CITY OF DUNWOODY

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MEMORANDUM

Date: July 27, 2009

Subject: Text Amendment to the Zoning Ordinance

The City of Dunwoody expects that upon the transfer of DeKalb County lands to City of Dunwoody ownership, regulation and operation of those lands will be undertaken by city staff. To that end staff is confident that the best interests of city residents will be maintained by the continued use and existence of those facilities as they exist today. As it relates to public use and enjoyment, public operation and the continued delivery of those public services are grounded in the very impetus for incorporation in the first place.

However, even in the highly-unlikely event that those properties currently owned by DeKalb County inside the Dunwoody corporate limits were to be sold by the county to other interests, city staff still wants to do our very best to preserve the interests of our citizens. To that end, under the direction of the Dunwoody Mayor & City Council, staff proposes the following Zoning Ordinance text amendments in an effort to preserve and protect the existing uses on those sites in perpetuity.

The Council as well as staff believes that the public health, safety and welfare of the community is best served by the continued existence of these institutional uses, and further believes that these properties play a vital role in complimenting the diversity of land uses crucial to the strength of the region as a whole.

As this proposed ordinance would be an amendment to the Zoning Ordinance, this text amendment was first heard by the Community Council at their regular June meeting. The item was introduced to the **Community Council**, discussed for specifics and evaluated against a few theoretical development scenarios. Ultimately, **those members moved to adopt both of these new zoning designations as presented**. Following that June meeting, the proposed text additions were heard by the Planning Commission at their regular July meeting. Following a similar question and answer discussion by the Commission members, **the Planning Commission voted to approve the creation of these two new districts, as presented, by a vote of 6-0**.

Staff presents to you the following two new zoning districts, one "G-C (Government-Community) District" for the continuation of public land used for high-turnover public uses such as recreation or entertainment, and the other "G-U (Government-Utility) District" for the continuation of public and government-owned land used for the distribution of and support of city services, with low public turnover.

STATE OF GEORGIA
CITY OF DUNWOODY **ORDINANCE 2009-XX-XX**

AN ORDINANCE AMENDING CHAPTER 27 OF THE CITY OF DUNWOODY CODE OF ORDINANCES BY ADDITION OF A GOVERNMENT COMMUNITY AND GOVERNMENT UTILITY ZONING DISTRICTS

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

WHEREAS, the City believes that the properties inside the boundaries of the City of Dunwoody currently being used for governmental and community purposes should continue to be used for those purposes for the best interests of the citizens of the City, and that the safety, health and welfare of the populace is continued to be served by continued institutional use of said properties; and

WHEREAS, the Mayor and City Council believe that the continued institutional use of these properties play a vital role in complimenting the diversity of land uses crucial to the strength of the region as a whole and, to that end, the City Council desires to assure their continued use for such purposes; and

WHEREAS, A properly-advertised public hearing has been held on July 27, 2009 during the First Read of this Ordinance and the Second Read of this Ordinance and adoption is being held on August 10, 2009.

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

Section 1: The City of Dunwoody Zoning Ordinance, Chapter 27 of the City Code of Ordinances, is hereby amended by the addition of Zoning District G-C (Government Community) as Division 2DD of Article II to read as follows:

DIVISION 2DD. G-C (GOVERNMENT-COMMUNITY) DISTRICT.

Sec. 2DD-1. Scope of Provisions.

The provisions contained within this section are the regulations of the G-C (Government-Community) District.

Sec. 2DD-2. Statement of Purpose and Intent.

The purpose and intent of the City Council in establishing the G-C (Government-Community) District are as follows:

(a) To promote the establishment of areas designated for publicly-accessible community facilities and acreage;

(b) To protect existing uses of land already established within the G-C (Government-Community) districts;

(c) To assure that all entities and operations located within the G-C (Government-Community) District continue to operate solely to provide already established publicly-accessible venues for activities such as, but not

limited to public recreation, entertainment, and educational and research facilities;

(d) To facilitate high-turnover public access to those uses established in G-C (Government-Community) Districts.

Sec. 2DD-3. Principal Uses and Structures.

The principal use of land authorized in the G-C (Government-Community) District is only that use operating on the site as of the date of incorporation of the new City of Dunwoody, Georgia. New structures erected, or existing structures altered or remodeled must, upon completion, be used for the existing principal use. No application or amendment to the official zoning map or zoning ordinance shall be filed with the planning director, initiated by official action of the planning commission, or considered by the City Council if such application seeks to alter or add any use on any lot in the City zoned G-C (Government Community) District.

Sec. 2DD-4. Accessory Uses and Structures.

The following accessory uses of land and structures shall be authorized in the G-C (Government Community) District:

(a) Signs and outdoor advertising in accordance with the provisions of the City's Sign Ordinance and this Chapter.

Sec. 2DD-5. Special Permits.

The following uses and structures shall be authorized only by permits of the type indicated:

(a) *Special administrative permit from community development director*: None.

(b) *Special exception permit from the zoning board of appeals:* None.

(c) *Special land use permit from City Council:*

(1) New building, new structures, new landscaping and/or new site design;
(2) Remodeling, renovation, addition or demolition of existing structures.
(3) Remodeling, renovation, addition or alteration of existing site design and/or landscaping.
(4) Accessory structures incidental to any permitted use.

Sec. 2DD-6. Lot Width; Lot Area; Setbacks.

The following requirements shall apply to all lots and structures in the G-C (Government Community) District:

(a) Any application seeking to alter any existing property boundary or lot dimension of a lot located in the City of Dunwoody G-C (Government Community) District shall follow the Special Land Use Permit process detailed in section 5B of this Chapter.

Sec. 2DD-7. Lot Coverage.

The lot coverage of each lot shall not exceed the existing condition of the lot as of the date of incorporation of the new City of Dunwoody, Georgia.

Sec. 2DD-8. Height of Buildings and Structures.

The height of buildings and structures of each lot shall not exceed the existing condition on the lot as of the date of incorporation of the new City of Dunwoody, Georgia.

Sec. 2DD-9. Off-Street Parking Requirement.

The off-street parking provisions for uses and structures authorized and permitted in the G-C (Government Community) District shall equal the condition on the lot as it existed on the date of incorporation of the new City of Dunwoody, Georgia.

Sec. 2DD-10. Landscaping Requirement for Parking Lots.

See **Section 4-21** Landscaping requirements for parking lots.

Section 2: The City of Dunwoody Zoning Ordinance, Chapter 27 of the City Code of Ordinances, is hereby further amended by the addition of Zoning District G-U (Government Utility) as Division 2EE of Article II to read as follows:

DIVISION 2EE. G-U (GOVERNMENT-UTILITY) DISTRICT.

Sec. 2EE-1. Scope of Provisions.

The provisions contained within this section are the regulations of the G-U (Government-Utility) District.

Sec. 2EE-2. Statement of Purpose and Intent.

The purposes and intent of the City Council in establishing the G-U (Government-Utility) District are as follows:

(c) To promote the establishment of areas designated for limited public access facilities and acreage;

(d) To protect existing uses of land already established within the G-U (Government-Utility) districts;

(c) To assure that all operations located within the G-U (Government-Utility) District continue to function solely to house and/or facilitate service venues such as sites established with utility structures and features;

(d) To limit high-turnover public access to those uses established in G-U (Government-Utility) Districts for the safety and security of the operation, and those persons acting in their official capacity on the lot(s) in the district.

Sec. 2EE-3. Principal Uses and Structures.

The principal use of land authorized in the G-U (Government-Utility) District is only that use existing on the site as of the date of incorporation of the new City of Dunwoody, Georgia. New structures erected, or existing structures altered or remodeled must, upon completion, be used for the existing principal use. No application or amendment to the official zoning map or zoning ordinance shall be filed with the planning director, initiated by official action of the planning commission, or considered by the City Council if such application seeks to alter or add any use on any lot in the City zoned G-U (Government Utility) District.

Sec. 2EE-4. Accessory Uses and Structures.

The following accessory uses of land and structures shall be authorized in the G-U (Government-Utility) District:

(a) Signs and outdoor advertising in accordance with the provisions of the City's Sign Ordinance and this Chapter.

Sec. 2EE-5. Special Permits.

The following uses and structures shall be authorized only by permits of the type indicated:

(a) *Special administrative permit from community development director*: None.

(b) *Special exception permit from the zoning board of appeals:* None.

(c) *Special land use permit from City Council:*

(5) New building, new structures, new landscaping and/or new site design;
(6) Remodeling, renovation, addition or demolition of existing structures.
(7) Remodeling, renovation, addition or alteration of existing site design and/or landscaping.
(8) Accessory structures incidental to any permitted use.

Sec. 2EE-6. Lot Width; Lot Area; Setbacks.

The following requirements shall apply to all lots and structures in the G-U (Government-Utility) District:

(b) Any application seeking to alter any existing property boundary or lot dimension of a lot located in the City of Dunwoody G-U (Government-Utility) District shall follow the Special Land Use Permit process detailed in section 5B of this Chapter.

Sec. 2EE-7. Lot Coverage.

The lot coverage of each lot shall not exceed the existing condition of the lot(s) as of the date of incorporation of the new City of Dunwoody, Georgia.

Sec. 2EE-8. Height of Buildings and Structures.

The height of buildings and structures of each lot shall not exceed the existing condition on the lot(s) as of the date of incorporation of the new City of Dunwoody, Georgia.

Sec. 2EE-9. Off-Street Parking Requirement.

The existing off-street parking provisions for uses and structures authorized and permitted in the G-U (Government-Utility) District shall equal the existing condition on the lot as of the date of incorporation of the new City of Dunwoody, Georgia.

Sec. 2EE-10. Landscaping Requirement for Parking Lots.

See **Section 4-21** Landscaping requirements for parking lots.

Section 3: This Amendment shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED, this ___ day of _____, 2009.

Approved:

_____
Ken Wright, Mayor

ATTEST:

_____
Sharon Lowery, City Clerk
(Seal)

Approved as to Form and Content:

_____
Brian Anderson, City Attorney