



Ken Wright – Mayor
Denis Shortal – City Council Post 1
Adrian Bonser – City Council Post 2
Tom Taylor – City Council Post 3
Robert Wittenstein – City Council Post 4
Danny Ross – City Council Post 5
John Heneghan – City Council Post 6

Warren Hutmacher – City Manager
Brian Anderson – City Attorney

Action: **Amendment to the Zoning Ordinance**

Petitioner: **City of Dunwoody, Georgia**

Petitioner's Request: **A clean-up amendment to the entirety of the Zoning Ordinance to clarify the intent and procedures of the code language by revising various inconsistencies, mistitling and unclear passages.**

The city's current Zoning Ordinance was formally adopted by the Mayor & City Council on December 18, 2009. Since that time city staff has reviewed the text in detail and found instances of various inconsistencies, mistitling, and unclear language. Staff's proposal clarifies the intent and procedures of the code adopted in December without proposing policy changes.

The majority of changes listed on the attached sheets modify the county staff titles of the department administering the code to Dunwoody city titles. The majority of the other changes pertain to removing references to the noise ordinance, since there are already existing noise regulations within the City Code of Ordinances administered by the police department, and adding the R-A5 district back into the text.

Community Council

At their regular April meeting, the Dunwoody Community Council discussed the proposal as presented by staff and voted unanimously in favor of adopting the amended language with two further recommendations:

1. The portions of the code that refer to an applicant's attendance at Board and/or Commission meetings should make attendance mandatory, rather than discretionary.
2. All instances that reference DeKalb County, or simply "county", should be changed to reference the City of Dunwoody, or "city" as appropriate.

Planning Commission

Following the Community Council meeting, the proposal was presented to the Planning Commission at the first of two Public Hearings. Between the Community Council meeting on April 9, 2009, and the Planning Commission meeting on May 12th, staff was informed that, without any known cause, the text of DeKalb County's ordinance related to the "R-A5 (Single Family Residential) District" was omitted from the codification of the City of Dunwoody Zoning Ordinance, despite the fact that the city has within its limits districts zoned R-A5. For that reason, staff suggests that the omitted text, attached, be re-instated in the text of the Zoning Ordinance.



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Following discussion of the items presented, the Commissioners discussed the matter, and chose to separate their motions and recommendations related to the clean-up amendment. The list of motions was as follows:

- a. Motion: **Approve the amendment as presented**, w/ recommendations to change all instances of the word “DeKalb County” or “county” in the current ordinance to “City of Dunwoody” or “city”, as appropriate. Motion carries 5-0.
- b. Motion: Further recommend that the zoning district R-A5 and its associated verbiage be reinstated into the Zoning Ordinance. Motion carries 5-0.
- c. Motion: Staff redlines, consistent with text presented as an attachment in the staff report, approved as presented. Motion carries 5-0.
- d. Motion: add verbiage that makes an applicant’s attendance at Board of Zoning Appeals, Planning Commission and City Council meetings compulsory, not discretionary. Motion carries 3-2.

The last item on the above list was a point of expanded discussion amongst the Commissioners simply because the premise was raised that non-attendance at a meeting where an item is slated for discussion is in itself a commentary on the part of the applicant seeking approval. Additionally, the Commission reached no accord on what the penalty would be for non-attendance at a meeting.

Staff recommends **approval** of the text amendment, including the redlined and strike-thru text document attached, the additional verbiage related to the R-A5 residential district, R-190 residential district, and R-50 residential and changing all instances of county references to city references. Staff does not, however, support the recommendation to require attendance at Board or Commission meetings. Staff sees this as a policy shift, not simply a correction of a typographical error, which exceeds the original impetus of the text amendment.

AN ORDINANCE AMENDING CHAPTER 27 OF THE CITY OF DUNWOODY CODE OF ORDINANCES BY A TEXT AMENDMENT TO CLEAN-UP CERTAIN LANGUAGE, REINSTATE CERTAIN PROVISIONS, AND AMEND CERTAIN REQUIREMENTS

WHEREAS, The City of Dunwoody adopted the Dunwoody Zoning Ordinance, Chapter 27 of the City of Dunwoody Code of Ordinances, on December 18, 2008; and

WHEREAS, Since the adoption of the Zoning Ordinance in December, the City staff has reviewed the text in detail and located instances of various inconsistencies, mistitlings, unclear language, and removal of certain sections which should not have been removed; and

WHEREAS, The City desires to clarify the intent and procedures of the Zoning Ordinance, adopted in December, as well as remove all inconsistencies, without any major policy changes; and

WHEREAS, A properly-advertised public hearing has been held on May 26, 2009 during the First Read of this Ordinance and the Second Read of this Ordinance and adoption is being held on June 8, 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 as follows:

1. Page viii – Table Of Contents, insert ‘R’ into Office-Commercial-Residential acronym:

“Division 2W. OCR (Office-Commercial-Residential) District”

2. Page 2 – Sec. 1-4: “...2008 Ga. Laws 2008 pg. 3536, Act Approved March 25, 2008, ...”

Add reference to the Community Council to reflect their role in our decision making process.

“(p) To implement the authority, powers and duties of the community council, planning commission and the zoning board of appeals pursuant to state and local law.”

3. Page 6 – Sec. 1-17, all references to the Noise Ordinance and its associated definitions are to be removed from the Zoning Ordinance. Noise ordinances and laws are the purview of the Police Department and they have their own codes to address noise violations:

~~“A” weighted sound level means the sound level reported in units of dB(A) approximating the response of human hearing when measuring sounds of low to moderate intensity as~~

~~measured using the "A" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4 1983 or its successors.~~

4. Page 8 – Sec. 1-17, all references to the Noise Ordinance and its associated definitions are to be removed from the Zoning Ordinance. Noise ordinances and laws are the purview of the Police Department and they have their own codes to address noise violations:

~~*Boom box* means any self-contained, portable, hand held music or sound amplification or reproduction equipment capable of emitting sound.~~

~~*Boom car* means any vehicle with loudspeakers, amplifiers, radio receiving sets, musical instruments, phonographs or other equipment capable of producing, reproducing or emitting sound which is cast upon the public streets for personal or commercial purposes.~~

5. Page 10 – Sec. 1-17, all references to the Noise Ordinance and its associated definitions are to be removed from the Zoning Ordinance. Noise ordinances and laws are the purview of the Police Department and they have their own codes to address noise violations:

~~*"C" weighted sound level* means the sound level reported in units of dB(C) as measured using the "C" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4 1983 or its successors.~~

6. Page 11 – Sec. 1-17, *Commercial district* will be re-written for clarity, to reads as follows:

Commercial district means any parcel of land which is zoned for any commercial use including regional commercial centers, neighborhood and community oriented stores, shopping centers and other developed centers where commercial land uses predominate. Such districts would include O-I, O-I-T, C-2, O-D, NS, C-1 ~~and any property zoned OCR excluding property used for residential use and any exclusively non-residential portion(s) of any parcel(s) zoned OCR.~~

7. Page 12 – Sec. 1-17, all references to the Noise Ordinance and its associated definitions are to be removed from the Zoning Ordinance. Noise ordinances and laws are the purview of the Police Department and they have their own codes to address noise violations:

~~*Complainant* means any person who has registered a noise complaint with an authorized enforcement agency that he or she is the recipient of noise on a protected property category. A complainant must have an interest in the protected property as an owner, tenant, or employee.~~

~~*Continuous sound* means any sound with duration of more than one (1) second, as measured with a sound level meter set to the "slow" meter response.~~

8. Page 13 – Sec. 1-17, all references to the Noise Ordinance and its associated definitions are to be removed from the Zoning Ordinance. Noise ordinances and laws are the purview of the Police Department and they have their own codes to address noise violations:

~~*Decibel (dB)* means the unit for the measurement of sound pressure based upon a reference pressure of twenty (20) micropascals (zero decibels), i.e., the average threshold of hearing for a person with very good hearing.~~

9. *Density* needs to be expanded to include non-residential applications. The new definition shall read as follows:

Density means the number of dwelling units per acre of land, or, in the case of non-residential applications, it is the gross floor area per acre of land.

10. Page 14 – Sec. 1-17, all references to the Noise Ordinance and its associated definitions are to be removed from the Zoning Ordinance. Noise ordinances and laws are the purview of the Police Department and they have their own codes to address noise violations:

~~*Extraneous sound* means a sound of high intensity and relatively short duration which is neither part of the neighborhood residual sound, nor comes from the sound source under investigation.~~

11. Page 15 – Sec. 1-17, all references to the Noise Ordinance and its associated definitions are to be removed from the Zoning Ordinance. Noise ordinances and laws are the purview of the Police Department and they have their own codes to address noise violations:

~~*Frequency* means the time rate of repetition of sound waves in cycles per second, reported as Hertz (Hz), also referred to as "pitch."~~

12. Page 17 – Sec. 1-17, *High rise apartment development* should read as follows:

High-rise apartment development means a building or buildings with a minimum of three stories containing multifamily dwelling units and developed in accordance with the provisions of ~~to~~ this Chapter.

All references to the Noise Ordinance and its associated definitions are to be removed from the Zoning Ordinance. Noise ordinances and laws are the purview of the Police Department and they have their own codes to address noise violations:

~~*Impulsive sound* means either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one (1) second characterized with an abrupt onset and rapid decay.~~

~~*INCE* means Institute of Noise Control Engineering.~~

13. Page 21 Sec. 1-17– the definition for “*Lot width*” has a typo and should read:

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.

Additionally, references to DeKalb County need to be updated to refer to the City of Dunwoody. To that end, “*Major thoroughfare*” should be revised to read as follows:

Major thoroughfare means a street, road or highway shown as a major thoroughfare in the ~~DeKalb County~~ City of Dunwoody Transportation and Thoroughfare Plan.

14. Page 22 – Sec. 1-17 – the definition for “*Mobile Home Park*” has a typo and should read:

“*Mobile home park* means a parcel of land which has been planned and improved pursuant to the requirement(s) of ~~to~~ this Chapter and the Dunwoody City Code for the placement of mobile homes for non-transient use.”

15. Page 23 – Sec. 1-17, all references to the Noise Ordinance and its associated definitions are to be removed from the Zoning Ordinance. Noise ordinances and laws are the purview of the Police Department and they have their own codes to address noise violations:

~~*Muffler* means a sound dissipative device or system for lessening the sound of the exhaust of an internal combustion machine where such a device is part of the normal configuration of the equipment.~~

~~*Neighborhood residual sound level* means that measured value that represents the summation of the sound from all of the discrete sources affecting a given site at a given time, exclusive of extraneous sounds, and those from the source under investigation. Neighborhood residual sound level is synonymous with background sound level. Neighborhood residual sounds are differentiated from extraneous sounds by the fact that the former are not of a relatively short duration, although they are not necessarily continuous.~~

16. Page 24 - Sec. 1-17, all references to the Noise Ordinance and its associated definitions are to be removed from the Zoning Ordinance. Noise ordinances and laws are the purview of the Police Department and they have their own codes to address noise violations:

~~*Noise control officer* means a City employee or agent who has received noise enforcement training and is currently certified in noise enforcement.~~

~~*Noise sensitive facility* means any facility whose operations may be detrimentally impacted by excessive sound levels. Such facilities include but are not limited to schools, hospitals, and places of worship.~~

17. Page 26 – Sec. 1-17, all references to the Noise Ordinance and its associated definitions are to be removed from the Zoning Ordinance. Noise ordinances and laws are the purview of the Police Department and they have their own codes to address noise violations:

~~*Plainly audible* means any sound that can be detected by a person using his or her unaided hearing faculties.~~

18. Page 29 – Sec. 1-17, the Secretary position of all City Boards falls under the responsibility of the Community Development Director, not the City Manager.

Secretary means the ~~City Manager~~ Community Development Director or his/her designee who shall serve as secretary to the Community Council, planning commission and as secretary to the zoning board of appeals.

19. Page 30 – Sec. 1-17, all references to the Noise Ordinance and its associated definitions are to be removed from the Zoning Ordinance. Noise ordinances and laws are the purview of the Police Department and they have their own codes to address noise violations:

~~*Sound level meter means an instrument that conforms to ANSI S1.4 1983 or its successors.*~~

20. Page 31 – Sec. 1-17, all references to the Noise Ordinance and its associated definitions are to be removed from the Zoning Ordinance. Noise ordinances and laws are the purview of the Police Department and they have their own codes to address noise violations:

~~*Steady tonal quality means sound emissions comprised of a single frequency or a narrow cluster of frequencies, which may be referred to as a whine, hum or buzz, with measured sound levels not fluctuating by more than plus or minus three (3) dB(A).*~~

21. Page 33 – Sec. 1-17, all references to the Noise Ordinance and its associated definitions are to be removed from the Zoning Ordinance. Noise ordinances and laws are the purview of the Police Department and they have their own codes to address noise violations:

~~*Total sound level means that measured level which represents the summation of the sounds from the sound source under investigation and the neighborhood residual sounds which affect a given place at a given time, exclusive of extraneous sound sources.*~~

22. Page 34 – Sec. 1-17, the authority to grant approvals for walls and their materials falls under the responsibility of the Community Development Director or designee, not the City Manager.

Wall means a solid retaining or security barrier constructed of materials including brick, stone, concrete, concrete block, ceramic tile or other aggregate materials and other such materials as may be approved by the ~~City Manager~~ Community Development Director or his/her designee.

23. Page 37 – Sec. 1-24: maps are maintained in the office of the Community Development Director, not the office of the City Manager.

“The boundaries of the various land use districts are shown upon the maps that constitute the land use element of the comprehensive plan and are made a part of this Chapter and shall be maintained by the ~~City Manager~~ Community Development Director or his/her designee at the direction of the City Council.

24. Page 44 – Sec. 2A-12 (and every other instance throughout the document, i.e. 2B-12, 2C-12, 2D-12, etc.): all occurrences of “**Noise Limitations**” will be removed from the Zoning Ordinance. Noise ordinances and laws are the purview of the Police Department and they have their own codes to address noise violations:

~~**Sec. 2A-12. Noise Limitations:**~~

~~All uses authorized and permitted within this district shall operate in compliance with the noise limitation requirements contained in **Section 4-30** of this Chapter.~~

25. Page 67 – Sec. 2G-7 the first sentence shall read R-A8, not RA-8:

“Where a lot in the ~~RA-8~~ R-A8 (Single-family Residential) District is used for attached single-family dwellings and adjoins the boundary of any property which is zoned R (Single-family Residential) District, except single-family attached developments, a transitional buffer zone not less than twenty (20) feet in width shall be provided and maintained in a natural state...”

26. Page 84 – Sec. 2K-7:

“Spacing between multiple buildings within an RM-150 district is subject to the requirements of ~~Section 27-788~~ Section 4-55.”

27. Page 93 – Sec. 2M-5(b)(1):

(1) Utility structure necessary for the transmission or distribution of service (~~Section 4-35~~) (Section 4-38).

28. Page 99 – Section 2N-5 “Special Permits” (and all other similar sections):

(a) *Special administrative permit from ~~director of public works~~ community development director or his/her designee(s).*

29. Page 103 – Section 2P-2(a) “To provide for the development of multifamily neighborhoods within the ~~county~~ city...”

30. Page 108 – “Sec. ~~24~~2Q-2. Statement of Purpose and Intent.”

31. Page 126 – Section 2S-16 “director of planning” should read “director of community development and/or his/her assigns”.

“The ~~director of planning~~ community development director or his/her designee(s) shall, after final approval of any development plan for NCD,...”

Also, “~~Clerk of Superior Court of City of Dunwoody~~” should read “Clerk of Superior Court of DeKalb County”, because plats are recorded at the county level, not with the city.

“...record said final plat with the Clerk of Superior Court of ~~City of Dunwoody~~ DeKalb County.”

32. Page 138 – Section 2V-5: “Section 47-47” should read “Section 4-47”.

“1. Telecommunications tower and antenna, subject to requirements of ~~Section 47-47~~ 4-47.”

33. Page 158 – Section 2Y-11: “Section 4-20” should read “Section 4-21”.

“See **Section 4-20 4-21**, Landscaping requirements for parking lots.”

34. Page 164 – Section 2Z-9(a): Add the missing reference to “see section 4-2”.

“(a) *Adult entertainment establishments and adult service facilities:* One (1) parking space for each seventy-five (75) square feet of floor area in the building. (See Section 4-2, Adult entertainment establishments).”

35. Page 176 – Section 2BB-5(a)(1): “Section -47” should read “Section 4-47”.

“(1) Telecommunications tower or antenna, subject to requirements of **Section 4-47**.”

36. Page 190 – Section 2CC-14(b)(2): should not read “Section 2-X”, it should instead read “Neighborhood Shopping District”. Section 2X in this document could change in the future, and possibly no longer refer to the NS district.

“(2) Commercial and office uses authorized in **Section 2-X the NS** (Neighborhood Shopping) District.”

37. Page 203 – Section 3B-1(c): To maintain and enhance natural land features which are environmentally significant or which constitute a natural resource of importance to the county city at large; ~~including especially Arabia Mountain and the valleys, ridges and areas of significant views surrounding said mountain;~~

38. Page 204 – Section 3C-3: “Chapter 1 of the Code of Ordinances” should instead read “Chapter 27 of the Code of Ordinances”, and thereby incorporate it into the Zoning Ordinance.

“...to this Chapter which amendment shall be incorporated herein and made a part of this **Chapter 27 of the Code of Ordinance**.”

39. Page 207 – Section 3D-6(d)(7): Primary windows shall be at least twenty-four (24) inches wide and at least thirty-six (36) inches tall. Picture windows shall be no wider than five (5) ~~inches~~ feet and no taller than seven and one half (7 1/2) feet.

40. Page 216 – Section 4-2(c)(2): “...A “substantial business activity” ~~exists~~ exists where the commercial establishment meets any one or more of the following criteria:...”

41. Page 226 – Section 4-16(a): “director of planning” should read “community development director”.

“Art shows, carnival rides and similar events of community interest may be approved by the ~~Director of Planning~~ Community Development Director or his/her designee by special administrative permit...”

42. Page 235 – Section 4-30: The “Noise ordinance” in its entirety shall be deleted. From this point forward noise violations will be the responsibility of the Police department.

43. Page 247 – Section 4-39(e): “relative residence permit” should be approved by the Community Development Director and not the Public Works Director.

“...Permits for the second kitchen facility shall not be issued until such time as the real property owner has applied to and received from the ~~director of public works~~ community development director or his/her designee a relative residence permit.”

44. Page 254 – Section 4-48, Temporary Buildings: Replace text that references the Director of Planning with the title Community Development Director.

“Such time period may be extended upon approval by the ~~Director of Planning~~ Community Development Director or his/her designee. Such temporary buildings shall be sited and permitted in any district upon approval of the ~~Director of Planning~~ Community Development Director or his/her designee.”

Section 4-49: “Temporary Outdoor Sales of Merchandise” should be approved by the Community Development Director and not the Public Works Director.

“Temporary outdoor sales of merchandise, including flea markets, may be authorized upon approval of a special administrative permit by the ~~director of public works~~ community development director in the C-1, C-2 and M districts...”

45. Page 262 – Section 4-61.3: “Conservation Subdivision regulations--Purpose and Intent.”

Remove references to the Planning Commission in the sketch plat process, in accordance with the newest revised subdivision regulations.

46. Page 270 – add Section **5A-4, Community Council Established; Membership; Terms.** This new section is created to fill in the section currently reserved, and will allow for the establishment and practice of the Community Council. The text shall read as follows:

(a) There is hereby established a City of Dunwoody Community Council consisting of seven (7) members, whose qualifications and guidelines shall be dictated by Chapter 2 (“Administration”) of the City of Dunwoody Code of Ordinances. If a provision of Chapter 2 of the City Code is in conflict with any portion of the City of Dunwoody Zoning Ordinance as it pertains to the Planning Commission, Chapter 2 of the City Code shall control.

(b) “Following the monthly closing date for the introduction or filing of an application to amend the official zoning maps, the text of this chapter, or the comprehensive plan land use maps, a copy of all such proposed amendments shall be made available by the community development director or the director's designee to the Dunwoody community council for consideration. Applicants are encouraged to be present at the community council meetings to present their applications. Community council may consider such ordinances and applications in relation to

the applicable standards and criteria contained in this chapter, and may communicate their recommendation in a timely fashion to the secretary of the planning commission prior to said commission's public hearing on said ordinance or application. The failure of any community council to timely comply with the provisions of this subsection shall not constitute grounds for deferral or denial of any proposed amendment either by the planning commission or the mayor & city council.”

47. Page 287 – Section 5D-1 and others: all references to the “Board of Zoning Appeals”, will be switched to “Zoning Board of Appeals” for the sake of consistency throughout the document.
48. All references in the document to either the **Planning Director** and/or the **Director of Planning** will be changed to Community Development Director.
49. Add R-A5 zoning district to Article II, in entirety as follows:

DIVISION 2F(2): R-A5 (SINGLE-FAMILY RESIDENTIAL) DISTRICT

Sec. 2F(2)-1. Scope of provisions.

The provisions contained within this section are the regulations of the R-A5 (Single-family Residential) District.

Sec. 2F(2)-2. Statement of purpose and intent.

The purpose and intent of the board of commissioners in establishing the R-A5 (Single-family Residential) District is as follows:

- (a) To provide for the protection of neighborhoods within the county where lots have an average area of no less than eight thousand (8,000) square feet; individual lots must have a minimum of six thousand (6,000) square feet;
- (b) To provide for infill development in neighborhoods having an average density of five (5) units per acre in a manner compatible with existing development;
- (c) To assure that the uses and structures authorized in the R-A5 (Single-family Residential) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood.

Sec. 2F(2)-3. Principal uses and structures.

The following principal uses of land and structures shall be authorized in the R-A5 (Single-family Residential) District:

- (a) Attached single-family dwelling.
- (b) Detached single-family dwelling.
- (c) Personal care home, family.
- (d) Personal care home, registered.

Sec. 2F(2)-4. Accessory uses, buildings and structures.

Accessory uses, buildings and structures shall be located within the rear yard. Accessory buildings and structures shall not exceed twenty (20) feet in height or the height of the principal structure, whichever is less, and shall comply with the requirements of section 4-1. The

following accessory uses of land and buildings and structures shall be authorized in the R-A5 (Single-family Residential) District:

- (a) Accessory uses and buildings and structures incidental to any authorized principal use, including the following and similar uses:
 - (1) Garages for parking of automobiles.
 - (2) Storage buildings.
 - (3) Swimming pools.
 - (4) Tennis courts and other play and recreation areas.
- (b) Signs in accordance with the provisions of this chapter and Chapter 21.

Sec. 2F(2)-5. Special permits.

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

- (a) *Special administrative permit from director of public works:*
 - (1) Home occupation involving no customer contact and no employee other than a person residing on the premises.
- (b) *Special exception permit from the zoning board of appeals:*
 - (1) Utility structure necessary for the transmission or distribution of service.
- (c) *Special land use permit from board of commissioners:*
 - (1) Adult day care facility.
 - (2) Amateur radio service antenna exceeding seventy (70) feet.
 - (3) Cemetery, columbarium, or mausoleum.
 - (4) Child day care facility.
 - (5) Convent or monastery.
 - (6) Home occupation involving any customer contact.
 - (7) Home stay bed and breakfast residence.
 - (8) Neighborhood recreation club.
 - (9) Place of worship.
 - (10) Private elementary, middle and high school.

Sec. 2F(2)-6. Lot width; lot area; setbacks.

The following requirements shall apply to all lots and structures in the R-A5 (Single-family Residential) District:

- (a) *Lot width:*
 - (1) *Single-family detached dwellings:* Sixty (60) feet of frontage as measured along the public street frontage, except that lots fronting on the cul-de-sac of a street shall have at least thirty-five (35) feet of frontage as measured along the public street and shall have at least sixty (60) feet of frontage as measured at the required front yard building setback line.
 - (2) *Single-family attached dwellings:* One hundred (100) feet of frontage as measured along the public street.
- (b) *Minimum lot area, detached single-family dwellings:* Six thousand (6,000) square feet.
- (c) *Maximum density for attached or detached single-family dwellings:* Five (5) dwelling units per acre.
- (d) *Minimum setback requirements:*
 - (1) *Front yard setback:* Five (5) feet, except that where a garage door faces the street, the facade of said garage shall be set back no less than twenty (20) feet from back of curb, or where sidewalk is required, the facade of said garage shall be set back no less than twenty (20) feet from back of sidewalk.

- (2) *Interior side yard setbacks* are as follows:
 - (A) *Single-family detached dwellings*: Seven and one-half (7 1/2) feet.
 - (B) *Single-family attached dwellings*: Fifteen (15) feet.
 - (3) *Side yard along side street side on corner lot*: Fifteen (15) feet.
- (4) *Rear yard*: Thirty (30) feet.

Sec. 2F(2)-7. Transitional buffer zone requirement.

Where a lot in the RA-5 (Single-family Residential) District is used for attached single-family dwellings and adjoins the boundary of any property which is zoned R (Single-family Residential) District, except single-family attached developments, a transitional buffer zone not less than twenty (20) feet in width shall be provided and maintained in a natural state. Said transitional buffer zone shall not be paved and shall not be used for parking, loading, storage or any other use, except where necessary to grade or modify a portion of the transitional buffer zone for the installation of utilities necessitated by the development. Water detention ponds shall not be located within transitional buffer zones. No trees, other than dead or diseased trees, shall be removed from said transitional buffer zone, but additional trees and plant material may be added to the transitional buffer zone. In addition, a screening fence not less than six (6) feet in height shall be erected and maintained either along the property line or within the transitional buffer zone separating the use from the adjoining single-family residential.

Sec. 2F(2)-8. Height of buildings and structures.

No building or structure shall exceed a height of thirty-five (35) feet.

Sec. 2F(2)-9. Floor area of dwelling.

The floor area of each dwelling shall be no less than one thousand four hundred (1,400) square feet.

Sec. 2F(2)-10. Lot coverage.

The lot coverage of each lot shall not exceed fifty (50) percent.

Sec. 2F(2)-11. Off-street parking requirement.

Off-street parking requirements for uses and structures authorized and permitted in the R-A5 (Single-family Residential) District are as follows:

- (a) *Attached single-family dwelling*:
 - (1) *Less than one thousand six hundred (1,600) square feet of floor area*: Two (2) spaces.
 - (2) *One thousand six hundred (1,600) through one thousand nine hundred ninety-nine (1,999) square feet of floor area*: Three (3) spaces.
 - (3) *Two thousand (2,000) square feet or greater*: Four (4) spaces.
- (b) *Detached single-family dwelling*: Four (4) spaces.
- (c) *Personal care home, family*: Four (4) spaces.
- (d) *Personal care home, registered*: Four (4) spaces.
- (e) *Adult day care facility*: Four (4) spaces.
- (f) *Child day care facility*: Four (4) spaces.
- (g) *Convent or monastery*: One (1) space for each two hundred (200) square feet of floor area within the principal structure.
- (h) *Neighborhood recreation club*: One (1) space for each five (5) club members but in no case less than ten (10) spaces.

- (i) *Place of worship:* One (1) space for each three (3) seats in the largest assembly room used for public worship, or, where fixed seats are not utilized, one (1) space for each twenty-five (25) square feet of floor space in the largest assembly room used for public worship.
- (j) *Private elementary, middle and high school:*
 - (1) *Elementary and middle school:* Two (2) spaces for each classroom.
 - (2) *High school:* Five (5) spaces for each classroom.
- (k) *Other uses:* One (1) space for each two hundred (200) square feet of floor area within the principal structure.

Sec. 2F(2)-12. Landscaping requirement.

Each lot shall provide and shall maintain trees and plant material as is required in Chapter 14.

Sec. 2F(2)-13. Public streets required.

All streets upon which detached single-family homes are constructed in the RA-5 district shall be public streets.

This zoning District, RA-5, shall also be added in appropriate outline form to the Table of Contents, page (iii), immediately above Division 2G.

50. Add R-190 zoning district to Article II, in entirety as follows:

DIVISION 2A(1). R-190 (SINGLE-FAMILY RESIDENTIAL) DISTRICT

Sec. 2A(1)-1. Scope of provisions.

The provisions contained within this section are the regulations of the R-190 (Single-family Residential) District.

Sec. 2A(1)-2. Statement of purpose and intent.

The purpose and intent of the mayor & city council in establishing the R-190 (Single-family Residential) District is as follows:

- (a) To provide for the protection of neighborhoods within the city where lots have a minimum area of one (1) acre;
- (b) To provide for infill development in neighborhoods having one (1) acre lots in a manner compatible with existing development;
- (c) To assure that the uses and structures authorized in the R-190 (Single-family Residential) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood.

Sec. 2A(1)-3. Principal uses and structures.

The following principal uses of land and structures shall be authorized in the R-190 (Single-family Residential) District:

- (a) Single-family detached dwelling.
- (b) Personal care home, family.
- (c) Personal care home, registered.

(d) Agriculture as follows:

- (1) Keeping of pigeons (See section X-XX).
- (2) Livestock.
- (3) Riding stable.

Sec. 2A(1)-4. Accessory uses, buildings and structures.

Accessory uses, buildings and structures shall be located within the rear yard. Accessory buildings and structures shall not exceed twenty (20) feet in height or the height of the principal structure, whichever is less, and shall comply with the requirements of section XX-XXX. The following accessory uses of land and buildings and structures shall be authorized in the R-190 (Single-family Residential) District:

(a) Accessory uses and buildings and structures incidental to any authorized principal use, including the following and similar uses:

- (1) Garages for parking of automobiles.
 - (2) Storage buildings.
 - (3) Swimming pools.
 - (4) Tennis courts and other play and recreation areas.
- (b) Signs in accordance with the provisions of this chapter and Chapter 21.

Sec. 2A(1)-5. Special permits.

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

(a) Special administrative permit from the community development director:

(1) Home occupation involving no customer contact and no employee other than a person residing on the premises.

(b) Special exception permit from the zoning board of appeals:

(1) Utility structure necessary for the transmission or distribution of service.

(c) Special land use permit from the mayor & city council:

- (1) Adult day care facility.
- (2) Amateur radio service antenna exceeding seventy (70) feet.
- (3) Cemetery or mausoleum.
- (4) Child day care facility.
- (5) Convent or monastery.
- (6) Home occupation involving any customer contact.
- (7) Home stay bed and breakfast residence.
- (8) Neighborhood recreation club.
- (9) Place of worship.
- (10) Private elementary, middle and high school.

Sec. 2A(1)-6. Lot width; lot area; setbacks.

The following requirements shall apply to all lots and structures in the R-190 (Single-family Residential) District:

(a) Lot width: All lots shall have at least one hundred ninety (190) feet of frontage as measured along the public street frontage, except that lots fronting on the cul-de-sac of a street shall have at least thirty-five (35) feet of frontage as measured along the public street and shall have at least one hundred ninety (190) feet of width as measured at the point of the required front yard building setback line.

(b) Minimum lot area: One (1) acre.

(c) Minimum yard adjacent to public street:

(1) From major thoroughfares: Sixty (60) feet.

(2) From minor thoroughfares: Fifty (50) feet.

(3) From collector streets: Forty-five (45) feet.

(4) From other streets: Forty-five (45) feet.

(d) Interior side yard setbacks: Twenty (20) feet.

(e) Rear yard: Forty (40) feet.

Sec. 2A(1)-7. Height of buildings and structures.

No building or structure shall exceed a height of thirty-five (35) feet.

Sec. 2A(1)-8. Floor area of dwelling.

The floor area of each dwelling shall be no less than two thousand (2,000) square feet.

Sec. 2A(1)-9. Lot coverage.

The lot coverage of each lot shall not exceed twenty-five (25) percent.

Sec. 2A(1)-10. Off-street parking requirement.

Off-street parking requirements for uses and structures authorized and permitted in the R-190 (Single-family Residential) District are as follows:

(a) Detached single-family dwelling: Four (4) spaces.

(b) Personal care home, family: Four (4) spaces.

(c) Personal care home, registered: Four (4) spaces.

(d) Adult day care facility: Four (4) spaces.

(e) Child day care facility: Four (4) spaces.

(f) Convent or monastery: One (1) space for each two hundred (200) square feet of floor area within the principal structure.

(g) Neighborhood recreation club: One (1) space for each five (5) club members but in no case less than ten (10) spaces.

(h) Place of worship: One (1) space for each three (3) seats in the largest assembly room used for public worship, or, where fixed seats are not utilized, one (1) space for each twenty-five (25) square feet of floor space in the largest assembly room used for public worship.

(i) Private elementary, middle and high school:

(1) Elementary and middle school: Two (2) spaces for each classroom.

(2) High school: Five (5) spaces for each classroom.

(j) Other uses: One (1) space for each two hundred (200) square feet of floor area within the principal structure.

Sec. 2A(1)-11. Landscaping requirement.

Each lot shall provide and shall maintain trees and plant material as is required in this chapter and Chapter 14.

This zoning district R-190 shall also be added in appropriate outline form to the Table of Contents, page (ii), immediately above Division 2B.

51. Add R-50 zoning district in Article II, in entirety as follows:

DIVISION 2F(1). R-50 (SINGLE-FAMILY RESIDENTIAL) DISTRICT

Sec. 2F(1)-1. Scope of provisions.

The provisions contained within this section are the regulations of the R-50 (Single-family Residential) District.

Sec. 2F(1)-2. Statement of purpose and intent.

The purpose and intent of the Mayor & City Council in establishing the R-50 (Single-family Residential) District is as follows:

- (a) To provide for the protection of neighborhoods within the city where lots have a minimum area of six thousand (6,000) square feet;
- (b) To provide for infill development in neighborhoods having six thousand (6,000) square foot lots in a manner compatible with existing development;
- (c) To assure that the uses and structures authorized in the R-50 (Single-family Residential) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood.

Sec. 2F(1)-3. Principal uses and structures.

The following principal uses of land and structures shall be authorized in the R-50 (Single-family Residential) District:

- (a) Detached single-family dwelling.
- (b) Personal care home, family.
- (c) Personal care home, registered.

Sec. 2F(1)-4. Accessory uses, buildings and structures.

Accessory uses, buildings and structures shall be located within the rear yard. Accessory buildings and structures shall not exceed twenty (20) feet in height or the height of the principal structure, whichever is less, and shall comply with the requirements of section XX-XX. The following accessory uses of land and buildings and structures shall be authorized in the R-50 (Single-family Residential) District:

- (a) Accessory uses and buildings and structures incidental to any authorized principal use, including the following and similar uses:
 - (1) Garages for parking of automobiles.
 - (2) Storage buildings.
 - (3) Swimming pools.

- (4) Tennis courts and other play and recreation areas.
- (b) Signs in accordance with the provisions of this chapter and Chapter 21.

Sec. 2F(1)-5. Special permits.

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

(a) Special administrative permit from the community development director:

(1) Home occupation involving no customer contact and no employee other than a person residing on the premises.

(b) Special exception permit from the zoning board of appeals:

(1) Utility structure necessary for the transmission or distribution of service.

(c) Special land use permit from the mayor & city council:

(1) Adult day care facility.

(2) Amateur radio service antenna exceeding seventy (70) feet.

(3) Cemetery or mausoleum.

(4) Child day care facility.

(5) Convent or monastery.

(6) Home occupation involving any customer contact.

(7) Home stay bed and breakfast residence.

(8) Neighborhood recreation club.

(9) Place of worship.

(10) Private elementary, middle and high school.

Sec. 2F(1)-6. Lot width; lot area; setbacks.

The following requirements shall apply to all lots and structures in the R-50 (Single-family Residential) District:

(a) Lot width: All lots shall have at least sixty (60) feet of frontage as measured along the public street frontage, except that lots fronting on the cul-de-sac of a street shall have at least thirty-five (35) feet of frontage as measured along the public street and shall have at least sixty (60) feet of frontage as measured at the point of the required front yard setback line.

(b) Minimum lot area: Six thousand (6,000) square feet.

(c) Front yard setback: Five (5) feet, except that where a garage door faces the street, the facade of said garage shall be set back no less than twenty (20) feet from back of curb, or where sidewalk is required, the facade of said garage shall be set back no less than twenty (20) feet from back of sidewalk.

(d) Interior side yard setbacks: Seven and one-half (7 1/2) feet.

(e) Rear yard: Thirty (30) feet.

Sec. 2F(1)-7. Height of buildings and structures.

No building or structure shall exceed a height of thirty-five (35) feet.

Sec. 2F(1)-8. Floor area of dwelling.

The floor area of each dwelling shall be no less than one thousand six hundred (1,600) square feet.

Sec. 2F(1)-9. Lot coverage.

The lot coverage of each lot shall not exceed thirty-five (35) percent.

Sec. 2F(1)-10. Off-street parking requirement.

Off-street parking requirements for uses and structures authorized and permitted in the R-50 (Single-family Residential) District are as follows:

- (a) Detached single-family dwelling: Four (4) spaces.
- (b) Personal care home, family: Four (4) spaces.
- (c) Personal care home, registered: Four (4) spaces.
- (d) Adult day care facility: Four (4) spaces.
- (e) Child day care facility: Four (4) spaces.
- (f) Convent or monastery: One (1) space for each two hundred (200) square feet of floor area within the principal structure.
- (g) Neighborhood recreation club: One (1) space for each five (5) club members but in no case less than ten (10) spaces.
- (h) Place of worship: One (1) space for each three (3) seats in the largest assembly room used for public worship, or, where fixed seats are not utilized, one (1) space for each twenty-five (25) square feet of floor space in the largest assembly room used for public worship.
- (i) Private elementary, middle and high school:
 - (1) Elementary and middle school: Two (2) spaces for each classroom.
 - (2) High school: Five (5) spaces for each classroom.
- (j) Other uses: One (1) space for each two hundred (200) square feet of floor area within the principal structure.

Sec. 2F(1)-11. Landscaping requirement.

Each lot shall provide and shall maintain trees and plant material as is required in this chapter and chapter 14.

This zoning district, R-50, shall also be added in appropriate outline form to the Table of Contents, page (iii), immediately below Division 2F.

Section 2: 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 8th day of June, 2009.

Approved:

Ken Wright, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk
(Seal)

Brian Anderson, City Attorney