p>	<p>Amend to indicate a decrease in density is considered a minor amendment to be approved administratively and consider other rational exceptions.</p>	<p>Should a decrease in density be considered a minor change? Any other alterations of what constitutes a major/minor change?</p>
<p>Section 27-362. Amending conditions of approval. (Special Land Use Permits)</p>	<p>Make the provisions for amending SLUP conditions of approval similar to those written in Division 2, "Amendments," for minor and major changes.</p>	
<p>Chapter 27, Article V, Division 7. Administrative Permits.</p>	<p>Change name to 'Special Administrative Permits.' Review and clarify criteria for granting an administrative permit.</p>	
<p>Chapter 27, Article VII, Division 1. Measurements.</p>	<p>Clarify process for determining rear yard for irregular lot lines as they apply to rear setbacks—if the lines are 45 degrees or less as compared to the side lot lines, then they should be considered rear lines.</p>	

<p>Section 27-621. Terms defined.</p>	<p>Add an item in the series that describes a newly created lot from a previously platted lot and use 'or' instead of 'and' - <i>Infill lot</i> means: (1) a conforming lot or a nonconforming lot of record created by the demolition of an existing residential structure for the replacement of that structure with new construction; (2) any lot intended for use as a site for a detached house that is created by act of subdivision; and <u>or</u> (3) any lot that, at the time it is zoned, has no principal building and that is subsequently proposed as a site for a detached house.</p>	
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<p style="text-align: center;">Miscellaneous</p>		
<p style="text-align: center;">Topic</p>	<p style="text-align: center;">Proposal</p>	<p style="text-align: center;">Council Direction</p>
<p>Fee Schedule</p>	<p>Add new zoning districts and remove the old ones. Clarify some land development/building fees.</p>	
<p>Drive-through Trash Can Lids</p>	<p>No provisions were found to exist in neighboring communities.</p>	<p>Should staff move forward with a proposed text amendment through this process?</p>
<p>Unbuildable Subdivision Lots</p>	<p>Consider a provision that allows substandard lots for common areas and open space in a proposed subdivision, provided they are purported as unbuildable.</p>	
<p>Residential Outside Storage</p>		<p>Should a provision similar to that of DeKalb County be added to prohibit outdoor storage of furniture, appliances, boxes, etc in residential districts?</p>
<p>Streetlight Maintenance</p>	<p>Add requirement for the developer to enter into an agreement with Georgia Power to install streetlight poles when applicable.</p>	
<p>Subdivision Regulations for Existing Subdivisions</p>	<p>Amend subdivision platting requirements to further protect infill.</p>	<p>Should subdivisions in platted neighborhoods be allowed by-right, with additional contextual review criteria, by SLUP, or expressly prohibited? Should this policy apply to all platted lots or just formal neighborhoods (i.e.: lots along collector roads may be platted but may not be a part of a neighborhood or HOA)?</p>

Application Withdrawals	Develop a process for application withdrawals (variance, rezoning etc.).	Should applicants wishing to withdraw an application be required to come to the public meeting for a board vote, or can they submit a request in writing to be removed from the agenda?
Combined Variances and Administrative Permits	Require that a request for a special administrative permit tied to a request for a variance both be sought from the Zoning Board of Appeals. Likewise, consider prohibiting a similar request denied by the ZBA from being subsequently sought through a special administrative permit.	
Section 27-361 Transfer of Special Land Use Permits	Remove this section to allow City Council the discretion to place time limits on a case-by-case basis.	Verify that this is the policy direction.

TIMELINE

The amendments will proceed through the normal adoption process—Community Council, Planning Commission, and Mayor and City Council. By the time they are presented to Community Council, the proposed changes will be presented in the form of proposed text, rather than a summary of the proposed changes.

PUBLIC OUTREACH

Each of the meetings/hearings will be open to the public as well as advertised in the *Crier* for public discussion and input. While a specific end-date is not yet determined, it is assumed the revised ordinances will be back before Mayor and Council for adoption in July or August of this year. In order to provide adequate time for review before the next phase of the process, staff proposes following-up with Council six months from the new adoption date.

RECOMMENDATION

Staff recommends initiating text amendments as proposed by staff for City Code Chapters 27, Zoning and 16, Land Development.

Attachments

- Chapter 16 – Land Development Ordinance
- Chapter 27 – Zoning Ordinance