

MEMORANDUM

To: Mayor and City Council

From: Steve Foote, AICP
Community Development Director

Date: January 26, 2015

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

HISTORY

The changes to Chapter 16 and 27 were presented at the January 12, 2015 City Council meeting. Staff accepted all prior amendments that have been discussed with the City Council as decided in the last meeting. Documents attached to this item as "2nd Read" contain only the edits made by staff following the January 12th meeting. All changes are included in the ordinances for adoption.

BACKGROUND

The City's Ordinances are established to implement goals and visions identified in the City's long-range planning documents. 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.

This was performed and staff initiated the review of identified amendments with the City Council in 2014. After lengthy review of the proposed changes the Council initiated the review process with the Community Council and Planning Commission. Both bodies dedicated a considerable amount of time to discussing the proposed changes and listening to input from the public. The documents included in the City Council agenda packet tonight reflect the input of the Community Council, Planning Commission, and the public during the process to date.

RECOMMENDATIONS

Staff recommends approval of the amendments to Chapter 16 and 27 as included in the attached ordinances.

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2015-XX-XX

**AN ORDINANCE OF THE CITY OF DUNWOODY REVISING CERTAIN
PROVISIONS OF THE READOPTED CHAPTER 27 (ZONING) OF THE CITY
CODE**

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

WHEREAS, the City of Dunwoody re-adopted Chapter 27, Zoning, in 2013 with rewritten and reformatted amendments; and

WHEREAS, As part of the process of revising the Zoning Regulations, the City Committed to coming back shortly thereafter to make additional changes as issues came up in order to create clearer regulations more conducive to the character policy goals of the City; and

WHEREAS, the Mayor and City Council have reviewed these recommended changes to the Dunwoody Zoning Code and find that it furthers the City's intended policies and plans and will better serve as Zoning regulations for the future of the City's development; and

WHEREAS, the Mayor and City Council have conducted a properly-advertised Public Hearing prior to adoption of this Ordinance.

THEREFORE, THE MAYOR AND COUNCIL FOR THE CITY OF DUNWOODY HEREBY ORDAIN AS FOLLOWS:

Section 1: Chapter 27 (Land Development) of the City of Dunwoody Code is hereby revised as follows:

ARTICLE I. INTRODUCTORY PROVISIONS

. . . .

ARTICLE II. ZONING DISTRICTS.

DIVISION 1. RESIDENTIAL ZONING DISTRICTS

...

Sec. 27-57. Uses allowed

...

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2015-XX-XX

USES	DISTRICTS						Supplemental Regulations
	R-150	R-100	R-85	R-75	R-60	R-50	
	RA-5	RA-8	RM-150	RM-100	RM-85	RM-75	RM-HD
<i>P = use permitted as of right A = <u>special</u> administrative permit req'd E = special exception req'd S = special land use permit req'd</i>							
RESIDENTIAL							
Household Living							
Detached house		P		P		P	27-147
Attached house		—		P		P	27-132
Multi-unit building		—		—		P	27-142
Group Living							
Convent or monastery		S		S		S	
Fraternity or sorority		—		—		P	
Nursing home		—		—		P	
Personal care home, registered family (1–4 persons)		P		P		P	
Personal care home, family group (5–67 persons)		<u>SP</u>		<u>SP</u>		<u>SP</u>	
Personal care home, group community (8+–15 persons)		—		—		<u>SP</u>	
Personal care home, congregate (16 or more)		<u>S</u>		—		<u>P</u>	
Child caring institution (1–6 persons)		<u>—</u>		<u>—</u>		<u>P</u>	
Community Living Arrangement (1-4 persons)		<u>P</u>		P		<u>P</u>	

...

Sec. 27.58 Lot and building regulations.

...

	Regulation	SINGLE-DWELLING DISTRICTS							
		R-150	R-100	R-85	R-75	R-60	R-50	RA-5	RA-8
L1	Minimum Lot Area (sq. ft.)	43,560	15,000	12,000	10,000	8,000	6,000	NA[1]	NA[1]
L2	Minimum Lot Frontage (ft.) [2]	150	100	85	75	60	50	100[3]	100[3]
	Maximum Density (dwelling units per acre)	NA	NA	NA	NA	NA	NA	5	8
	Minimum Building/Structure Setbacks (ft.) [4]								
S1	Street, Front and Side	45[5]	35[5]	35[5]	30[5]	30[5]	5[6]	5[6]	5[6]
S2	Side, Interior	20	10	8.5	7.5	7.5	7.5	15	15
S3	Side, Interior (accessory buildings/structures)	10	10	10	10	10	10	10[7]	10[7]
S4	Rear	40	40	40	40	40	30	30	30
S5	Rear (accessory buildings/structures)	10	10	10	10	10	10	10	10
C	Maximum Lot Coverage (percent) [8]								
	Lot area = 43,560 sq. ft. or more	25	25	25	25	25	25	25	25
	Lot area = 30,000 to 43,559 sq. ft.	30	30	30	30	30	30	30	30
	Lot area = 20,000 to 29,999 sq. ft.	35	35	35	35	35	35	35	35
	Lot area = 19,999 sq. ft. or less	40	40	40	40	40	40	50	50
	Maximum Building Height (ft.)								
	Principal Building	35	35	35	35	35	35	35	35
	Accessory Buildings/Structures	20	20	20	20	20	20	20	20

...

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2015-XX-XX

[8] Maximum Lot Coverage for Institutional Uses; including, but not limited to, Educational Services, Places of Worship, and Neighborhood Recreation Club shall not exceed 60%.

...

Regulation	MULTI-DWELLING DISTRICTS				
	RM-150	RM-100	RM-85	RM-75	RM-HD
...					
Minimum Building/Structure Setbacks (ft.) [4]					
Detached & Attached Houses, 2-unit and 3-unit Buildings					
S1 Street, Front	30	30	30	30	30
S2 Street, Side[5]	15	15	15	15	15
S3 Side, Interior	7.5	7.5	7.5	7.5	7.5
S4 Side, Interior (accessory buildings/structures)	10	10	10	10	10
S5 Rear	30	30	30	30	30
S6 Rear (accessory buildings/structures)	10	10	10	10	10
C Maximum Lot Coverage (percent) [8]	35	35	35	35	65
Multi-unit (4+ unit) Buildings					
S1 Street, Front and Side	35	35	35	35	35
S3 Side, Interior	20[6]	20[6]	20[6]	20[6]	20[6]
S4 Side, Interior (accessory buildings/structures)	7.5 10	7.5 10	7.5 10	7.5 10	7.5 10
S5 Rear [7]	40[6]	40[6]	40[6]	40[6]	40[6]
S6 Rear (accessory buildings/structures) [7]	10	10	10	10	10

[8] Maximum Lot Coverage for Institutional Uses; including, but not limited to, Educational Services, Places of Worship, and Neighborhood Recreation Club, and for permitted Multi-Unit buildings, including town homes and similar uses shall not exceed 70%.

...

DIVISION 2. NON-RESIDENTIAL AND MIXED USE ZONING DISTRICTS

.....

Sec. 27-72. Uses allowed.

.....

USES	DISTRICTS									Supplemental Regulations
	O-I	O-I-T	O-D	OCR	NS	C-1	CR-1	C-2	M	
P = use permitted as of right A = special administrative permit req'd E = special exception req'd S = special land use permit req'd										
RESIDENTIAL										
...										
Group Living										
Convent and monastery	P	P	—	P	—	—	—	—	—	Error! eference source not found.
Fraternity house, sorority house or residence hall	P	—	—	—	—	—	—	—	—	
Nursing home	P	P	—	—	—	—	—	—	P	
Personal care home, registered family (1– 43 persons)	—	—	P	—	P	P	P	P	—	
Personal care home, family group (45–67 persons)	—	—	P	—	P	P	P	P	—	
Personal care home, group community (8+–15 persons)	P	P	P	—	P	P	P	P	—	27-145
Personal care home, congregate (16 or more)	P	S	P	—	P	P	P	P	—	27-145
Child caring institution (1—6 persons)	P	P	P	=	P	P	P	P	=	

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2015-XX-XX

USES	DISTRICTS									Supplemental Regulations
	O-I	O-I-T	O-D	OCR	NS	C-1	CR-1	C-2	M	
Child caring institution (7—15 persons)	P	P	P	=	P	P	P	P	=	
Child caring institution (16 or more)	P	S	P	=	P	P	P	P	=	
Community Living Arrangement (1-4 persons)				P		P	P			
...										
Day Care										
Day care facility, adult (6 or fewer persons)	-	-	P	-	-	-	-	-	-	27-137
Day care center, adult (7 or more)	P	P	P	P	P	P	P	P	-	
Day care facility, child (6 or fewer persons)	-	-	P	-	-	-	-	-	-	
Day care center, child (7 or more)	P	P	P	P	P	P	P	P	P	
...										
Food truck	AP	AP	AP	AP	AP	AP	AP	AP	AP	27-138

Sec. 27-73. Lot and building regulations

	Regulation	O-I	O-I-T	O-D	OCR	NS	C-1	CR-1	C-2	M
L1	Minimum Lot Area (sq. ft.)	20,000	20,000[1]	43,560	87,120	20,000	20,000	20,000	30,000	30,000
L2	Minimum Lot Frontage (ft.)	100	100	150	100	100	100	100	100	100
	Maximum Density (dwelling units per acre)	NA	NA	NA	30	NA	NA	80	NA	NA
	Minimum Building/Structure Setbacks (ft.)									
S1	Street, Front and Side	50	40	75	<u>050</u>	50	50	0	50	75
S2	Side, Interior	20	20	20	20	20	20	20[2]	20	20
S3	Rear	30	30	30	40	30	30	30	30	30
C	Maximum Lot Coverage (%)	80	80	80	80	80	80	80	80	80
	Maximum Building Height (stories/ft.)	5/70[3]	2/35	2/35[4]	2/35[4]	2/25	2/35[4]	3/45[4]	2/35[4]	5/70[3]
	Maximum Building Floor Area (sq. ft.)	NA	NA	NA	NA	50,000[5]	NA	NA	NA	NA

DIVISION 3. SPECIAL PURPOSE ZONING DISTRICTS

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:

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2015-XX-XX

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

....

- 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 ~~change~~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.

....

DIVISION 4. OVERLAY ZONING DISTRICTS.

....

Sec. 27-97. - DVO, Dunwoody Village Overlay.

....

(i) Streetscape and pedestrian amenities.

....

(8) Lighting must conform to the following:

- a. Pedestrian and street lighting must be placed in the landscape zone at intervals of 90 to 100 feet on center and must be equal

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2015-XX-XX

distance from required street trees, in accordance with the Georgia Power Area-Wide Pedestrian Lighting Plan.

- b. Pole height may not exceed 15 feet.
- c. Light poles and lamps must be selected from the city's approved streetscape list, which is available in the community development department; alternative designs may be approved on a case-by-case basis with the approval of the community development director.

~~Streetlights must be "Generation ARC" by Cooper, 150-watt from Georgia Power. Light poles must be "Grandville" by Hapco from Georgia Power.~~

~~d. Poles and fixtures must be dark green in color.~~

(9) Furniture must be provided as follows:

- a. Benches and trash and recycling receptacles must be installed every 250 feet along the public street and at each building entrance adjacent to a pedestrian walkway.
- b. Furniture must be selected from the city's approved streetscape list, which is available in the community development department; alternative designs may be approved on a case-by-case basis with the approval of the community development director.

~~Benches must be Victor Stanley Classic Model c-138 series. Bench colors must be natural wood stain, with dark green.~~

~~c. Trash and recycling receptacles must be Victor Stanley Concourse series and must be firmly anchored to the ground.~~

....

ARTICLE III. USES AND USE-SPECIFIC REGULATIONS

DIVISION 1. - USE CLASSIFICATIONS

Sec. 27-111. General.

This Division contains a description of the use classification system used to classify principal uses in this zoning ordinance.

....

- (5) *Determination of use categories and subcategories.*

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2015-XX-XX

- a. The community development director is authorized to classify uses on the basis of the use category and subcategory descriptions of this section.
- b. When a use cannot be readily classified into a use category/subcategory or appears to fit into multiple categories/subcategories, The community development director is authorized to determine the most similar, and thus most appropriate, use category/subcategory based on the actual or projected characteristics of the principal use or activity in relationship to the use category and subcategory descriptions provided in this section. Any decision made by the community development director to authorize a use in a zoning district where it is not specifically authorized shall ~~require that a notice of the decision be mailed via First Class Mail to the owners of all adjoining property~~ be published, and notice sent to adjacent property owners, per paragraph 'e' below. In making such determinations, the community development director is authorized to consider all of the following:
 1. The types of activities that will occur in conjunction with the use;
 2. The types of equipment and processes to be used;
 3. The existence, number and frequency of residents, customers or employees;
 4. Parking demands associated with the use; and
 5. Other factors deemed relevant to a use determination.
- c. If a use can reasonably be classified in multiple categories, subcategories or specific use types, the community development director must categorize the use in the category, subcategory or specific use type that provides the most exact, narrowest and appropriate match.
- d. If the community development director is unable to determine the appropriate use category for a proposed use, the community development director is authorized to deny the permit request.
- e. Any person or entity (i.e.: an owner, applicant, adjoining neighbor, or a neighbor whose property is within 1,500 feet of the subject property aggrieved by the decision of the Community development director on use determinations may appeal the decision ~~Community development director decisions on use determination matters may be appealed~~ within 30 days of the community development director's decision. Decisions pertaining to "uses" as conditioned in 'b' above will be published

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2015-XX-XX

on-line, in a newspaper of general circulation within the City, and provided in writing via first class mail to adjacent property owners. The 30 day appeal period shall commence from the date written notification is sent to adjacent property owners.

Appeal shall be in accordance with the appeal procedures of article V, division 8.

. . . .

Sec. 27-112. - Residential use category.

The residential use category includes uses that provide living accommodations to one or more persons.

. . . .

- (2) Group living. Residential occupancy of a dwelling by other than a "household," typically providing communal kitchen/dining facilities. Examples of group living uses include but are not limited to fraternities, sororities, convents, monasteries, nursing homes and the following specific use types:

- a. *Nursing home.* An establishment providing inpatient, skilled nursing and rehabilitative services to patients who require health care but not hospital services. Care is ordered by and under the direction of a physician.
- b. *Personal care home.* Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services, including watchful oversight, for two or more adults who are not related to the owner or administrator by blood or marriage. "Personal services" includes, but is not limited to, individual assistance with or supervision of self-administered medication and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting. Personal Care Homes cannot provide nursing or other medical services, with the exception that those services defined specifically as "personal services" may be conducted by nurses or other appropriate medical personnel, or admit and retain residents who need continuous medical or nursing care.

~~Personal care home. A building in which housing, meals and 24-hour continuous oversight and care services are provided for one or more ambulatory adults and~~

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2015-XX-XX

~~that is licensed as a personal care home by the office of regulatory services of the state department of human resources.~~

1. Personal Care Home - Family. A personal care home that offers care to at least one but not more than four persons.
2. Personal Care Home - Group. A personal care home that offers care to at least five but not more than seven persons.
3. Personal Care Home - Community. A personal care home that offers care to eight (8) or more persons.

~~1. Congregate personal care home. A personal care home that offers care to 16 or more persons.~~

~~2. Family personal care home. A personal care home that offers care to at least four but not more than six persons.~~

~~3. Group personal care home. A personal care home that offers care to at least seven but not more than 15 persons.~~

~~4. Registered personal care home. A personal care home that offers care to at least one but not more than three persons.~~

....

(f) *Child-caring institution.* Any institution, society, agency, or facility, whether incorporated or not, which either primarily or incidentally provides full-time care (room, board, and watchful oversight) for children through 18 years of age outside of their own homes, and that is licensed by the State Department of Human Resources as a Child Caring Institution.

(g) *Community Living Arrangement.* Any dwelling, whether operated for profit or not, that undertakes through its ownership or management to provide or arrange for the provision of daily personal services, supports, care, or treatment exclusively for two or more adults who are not related to the owner or administrator by blood or marriage and whose residential services are financially supported, in whole or in part, by funds designated through the Department Behavioral Health and Developmental Disabilities (DBHDD).

....

Sec. 27-113. - Quasi-public and institutional category.

....

(9) *Neighborhood Recreation Club.* A non-profit organization which provides recreational facilities and programs for neighborhood or other

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2015-XX-XX

association of persons, and characterized by certain membership qualifications, payment of fees and dues, and a charter and bylaws. Neighborhood Recreation Club shall also mean, where the context requires, the premises and structures owned, used or occupied by the members of the association in which the activities of the neighborhood recreation club are conducted.

....

DIVISION 2. SUPPLEMENTAL USE REGULATIONS

....

Sec. 27-147. Residential Infill

The residential infill regulations of this subsection apply to the construction and reconstruction of detached houses:

Where the subdivision of vacant land or the resubdivision of existing lots has been approved by the City and significantly modifies the area; whether by creating multiple new lots or lot/block configurations, and/or new streets, and the nature of these improvements predominately alters the aesthetic or structural character of the neighborhood thereby inhibiting the direct application of these infill regulations, the Community Development Director may determine their applicability to the permit request. In such cases the owners of property adjacent to the subject site(s) will be notified of and may appeal the decision per Article V of this ordinance.

(1) ~~Building height~~ Front Door Threshold Elevation

a. Replacement of a detached house. The proposed front door threshold elevation for any new detached house may not be more than two feet higher than the front door threshold elevation of the residential structure that existed on the lot prior to demolition (see Figure 9-1). If there was no previous residential structure on the subject lot, or if the lot has been part of an approved subdivision that resulted in the creation of any new lots, then the proposed front door threshold elevation for a new detached house on the lot may not be more than two feet higher than the average elevation of the existing natural grade at the front building line (see Figure 9-2). If the proposed construction would require alteration or eradication of the original threshold, then the original elevation must be measured and certified by a licensed surveyor or engineer.

Figure 9-1: Residential Infill, Maximum Threshold Elevation~~Height~~ Based on Previously Existing Threshold

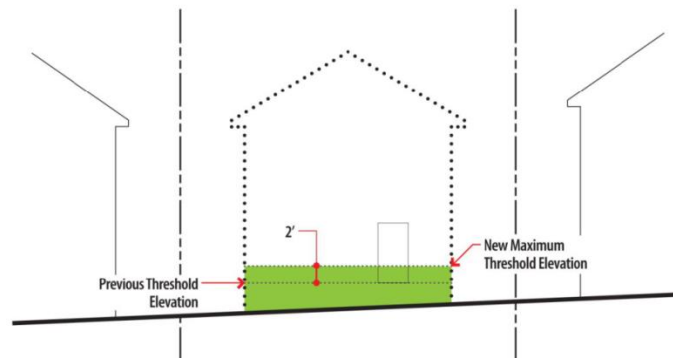
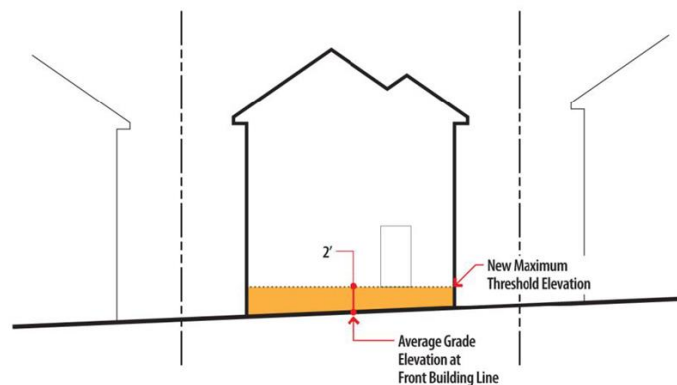


Figure 9-2: Residential Infill, Maximum Threshold Elevation~~Height~~ Based on Average Grade Elevation at Front Building Line ~~and "Averaging"~~



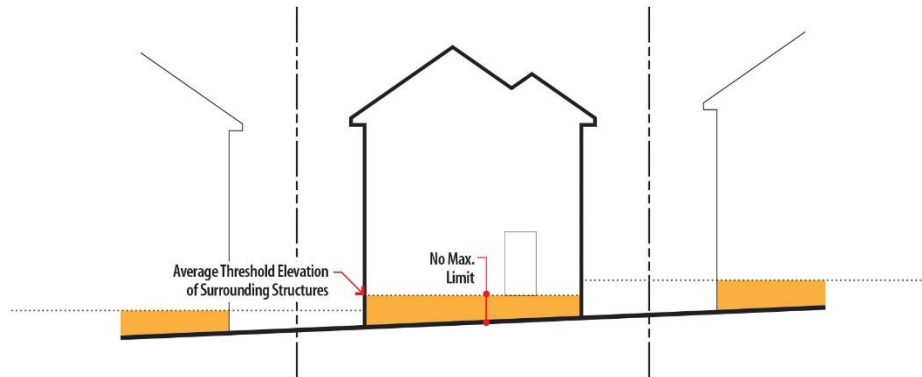
- b. Threshold averaging. The community development director is authorized to approve a proposed front door threshold elevation~~s~~ for new detached houses that exceed the threshold elevation allowed by subsection (1)a if the applicant for a building permit establishes that the elevation of the front door threshold of the proposed residential structure does not exceed the average elevation of the front door thresholds of the residential structures on both lots immediately abutting the subject lot (see Figure 9-~~32~~). If any adjacent lot is vacant, the front door threshold shall be calculated using the formula in (1)a

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2015-XX-XX

above (for lots with no previous residential structure, Figure 9-2). ~~When using threshold averaging, the height of the new residence may not exceed 35 feet, measured as the vertical distance from the front door threshold of the proposed residential structure to the highest point of the roof of the structure.~~ The applicant must provide the community development director with the threshold elevations, as certified by a licensed surveyor or engineer.

Figure 9-32: Residential Infill, Maximum Threshold Elevation ~~Height~~ Based on Threshold Averaging ~~Average Grade Elevation at Front Building Line and "Averaging"~~



- c. Sewer elevation. If an existing dwelling or lot is not connected to county sewer and if the community development director determines that the proposed residence is unable to be connected to county sewer by gravity flow within the allowable front door threshold height provided for in (1)a or (1)b above, then the community development director is authorized to approve a maximum three-foot increase in the front door threshold height over and above the threshold elevation allowed by subsection (1)a or (1)b to provide ~~allowing~~ for gravity flow into the existing sewer tap. The community development director's determination must be based on sewer line elevation data and other evidence provided by the applicant and any other pertinent information available to the director.
- d. Topographical conditions. If exceptional topographical restrictions exist on the subject lot that were not created by the owner or applicant, the community development director is

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2015-XX-XX

authorized to approve a maximum three-foot increase in the front door threshold height over and above the threshold elevation allowed by either subsection (1)a, (1)b, or (1)c above. The applicant must provide a site plan, including topography, certified by an engineer or landscape architect.

- (2) Contextual street setbacks. Detached houses constructed on block faces that are occupied by two or more existing detached houses must comply with the contextual street setback regulations of this subsection.

- a. The street facing facade of a detached house subject to these contextual street setback regulations must be located within the range of street setbacks observed by detached houses that exist on the nearest two lots on ~~either side~~both sides of the subject lot.
- b. If one or more of the nearest two lots on both sides ~~either side~~ of the subject lot is vacant, the vacant lot will be deemed to have a street setback depth equal to the minimum street setback requirement of the subject zoning district.

...

- (3) Contextual lot characteristics. Proposed subdivisions that are adjacent to block faces that are occupied by two or more existing detached houses must comply with the contextual lot characteristic regulations of this subsection in addition to those requirements in Chapters 16 and 27.

- a. Minimum lot area shall be determined by calculating the average area of lots that exist on the nearest four lots on both sides of the subject lot.
- b. Minimum lot frontage shall be determined by calculating the average frontage of lots that exist on the nearest four lots on both sides of the subject lot.
- c. Minimum lot width shall be determined by calculating the average width of lots that exist on the nearest four lots on both sides of the subject lot, measured along the building setback line.
- d. Corner lots or lots with multiple street frontages

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2015-XX-XX

- (i) Area. Minimum lot area shall be determined by calculating the average area of lots that exist on the nearest four lots on both sides of the subject lot for all street frontages.
 - (ii) Frontage. Minimum lot frontage shall be determined by calculating the average frontage of the nearest four lots on the side(s) with frontage on the same street as the subject frontage. An additional 15 feet shall be provided on all frontages above the minimum distance obtained by the average calculation for minimum lot frontage.
 - (iii) Width. Minimum lot width shall be determined by calculating the average width of the nearest four lots on the side(s) with frontage on the same street as the subject width.
 - e. Lots with frontage on a different street than the subject lot or that are separated from the subject lot by a street or alley may not be used in determining contextual lot characteristics, except as required for corner lots.
 - f. In no circumstance shall the provisions of this subsection reduce any provision required by the base zoning district.
- (4) If existing lots are proposed to be subdivided, the reference parcels for the purposes of determining contextual requirements shall be those immediately adjacent to and outside the parcel or group of parcels for the subject subdivision. Additionally, parcels with the following characteristics shall not be used in calculating contextual street setbacks or lot characteristics—the next immediate parcel meeting the requirements for use as a reference parcel, if any, shall be used for subject calculations:
 - a. Unbuildable lots;
 - b. Lots subdivided within six months of the subject subdivisions—taken from the date of final approval or recordation—whichever is most recent;
 - c. Substandard or nonconforming lots;
- (53)** Building plans. Building plans for a detached house must be submitted for review and approval prior to issuance of a building permit. Plans

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2015-XX-XX

must contain all information necessary to determine compliance with the building code and this zoning ordinance.

. . . .

DIVISION 3. ACCESSORY USES.

. . . .

Sec. 27-166. Generally applicable regulations.

. . . .

(e) Accessory buildings and structures.

- (1) Applicable regulations and standards. Accessory buildings and structures are subject to the same regulations and standards as ~~applicable~~ apply to principal uses and structures on the subject lot, unless otherwise expressly stated. Accessory buildings attached to the principal building by a breezeway, passageway or similar means are considered part of the primary structure and are subject to the ~~building setback regulations~~ lot and building regulations that apply to the principal building. Accessory buildings attached by structures less than 30 inches in height or less (e.g.: patios, walks, decks without railing) are not considered part of the primary structure and must comply with accessory building and structure regulations.
- (2) Building separation. Accessory buildings must be separated by a minimum distance of ten feet from the principal building on the lot, unless the accessory building is located entirely within the principal building setbacks, in which case no separation is required. Structures less than 30 inches in height do not require a building separation.

. . . .

DIVISION 4. TEMPORARY USES

. . . .

Sec. 27-188. Authorized temporary uses.

. . . .

(b) *Temporary buildings.*

- (1) The community development director is authorized to approve temporary buildings to be used in conjunction with construction work or pending completion of a permanent building. The temporary

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2015-XX-XX

building shall not be approved until a permit for the land development or building construction has been issued. ~~for a period not to exceed one year. This one year time limit may be extended only if approved through the special land use permit procedure of article V, division 3.~~

- (2) Temporary buildings shall be removed prior to the expiration or finaling of a building or land development permit on the subject site.
Temporary buildings must be removed when construction has been completed and prior to issuance of a final certificate of occupancy.

. . . .

(f) Temporary Telecommunications Service. The Community Development Director is authorized to approve a Communication Transmission Van (CTV) often referred to as "Cellular on Wheels" subject to the following criteria.

- (1) Vehicles and all related equipment shall only be permitted on commercially zoned property within the PCID and may not be closer than 200 feet from any residential zoning district, or less than 50 feet to any property line or right-of-way.
- (2) No part of the vehicle, structure or apparatus, including antenna, may be higher than 35 feet or the allowable building height in the zoning district, whichever is less.
- (3) Noise caused by a generator or other equipment shall not exceed 75 decibels as measured at 30 feet from the source.
- (4) Where deemed necessary by the Director, appropriate screening or camouflage for the site and/or structures shall be incorporated.
- (5) Such provision shall require the applicant, to at all times indemnify, protect, save, hold harmless, and exempt the City, and its officers, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said CTV's.
- (6) All applicable rules, regulations, standards, and provisions of any State or Federal agency, including but not limited to, the FAA and the FCC shall be complied with. Conformance with all applicable city codes and permits is required.

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2015-XX-XX

(7) Written approval from the property owner shall be provided.

(8) The facility shall be secured through the use of acceptable fencing and screening and the use shall not obstruct fire or emergency access, or site visibility.

(9) Such provisions shall be for temporary deficiencies in coverage and shall be limited to a maximum of 60 days per calendar year per site.

(10) Any other conditions of approval determined to comply with the provisions of 27-189.

. . . .

ARTICLE IV. GENERALLY APPLICABLE REGULATIONS

DIVISION 1. PARKING AND CIRCULATION

. . . .

Sec. 27-202. Minimum motor vehicle parking ratios.

Except as otherwise expressly stated, off-street motor vehicle parking spaces must be provided in accordance with the following table:

USES	Minimum Motor Vehicle Parking
RESIDENTIAL	
Household Living	
Detached house	2 spaces per dwelling unit
Attached house	2 spaces per dwelling unit
*****	*****
COMMERCIAL	
*****	*****
Research and Testing Services	3.3 per 1,000 sq. ft.
Retail Sales	4 spaces per 1,000 sq. ft. + 1 space per 1,000 of outdoor display/sales areas
Self-Storage Facility	<u>1 per 5,000 sq. ft. + loading spaces per Section 27-212. Four, or if fewer than four spaces are required then all, of the required spaces shall be provided near any on-site office.</u>
Sports and Recreation, Participant	
Golf course and clubhouse, private	2 spaces per hole
Health club	4 spaces per 1,000 sq. ft.
Private park	As determined per subsection <u>27-203(6)</u>

. . . .

Sec. 27-206. Location of off-street parking.

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2015-XX-XX

- (a) General. Except as otherwise expressly stated, required off-street parking spaces must be located on the same lot as the building or use they are required to serve.
- (b) Residential districts. The following standards apply in residential districts:
- (1) Parking required in driveway. In R districts, parking is prohibited in street yards except on approved driveways.
 - (2) Paved area. No more than 35 percent of the street yard area in an R district may be paved. Circular driveways are allowed only on lots with adequate width to comply with the Institute of Traffic Engineers' geometric design standards. They are subject to the 35 percent paved area limitation.
 - (3) RM district parking. In RM districts, parking is prohibited in required street setbacks.
 - (4) Commercial vehicles prohibited. Only licensed, operable motorcycles and passenger vehicles not operated as a common or contract carrier for hire may be parked outside of an enclosed building in residential zoning districts. This provision is intended to expressly prohibit the parking of commercial motor vehicles (as defined in O.C.G.A § 40-1-1) outside of an enclosed building, except for the immediate loading or unloading of goods or people. It also expressly prohibits the outdoor parking and outdoor storage of construction equipment such as tractors, skid steers, backhoes, forklifts, cement mixers and similar equipment. This prohibition does not apply to construction staging areas.
 - (5) Location of parking for recreational vehicles, trailers, etc. The parking and outdoor storage of trailers, recreational vehicles, travel trailers, campers, pickup coaches, motorized homes, boat trailers, boats and similar vehicles and equipment is prohibited in street yards and within 20 feet of any lot line

....

Sec. 27-208. Parking area design.

- (a) *Tandem and valet parking arrangements.* Parking areas must be designed and constructed to allow unobstructed movement into and out of required parking spaces without interfering with fixed objects or vehicles except in the case of allowed tandem and valet parking, as follows.

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2015-XX-XX

- (1) *Tandem parking.* Tandem parking spaces may be used to satisfy residential parking requirements if the tandem spaces are assigned to the same dwelling unit.
- (2) *Valet parking.* Valet parking may be used to satisfy minimum off-street parking requirements for nonresidential uses if an attendant is present during all hours of operation. Valet parking arrangements may involve the stacked parking of vehicles (i.e., requiring one or more vehicles to be moved to obtain access to other parked vehicles). Valet parking is not subject to the maximum 1,500-foot off-site parking limit of subsection 27-206(c)(2).
- (b) *Stall sizes and parking lot geometrics.*
 - (1) *Stall size.*
 - a. *Standard spaces.* Required parking spaces must have minimum dimensions of 8.5 feet (width) by 18 feet (depth) except as allowed by subsection (b)(1)b. (compact spaces).
 - b. *Driveway depth.* In no case shall any parking space be less than 20 feet in depth as measured from a garage door or wall, to any 'public' or shared sidewalk, drive aisle, or street right-of-way.
 - ~~b.c.~~ *Compact spaces.* In parking lots containing 20 or more required parking spaces, up to 40 percent of the required spaces may be compact car spaces. Compact spaces must have minimum dimensions of eight feet (width) by 15 feet (depth).
 - (c) *Geometric design.* Parking lots must comply with the geometric design standards of the Institute of Traffic Engineers (ITE).
 - (d) *Landscaping.* See the parking lot landscaping regulations of sections 27-228 and 27-229

....

DIVISION 2. LOCATION AND SCREENING.

....

Sec. 27-231. - Screening.

**STATE OF GEORGIA
CITY OF DUNWOODY**

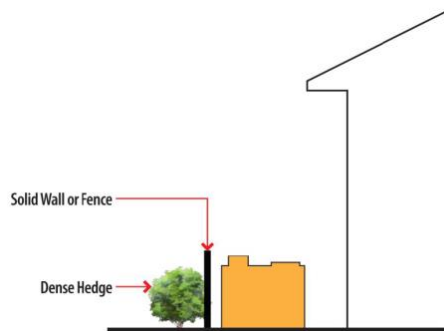
ORDINANCE 2015-XX-XX

(a) *Features to be screened.* The following features must be screened from view of public rights-of-way, public open spaces and from lots used or zoned for residential purposes, as specified in this section.

- (1) Ground-mounted mechanical equipment.
- (2) Roof-mounted mechanical equipment.
- (3) Refuse/recycling containers.
- (4) Outdoor storage of materials, supplies and equipment.

(b) *Ground-mounted mechanical equipment.* ~~All g~~Ground-mounted mechanical equipment over 30 inches in height may not be placed within a required street yard setback ~~is subject to principal building setbacks~~ and must be screened from view by a solid fence, solid wall, dense hedge, or combination of such features. The hedge, fence or wall must be tall enough to screen the equipment. Figure 13-8

Figure 13-8: Screening of Ground-mounted Mechanical Equipment



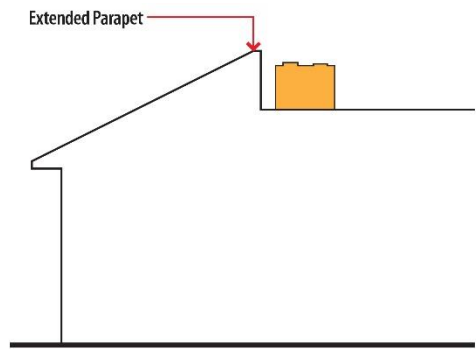
(c) *Roof-mounted mechanical equipment.* Roof-mounted mechanical equipment (e.g., air conditioning, heating, cooling, ventilation, exhaust and similar equipment, but not solar panels, wind energy or similar renewable energy devices) shall over 30 inches in height must be screened in all directions by walls or parapets equal in height, or taller than, the mechanical equipment ~~from ground view as follows in one of the following ways (see Figure 13-9):~~

- ~~A parapet that is as tall as the tallest part of the equipment;~~
- ~~A solid screen around the equipment that is at least as tall as the tallest part of the equipment, with the screen an integral part of the building's architectural design; or~~
- ~~(1) An equipment setback from roof edges that is at least three feet in depth for each one foot of equipment height.~~

STATE OF GEORGIA
CITY OF DUNWOODY

ORDINANCE 2015-XX-XX

Figure 13-9: Screening of Roof-mounted Mechanical Equipment



....

(f) *Landscape materials and design.* Landscape material used to satisfying the screening requirements of this section are subject to the regulations of [section 27-233](#).

(g) [A request to waive or modify the screening requirements for roof-mounted mechanical equipment may be submitted as a Design Review application to the Design Review Advisory Committee according to Article V, Division 4, Design Review. The Design Review Advisory Committee shall make a recommendation to the Community Development Director who is then authorized to approve, approve with conditions, or deny the application for alternative screening.](#)

....

DIVISION 3. OUTDOOR LIGHTING

....

Sec. 27-250. Regulations.

....

Off-Street Parking Lots	Minimum Footcandles	Average Footcandles	Maximum Footcandles
Residential areas	0.5	2.0- 2.5	4.0
Office-professional	1.0	3.0- 3.5	6.0

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2015-XX-XX

areas			
Commercial areas	2.0	6.0- <u>7.0</u>	12.0
Light industrial areas	1.0	4.0- <u>5.0</u>	8.0

. . . .

Sec. 27-252. Plans.

(a) Applicants for any permit for any residential use required by any provision of the ordinances of the city involving outdoor lighting fixtures must submit evidence that the proposed work will comply with the outdoor lighting regulations of this division.

(1) The submission must include the following information with the application for the required permit:

a. Description of all proposed outdoor illuminating devices, fixtures, lamps, supports, reflectors. The description may include, but is not limited to catalog cuts and illustrations by manufacturers.

(b) Applicants for any permit for any commercial use required by any provision of the ordinances of the city ~~in connection with proposed work~~ involving outdoor lighting fixtures must submit ~~, as part of the application for permit,~~ evidence that the proposed work will comply with the outdoor lighting regulations of this division.

(1) The submission must include ~~at least~~ the following information with the application for the required permit:

a. Plans indicating the location on the premises of each outdoor illuminating device, both proposed and any already existing on the site.

b. Description of all proposed illuminating devices, fixtures, lamps, supports, reflectors, ~~both proposed and existing~~. The description may include, but is not limited to catalog cuts and illustrations by manufacturers.

c. Photometric data, such as that furnished by manufacturers or similar, showing the angle of cut-off of light emissions.

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2015-XX-XX

d. Photometric plans must include the maximum and average light layout.

- (2) The above required plans, descriptions, and data must be complete and accurate so that the community development department is able to readily determine whether the proposal will comply with the requirements of this division.

. . . .

DIVISION 4. - FENCES AND WALLS

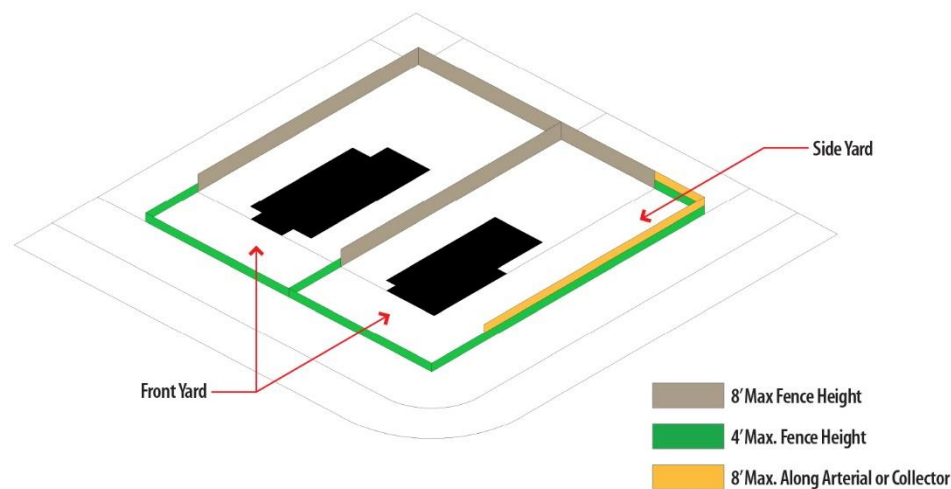
Sec. 27-266. - Applicability.

The fence and wall regulations of this division govern the design and location of all fences and walls, including retaining walls and wing walls.

Sec. 27-267. - Maximum height.

In residential zoning districts fences and walls located in street yards may not exceed four feet in height. Fences on residential lots adjacent to a collector or arterial street may not exceed eight (8) feet in height within said street yard. Fences on residential lots fronting on a collector or arterial street may not exceed four (4) feet within the front yard. Fences shall not obstruct visibility as prescribed in Section 27-289 of this ordinance. All other fences and walls are limited to a maximum height of eight feet unless otherwise expressly stated in this zoning ordinance. Figure 15-1

Figure 15-1: Maximum Fence and Wall Heights



. . . .

**STATE OF GEORGIA
CITY OF DUNWOODY
DIVISION 5. - MISCELLANEOUS PROVISIONS**

ORDINANCE 2015-XX-XX

....

Sec. 27-290. – Right-of-way structures and improvements.

In no case shall any fence, wall, or other private improvement, encroach into any public right-of-way without the written approval of the appropriate public entity.

....

ARTICLE V. REVIEW AND APPROVAL PROCEDURES.

....

DIVISION 2. – AMENDMENTS

....

Sec. 27-332. - Community council meeting and recommendation.

The community council must consider proposed amendments in a public meeting and act by simple majority vote to recommend that the proposed amendment be approved, approved with conditions or denied based on the applicable review and approval criteria of [section 27-335](#). The community council's recommendation must be transmitted to the planning commission. Failure of the community council to make a recommendation [during the meeting in which the amendment is first presented](#) ~~in a timely manner~~ does not constitute grounds for postponement, deferral or denial of any proposed amendment by the planning commission or by the mayor and city council. [The Community council may not defer action on a request except at the request of the applicant.](#)

Sec. 27-333. - Planning commission public hearing and recommendation.

The planning commission must hold a public hearing on all proposed amendments. Following the close of the hearing, the planning commission must act by simple majority vote to recommend that the proposed amendment be approved, approved with conditions or denied based on the applicable review and approval criteria of [section 27-335](#). [Per Section 27-311 the planning commission may vote to defer action or continue a hearing in order to receive additional information or deliberate further.](#) The planning commission's recommendation must be transmitted to the mayor and city council.

....

Sec. 27-337. Amending conditions of approval.

(a) Major changes.

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2015-XX-XX

- (1) Without limiting the meaning of the phrase, modification of any of the following conditions, if attached to an approved amendment, constitute a "major change" for purposes of interpreting this section:
 - a. 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;
 - b. Any increase in the number of dwelling units or any increase in the total amount of floor space of any nonresidential building;
 - c. Any decrease in the minimum size of residential units;
 - d. Any ~~change~~ reduction in any buffer requirement;
 - e. Any increase in building or structure height; or
 - f. Any change in the proportion of floor space devoted to different authorized uses.
- (2) Any request for major changes to conditions attached to approved amendments must be processed as a new amendment application in accordance with the procedures of this division, including the requirement for fees, notices and hearings.

....

DIVISION 3. - SPECIAL LAND USE PERMITS

....

Sec. 27-357. - Planning commission public hearing and recommendation.

The planning commission must hold a public hearing on the special land use permit application. Following the close of the hearing, the planning commission must act by simple majority vote to recommend that the special land use permit be approved, approved with conditions or denied based on the applicable review and approval criteria of section 27-359. Per Section 27-311 the planning commission may vote to defer action or continue a hearing in order to receive additional information or deliberate further. The planning commission's recommendation must be transmitted to the city council.

....

~~Sec. 27-361. Transfer of special land use permits.~~

~~Approved special land use permits, and any attached conditions, run with the land and are not affected by changes in tenancy or ownership.~~

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2015-XX-XX

Sec. 27-36~~1~~². Amending conditions of approval.

~~A request for changes in conditions of approval attached to an approved special land use permit must be processed as a new special land use permit application in accordance with the procedures of this division, including the requirements for fees, notices and hearings.~~

(a) Major changes.

(1) Without limiting the meaning of the phrase, modification of any of the following conditions, if attached to an approved special land use permit, constitute a "major change" for purposes of interpreting this section:

a. 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;

b. Any increase in the number of dwelling units or any increase in the total amount of floor space of any nonresidential building;

c. Any decrease in the minimum size of residential units;

d. Any ~~change~~ reduction in any buffer requirement;

e. Any increase in building or structure height; or

f. Any change in the proportion of floor space devoted to different authorized uses.

(2) Any request for major changes to conditions attached to approved amendments must be processed as a new amendment application in accordance with the procedures of this division, including the requirement for fees, notices and hearings.

(b) Minor changes.

(1) Modification of conditions attached to an approved special land use permit that are not classified as a major change pursuant to subsection (a)(1), constitute a "minor change" for purposes of interpreting this section.

(2) The community development director is authorized to approve minor changes to approved special land use permits.

(3) Any request for minor change of conditions must be made in writing to the community development director. If an approved site plan exists,

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2015-XX-XX

the request for minor change must be accompanied by copies of the revised site plan.

- (c) A request for changes in conditions of approval attached to an approved special land use permit must be processed as a new special land use permit application in accordance with the procedures of this division, including the requirements for fees, notices and hearings.

Secs. 27-362~~3~~—27-375. Reserved.

DIVISION 4. DESIGN REVIEW.

....

Sec. 27-392. Prohibited variances.

The variance procedures of this zoning ordinance may not be used to:

....

- (8) Allow a decrease in the minimum lot area, frontage, depth, shape, and buildable area, including those regulated by contextual lot characteristics.

....

DIVISION 7. SPECIAL ADMINISTRATIVE PERMITS

Sec. 27-436. Applicability.

The community development director is authorized to approve the following as special administrative permits in accordance with the procedures of this division:

- (1) Any use or activity expressly authorized to be approved by special administrative permit pursuant to the provisions of this zoning ordinance;
- (2) Reduction of minimum off-street parking and loading ratios by up to one space or ten percent, whichever is greater;
- (3) Reduction of minimum off-street parking ratios for any lot located within 1,500 feet of the entrance of a commuter rail station or bus rapid transit stop by up to three spaces or 25 percent, whichever is greater;
- (4) Reduction of any zoning district building setback requirements by up to ten percent;

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2015-XX-XX

- (5) Reduction of any rear building setback, greater than ten percent, but no more than 10 feet, for ~~Encroachment of~~ building additions not exceeding one story or 18 feet in height ~~into required rear setbacks by up to ten feet~~;
- (6) Type B home occupations that are solely teaching-related and conducted entirely within the principal dwelling;
- (7) Relatives residences;
- (8) Antennas that project more than ten feet above the height of the structure to which they are attached;
- (9) Reduction of minimum building spacing requirements for multiple buildings on a single lot by up to 10 percent;
- (10) Increase in the maximum front door threshold height allowed by section 27-147
- (11) Increase in the maximum retaining wall height, as allowed by section 27-269
- (12) Reduction of the minimum retaining wall setback requirement, as allowed by section 27-269; and
- (13) Reduction of the minimum wing wall side setback requirement, as allowed by section 27-270

Sec. 27-437. Authority to file.

Applications for approval of special administrative permits may be filed by the owner of the subject property or the property owner's authorized agent.

Sec. 27-438. Application filing.

Special Administrative permit applications must be filed with the community development director.

Sec. 27-439. Posted notice.

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 special administrative permit request. This required notice must indicate the earliest date that a decision on the administrative permit will be made and indicate the nature of the request and a contact where additional information can be obtained.

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2015-XX-XX

Sec. 27-440. Community development director's decision.

- (a) The community development director must review each application for a ~~an~~ special administrative permit and act to approve the application, approve the application with conditions, deny the application, or refer the application to the zoning board of appeals for consideration as a special exception (if related to parking) or a variance.
- (b) The community development director may not take final action to approve or deny a ~~an~~ special administrative permit application until at least ~~15-30~~ days after the date that posted notice was provided. All decisions must be made in writing within ~~30-60~~ days of the date that the application was filed, or if heard before the Zoning Board of Appeals, as required in Section 27-396.
- (c) The community development director's decision to approve or deny must be based on the approval criteria of section 27-441

Sec. 27-441. Review and approval criteria.

Special ~~A~~ administrative permits may be approved by the community development director only when the community development director determines that any specific approval criteria associated with the authorized administrative permit and the following general approval criteria have been met:

- (1) The grant of the administrative permit will not be detrimental to the public health, safety or welfare of the public or injurious to the property or improvements;
- (2) The requested administrative permit does not go beyond the minimum necessary to afford relief, ~~and does not constitute a grant of special privilege inconsistent with the limitations upon other similarly situated properties;~~ and

Sec. 27-442. - Appeals.

Decisions by the community development director made pursuant to this division may be appealed to the Zoning Board of Appeals (ZBA) by filing a request with the community development director within 30 days of the community development director's decision. Decisions will be posted on the City's web page and in a newspaper of general circulation within the City. Appeal shall be in accordance with procedures and conditions in Chapter 27, Article V, Division 8. If no appeal is made within the 30-day period, the decision of the community development director is final. If an appeal is made to the ZBA, the ZBA must set a hearing date for the appeal within 30 days of the appeal being requested and the decision of the ZBA is final. The ZBA decision may be appealed only by a petition for writ of certiorari to the county superior court in accordance with state law. ~~Final decisions~~

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2015-XX-XX

~~of the community development director may be appealed by any person aggrieved by the decision in accordance with the appeal procedures of article V, division 8.~~

~~Sec. 27-443. Transfer of administrative permit.~~

~~Approved administrative permits, and any attached conditions, run with the land and are not affected by changes in tenancy or ownership.~~

Sec. 27-4434. Amending conditions of approval.

A request for changes in conditions of approval attached to an approved special administrative permit must be processed as a new special administrative permit application in accordance with the procedures of this division.

Sec. 27-445444. Reporting.

The community development director must maintain records of all special administrative permits that have been approved or denied and provide a summary of such actions to the city council and planning commission at least four times per calendar year.

. . . .

DIVISION 8. - APPEALS OF ADMINISTRATIVE DECISIONS

. . . .

Sec. 27-457. - Authority to file.

Any person or entity (i.e.: an owner, applicant, adjoining neighbor, or a neighbor whose property is within 1,500 feet of the nearest property line aggrieved by an administrative decision may appeal the decision. ~~Appeals of administrative decisions may be filed by any person aggrieved by, or by any city official, department, board or agency affected by any final order, requirement, or decision of an administrative official, based on or made in the enforcement of this zoning ordinance. A person may be considered aggrieved for purposes of this subsection only if they are the owner of the property that is the subject of the administrative official's decision or they are a person with a substantial interest in the administrative official's decision who is in danger of suffering special damage or injury not common to all property owners similarly situated, as determined by the zoning board of appeals.~~

Sec. 27-458. - Application filing.

Decisions by the community development director made pursuant to this division may be appealed to the Zoning Board of Appeals (ZBA) by filing a request with the community development director within 30 days of the community development

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2015-XX-XX

director's decision. Appeal shall be in accordance with procedures and conditions of this division. If no appeal is made within the 30 day period, the decision of the community development director is final. If an appeal is made to the ZBA, the ZBA must set a hearing date for the appeal within 30 days of the appeal being requested and the decision of the ZBA is final. The 30 day appeal deadline may be waived by the ZBA if the appellant can show evidence that the appeal was filed within 30 days of their actual or constructive notice of the decision. ~~Applications for appeals of administrative decisions must be filed with the community development director within 30 days of the date of the order, requirement or decision being appealed. Failure to act is not an order, requirement or decision within the meaning of this division. The appeal must be scheduled to be heard at the next regularly scheduled board of appeals meeting for which required hearing notice can be provided, unless the applicant agrees to a later hearing date.~~

. . . .

Sec. 27-464. - Appeals.

- (a) Any person or entity authorized by Section 27-457 ~~Any person aggrieved by a final variance decision of the zoning board of appeals, including any officer, department, board or agency affected by such decision, may seek review of such decision~~ may seek review of such decision by petitioning the superior court for a writ of certiorari, setting forth the alleged errors. The petition must be filed within 30 days of the date that the zoning board of appeals renders its final decision.
- (b) When a petition is for a writ of certiorari is filed, the zoning board of appeals must be designated the respondent in certiorari and the city the defendant in certiorari. The secretary of the zoning board of appeals is authorized to acknowledge service of a copy of the petition and writ on behalf of the zoning board of appeals, as respondent. Service upon the city as defendant must be as provided by law.

. . . .

ARTICLE VI. ADMINISTRATION AND ENFORCEMENT

. . . .

DIVISION 2. INSPECTIONS

Sec. 27-511. - Right of entry.

Upon the consent of the developer, contractor, owner, owner's agent, operator or occupants, city employees authorized by the community development director may

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2015-XX-XX

enter during all reasonable hours any property for the purpose of making inspections to determine compliance with the provisions of this zoning ordinance.

Additionally, any property owner submitting an application to the City of Dunwoody for any of the processes as stated in Article V of this ordinance, including the provisions of Chapter 16, Land Development Regulations, or any similar request that may require the inspection of the property to provide this service, shall by their request convey to authorized representatives of the City of Dunwoody the right of entry during all reasonable hours to conduct said inspection outside of any enclosed structures on the property.

. . . .

ARTICLE VII. MEASUREMENTS, LANGUAGE AND DEFINITIONS

DIVISION 1. MEASUREMENTS

. . . .

Sec. 27-575. Lot coverage.

Lot coverage is measured as the area or percentage of a lot that is covered by buildings, structures, **swimming pools, streets, sidewalks, patios, driveways, parking areas and other impervious surfaces, often expressed as Impervious Surface Ratio (ISR).** **Permeable decks shall not be included in the lot coverage calculation. However, impermeable surfaces under a deck shall be included.** Trail improvements that are part of a city council-approved plan are not counted as part of a site's impervious surface area for purposes of site development-related calculations and regulations.

. . . .

Sec. 27-577. - Building height.

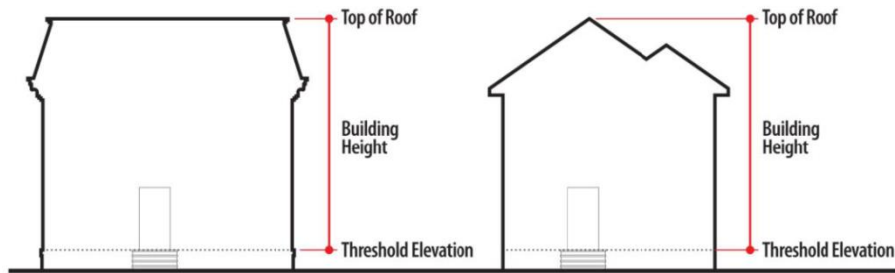
(a) *Measurement.*

- (1) *Detached houses.* The building height of a detached house is measured as the vertical distance from the front door threshold elevation to the highest point of the roof. Figure 30-2

Figure 30-2: Building Height Measurement, Detached Houses

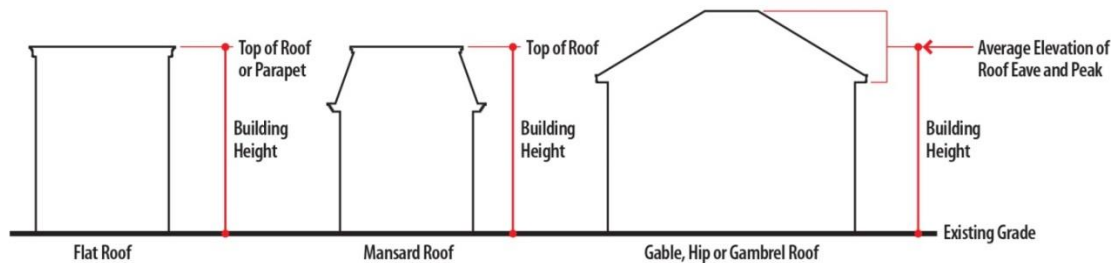
**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2015-XX-XX



- (2) *Other buildings.* For all buildings except detached houses, building height is measured as the vertical distance from finished grade along the exterior building wall to the top of the highest roof beams or top of parapet (whichever is greater) on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs. [Figure 30-3](#)

Figure 30-3: Building Height Measurement, Other Buildings

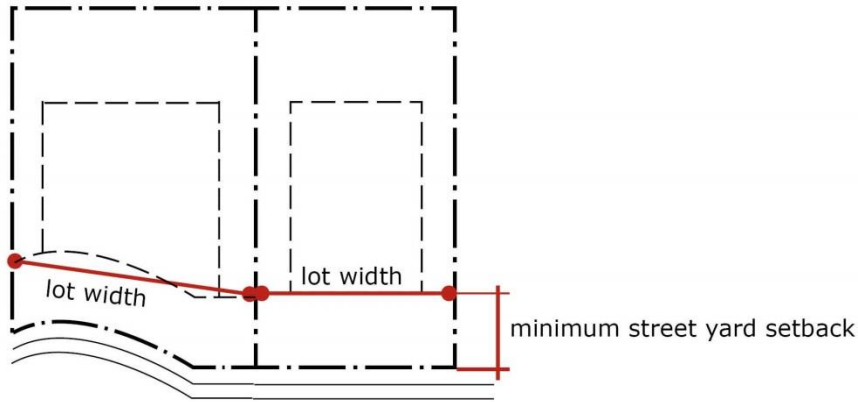


Sec. 27-578. Lot Width.

Lot width is measured as the distance between the side lot lines, measured along a line drawn parallel to the front lot line at a distance from the front lot line equal to the minimum street yard setback. For lots with curvilinear frontage and setback lines (e.g.: cul-de-sac lots), the width shall be measured as a straight line through the points that intersect the side lot lines at a distance from the front lot line equal to the minimum street yard setback.

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2015-XX-XX



DIVISION 2. USE OF LANGUAGE AND INTERPRETATIONS

DIVISION 3. DEFINITIONS

Sec. 27-621. Terms defined.

Infill lot 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-or~~ (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.

Section 2: This Amendment shall become effective upon its approval by Mayor and 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 _____, 2015.

Approved:

Michael G. Davis, Mayor

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2015-XX-XX

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk

Office of City Attorney

**Final Amendments to Chapter 27, Zoning Ordinance
Revisions from January 12, 2015 City Council Meeting**

...

27-58. Lot and building regulations.

...

Regulation	MULTI-DWELLING DISTRICTS				
	RM-150	RM-100	RM-85	RM-75	RM-HD
...					
Minimum Building/Structure Setbacks (ft.) [4]					
Detached & Attached Houses, 2-unit and 3-unit Buildings					
S1 Street, Front	30	30	30	30	30
S2 Street, Side[5]	15	15	15	15	15
S3 Side, Interior	7.5	7.5	7.5	7.5	7.5
S4 Side, Interior (accessory buildings/structures)	10	10	10	10	10
S5 Rear	30	30	30	30	30
S6 Rear (accessory buildings/structures)	10	10	10	10	10
C Maximum Lot Coverage (percent) [8]	35	35	35	35	65
Multi-unit (4+ unit) Buildings					
S1 Street, Front and Side	35	35	35	35	35
S3 Side, Interior	20[6]	20[6]	20[6]	20[6]	20[6]
S4 Side, Interior (accessory buildings/structures)	7.5	7.5	7.5	7.5	7.5
S5 Rear [7]	40[6]	40[6]	40[6]	40[6]	40[6]
S6 Rear (accessory buildings/structures) [7]	10	10	10	10	10

[8] Maximum Lot Coverage for Institutional Uses, including, but not limited to, Educational Services, Places of Worship, and Neighborhood Recreation Club; and for permitted Multi-unit buildings, including townhomes and similar uses, shall not exceed 70%.

Comment [SF1]: Insertion needed to address uses discussed with Council.

...

DIVISION 1. - USE CLASSIFICATIONS

Sec. 27-111. General.

This division contains a description of the use classification system used to classify principal uses in this zoning ordinance.

...

(5) Determination of use categories and subcategories.

- a. The community development director is authorized to classify uses on the basis of the use category and subcategory descriptions of this section.
- b. When a use cannot be readily classified into a use category/subcategory or appears to fit into multiple categories/subcategories, The community development director is authorized to determine the most similar, and thus most appropriate, use category/subcategory based on the actual or projected characteristics of the principal use or activity in relationship to the use category and subcategory descriptions provided in this section. Any decision made by the community development director to authorize a use in a zoning district where it is not specifically authorized shall be published, and notice sent to adjacent property owners, per

**Final Amendments to Chapter 27, Zoning Ordinance
Revisions from January 12, 2015 City Council Meeting**

paragraph 'e' below. In making such determinations, the community development director is authorized to consider all of the following:

1. The types of activities that will occur in conjunction with the use;
 2. The types of equipment and processes to be used;
 3. The existence, number and frequency of residents, customers or employees;
 4. Parking demands associated with the use; and
 5. Other factors deemed relevant to a use determination.
- c. If a use can reasonably be classified in multiple categories, subcategories or specific use types, the community development director must categorize the use in the category, subcategory or specific use type that provides the most exact, narrowest and appropriate match.
- d. If the community development director is unable to determine the appropriate use category for a proposed use, the community development director is authorized to deny the permit request.
- e. Any person or entity (i.e.: an owner, applicant, adjoining neighbor, or a neighbor whose property is within 1,500 feet of the subject property aggrieved by the decision of the community development director on use determinations may appeal the decision within 30 days of the community development director's decision. Decisions pertaining to "uses" as conditioned in 'b' above will be published on-line, in a newspaper of general circulation within the City, and provided in writing via first class mail to adjacent property owners. The 30 day appeal period shall commence from the date written notification is sent to adjacent property owners. Appeal shall be in accordance with the appeal procedures of article V, division 8.

Comment [SF2]: Slight wording change to reference 'e' below.

Comment [SF3]: Reference to "uses" above and mailed notice provision added.

Sec. 27-208. Parking area design.

- (a) *Tandem and valet parking arrangements.* Parking areas must be designed and constructed to allow unobstructed movement into and out of required parking spaces without interfering with fixed objects or vehicles except in the case of allowed tandem and valet parking, as follows.
- (1) *Tandem parking.* Tandem parking spaces may be used to satisfy residential parking requirements if the tandem spaces are assigned to the same dwelling unit.
 - (2) *Valet parking.* Valet parking may be used to satisfy minimum off-street parking requirements for nonresidential uses if an attendant is present during all hours of operation. Valet parking arrangements may involve the stacked parking of vehicles (i.e., requiring one or more vehicles to be moved to obtain access to other parked vehicles). Valet parking is not subject to the maximum 1,500-foot off-site parking limit of subsection 27-206(c)(2).
- (b) *Stall sizes and parking lot geometrics.*
- (1) *Stall size.*

Final Amendments to Chapter 27, Zoning Ordinance
Revisions from January 12, 2015 City Council Meeting

a. *Standard spaces.* Required parking spaces must have minimum dimensions of 8.5 feet (width) by 18 feet (depth) except as allowed by subsection (b)(1)b. (compact spaces).

~~a.b.~~ *Driveway depth.* In no case shall any parking space be less than 20 feet in depth as measured from a garage door or wall, to any 'public' or shared sidewalk, drive aisle, or street right-of-way.

Comment [SF4]: New regulation added to address driveway depth.

~~b.c.~~ *Compact spaces.* In parking lots containing 20 or more required parking spaces, up to 40 percent of the required spaces may be compact car spaces. Compact spaces must have minimum dimensions of eight feet (width) by 15 feet (depth).

(c) *Geometric design.* Parking lots must comply with the geometric design standards of the Institute of Traffic Engineers (ITE).

(d) *Landscaping.* See the parking lot landscaping regulations of sections 27-228 and 27-229

(Ord. No. 2013-10-15, § 1(Exh. A § 27-12.80), 10-14-2013)

...

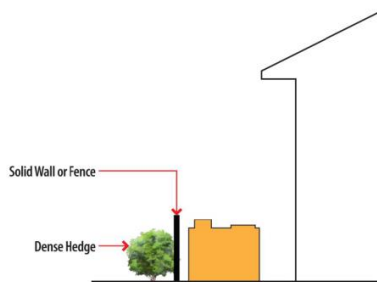
Sec. 27-231. - Screening.

(a) *Features to be screened.* The following features must be screened from view of public rights-of-way, public open spaces and from lots used or zoned for residential purposes, as specified in this section.

- (1) Ground-mounted mechanical equipment.
- (2) Roof-mounted mechanical equipment.
- (3) Refuse/recycling containers.
- (4) Outdoor storage of materials, supplies and equipment.

(b) *Ground-mounted mechanical equipment.* Ground-mounted mechanical equipment over 30 inches in height may not be placed within a required street yard setback and must be screened from view by a solid fence, solid wall, dense hedge, or combination of such features. The hedge, fence or wall must be tall enough to screen the equipment. Figure 13-8

Figure 13-8: Screening of Ground-mounted Mechanical Equipment

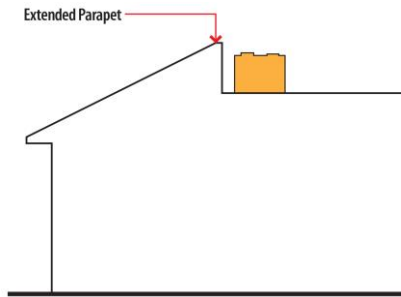


(c) *Roof-mounted mechanical equipment.* Roof-mounted mechanical equipment (e.g., air conditioning, heating, cooling, ventilation, exhaust and similar equipment, but not solar panels, wind energy or

Final Amendments to Chapter 27, Zoning Ordinance Revisions from January 12, 2015 City Council Meeting

similar renewable energy devices) shall be screened in all directions by walls or parapets equal in height, or taller than, the mechanical equipment. (see Figure 13-9)

Figure 13-9: Screening of Roof-mounted Mechanical Equipment



...

(f) *Landscape materials and design.* Landscape material used to satisfying the screening requirements of this section are subject to the regulations of [section 27-233](#).

(g) [A request to waive or modify the screening requirements for roof-mounted mechanical equipment may be submitted as a Design Review application to the Design Review Advisory Committee according to Article V, Division 4, Design Review. The Design Review Advisory Committee shall make a recommendation to the Community Development Director who is then authorized to approve, approve with conditions, or deny the application for alternative screening.](#)

...

Division 7. Special Administrative Permits

...

Sec. 27-442. - Appeals.

Decisions by the community development director made pursuant to this division may be appealed to the Zoning Board of Appeals (ZBA) by filing a request with the community development director within 30 days of the community development director's decision. [Decisions will be posted on the City's web page and in a newspaper of general circulation within the City.](#) Appeal shall be in accordance with procedures and conditions in Chapter 27, Article V, Division 8. If no appeal is made within the 30-day period, the decision of the community development director is final. If an appeal is made to the ZBA, the ZBA must set a hearing date for the appeal within 30 days of the appeal being requested and the decision of the ZBA is final. The ZBA decision may be appealed only by a petition for writ of certiorari to the county superior court in accordance with state law.

...

Comment [SF5]: Relocated this paragraph to a new 'letter' and clarified that requests are only for "roof-mounted" mechanical equipment. Wording was already included that covers "waivers".

Comment [SF6]: Administrative Permits are by nature "minor". No mailed notice has been included. A sign is placed in the yard for 30 days prior to the decision.

**Final Amendments to Chapter 27, Zoning Ordinance
Revisions from January 12, 2015 City Council Meeting**

DIVISION 8. - APPEALS OF ADMINISTRATIVE DECISIONS

...

Sec. 27-458. - Application filing.

Decisions by the community development director made pursuant to this division may be appealed to the Zoning Board of Appeals (ZBA) by filing a request with the community development director within 30 days of the community development director's decision. Appeal shall be in accordance with procedures and conditions of this division. If no appeal is made within the 30 day period, the decision of the community development director is final. If an appeal is made to the ZBA, the ZBA must set a hearing date for the appeal within 30 days of the appeal being requested and the decision of the ZBA is final. The 30 day appeal deadline may be waived by the ZBA if the appellant can show evidence that the appeal was filed within 30 days of their actual or constructive notice of the decision. ...

...

Comment [SF7]: As noted in Section 27-111 only those Administrative Decisions relating to a "use" not otherwise allowed will require a notice to be sent to adjacent property owners. No changes made to this section.

Chapter 27 Zoning Ordinance Amendments for City Council review – January 2015

...

Sec. 27-57. Uses allowed

...

USES	DISTRICTS										Supplemental Regulations		
	R-150	R-100	R-85	R-75	R-60	R-50	RA-5	RA-8	RM-150	RM-100		RM-85	RM-75
<i>P = use permitted as of right A = administrative permit req'd E = special exception req'd S = special land use permit req'd</i>													
RESIDENTIAL													
Household Living													
Detached house			P				P			P			27-147
Attached house			–				P			P			27-132
Multi-unit building			–				–			P			27-142
Group Living													
Convent or monastery			S				S			S			
Fraternity or sorority			–				–			P			
Nursing home			–				–			P			
Personal care home, registered family (1–4 persons)			P				P			P			
Personal care home, family group (5–67 persons)			SP				SP			SP			
Personal care home, group community (8+–15 persons)			–				–			SP			
Personal care home, congregate (16 or more)			S				–			P			
Child caring institution (1–6 persons)			–				–			P			
Community Living Arrangement (1-4 persons)			P				P			P			

...

27-58. Lot and building regulations.

...

	Regulation	SINGLE-DWELLING DISTRICTS							
		R-150	R-100	R-85	R-75	R-60	R-50	RA-5	RA-8
L1	Minimum Lot Area (sq. ft.)	43,560	15,000	12,000	10,000	8,000	6,000	NA[1]	NA[1]
L2	Minimum Lot Frontage (ft.) [2]	150	100	85	75	60	50	100[3]	100[3]
	Maximum Density (dwelling units per acre)	NA	NA	NA	NA	NA	NA	5	8
	Minimum Building/Structure Setbacks (ft.) [4]								
S1	Street, Front and Side	45[5]	35[5]	35[5]	30[5]	30[5]	5[6]	5[6]	5[6]
S2	Side, Interior	20	10	8.5	7.5	7.5	7.5	15	15
S3	Side, Interior (accessory buildings/structures)	10	10	10	10	10	10	10[7]	10[7]
S4	Rear	40	40	40	40	40	30	30	30
S5	Rear (accessory buildings/structures)	10	10	10	10	10	10	10	10
C	Maximum Lot Coverage (percent) [8]								
	Lot area = 43,560 sq. ft. or more	25	25	25	25	25	25	25	25
	Lot area = 30,000 to 43,559 sq. ft.	30	30	30	30	30	30	30	30
	Lot area = 20,000 to 29,999 sq. ft.	35	35	35	35	35	35	35	35
	Lot area = 19,999 sq. ft. or less	40	40	40	40	40	40	50	50

Comment [SF1]: Note: the Planning Commission recommended that Personal Care Homes “family” be permitted in single family R and RA districts. This was deleted by the Community Council. The Planning Commission also recommended the ‘group’ and ‘community’ Personal Care Home require a SLUP in other residential districts.

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri), No underline, Underline color: Auto, Font color: Auto

Formatted: Font: +Body (Calibri), No underline, Underline color: Auto, Font color: Auto

Formatted Table

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Comment [SF2]: See Note [8] below. Staff recommends consideration for an increase in the Maximum Lot Coverage for selected uses in residential districts. The need for an increase has been seen in some of the neighborhood clubs and church applications.

Chapter 27 Zoning Ordinance Amendments for City Council review – January 2015

Maximum Building Height (ft.)									
Principal Building	35	35	35	35	35	35	35	35	35
Accessory Buildings/Structures	20	20	20	20	20	20	20	20	20

...

[8] Maximum Lot Coverage for Institutional Uses; including, but not limited to, Educational Services, Places of Worship, and Neighborhood Recreation Club shall not exceed 60%.

...

Regulation		MULTI-DWELLING DISTRICTS				
		RM-150	RM-100	RM-85	RM-75	RM-HD
...						
Minimum Building/Structure Setbacks (ft.) [4]						
Detached & Attached Houses, 2-unit and 3-unit Buildings						
S1	Street, Front	30	30	30	30	30
S2	Street, Side[5]	15	15	15	15	15
S3	Side, Interior	7.5	7.5	7.5	7.5	7.5
S4	Side, Interior (accessory buildings/structures)	10	10	10	10	10
S5	Rear	30	30	30	30	30
S6	Rear (accessory buildings/structures)	10	10	10	10	10
C	Maximum Lot Coverage (percent) [8]	35	35	35	35	65
Multi-unit (4+ unit) Buildings						
S1	Street, Front and Side	35	35	35	35	35
S3	Side, Interior	20[6]	20[6]	20[6]	20[6]	20[6]
S4	Side, Interior (accessory buildings/structures)	7.5 40	10 7.5	10 7.5	10 7.5	10 7.5
S5	Rear [7]	40[6]	40[6]	40[6]	40[6]	40[6]
S6	Rear (accessory buildings/structures) [7]	10	10	10	10	10

Comment [SF3]: This amendment is suggested as a way to provide for the increased lot coverage needed for these uses.

Comment [SF4]: See [8] below. Recommended as a new Note under the Multi-Family table.

[8] Maximum Lot Coverage for Institutional Uses; including, but not limited to, Educational Services, Places of Worship, and Neighborhood Recreation Club shall not exceed 70%.

...

Sec. 27-72. Uses allowed.

...

USES	DISTRICTS									Supplemental Regulations	
	O-1	O-1-T	O-D	OCR	NS	C-1	CR-1	C-2	M		
P = use permitted as of right A = administrative permit req'd E = special exception req'd S = special land use permit req'd											
RESIDENTIAL											
...											
Group Living											
Convent and monastery	P	P	–	P	–	–	–	–	–	Error! eference source not found.	
Fraternity house, sorority house or residence hall	P	–	–	–	–	–	–	–	–		
Nursing home	P	P	–	–	–	–	–	–	P		
Personal care home, registered family (1– 43 persons)	–	–	P	–	P	P	P	P	–		
Personal care home, family group (45–67 persons)	–	–	P	–	P	P	P	P	–		
Personal care home, group community (8+15 persons)	P	P	P	–	P	P	P	P	–	27-145	

Chapter 27 Zoning Ordinance Amendments for City Council review – January 2015

USES	DISTRICTS									Supplemental Regulations
	O-I	O-I-T	O-D	OCR	NS	C-1	CR-1	C-2	M	
Personal care home, congregate (16 or more)	P	S	P	-	P	P	P	P	-	27-145
Child caring institution (1—6 persons)	P	P	P	=	P	P	P	P	=	
Child caring institution (7—15 persons)	P	P	P	=	P	P	P	P	=	
Child caring institution (16 or more)	P	S	P	=	P	P	P	P	=	
Community Living Arrangement (1-4 persons)				P		P	P			
...										
Day Care										
Day care facility, adult (6 or fewer persons)	-	-	P	-	-	-	-	-	-	27-137
Day care center, adult (7 or more)	P	P	P	P	P	P	P	P	-	
Day care facility, child (6 or fewer persons)	-	-	P	-	-	-	-	-	-	
Day care center, child (7 or more)	P	P	P	P	P	P	P	P	P	
...										
Food truck	AP	AP	AP	AP	AP	AP	AP	AP	AP	27-138

Comment [SF5]: Note: “Day Care Facility, Adult” is being recommended as a permitted use in commercial districts consistent with day care facilities for children. Excluding the “M” district.

Sec. 27-73. Lot and building regulations

	Regulation	O-I	O-I-T	O-D	OCR	NS	C-1	CR-1	C-2	M
L1	Minimum Lot Area (sq. ft.)	20,000	20,000[1]	43,560	87,120	20,000	20,000	20,000	30,000	30,000
L2	Minimum Lot Frontage (ft.)	100	100	150	100	100	100	100	100	100
	Maximum Density (dwelling units per acre)	NA	NA	NA	30	NA	NA	80	NA	NA
	Minimum Building/Structure Setbacks (ft.)									
S1	Street, Front and Side	50	40	75	0 50	50	50	0	50	75
S2	Side, Interior	20	20	20	20	20	20	20[2]	20	20
S3	Rear	30	30	30	40	30	30	30	30	30
C	Maximum Lot Coverage (%)	80	80	80	80	80	80	80	80	80
	Maximum Building Height (stories/ft.)	5/70[3]	2/35	2/35[4]	2/35[4]	2/25	2/35[4]	3/45[4]	2/35[4]	5/70[3]
	Maximum Building Floor Area (sq. ft.)	NA	NA	NA	NA	50,000[5]	NA	NA	NA	NA

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

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

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:

Chapter 27 Zoning Ordinance Amendments for City Council review – January 2015

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 ~~change-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.

...

Sec. 27-97. - DVO, Dunwoody Village Overlay.

...

- (i) Streetscape and pedestrian amenities.

...

- (8) Lighting must conform to the following:

- a. Pedestrian and street lighting must be placed in the landscape zone at intervals of 90 to 100 feet on center and must be equal distance from required street trees, in accordance with the Georgia Power Area-Wide Pedestrian Lighting Plan.

- b. Pole height may not exceed 15 feet.

- c. [Light poles and lamps must be selected from the city's approved streetscape list, which is available in the community development department; alternative designs may be approved on a case-by-case basis with the approval of the community development director.](#)

~~Streetlights must be "Generation ARC" by Cooper, 150-watt from Georgia Power. Light poles must be "Grandville" by Hapco from Georgia Power.~~

- ~~d. Poles and fixtures must be dark green in color.~~

- (9) Furniture must be provided as follows:

- a. Benches and trash and recycling receptacles must be installed every 250 feet along the public street and at each building entrance adjacent to a pedestrian walkway.

Chapter 27 Zoning Ordinance Amendments for City Council review – January 2015

- b. Furniture must be selected from the city's approved streetscape list, which is available in the community development department; alternative designs may be approved on a case-by-case basis with the approval of the community development director.

~~Benches must be Victor Stanley Classic Model c-138 series. Bench colors must be natural wood stain, with dark green.~~

~~c. Trash and recycling receptacles must be Victor Stanley Concourse series and must be firmly anchored to the ground.~~

...

DIVISION 1. - **USE CLASSIFICATIONS**

Sec. 27-111. General.

This division contains a description of the use classification system used to classify principal uses in this zoning ordinance.

...

(5) *Determination of use categories and subcategories.*

- a. The community development director is authorized to classify uses on the basis of the use category and subcategory descriptions of this section.
- b. When a use cannot be readily classified into a use category/subcategory or appears to fit into multiple categories/subcategories, The community development director is authorized to determine the most similar, and thus most appropriate, use category/subcategory based on the actual or projected characteristics of the principal use or activity in relationship to the use category and subcategory descriptions provided in this section. Any decision made by the community development director to authorize a use in a zoning district where it is not specifically authorized shall require that a notice of the decision be mailed via First Class Mail to the owners of all adjoining property. In making such determinations, the community development director is authorized to consider all of the following:
 1. The types of activities that will occur in conjunction with the use;
 2. The types of equipment and processes to be used;
 3. The existence, number and frequency of residents, customers or employees;
 4. Parking demands associated with the use; and
 5. Other factors deemed relevant to a use determination.
- c. If a use can reasonably be classified in multiple categories, subcategories or specific use types, the community development director must categorize the use in the category, subcategory or specific use type that provides the most exact, narrowest and appropriate match.
- d. If the community development director is unable to determine the appropriate use category for a proposed use, the community development director is authorized to deny the permit request.

Comment [SF6]: This is the section that authorizes use interpretations by the Community Development Director.

Chapter 27 Zoning Ordinance Amendments for City Council review – January 2015

- e. ~~Any person or entity (i.e.: an owner, applicant, adjoining neighbor, or a neighbor whose property is within 1,500 feet of the subject property aggrieved by the decision of the Community development director on use determinations may appeal the decision~~ ~~Community development director decisions on use determination matters may be appealed~~ within 30 days of the community development director's decision. Decisions will be posted on the City's web page and in a newspaper of general circulation within the City. The 30 day appeal period shall start to run upon the earlier of said postings. All driveways with sidewalks and sidewalk crosswalk installations are required to ~~Appeal shall be~~ in accordance with the appeal procedures of article V, division 8.

Formatted: Font color: Dark Red

...

Sec. 27-112. - Residential use category.

The residential use category includes uses that provide living accommodations to one or more persons.

...

(2) Group living. Residential occupancy of a dwelling by other than a "household," typically providing communal kitchen/dining facilities. Examples of group living uses include but are not limited to fraternities, sororities, convents, monasteries, nursing homes and the following specific use types:

a. Nursing home. An establishment providing inpatient, skilled nursing and rehabilitative services to patients who require health care but not hospital services. Care is ordered by and under the direction of a physician.

b. Personal care home. Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services, including watchful oversight, for two or more adults who are not related to the owner or administrator by blood or marriage. "Personal services" includes, but is not limited to, individual assistance with or supervision of self-administered medication and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting. Personal Care Homes cannot provide nursing or other medical services, with the exception that those services defined specifically as "personal services" may be conducted by nurses or other appropriate medical personnel, or admit and retain residents who need continuous medical or nursing care.

~~Personal care home. A building in which housing, meals and 24-hour continuous oversight and care services are provided for one or more ambulatory adults and that is licensed as a personal care home by the office of regulatory services of the state department of human resources.~~

1. Personal Care Home - Family. A personal care home that offers care to at least one but not more than four persons.
2. Personal Care Home – Group. A personal care home that offers care to at least five but not more than seven persons.
3. Personal Care Home – Community. A personal care home that offers care to eight (8) or more persons.

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Chapter 27 Zoning Ordinance Amendments for City Council review – January 2015

- ~~1. Congregate personal care home. A personal care home that offers care to 16 or more persons.~~
- ~~2. Family personal care home. A personal care home that offers care to at least four but not more than six persons.~~
- ~~3. Group personal care home. A personal care home that offers care to at least seven but not more than 15 persons.~~
- ~~4. Registered personal care home. A personal care home that offers care to at least one but not more than three persons.~~

(c) Child-caring institution. Any institution, society, agency, or facility, whether incorporated or not, which either primarily or incidentally provides full-time care (room, board, and watchful oversight) for children through 18 years of age outside of their own homes, and that is licensed by the State Department of Human Resources as a Child Caring Institution.

(d) Community Living Arrangement. Any dwelling, whether operated for profit or not, that undertakes through its ownership or management to provide or arrange for the provision of daily personal services, supports, care, or treatment exclusively for two or more adults who are not related to the owner or administrator by blood or marriage and whose residential services are financially supported, in whole or in part, by funds designated through the Department Behavioral Health and Developmental Disabilities (DBHDD).

Formatted: Space After: 0 pt

Sec. 27-113. - Quasi-public and institutional category.

...

(9) Neighborhood Recreation Club. A non-profit organization which provides recreational facilities and programs for neighborhood or other association of persons, and characterized by certain membership qualifications, payment of fees and dues, and a charter and bylaws. Neighborhood Recreation Club shall also mean, where the context requires, the premises and structures owned, used or occupied by the members of the association in which the activities of the neighborhood recreation club are conducted.

...

Sec. 27-147. Residential Infill

The residential infill regulations of this subsection apply to the construction and reconstruction of detached houses:

Where the subdivision of vacant land or the resubdivision of existing lots has been approved by the City and significantly modifies the area; whether by creating multiple new lots or lot/block configurations, and/or new streets, and the nature of these improvements predominately alters the aesthetic or structural character of the neighborhood thereby inhibiting the direct application of these infill regulations, the Community Development Director may determine their applicability to the permit request. In such cases the owners of property adjacent to the subject site(s) will be notified of and may appeal the decision per Article V of this ordinance.

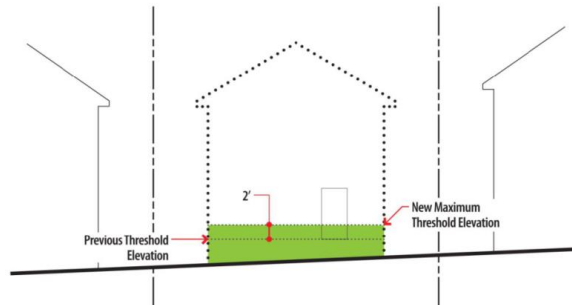
Comment [SF7]: The purpose of this statement is to recognize situations may be created whereby the infill regulations will not apply.

(1) ~~Building height~~ Front Door Threshold Elevation

- a. Replacement of a detached house. The proposed front door threshold elevation for any new detached house may not be more than two feet higher than the front door threshold elevation of the residential structure that existed on the lot prior to demolition (see Figure 9-1). If there was no previous residential structure on the subject lot, or if the lot has been part of an approved subdivision that resulted in the creation of any new lots, then the proposed front door threshold elevation for a new detached house on the lot may not be more than two feet higher than the average elevation of the existing natural grade at the front building line (see Figure 9-2). If the proposed construction would require alteration or eradication of the original threshold, then the original elevation must be measured and certified by a licensed surveyor or engineer.

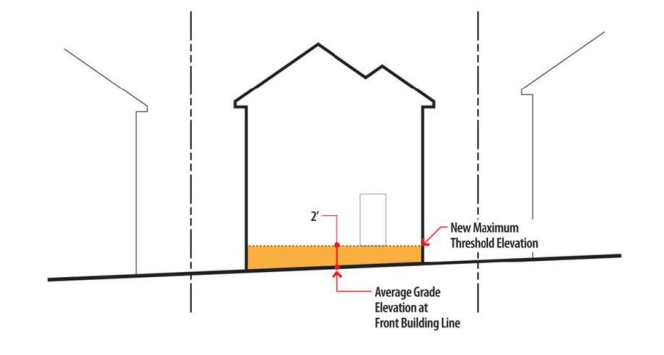
Formatted: Font: +Body (Calibri), Underline

Figure 9-1: Residential Infill, Maximum Threshold Elevation ~~Height~~ Based on Previously Existing Threshold



Formatted: Space Before: 0 pt

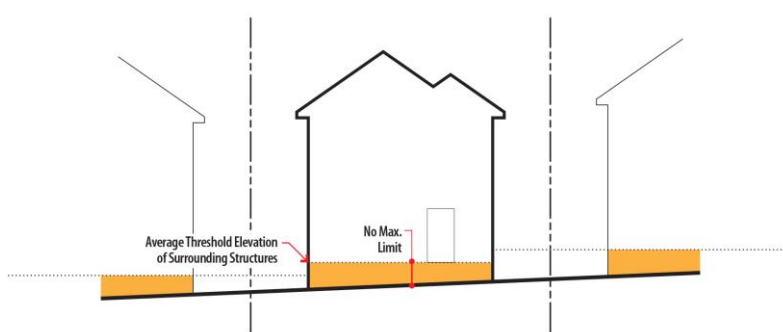
Figure 9-2: Residential Infill, Maximum Threshold Elevation ~~Height~~ Based on Average Grade Elevation at Front Building Line ~~and "Averaging"~~



Chapter 27 Zoning Ordinance Amendments for City Council review – January 2015

- b. Threshold averaging. The community development director is authorized to approve a proposed front door threshold elevation~~s~~ for new detached houses that exceed the threshold elevation allowed by subsection (1)a if the applicant for a building permit establishes that the elevation of the front door threshold of the proposed residential structure does not exceed the average elevation of the front door thresholds of the residential structures on both lots immediately abutting the subject lot (see Figure 9-3~~2~~). If any adjacent lot is vacant, the front door threshold shall be calculated using the formula in (1)a above (for lots with no previous residential structure, Figure 9-2). ~~When using threshold averaging, the height of the new residence may not exceed 35 feet, measured as the vertical distance from the front door threshold of the proposed residential structure to the highest point of the roof of the structure.~~ The applicant must provide the community development director with the threshold elevations, as certified by a licensed surveyor or engineer.

Figure 9-~~32~~: Residential Infill, Maximum ~~Threshold Elevation~~~~Height~~ Based on Threshold Averaging ~~Average Grade Elevation at Front Building Line and "Averaging"~~



Comment [SF8]: Revised drawing.

- c. Sewer elevation. If an existing dwelling or lot is not connected to county sewer and if the community development director determines that the proposed residence is unable to be connected to county sewer by gravity flow within the allowable front door threshold height provided for in (1)a or (1)b above, then the community development director is authorized to approve a maximum three-foot increase in the front door threshold height over and above the threshold elevation allowed by subsection (1)a or (1)b to provide allowing for gravity flow into the existing sewer tap. The community development director's determination must be based on sewer line elevation data and other evidence provided by the applicant and any other pertinent information available to the director.
- d. Topographical conditions. If exceptional topographical restrictions exist on the subject lot that were not created by the owner or applicant, the community development director is authorized to approve a maximum three-foot increase in the front door

Chapter 27 Zoning Ordinance Amendments for City Council review – January 2015

threshold height over and above the threshold elevation allowed by either subsection (1)a, (1)b, or (1)c above. The applicant must provide a site plan, including topography, certified by an engineer or landscape architect.

- (2) Contextual street setbacks. Detached houses constructed on block faces that are occupied by two or more existing detached houses must comply with the contextual street setback regulations of this subsection.
- a. The street facing facade of a detached house subject to these contextual street setback regulations must be located within the range of street setbacks observed by detached houses that exist on the nearest two lots on ~~either side~~ both sides of the subject lot.
 - b. If one or more of the nearest two lots on both sides ~~either side~~ of the subject lot is vacant, the vacant lot will be deemed to have a street setback depth equal to the minimum street setback requirement of the subject zoning district.

(3) Contextual lot characteristics. Proposed subdivisions that are adjacent to block faces that are occupied by two or more existing detached houses must comply with the contextual lot characteristic regulations of this subsection in addition to those requirements in Chapters 16 and 27.

a. Minimum lot area shall be determined by calculating the average area of lots that exist on the nearest four lots on both sides of the subject lot.

Formatted: Indent: Left: 0.5", First line: 0.5"

b. Minimum lot frontage shall be determined by calculating the average frontage of lots that exist on the nearest four lots on both sides of the subject lot.

c. Minimum lot width shall be determined by calculating the average width of lots that exist on the nearest four lots on both sides of the subject lot, measured along the building setback line.

d. Corner lots or lots with multiple street frontages

(1) Area. Minimum lot area shall be determined by calculating the average area of lots that exist on the nearest four lots on both sides of the subject lot for all street frontages.

Formatted: Indent: Left: 1"

(2) Frontage. Minimum lot frontage shall be determined by calculating the average frontage of the nearest four lots on the side(s) with frontage on the same street as the subject frontage. An additional 15 feet shall be provided on all frontages above the minimum distance obtained by the average calculation for minimum lot frontage.

Chapter 27 Zoning Ordinance Amendments for City Council review – January 2015

(3) Width. Minimum lot width shall be determined by calculating the average width of the nearest four lots on the side(s) with frontage on the same street as the subject width.

e. Lots with frontage on a different street than the subject lot or that are separated from the subject lot by a street or alley may not be used in determining contextual lot characteristics, except as required for corner lots.

Formatted: Indent: Left: 0.5", First line: 0.5"

Formatted: Not Highlight

f. In no circumstance shall the provisions of this subsection reduce any provision required by the base zoning district.

(4) If existing lots are proposed to be subdivided, the reference parcels for the purposes of determining contextual requirements shall be those immediately adjacent to and outside the parcel or group of parcels for the subject subdivision. Additionally, parcels with the following characteristics shall not be used in calculating contextual street setbacks or lot characteristics—the next immediate parcel meeting the requirements for use as a reference parcel, if any, shall be used for subject calculations:

a. Unbuildable lots;

b. Lots subdivided within six months of the subject subdivisions—taken from the date of final approval or recordation—whichever is most recent;

c. Substandard or nonconforming lots;

(5) Building plans. Building plans for a detached house must be submitted for review and approval prior to issuance of a building permit. Plans must contain all information necessary to determine compliance with the building code and this zoning ordinance.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-9.170), 10-14-2013)

...

Sec. 27-166. Generally applicable regulations.

...

(e) Accessory buildings and structures.

(1) Applicable regulations and standards. Accessory buildings and structures are subject to the same regulations and standards as ~~applicable~~ **apply** to principal uses and structures on the subject lot, unless otherwise expressly stated. Accessory buildings attached to the principal building by a breezeway, passageway or similar means are ~~considered part of the primary structure and are~~ subject to the ~~building setback regulations~~ **lot and building regulations** that apply to the principal building. **Accessory buildings attached by structures less than 30 inches in height or less (e.g.: patios, walks, decks without railing) are not considered part of the primary structure and must comply with accessory building and structure regulations.**

Chapter 27 Zoning Ordinance Amendments for City Council review – January 2015

- (2) Building separation. Accessory buildings must be separated by a minimum distance of ten feet from the principal building on the lot, unless the accessory building is located entirely within the principal building setbacks, in which case no separation is required. Structures less than 30 inches in height do not require a building separation.

...

Sec. 27-188. Authorized temporary uses.

...

- (b) *Temporary buildings.*
- (1) The community development director is authorized to approve temporary buildings to be used in conjunction with construction work or pending completion of a permanent building. The temporary building shall not be approved until a permit for the land development or building construction has been issued. ~~for a period not to exceed one year. This one-year time limit may be extended only if approved through the special land use permit procedure of article V, division 3.~~
- (2) Temporary buildings shall be removed prior to the expiration or finaling of a building or land development permit on the subject site. Temporary buildings must be removed when construction has been completed and prior to issuance of a final certificate of occupancy.

...

(f) Temporary Telecommunications Service. The Community Development Director is authorized to approve a Communication Transmission Van (CTV) often referred to as "Cellular on Wheels" subject to the following criteria.

- (1) Vehicles and all related equipment shall only be permitted on commercially zoned property within the PCID and may not be closer than 200 feet from any residential zoning district, or less than 50 feet to any property line or right-of-way.
- (2) No part of the vehicle, structure or apparatus, including antenna, may be higher than 35 feet or the allowable building height in the zoning district, whichever is less.
- (3) Noise caused by a generator or other equipment shall not exceed 75 decibels as measured at 30 feet from the source.
- (4) Where deemed necessary by the Director, appropriate screening or camouflage for the site and/or structures shall be incorporated.
- (5) Such provision shall require the applicant, to at all times indemnify, protect, save, hold harmless, and exempt the City, and its officers, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said CTV's.

Chapter 27 Zoning Ordinance Amendments for City Council review – January 2015

- (6) All applicable rules, regulations, standards, and provisions of any State or Federal agency, including but not limited to, the FAA and the FCC shall be complied with. Conformance with all applicable city codes and permits is required.
- (7) Written approval from the property owner shall be provided.
- (8) The facility shall be secured through the use of acceptable fencing and screening and the use shall not obstruct fire or emergency access, or site visibility.
- (9) Such provisions shall be for temporary deficiencies in coverage and shall be limited to a maximum of 60 days per calendar year per site.
- (10) Any other conditions of approval determined to comply with the provisions of 27-189.

...

Sec. 27-202. Minimum motor vehicle parking ratios.

Except as otherwise expressly stated, off-street motor vehicle parking spaces must be provided in accordance with the following table:

USES	Minimum Motor Vehicle Parking
RESIDENTIAL	
Household Living	
Detached house	2 spaces per dwelling unit
Attached house	2 spaces per dwelling unit
*****	*****
COMMERCIAL	
*****	*****
Research and Testing Services	3.3 per 1,000 sq. ft.
Retail Sales	4 spaces per 1,000 sq. ft. + 1 space per 1,000 of outdoor display/sales areas
<u>Self-Storage Facility</u>	<u>1 per 5,000 sq. ft. + loading spaces per Section 27-212. Four, or if fewer than four spaces are required then all, of the required spaces shall be provided near any on-site office.</u>
Sports and Recreation, Participant	
Golf course and clubhouse, private	2 spaces per hole
Health club	4 spaces per 1,000 sq. ft.
Private park	As determined per subsection <u>27-203(6)</u>

...

Sec. 27-206. Location of off-street parking.

- (a) General. Except as otherwise expressly stated, required off-street parking spaces must be located on the same lot as the building or use they are required to serve.
- (b) Residential districts. The following standards apply in residential districts:
- (1) Parking required in driveway. In R districts, parking is prohibited in street yards except on approved driveways.
- (2) Paved area. No more than 35 percent of the street yard area in an R district may be paved. Circular driveways are allowed only on lots with adequate width to comply with the Institute of

Formatted: Font: Italic

Formatted: Font: Italic

Chapter 27 Zoning Ordinance Amendments for City Council review – January 2015

Traffic Engineers' geometric design standards. They are subject to the 35 percent paved area limitation.

- (3) RM district parking. In RM districts, parking is prohibited in required street setbacks.
- (4) Commercial vehicles prohibited. Only licensed, operable motorcycles and passenger vehicles not operated as a common or contract carrier for hire may be parked outside of an enclosed building in residential zoning districts. This provision is intended to expressly prohibit the parking of commercial motor vehicles (as defined in O.C.G.A § 40-1-1) outside of an enclosed building, except for the immediate loading or unloading of goods or people. It also expressly prohibits the outdoor parking and outdoor storage of construction equipment such as tractors, skid steers, backhoes, forklifts, cement mixers and similar equipment. This prohibition does not apply to construction staging areas.
- (5) Location of parking for recreational vehicles, trailers, etc. The parking and outdoor storage of trailers, recreational vehicles, travel trailers, campers, pickup coaches, motorized homes, boat trailers, boats and similar vehicles and equipment is prohibited in street yards and within 20 feet of any lot line

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

...

Sec. 27-231. - Screening.

- (a) *Features to be screened.* The following features must be screened from view of public rights-of-way, public open spaces and from lots used or zoned for residential purposes, as specified in this section.
A request to waive or modify the screening requirements of this Section may be submitted as a Design Review application to the Design Review Advisory Committee according to Article V, Division 4, Design Review. The Design Review Advisory Committee shall make a recommendation to the Community Development Director who is then authorized to approve, approve with conditions, or deny the application for alternative screening.
- (b)
 - (1) Ground-mounted mechanical equipment.
 - (2) Roof-mounted mechanical equipment.
 - (3) Refuse/recycling containers.
 - (4) Outdoor storage of materials, supplies and equipment.
- (b) *Ground-mounted mechanical equipment.* ~~All~~ Ground-mounted mechanical equipment over 30 inches in height may not be placed within a required street yard setback is subject to principal building setbacks and must be screened from view by a solid fence, solid wall, dense hedge, or combination of such features. The hedge, fence or wall must be tall enough to screen the equipment.
Figure 13-8

Comment [SF9]: There is no distinction in this section for single family residential vs. commercial application of these criteria. The section appears to be more applicable to non-single family uses.

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Figure 13-8: Screening of Ground-mounted Mechanical Equipment

Chapter 27 Zoning Ordinance Amendments for City Council review – January 2015



- (c) *Roof-mounted mechanical equipment.* Roof-mounted mechanical equipment (e.g., air conditioning, heating, cooling, ventilation, exhaust and similar equipment, but not solar panels, wind energy or similar renewable energy devices) ~~shall over 30 inches in height must be screened in all directions by walls or parapets equal in height, or taller than, the mechanical equipment from ground view as follows in one of the following ways (see Figure 13-9):~~
- (1) ~~A parapet that is as tall as the tallest part of the equipment;~~
 - (2) ~~A solid screen around the equipment that is at least as tall as the tallest part of the equipment, with the screen an integral part of the building's architectural design; or~~
 - (3) ~~An equipment setback from roof edges that is at least three feet in depth for each one foot of equipment height.~~

Formatted: Font: +Body (Calibri)

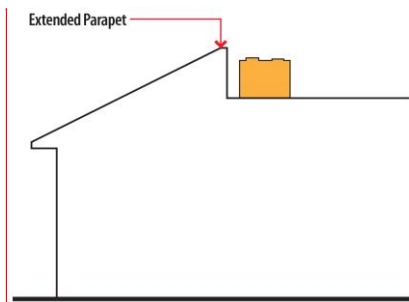
Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: 10.5 pt, Font color: Gray-80%

Formatted: Normal, Indent: Left: 0.42", No bullets or numbering

Figure 13-9: Screening of Roof-mounted Mechanical Equipment



Comment [SF10]: Get copy with clean background.

Sec. 27-250. Regulations.

...

Off-Street Parking Lots	Minimum Footcandles	Average Footcandles	Maximum Footcandles
Residential areas	0.5	2.0- <u>2.5</u>	4.0

Chapter 27 Zoning Ordinance Amendments for City Council review – January 2015

Office-professional areas	1.0	3.0- <u>3.5</u>	6.0
Commercial areas	2.0	6.0- <u>7.0</u>	12.0
Light industrial areas	1.0	4.0- <u>5.0</u>	8.0

...

Sec. 27-252. Plans.

(a) Applicants for any permit for any residential use required by any provision of the ordinances of the city involving outdoor lighting fixtures must submit evidence that the proposed work will comply with the outdoor lighting regulations of this division.

(1) The submission must include the following information with the application for the required permit:

a. Description of all proposed outdoor illuminating devices, fixtures, lamps, supports, reflectors. The description may include, but is not limited to catalog cuts and illustrations by manufacturers.

(b) Applicants for any permit for any commercial use required by any provision of the ordinances of the city ~~in connection with proposed work~~ involving outdoor lighting fixtures must submit ~~as part of the application for permit,~~ evidence that the proposed work will comply with the outdoor lighting regulations of this division.

(1) The submission must include ~~at least~~ the following information with the application for the required permit:

a. Plans indicating the location on the premises of each outdoor illuminating device, both proposed and any already existing on the site.

b. Description of all proposed illuminating devices, fixtures, lamps, supports, reflectors, ~~both proposed and existing~~. The description may include, but is not limited to catalog cuts and illustrations by manufacturers.

c. Photometric data, such as that furnished by manufacturers or similar, showing the angle of cut-off of light emissions.

d. Photometric plans must include the maximum and average light layout.

(2) The above required plans, descriptions, and data must be complete and accurate so that the community development department is able to readily determine whether the proposal will comply with the requirements of this division.

...

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: List Paragraph, Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1.25" + Indent at: 1.5"

Formatted: Indent: Left: 0.25", Hanging: 0.31", Tab stops: 0.5", Left

Formatted: Indent: Left: 0.75", Hanging: 0.25"

Formatted: Indent: Left: 1.25", Hanging: 0.31"

Formatted: Indent: Left: 0.75", Hanging: 0.25"

DIVISION 4. - FENCES AND WALLS

Chapter 27 Zoning Ordinance Amendments for City Council review – January 2015

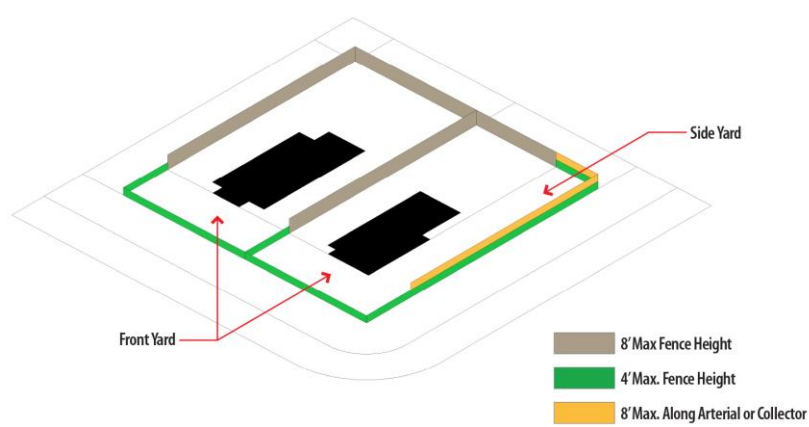
Sec. 27-266. - Applicability.

The fence and wall regulations of this division govern the design and location of all fences and walls, including retaining walls and wing walls.

Sec. 27-267. - Maximum height.

In residential zoning districts fences and walls located in street yards may not exceed four feet in height. Fences on residential lots adjacent to a collector or arterial street may not exceed eight (8) feet in height within said street yard. Fences on residential lots fronting on a collector or arterial street may not exceed four (4) feet within the front yard. Fences shall not obstruct visibility as prescribed in Section 27-289 of this ordinance. All other fences and walls are limited to a maximum height of eight feet unless otherwise expressly stated in this zoning ordinance. [Figure 15-1](#)

Figure 15-1: Maximum Fence and Wall Heights



Comment [SF11]: Revised drawing.

DIVISION 5. - MISCELLANEOUS PROVISIONS**Sec. 27-290. – Right-of-way structures and improvements.**

In no case shall any fence, wall, or other private improvement, encroach into any public right-of-way without the written approval of the appropriate public entity.

DIVISION 2. – AMENDMENTS

Chapter 27 Zoning Ordinance Amendments for City Council review – January 2015

Sec. 27-332. - Community council meeting and recommendation.**Formatted:** Font: +Body (Calibri), 12 pt

The community council must consider proposed amendments in a public meeting and act by simple majority vote to recommend that the proposed amendment be approved, approved with conditions or denied based on the applicable review and approval criteria of [section 27-335](#). The community council's recommendation must be transmitted to the planning commission. Failure of the community council to make a recommendation [during the meeting in which the amendment is first presented](#) ~~in a timely manner~~ does not constitute grounds for postponement, deferral or denial of any proposed amendment by the planning commission or by the mayor and city council. [The Community council may not defer action on a request except at the request of the applicant.](#)

*(Ord. No. 2013-10-15, § 1(Exh. A § 27-18.70), 10-14-2013)***Sec. 27-333. - Planning commission public hearing and recommendation.****Formatted:** Font: +Body (Calibri), 12 pt

The planning commission must hold a public hearing on all proposed amendments. Following the close of the hearing, the planning commission must act by simple majority vote to recommend that the proposed amendment be approved, approved with conditions or denied based on the applicable review and approval criteria of [section 27-335](#). [Per Section 27-311 the planning commission may vote to defer action or continue a hearing in order to receive additional information or deliberate further.](#) The planning commission's recommendation must be transmitted to the mayor and city council.

...

Sec. 27-337. Amending conditions of approval.

- (a) Major changes.
- (1) Without limiting the meaning of the phrase, modification of any of the following conditions, if attached to an approved amendment, constitute a "major change" for purposes of interpreting this section:
 - a. 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](#);
 - b. Any increase in the number of dwelling units or any increase in the total amount of floor space of any nonresidential building;
 - c. Any decrease in the minimum size of residential units;
 - d. Any ~~change-reduction~~ in any buffer requirement;
 - e. Any increase in building or structure height; or
 - f. Any change in the proportion of floor space devoted to different authorized uses.
- (2) Any request for major changes to conditions attached to approved amendments must be processed as a new amendment application in accordance with the procedures of this division, including the requirement for fees, notices and hearings.

Chapter 27 Zoning Ordinance Amendments for City Council review – January 2015

...

DIVISION 3. - SPECIAL LAND USE PERMITS

...

Sec. 27-357. - Planning commission public hearing and recommendation.

The planning commission must hold a public hearing on the special land use permit application. Following the close of the hearing, the planning commission must act by simple majority vote to recommend that the special land use permit be approved, approved with conditions or denied based on the applicable review and approval criteria of [section 27-359](#). [Per Section 27-311 the planning commission may vote to defer action or continue a hearing in order to receive additional information or deliberate further.](#) The planning commission's recommendation must be transmitted to the city council.

...

Sec. 27-361~~2~~. Amending conditions of approval.

A request for changes in conditions of approval attached to an approved special land use permit must be processed as a new special land use permit application in accordance with the procedures of this division, including the requirements for fees, notices and hearings.

Secs. 27-36~~32~~—27-375. Reserved.**~~Sec. 27-361. Transfer of special land use permits.~~**

~~Approved special land use permits, and any attached conditions, run with the land and are not affected by changes in tenancy or ownership.~~

Sec. 27-361~~2~~. Amending conditions of approval.

~~A request for changes in conditions of approval attached to an approved special land use permit must be processed as a new special land use permit application in accordance with the procedures of this division, including the requirements for fees, notices and hearings.~~

~~-(a) Major changes.~~

~~(1) Without limiting the meaning of the phrase, modification of any of the following conditions, if attached to an approved special land use permit, constitute a "major change" for purposes of interpreting this section:~~

~~a. 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;~~

~~b. Any increase in the number of dwelling units or any increase in the total amount of floor space of any nonresidential building;~~

~~c. Any decrease in the minimum size of residential units;~~

Chapter 27 Zoning Ordinance Amendments for City Council review – January 2015

d. Any ~~change~~ reduction in any buffer requirement;

e. Any increase in building or structure height; or

f. Any change in the proportion of floor space devoted to different authorized uses.

(2) Any request for major changes to conditions attached to approved amendments must be processed as a new amendment application in accordance with the procedures of this division, including the requirement for fees, notices and hearings.

(b) Minor changes.

(1) Modification of conditions attached to an approved special land use permit that are not classified as a major change pursuant to subsection (a)(1), constitute a "minor change" for purposes of interpreting this section.

(2) The community development director is authorized to approve minor changes to approved special land use permits.

(3) Any request for minor change of conditions must be made in writing to the community development director. If an approved site plan exists, the request for minor change must be accompanied by copies of the revised site plan.

Secs. 27-362~~3~~—27-375. Reserved.

...

Sec. 27-392. Prohibited variances.

The variance procedures of this zoning ordinance may not be used to:

...

(8) Allow a decrease in the minimum lot area, frontage, depth, shape, and buildable area, including those regulated by contextual lot characteristics.

...

DIVISION 7. SPECIAL ADMINISTRATIVE PERMITS

Sec. 27-436. Applicability.

The community development director is authorized to approve the following as special administrative permits in accordance with the procedures of this division:

- (1) Any use or activity expressly authorized to be approved by special administrative permit pursuant to the provisions of this zoning ordinance;

Chapter 27 Zoning Ordinance Amendments for City Council review – January 2015

- (2) Reduction of minimum off-street parking and loading ratios by up to one space or ten percent, whichever is greater;
- (3) Reduction of minimum off-street parking ratios for any lot located within 1,500 feet of the entrance of a commuter rail station or bus rapid transit stop by up to three spaces or 25 percent, whichever is greater;
- (4) Reduction of any zoning district building setback requirements by up to ten percent;
- (5) Reduction of any rear building setback, greater than ten percent, but no more than 10 feet, for Encroachment of building additions not exceeding one story or 18 feet in height ~~into required rear setbacks by up to ten feet;~~
- (6) Type B home occupations that are solely teaching-related and conducted entirely within the principal dwelling;
- (7) Relatives residences;
- (8) Antennas that project more than ten feet above the height of the structure to which they are attached;
- (9) Reduction of minimum building spacing requirements for multiple buildings on a single lot by up to 10 percent;
- (10) Increase in the maximum front door threshold height allowed by section 27-147
- (11) Increase in the maximum retaining wall height, as allowed by section 27-269
- (12) Reduction of the minimum retaining wall setback requirement, as allowed by section 27-269; and
- (13) Reduction of the minimum wing wall side setback requirement, as allowed by section 27-270

(Ord. No. 2013-10-15, § 1(Exh. A § 27-23.10), 10-14-2013)

Sec. 27-437. - Authority to file.

Applications for approval of administrative permits may be filed by the owner of the subject property or the property owner's authorized agent.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-23.20), 10-14-2013)

Sec. 27-438. - Application filing.

Administrative permit applications must be filed with the community development director.

Sec. 27-437. Authority to file.

Chapter 27 Zoning Ordinance Amendments for City Council review – January 2015

Applications for approval of [special](#) administrative permits may be filed by the owner of the subject property or the property owner's authorized agent.

Sec. 27-438. Application filing.

[Special](#) Administrative permit applications must be filed with the community development director.

~~(Ord. No. 2013-10-15, § 1(Exh. A § 27-23.30), 10-14-2013)~~

Sec. 27-439. Posted notice.

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 [special](#) administrative permit request. This required notice must indicate the earliest date that a decision on the administrative permit will be made and indicate the nature of the request and a contact where additional information can be obtained.

Sec. 27-440. Community development director's decision.

(a) The community development director must review each application for ~~a~~ [special](#) administrative permit and act to approve the application, approve the application with conditions, deny the application, or refer the application to the zoning board of appeals for consideration as a special exception (if related to parking) or a variance.

(b) The community development director may not take final action to approve or deny ~~a~~ [special](#) administrative permit application until at least ~~15-30~~ days after the date that posted notice was provided. All decisions must be made in writing within ~~30-60~~ days of the date that the application was filed, or if heard before the Zoning Board of Appeals, as required in Section 27-396.

(c) The community development director's decision to approve or deny must be based on the approval criteria of section 27-441

Sec. 27-441. Review and approval criteria.

[Special](#) Administrative permits may be approved by the community development director only when the community development director determines that any specific approval criteria associated with the authorized administrative permit and the following general approval criteria have been met:

(1) The grant of the administrative permit will not be detrimental to the public health, safety or welfare of the public or injurious to the property or improvements;

(2) The requested administrative permit does not go beyond the minimum necessary to afford relief, ~~and does not constitute a grant of special privilege inconsistent with the limitations upon other similarly situated properties;~~ and

Sec. 27-442. - Appeals.

Decisions by the community development director made pursuant to this division may be appealed to the Zoning Board of Appeals (ZBA) by filing a request with the community development director within

Chapter 27 Zoning Ordinance Amendments for City Council review – January 2015

30 days of the community development director's decision. Decisions will be posted on the City's web page and in a newspaper of general circulation within the City. Appeal shall be in accordance with procedures and conditions in Chapter 27, Article V, Division 8. If no appeal is made within the 30-day period, the decision of the community development director is final. If an appeal is made to the ZBA, the ZBA must set a hearing date for the appeal within 30 days of the appeal being requested and the decision of the ZBA is final. The ZBA decision may be appealed only by a petition for writ of certiorari to the county superior court in accordance with state law. ~~Final decisions of the community development director may be appealed by any person aggrieved by the decision in accordance with the appeal procedures of article V, division 8.~~

~~Sec. 27-443. Transfer of administrative permit.~~

~~Approved administrative permits, and any attached conditions, run with the land and are not affected by changes in tenancy or ownership.~~

Sec. 27-44~~3~~4. Amending conditions of approval.

A request for changes in conditions of approval attached to an approved special administrative permit must be processed as a new special administrative permit application in accordance with the procedures of this division.

Sec. 27-~~445~~444. Reporting.

The community development director must maintain records of all special administrative permits that have been approved or denied and provide a summary of such actions to the city council and planning commission at least four times per calendar year.

...

DIVISION 8. - APPEALS OF ADMINISTRATIVE DECISIONS

...

Sec. 27-457. - Authority to file.

Any person or entity (i.e.: an owner, applicant, adjoining neighbor, or a neighbor whose property is within 1,500 feet of the nearest property line aggrieved by an administrative decision may appeal the decision. Appeals of administrative decisions may be filed by any person aggrieved by, or by any city official, department, board or agency affected by any final order, requirement, or decision of an administrative official, based on or made in the enforcement of this zoning ordinance. A person may be considered aggrieved for purposes of this subsection only if they are the owner of the property that is the subject of the administrative official's decision or they are a person with a substantial interest in the administrative official's decision who is in danger of suffering special damage or injury not common to all property owners similarly situated, as determined by the zoning board of appeals.

Sec. 27-458. - Application filing.

Chapter 27 Zoning Ordinance Amendments for City Council review – January 2015

Decisions by the community development director made pursuant to this division may be appealed to the Zoning Board of Appeals (ZBA) by filing a request with the community development director within 30 days of the community development director's decision. Appeal shall be in accordance with procedures and conditions of this division. If no appeal is made within the 30 day period, the decision of the community development director is final. If an appeal is made to the ZBA, the ZBA must set a hearing date for the appeal within 30 days of the appeal being requested and the decision of the ZBA is final. The 30 day appeal deadline may be waived by the ZBA if the appellant can show evidence that the appeal was filed within 30 days of their actual or constructive notice of the decision. Applications for appeals of administrative decisions must be filed with the community development director within 30 days of the date of the order, requirement or decision being appealed. Failure to act is not an order, requirement or decision within the meaning of this division. The appeal must be scheduled to be heard at the next regularly scheduled board of appeals meeting for which required hearing notice can be provided, unless the applicant agrees to a later hearing date.

...

Sec. 27-464. - Appeals.

(a) Any person or entity authorized by Section 27-457 ~~Any person aggrieved by a final variance decision of the zoning board of appeals, including any officer, department, board or agency affected by such decision, may seek review of such decision~~ may seek review of such decision by petitioning the superior court for a writ of certiorari, setting forth the alleged errors. The petition must be filed within 30 days of the date that the zoning board of appeals renders its final decision.

(b) When a petition for a writ of certiorari is filed, the zoning board of appeals must be designated the respondent in certiorari and the city the defendant in certiorari. The secretary of the zoning board of appeals is authorized to acknowledge service of a copy of the petition and writ on behalf of the zoning board of appeals, as respondent. Service upon the city as defendant must be as provided by law.

...

Sec. 27-511. - Right of entry.

Upon the consent of the developer, contractor, owner, owner's agent, operator or occupants, city employees authorized by the community development director may enter during all reasonable hours any property for the purpose of making inspections to determine compliance with the provisions of this zoning ordinance.

Additionally, any property owner submitting an application to the City of Dunwoody for any of the processes as stated in Article V of this ordinance, including the provisions of Chapter 16, Land Development Regulations, or any similar request that may require the inspection of the property to provide this service, shall by their request convey to authorized representatives of the City of Dunwoody the right of entry during all reasonable hours to conduct said inspection outside of any enclosed structures on the property.

...

Chapter 27 Zoning Ordinance Amendments for City Council review – January 2015

Sec. 27-575. Lot coverage.

Lot coverage is measured as the area or percentage of a lot that is covered by buildings, structures, swimming pools, streets, sidewalks, patios, driveways, parking areas and other impervious surfaces, often expressed as Impervious Surface Ratio (ISR). Permeable decks shall not be included in the lot coverage calculation. However, impermeable surfaces under a deck shall be included. [Trail improvements that are part of a city council-approved plan are not counted as part of a site's impervious surface area for purposes of site development-related calculations and regulations.](#)

Comment [SF12]: Consider whether to continue treating decks as impermeable. Recommend that “decks” be specifically referenced in this section, whether considered impermeable or permeable.

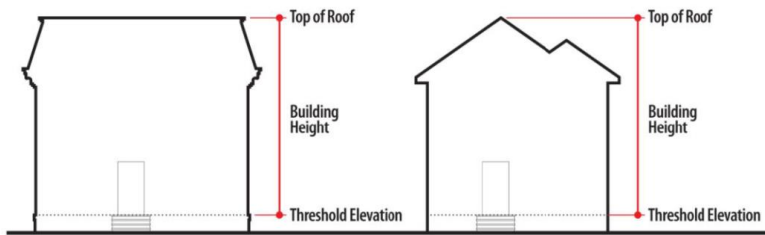
...

Sec. 27-577. - Building height.

Formatted: Font: +Body (Calibri)

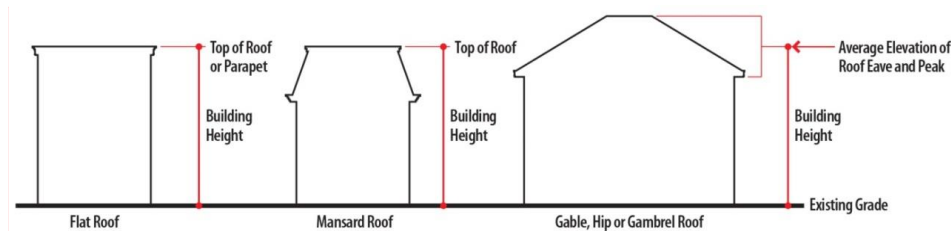
(a) *Measurement.*

- (1) *Detached houses.* The building height of a detached house is measured as the vertical distance from the front door threshold elevation to the highest point of the roof. [Figure 30-2](#)

Figure 30-2: Building Height Measurement, Detached Houses

(2)

Other buildings. For all buildings except detached houses, building height is measured as the vertical distance from finished grade along the exterior building wall to the top of the highest roof beams [or top of parapet \(whichever is greater\)](#) on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs. [Figure 30-3](#)

Figure 30-3: Building Height Measurement, Other Buildings

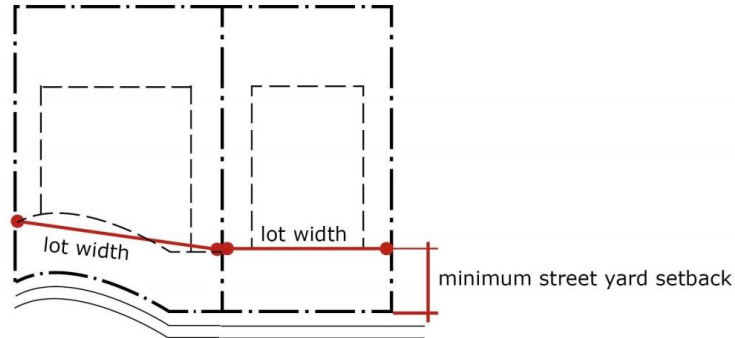
Comment [SF13]: “parapet” added.

Sec. 27-578. Lot Width.

Formatted: Font: Bold

Chapter 27 Zoning Ordinance Amendments for City Council review – January 2015

Lot width is measured as the distance between the side lot lines, measured along a line drawn parallel to the front lot line at a distance from the front lot line equal to the minimum street yard setback. For lots with curvilinear frontage and setback lines (e.g.: cul-de-sac lots), the width shall be measured as a straight line through the points that intersect the side lot lines at a distance from the front lot line equal to the minimum street yard setback.



...

Sec. 27-621. Terms defined.

...

Infill lot 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~~ or (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.

...

CITY OF DUNWOODY
December 09, 2014
PLANNING COMMISSION MINUTES

The Planning Commission of the City of Dunwoody held a Meeting on December 09, 2014 at 7:00 PM. The meeting was held in the City of Dunwoody City Hall, 41 Perimeter Center East, Dunwoody, Georgia 30346. Present for the meeting were the following:

Voting Members: Bob Dallas, Chair
 Bill Grossman, Vice Chair
 Kirk Anders, Commission Member
 Renate Herod, Commission Member
 Paul Player, Commission Member
 Heyward Wescott, Commission Member

Also Present: Steve Foote, Community Development Director
 Rebecca Keefer, City Planner
 Andrew Russell, Planning Coordinator

A. CALL TO ORDER

B. ROLL CALL

All members were present. Kirk Anders arrived after Roll Call. Paul Player departed the meeting during the discussion of item F4.

C. MINUTES

1. Approval of Meeting Minutes from the August 12, 2014 Planning Commission Meeting.

Heyward Wescott motioned to approve. Bill Grossman seconded.

The motion was voted and passed (5 - 0).

D. ORGANIZATIONAL AND PROCEDURAL ITEMS

E. UNFINISHED BUSINESS

F. NEW BUSINESS

1. **RZ 15-011:** Pursuant to the City of Dunwoody Zoning Ordinance, applicant, HDP Acquisitions, LLC c/o Hotel Development Partners, LLC, seeks permission to rezone property currently zoned Commercial-Residential Mixed-Use (CR-1) to Commercial-Residential Mixed-Use (CR-1) to allow for a change of previous conditions. The subject property is located at 4681 Ashford Dunwoody Road, Dunwoody, GA 30338. The tax parcel is 18 350 01 015.

Bob Dallas opened the discussion.

Rebecca Keefer presented on behalf of staff.

Steve Smith, on behalf of applicant, Hotel Development Partners (HDP),

presented. He noted changes in elevation as necessitating the change in hotel height from 4 to 7 stories.

Bob Kinsey, representative of Spruill Center for the Arts, spoke in support of applicant's proposed plan.

Bob Dallas informed the public that he served as President of Spruill Center for the Arts over a decade ago and is no longer directly involved there.

The Commission discussed the request and asked questions of staff and the applicant.

Heyward Wescott motioned to approve with staff's recommendations. Bill Grossman seconded.

The motion was voted and passed (6-0).

2. **SLUP 15-011:** Pursuant to the City of Dunwoody Zoning Ordinance, applicant, HDP Acquisitions, LLC c/o Hotel Development Partners, LLC, seeks a Special Land Use Permit to increase the previously approved maximum allowable building height from four (4) stories to seven (7) stories in a Commercial-Residential Mixed-Use (CR-1) District, for the subject property located at 4681 Ashford Dunwoody Road, Dunwoody, GA 30338. The tax parcel is 18 350 01 015.

Bob Dallas opened the discussion.

Rebecca Keefer presented on behalf of staff.

The Commission discussed the application.

Heyward Wescott motioned to approve the SLUP as stated. Kirk Anders seconded. Heyward Wescott motioned to amend the previous motion to include the recommendation to waive the twenty-four month provision of Sec. 27-336. Bill Grossman seconded.

The motion was voted and passed (6-0).

The motion was voted and passed (6-0).

3. **Revisions of the City of Dunwoody City Code Chapters 16, Land Development.**

Bob Dallas opened discussion on Chapter 16.

Robert Wittenstein, resident, 1146 Bordeaux Court, spoke and proposed changes to the code for public notifications of administrative decisions. He provided a handout to Commission Members.

Jim Kelly, resident of 1310 Nerine Circle, spoke regarding public improvement fees for redevelopment.

The Commission discussed proposed changes to the subdivision plat

procedures.

After discussion, the Commission made the following recommendations:

- Special Administrative Permit decisions:
- Applicant shall notify immediately adjacent property owners of the pending decision;
- Parties entitled to a grievance through the appeals process should be those within 1500 feet, as recommended by staff;
- Appealable decisions shall be listed on the City's website and in less detail in the Crier; and
- Subdivision plat process: initial staff review, final decision before the Planning Commission, and appealable to the City Council.

Bill Grossman motioned to approve the Commission's recommendations. Paul Player seconded.

The motion was voted and passed (6-0).

Bob Dallas proposed that the section on minor subdivisions be redefined to mean subdivisions where no new lots are created and adjustments to lot lines are being adjusted.

Bill Grossman motioned to accept changes to the subdivision process as stated by Bob Dallas. Heyward Wescott seconded.

The motion was voted and passed (6 - 0).

The Commission and staff discussed that *Sec. 16-186. Applicability*, defining major or minor subdivisions, will need to be reworked if the proposed changes are accepted. The following votes appended the original motion related to redefining major and minor subdivisions:

Bill Grossman motioned to amend the prior motion to apply to *Sec. 16-190 Appeals*. Heyward Wescott seconded.

The motion was voted and passed (6 - 0).

Bill Grossman motioned to amend the prior motion to apply to *Sec. 16-202. Final plat procedure. (e) Appeals*. Heyward Wescott seconded.

The motion was voted and passed (6 - 0).

The Commission discussed *Sec. 16-218. Exemptions* regarding off-site improvements in residential zoning districts.

Renate Herod motioned to amend *Sec. 16-218(2)* to strike after "created" and *16-218(3)* strike after "replaced." Kirk Anders seconded.

The motion was voted and passed (5-1). Bill Grossman dissented.

The Commission voiced support of language staff has written into *Sec. 16-*

259(h), Sidewalks and bicycle lanes, and did not support the removal of language from this section as recommended by the Community council.

Renate Herod motioned to approve all of staff's proposed changes to Chapter 16, accepted without comment, unless previously motioned. Kirk Anders seconded.

The motion was voted and passed (6 – 0).

4. Revisions of the City of Dunwoody City Code Chapters 27, Zoning.

Bob Dallas opened discussion of Chapter 27 amendments.

Robert Wittenstein recommended changes to personal care homes under Sec. 27-57. Uses allowed, and proposed restoring the "P's" to personal care homes for family and group. He also raised concerns over Sec. 27-445, which requires the Community Development Director to notify the City Council in writing of every administrative decision.

Bruce Lindeman, resident of 4624 Briar Way Place, spoke in favor of adding a definition for community living arrangements, specifically for individuals with developmental disabilities who receive funding from the Department of Behavioral Health and Developmental Disabilities (DBHDD). He spoke against having a SLUP process for personal care homes.

Linda Dunlevy commented on proposed changes to personal care home definitions and zoning requirements, regarding the lack of attention to staffing levels. She suggested a SLUP process for personal care homes in residential zoning districts (pertaining to institutions which are licensed by the State). She expressed concern over the need to make Sec. 27-111(5), which allows the Community Development Director to make a use determination, consistent with the revisions to the administrative appeals section in Chapter 16.

Rena Harris, Director of Developmental Disability Services at the Marcus Jewish Community Center, spoke in opposition to a SLUP process for personal care homes in a residential zoning district.

Mark Collins, resident of 1337 Manget Way, spoke in favor of a SLUP process for personal care homes in residential zoning districts.

The Commission asked questions to staff regarding staff's research into community living arrangements.

Allison Wooten, resident of 4865 Manget Court, spoke in favor of a SLUP process for personal care homes.

Bill Grossman motioned to approve the changes recommended by staff on the personal care home uses as follows:

- "personal care home, family, 1-4 persons" to be a permitted use in all residential districts as indicated by staff in the table in Sec. 27-**

-
- 57;**
 - “personal care home, group, 5-7 persons” to be a SLUP in all residential districts;
 - “personal care home community, 8-15 persons” to be a SLUP in RM-150, 100, 85, 75, and HD; and
 - “community living arrangement, 1-4 persons” to be a permitted use, where indicated by staff.

Heyward Wescott seconded.

The motion was voted and passed (4 - 1). Kirk Anders was the dissenting vote.

Heyward Wescott motioned to approve the unmodified portions of staff’s recommendations for Chapter 27. Kirk Anders seconded.

The motion was voted and passed (5 – 0).

G. OTHER BUSINESS

H. PUBLIC COMMENT

Councilmember Terry Nall commended the Commission Members for their service.

I. COMMISSION COMMENT

J. ADJOURN

Heyward Wescott motioned to adjourn. Kirk Anders seconded.

The motion was voted and passed (5 – 0).

Approved by:

Chairman

Attest:

Secretary



COMMUNITY COUNCIL

Norb Leahy, Chair
Tony Delmichi
Clayton Coley

Rick Callihan, Vice Chair
Debi Shendelman
Sam Verniero

MINUTES

CITY OF DUNWOODY
41 PERIMETER CENTER EAST, SUITE 103
DUNWOODY, GA 30346

November 13, 2014
7:00 PM

A. CALL TO ORDER

B. ROLL CALL

All members were present except Debi Shendelman.

Also present: Steve Foote, Community Development Director
Andrew Russell, Planning Coordinator

C. MINUTES

1. Approval of meeting minutes from July 10, 2014 Community Council Meeting.

The Commission discussed the draft minutes. No vote was taken, so the minutes will be voted on at the next Community Council Meeting.

D. ORGANIZATIONAL AND PROCEDURAL ITEMS

E. UNFINISHED BUSINESS

F. NEW BUSINESS

1. **RZ 15-011:** Pursuant to the City of Dunwoody Zoning Ordinance, applicant, HDP Acquisitions, LLC c/o Hotel Development Partners, LLC, seeks permission to rezone property currently zoned Commercial-Residential Mixed-Use (CR-1) to Commercial-Residential Mixed-Use (CR-1) to allow for a change of previous conditions. The subject property is located at 4681 Ashford Dunwoody Road, Dunwoody, GA 30338. The tax parcel is 18 350 01 015.

Steve Foote presented the request to change conditions of the rezoning.

Don Boyken, representative of the applicant, presented on behalf of the application.

Joe Seconder, resident, voiced concern over walkability, pedestrian connectivity, public green space, outdoor seating and dining.

Motion to approve made by Tony Delmichi and seconded by Rick Callihan.

Passed For: 5; Against: 0; Abstain: 0; Absent: 1

2. Discussion of:

Revisions of the City of Dunwoody City Code Chapters 16, Land Development.

Revisions of the City of Dunwoody City Code Chapters 27, Zoning.

Norb opened public comment for the text amendments related to Chapter 16.

Robert Wittenstein, resident, presented comments on Chapter 16 (written copies provided to Community Council) regarding appeals of administrative decisions and Mark Collins supported Robert's recommendations. Matthew McCue, resident, presented regarding the need for citizen engagement in the community for new developments and for greater public input (handout provided to Community Council).

Motion to approve with the amendment to Section 16-33(c) to include "publication on-line and the written notification of adjacent property owners of the community development director's decision" at the conclusion of the application filing provisions made by Norb Leahy and seconded by Sam Verniero.

Passed For: 5; Against: 0; Abstain: 0; Absent: 1

Steve Foote made a presentation regarding the proposed text amendments before the Community Council.

The Community Council discussed the changes proposed in Chapter 16. They discussed and generated comment on the following:

- a) **Sec. 16-79(b)(6), increase 200 sf to 500 sf for minor land disturbing activities in the stream buffer**
- b) **Sec 16-218(3), delete the portion of the sentence requiring public improvements on arterial and collector streets for new and replacement homes**
- c) **Sec. 16-259(h)(9), strike all of this subsection, which relates to bike lanes**

Motion to recommend denial of the proposed changes to Chapter 16 made by Norb Leahy and seconded by Tony Delmichi.

After a motion to recommend against the changes was made, the Community Council discussed the motion on the floor and ultimately did not vote.

Norb opened public comment related to amendments to Chapter 27.

Residents, Mark Collins, Bruce Lindeman and Robert Wittenstein, and also Rena Harris, spoke regarding proposed changes regarding group living issues. Rena Harris clarified the difference between personal care home and community living arrangements. Matthew McCue suggested early public notification.

Steve Foote introduced proposed revisions to Chapter 27, and Community Council discussed.

Motion to amend the text to remove personal care homes as permitted uses by right in single family residential districts made by Rick Callihan and seconded by Norb Leahy.

Passed For: 5; Against: 0; Abstain: 0; Absent: 1

Motion to deny made by Tony Delmichi. Motion died due to lack of a second.

Motion to approve with the following recommended changes made by Rick Callihan and seconded by Norb Leahy:

- a) Sec 27-57, add community living arrangements as an allowable use in all single family zoning districts
- b) Sec 27-57. Remove personal care homes as an allowable use in all single family zoning districts
- c) Forward Robert Wittenstein's document of proposed changes to Planning Commission and City Council

Passed For: 4; Against: 1; Abstain: 0; Absent: 1. Tony Delmichi dissented.

G. OTHER BUSINESS

H. PUBLIC COMMENT

I. COMMUNITY COUNCIL COMMENT

J. ADJOURN

Approved by:

Chairman

Attest:

Secretary