

MEMORANDUM

To: Mayor and City Council
From: Madalyn Smith, Senior Planner
Date: May 23, 2022
Subject: Text Amendment
Chapter 27— Perimeter Center Overlay

ITEM DESCRIPTION

This item is a request to amend Perimeter Center overlay regulations regarding the process for major exceptions, the quantity of windows, and pedestrian entrances. These amendments will only be applicable within the Perimeter Center Overlay Area.

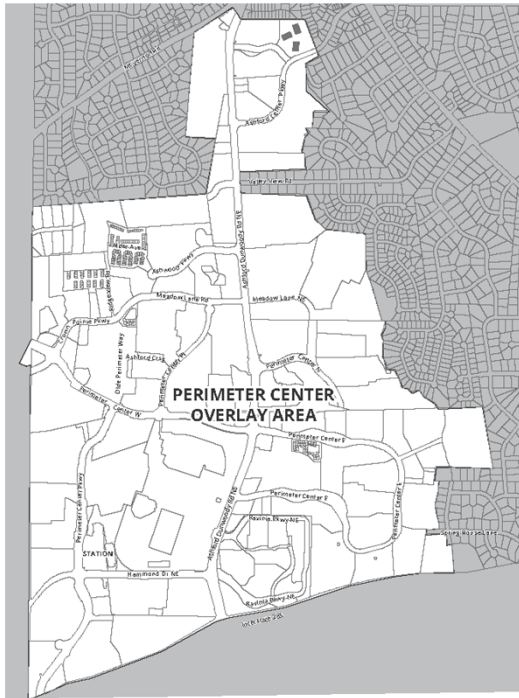


Figure 27-98-1 Perimeter Center Overlay Map

PLANNING COMMISSION, APRIL 12, 2022

At the April 12, 2022 meeting, the Planning Commission reviewed the proposed amendments to the Perimeter Center Overlay. The Commission recommended approval of the amendment, 4-0.

DISCUSSION

In 2017, the City adopted regulations for the Perimeter Center Overlay. The overlay is intended to generate the desired form of roads, adjacent right-of-way treatments, new streets and blocks within the area, and encourage better urban design as properties make improvements and/or redevelop.

Staff proposes three amendments to the Overlay.

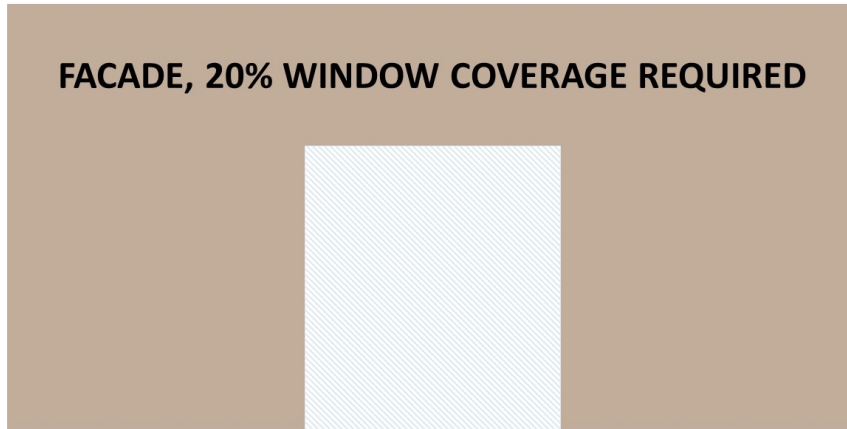
#1 Sec. 27-98 (a)(7)(b) Major Exceptions:

Currently, within the Perimeter Center Overlay, relief that would typically go through the variance process is required to go through the Special Land Use Permit process. This amendment allows relief to be sought through the variance process. It would simplify the relief process for properties updating existing structures or redeveloping but are not seeking a rezoning or additional height. For new development requesting a rezoning or additional height, relief can be achieved through the concurrent variance process. These cases would continue to go through the review by the Planning Commission and City Council.

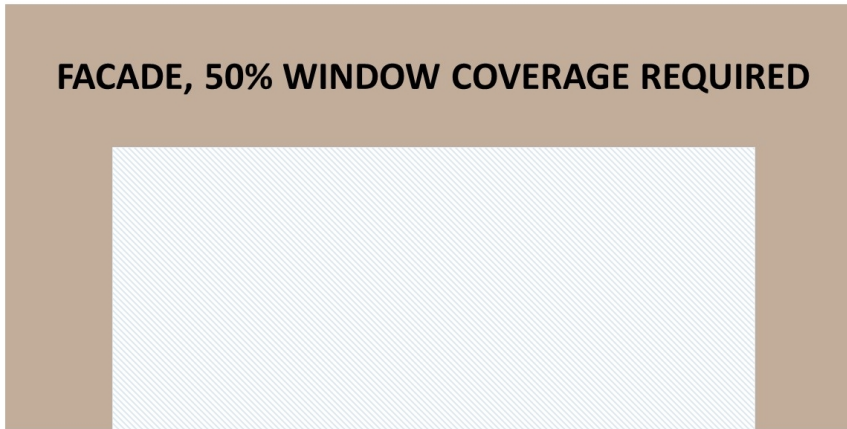
#2 Sec. 27-98 (d)(4) Windows, awnings, and shutters:

This amendment proposes increased ground story window coverage requirements based on the use. It also prevents the observed practice where the required windows were being obstructed with interior walls.

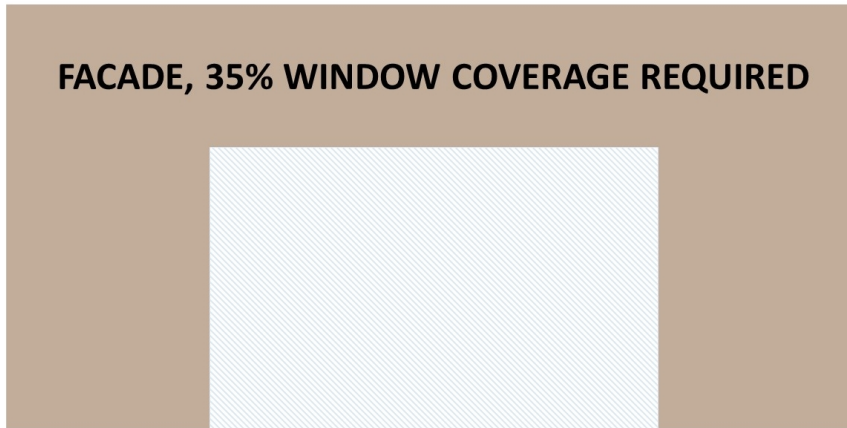
Residential uses:



Eating and drinking establishments, food and beverage retail sales, and retail sales:



All other uses, 35% window coverage:



This amendment is intended to encourage better urban design and enhance the pedestrian experience. Window coverage requirements that allow viewing into the tenant space increase visual interest and create a better walking environment, as opposed to lengthy expanses of buildings without windows.

#3, Sec. 27-98 (d)(5) Pedestrian entrances:

This is a new section that requires all commercial tenants to have an entrance facing the street. This will encourage buildings fronting on a street to provide easy, accessible entrances to pedestrians.

STAFF RECOMMENDATION

Staff recommends **APPROVAL**.

ATTACHMENTS

Chapter 27, Sec. 27-98 - current.
Chapter 27, Sec. 27-98 - proposed.

Sec. 27-98. - Perimeter Center Overlay.

(a) *Overlay generally.*

- (1) *Intent.* The regulations of the Perimeter Center Overlay are intended to recognize and foster the transformation of Perimeter Center into a pedestrian-friendly, livable center that ensures long term economic, social, and environmental sustainability.
- (2) *Purpose.* The Perimeter Center Overlay has been created to further the following public purposes.
 - a. *Plan compatibility.* To guide new development and redevelopment as defined by the City of Dunwoody Comprehensive Plan (adopted 2015) and as amended.
 - b. *Perimeter Community Improvement districts (PCIDs).* To provide implementation guidance for the general vision defined in Perimeter @ The Center - Future Focus, 2011 - A Ten Year LCI Update, dated November 2011, as amended (past, current, and future), and adopted by city council.
- (3) *Applicability.* The regulations within this section, 27-98 Perimeter Center Overlay, apply to all buildings, structures, land and uses within the Perimeter Center Overlay, as illustrated on the city's zoning map and in figure 27-98-1, Perimeter Center Overlay map.
- (4) *Existing land development regulations.* Refer to chapter 16, land development regulations, for additional requirements. When there is a conflict between the following regulations and chapter 16, the Perimeter Center Overlay regulations govern.
- (5) *Review and approval procedures.* Unless otherwise expressly stated, all uses and development in Perimeter Center Overlay are subject to the applicable review and approval procedures of article V, as well as any applicable procedures in chapter 16 of the Municipal Code (land development regulations).
- (6) *Site plan review.* All applications for development permits within the Perimeter Center Overlay must be accompanied by a site plan, which is subject to review and approval in accordance with article V, division 10.
- (7) *Relief.* In some instances, unique site conditions, existing building circumstances or other constraints related to the subject property may make strict compliance with the Perimeter Center Overlay regulations impossible or highly impractical. In such instances, an applicant may seek relief from applicable regulations. Any relief granted and conditions imposed run with the land and are binding on the subject property owner and all future property owners.

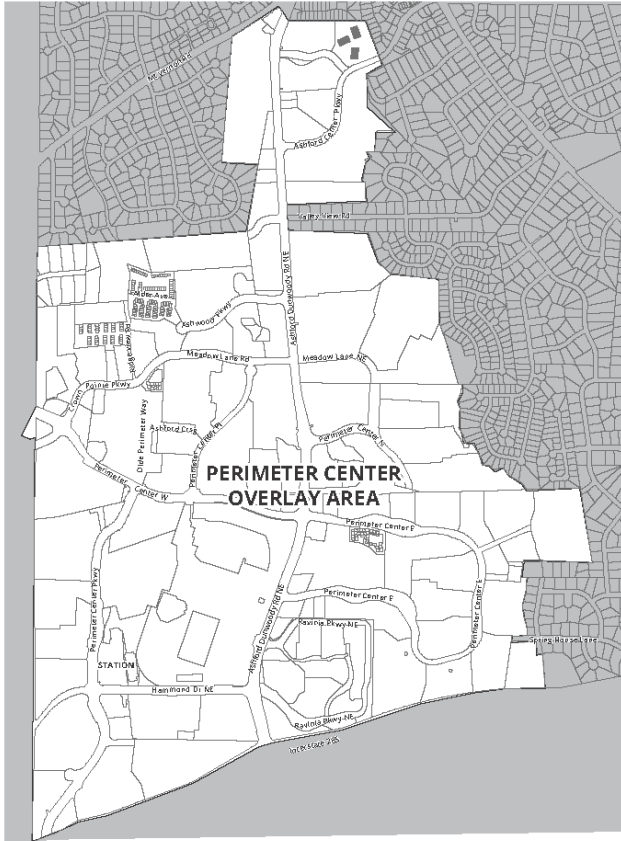


Figure 27-98-1 Perimeter Center Overlay Map

- a. **Minor exception—Administrative relief.** The community development director or public works director, as noted, is authorized to approve the following minor exceptions to strict compliance in accordance with the special administrative permit procedures of article V, division 7:
 - 1. A change to any street or frontage option component width or depth (requires approval by the public works director);
 - 2. A reduction in required landscape or yard depth by no more than ten percent;
 - 3. Establishment of a public access easement in lieu of right-of-way dedication for street type frontage options, per the public works director.
 - 4. Retaining walls in street type frontages up to five feet in height when extreme grades prevent the use of shorter walls and landscaping is used to mitigate the visual impacts of the taller retaining wall at the sidewalk edge; and
 - 5. Any other minor exception expressly authorized under the Perimeter Center Overlay regulations.

- b. **Major exceptions—Special land use permit Variance.** Major exceptions to strict compliance with the Perimeter Center Overlay regulations include any exception to strict compliance that is not expressly authorized as a minor exception under the provisions of subsection (a)(7)a. Major exceptions require review and approval in accordance with the **special land use permit variance** procedures of article V, division 53.

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Major Materials: Brick, stone



Major Materials: Glass, concrete

Figure 27-98-32 Major Materials

(d) *General building design criteria.*

- (1) *Intent.* These criteria are intended to address each building's appearance and cohesiveness within the overall Perimeter Center Overlay area. Further, the criteria are intended to elicit high quality buildings, enhance the pedestrian experience, maintain an appropriate scale, and implement the vision for the area as defined in current plans.
- (2) *Applicability.* The following outlines the general design criteria applicable to all buildings within the Perimeter Center Overlay.
 - a. *Applicable façades.* These criteria apply to all façades visible from the street, facing streets, facing main parking lots, and adjacent to open spaces, unless otherwise noted.
 - b. *Applicable development sites.* All new development and redevelopment within the Perimeter Center Overlay shall meet the general building design requirements under any of the following circumstances:
 1. *New structures and additions.* Development of a new principal structure or additions to a principal structure on a lot or a portion of a lot.
 2. *Existing façade renovation.* An alteration to an existing structure that includes renovation of more than 50 percent of an applicable façade.
- (3) *Materials.*
 - a. *Major façade materials.* Major façade materials include high quality, durable, finish materials, such as brick, stone, and glass. Other high quality materials may be approved by the director of community development during the site plan process. A minimum of 80 percent of each

façade shall be constructed of major materials. Street façade materials shall continue around the corner of the building to non-street-facing façades a minimum depth of 20 feet. Refer to figure 27-98-32, major materials.

- b. *Minor materials.* Acceptable high quality minor façade materials include all major materials; cement-based stucco; wood lap siding and shingles; architectural metal siding; architecturally finished concrete; fiber cement siding or shingles (such as Hardie Company products or similar); synthetic stucco/EIFS (see restrictions below); glass block; split-faced, burnished, glazed, or honed concrete masonry units (CMU), cast stone concrete elements. No more than 20 percent of each façade shall consist of minor materials.
- c. *Accent materials.* The following materials may be used for trim, details, soffits, eaves, and other accent areas: vinyl; aluminum and other durable metals; and metal for beams, lintels, trim, and ornamentation. Other materials may be approved by the director of community development during the site plan process.
- d. *Restrictions.*
 - 1. The use of plain CMU block and vinyl are prohibited as a façade material.
 - 2. Synthetic stucco (EIFS) used on the first or second floor of a building shall be a "high-impact" system. Conventional EIFS may be used above the second floor.
- e. *Roof materials.* Wherever asphalt shingles are used, they shall be a minimum three-dimensional architectural type.

(4) *Windows, awnings, and shutters.*

- a. *Quantity of windows.* ~~Window coverage is required for street facing façades and façades visible from the street that are fully or partially set back no more than 50 feet from the street. A minimum of 15 percent window coverage is required per story on all street facing façades and any façade visible from a street.~~

<u>Use</u>	<u>Ground Story Quantity</u>	<u>Upper Story Quantity</u>
<u>Residential</u>	<u>20%</u>	<u>15%</u>
<u>Eating and drinking establishments, food and beverage retail sales, and retail sales</u>	<u>50%</u>	<u>15%</u>
<u>All other uses</u>	<u>35%</u>	<u>15%</u>

- 1. *Measurement and Placement.* Window requirements are measured as a percentage of the façade, ~~or only the portion of the façade within 50 feet of a street,~~ per floor. ~~Windows shall be placed within the area they are measured.~~
- 2. *Blank walls.* Windows shall be distributed so that no rectangular area greater than 30 percent of any story's façade, as measured from floor to floor, and no horizontal segment of a story's façade greater than 30 feet in width is windowless and violates the minimum percentage requirements.
- 3. *Visibility.* ~~100 percent of the required street-facing, street-level window pane surface area must allow viewing into the ground story for a minimum of 8 feet in depth. Unless permitted by the Sign Ordinance, windows cannot be made opaque by non-operable window treatments. Acceptable operable window treatments include curtains, blinds, and shades.~~

- b. *Transparent glass.* All window glass shall be highly transparent with low reflectance. Light transmission should be approximately 60 percent for ground story windows and a minimum of 55 percent for upper story windows.
- c. *Awnings.* All awnings shall be canvas or metal. Plastic awnings are prohibited. Awnings shall not be translucent. Refer to figure 27-98-33, awnings.

(5) *Pedestrian entrances.* A street-facing pedestrian entrance is required for each ground floor, commercial tenant suite. The entrance must be open during the respective business' hours of operation.

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AN ORDINANCE TO AMEND CHAPTER 27 OF THE CITY OF DUNWOODY CODE OF ORDINANCES TO AMEND REGULATIONS FOR THE PERIMETER CENTER OVERLAY

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

WHEREAS, the Zoning Ordinance specifies enhanced regulations for the Perimeter Center Overlay area, the boundaries of which are defined by Figure 27-98-1; and

WHEREAS, the further intent of the Zoning Ordinance is to implement relevant provisions of the comprehensive plan; and

WHEREAS, the City of Dunwoody has adopted a comprehensive plan where a main goal is to redevelop target areas, which includes the Perimeter Center area, with a vibrant mix of uses, transportation options, high quality design, and amenities; and

WHEREAS, the proposed amendments seek to simplify the relief process and encourage higher quality urban design; and

WHEREAS, the Mayor and City Council have determined that it is appropriate and consistent with the Comprehensive Plan to amend Chapter 27 to amend the regulations for the Perimeter Center Overlay.

THEREFORE, Mayor and City Council of the City of Dunwoody hereby **ORDAIN that Chapter 27 is amended as follows:**

Section I: That Chapter 27 of the City Code is amended by amending Code Section 27-98 to read as follows:

Sec. 27-98. - Perimeter Center Overlay.

(a) *Overlay generally.*

- (1) *Intent.* The regulations of the Perimeter Center Overlay are intended to recognize and foster the transformation of Perimeter Center into a pedestrian-friendly, livable center that ensures long term economic, social, and environmental sustainability.
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- b. *Perimeter Community Improvement districts (PCIDs).* To provide implementation guidance for the general vision defined in Perimeter @ The Center - Future Focus, 2011 - A Ten Year LCI Update, dated November 2011, as amended (past, current, and future), and adopted by city council.
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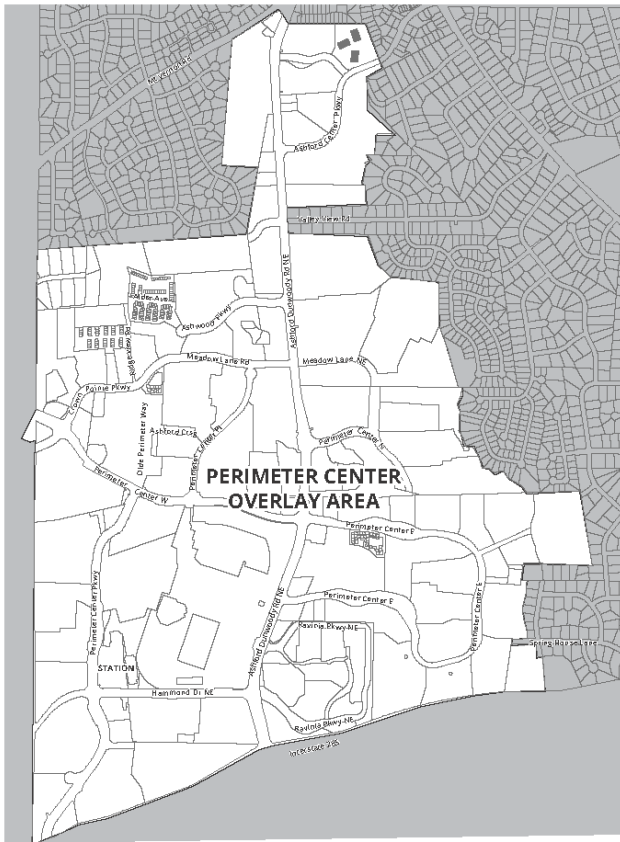


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SO ORDAINED, this ____ day of _____, 2022.

Approved:

Lynn Deutsch, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk
(Seal)

City Attorney