

MEMORANDUM

To: Mayor and Council
From: Paul Leonhardt, Planning & Zoning Manager
Date: April 12, 2021
Subject: Text Amendment
Chapter 27— PD, Planned Development District

ITEM DESCRIPTION

This item is a request to amend standards for the existing PD, Planned Development district. The amendment would reduce the minimum land area required to establish a planned development from approximately five acres to one acre. Other proposed changes are administrative in nature to reflect current Department of Community Development practices.

DISCUSSION

PD zones are a tool to address the inflexible nature of the Zoning Ordinance and Development Regulations for development. Instead of strictly designing a development to each section of the City's code, a developer can propose an overall development plan (ODP) that can override the general code language. For instance, instead of applying the specified setbacks of a zoning district, the ODP stipulates setbacks specific to the development.

This addresses a short-coming of the Dunwoody Zoning Ordinance. Currently, when a developer asks for a rezoning, the City provides a variety of conditions – one of which typically requires following an approved site plan. However, due to the length and specificity of the Zoning Ordinance, most current development requires one or more Variances. This can lead to the situation where the Planning Commission and the City Council approve a development to a certain standard, yet the Zoning Board of Appeals will make the final decision whether the project can be constructed.

In recent decisions, the City has made steps towards approving matters of relief concurrently with the rezoning. When rezoning to a Perimeter Center district (PC-1, PC-2, and PC-3), a developer can apply for concurrent special land use permits for relief from the district regulations, in effect allowing the Planning Commission and City Council to consider variances. This text amendment would broaden that option to development outside of Perimeter Center for projects of an acre or more. At the same time, it would not preclude a developer from zoning to any of the other existing zoning districts and applying for variances separately.

The promise of this approach is that it provides an additional option for development to implement unique design. The negotiated nature of the district allows for staff, the Planning Commission, and the City Council to request higher standards and additional specificity that is typically not considered as part of a rezoning. For instance, the City Council could stipulate specific façade designs or allow a developer to draft its own development code.

STAFF RECOMMENDATION

Staff recommends **APPROVAL**.

PLANNING COMMISSION RECOMMENDATION

At its March 9 meeting, the Planning Commission recommended **APPROVAL with two proposed changes**: They recommended increasing the minimum land area required for PD zoning to 1.5 acres and allowing the Planning Commission up to three deferrals when considering rezoning proposals to a PD district. This recommendation passed 6-1 with Commissioner Abram against.

Discussion at the Planning Commission centered around protecting existing single-family neighborhoods from encroachments. A second line of discussion focused on the increased detail to be considered by the Planning Commission and the City Council as part of the overall development plan review.

ATTACHMENTS

Chapter 27, Sec. 27-87. Planned Development District - current.
Chapter 27, Sec. 27-87. Planned Development District - proposed.

**AN ORDINANCE AMENDING CHAPTER 27 OF THE CITY OF DUNWOODY
CODE OF ORDINANCES BY AMENDING ARTICLE IV, DIVISION 4 TO ADJUST
THE ALLOWABLE FENCE AND WALL HEIGHT**

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

WHEREAS, the City of Dunwoody creates zoning districts that regulate the land use and dimensional standards to achieve those goals; and

WHEREAS, the Mayor and City Council have determined that it is appropriate to adjust certain requirements and standards for the PD District.

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

Chapter 27 (Zoning Ordinance) of the City of Dunwoody Code of Ordinances is hereby amended by Section 27-87 (PD, Planned Development district) to read as follows:

Sec. 27-87. - PD, Planned Development district.

(a) *Purpose and administration of district.* The PD, Planned Development district is intended to permit the planning and development of parcels of land that are suitable in location and character for the uses proposed as unified and integrated developments in accordance with detailed development plans. The PD district is intended to provide a means of accomplishing the following specific objectives:

(1) To provide for development concepts not otherwise allowed within non-PD zoning 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;

(3) To accommodate varied type design and layout of housing and other buildings;

(4) To allow appropriate relationships of open spaces to intended uses and structures;

(5) 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 those buildings;

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(6) 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 benefit those who need homes;

(7) To lessen the burden of traffic on streets and highways; and

(8) To provide a procedure that 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.

(b) *Establishing a planned development.*

(1) No PD district may be established without the concurrent approval of an overall development plan (ODP) by the mayor and city council, in accordance with subsection (c).

(2) PD districts must have a minimum contiguous land area of ~~200,000 square feet~~ one acre.

(3) The boundaries of each PD, upon approval, must be shown on the zoning map, must be in conformance with the adopted comprehensive plan, any adopted master plan, and the approved overall development plan.

(4) Once adopted, an ODP may be modified in the following ways:

a. The community development director has sole authority to approve minor changes to conditions attached to an approved PD 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 must be made in written form to the community development director. If an approved site plan exists, the request for minor change must be accompanied by ~~four copies~~ a copy of the revised site plan.

b. Any major change to conditions attached to an approved PD zoning designation requires approval of a zoning map amendment in accordance with the procedures of article V, division 2. Without limiting the meaning of the phrase, the following are deemed to constitute major changes 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 to which it is adjacent;

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 reduction 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.

(c) Application of regulations.

(1) *Overall development plan.* Development of the PD is governed by overall development plan that designates the land uses of the PD. The ODP must be accompanied by a development standards text, which may be approved as a condition of zoning, providing development standards and uses for the project that can vary, augment or limit the requirements of this zoning ordinance and the development regulations. The ODP must be submitted as a part of the PD rezoning application.

(2) At a minimum the ODP must include:

- a. Sketch plan;
- b. Type and location of all intended uses;
- c. Expected gross land areas of all intended uses including open space;
- d. 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;
- e. Architectural elevations of all proposed building sides, a description of the types of exterior treatments of buildings, a site plan to scale, density calculations;
- f. Circulation plan;
- g. Street documentation;
- h. Parking analysis;
- i. A tree plan showing the existing trees on site that are six inches in diameter at breast height or greater for hardwoods and 16 inches in diameter at breast height for other trees;

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j. Existing site survey and a grading plan; and

k. Any other information deemed necessary by ~~staff~~ the Community Development Director for planning review.

(3) To the extent that the approved ODP and development standards for a PD contradict the development regulations and this zoning ordinance, the approved ODP for the PD district governs.

(4) No changes in land use or density may be allowed in any approved and incorporated overall development plan or development standards text, except as subsequently approved pursuant to a rezoning of the property.

(5) ~~Due to the mixed-use nature of PD proposals, a~~ Architectural compatibility must be determined based upon the context and guidance of the comprehensive plan and specific sub-area plan area in which the PD is located. As a part of the architectural design, a "four-sided" design philosophy must be used, materials used shall be enduring in their composition and include as the primary material, brick, stone or equivalent durable materials.

(6) Land uses within a PD district may be multiple in nature. The location and relationship of these uses must 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.

SO ORDAINED, this ____ day of _____, 2021.

Approved:

Lynn Deutsch, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk
(Seal)

City Attorney

Sec. 27-87. - PD, Planned Development district.

(a) *Purpose and administration of district.* The PD, Planned Development district is intended to permit the planning and development of parcels of land that are suitable in location and character for the uses proposed as unified and integrated developments in accordance with detailed development plans. The PD district is intended to provide a means of accomplishing the following specific objectives:

- (1) To provide for development concepts not otherwise allowed within non-PD zoning districts;
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- (3) To accommodate varied type design and layout of housing and other buildings;
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- (5) 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 those buildings;
- (6) 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 benefit those who need homes;
- (7) To lessen the burden of traffic on streets and highways; and
- (8) To provide a procedure that 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.

(b) *Establishing a planned development.*

(1) No PD district may be established without the concurrent approval of an overall development plan (ODP) by the mayor and city council, in accordance with subsection (c).

(2) PD districts must have a minimum contiguous land area of ~~200,000 square feet~~ one acre.

(3) The boundaries of each PD, upon approval, must be shown on the zoning map, must be in conformance with the adopted comprehensive plan, any adopted master plan, and the approved overall development plan.

(4) Once adopted, an ODP may be modified in the following ways:

a. The community development director has sole authority to approve minor changes to conditions attached to an approved PD 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

must be made in written form to the community development director. If an approved site plan exists, the request for minor change must be accompanied by ~~four copies~~ a copy of the revised site plan.

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5. Any increase in the height of any building or structure; or
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(c) *Application of regulations.*

(1) *Overall development plan.* Development of the PD is governed by overall development plan that designates the land uses of the PD. The ODP must be accompanied by a development standards text, which may be approved as a condition of zoning, providing development standards and uses for the project that can vary, augment or limit the requirements of this zoning ordinance and the development regulations. The ODP must be submitted as a part of the PD rezoning application.

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- f. Circulation plan;

g. Street documentation;

h. Parking analysis;

i. A tree plan showing the existing trees on site that are six inches in diameter at breast height or greater for hardwoods and 16 inches in diameter at breast height for other trees;

j. Existing site survey and a grading plan; and

k. Any other information deemed necessary by ~~staff~~ the Community Development Director for planning review.

(3) To the extent that the approved ODP and development standards for a PD contradict the development regulations and this zoning ordinance, the approved ODP for the PD district governs.

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