

## **MEMORANDUM**

**To:** Mayor and City Council  
**From:** Ronnie Kurtz  
**Date:** July 11, 2019  
**Subject:** Text Amendment  
Chapter 27—Parking Minimums; Terms Defined

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### **ITEM DESCRIPTION**

Request to adopt text amendment to the Zoning Code (Chapter 27) in regards to parking ratios and definitions. The proposal would change the City's minimum motor vehicle parking ratios to maximum ratios. The proposal inserts a definition for "street yard" (listed as "Yard, street") to address Code Enforcement issues.

### **DISCUSSION**

#### *Parking*

As the City of Dunwoody transitions towards a more urban, pedestrian-friendly environment, minimum off-street motor vehicle parking requirements have yielded a surplus of parking and placed an unnecessary burden on new developments, especially in the Perimeter Center Area. In the February 2019 edition of *ITE Journal*, the Institute of Traffic Engineer's recommends eliminating mandatory minimum parking requirements to "encourage sustainable development [and] promote active transportation. Staff views it as more prudent to allow the market to establish the minimum amount of parking needed to meet demand at a site, as this will provide more adaptability to the specifics of a site.

To promote the mode of development the City envisions, this amendment would change the existing *minimum* off-street motor vehicle parking ratios to *maximums*. Applicants would be afforded the opportunity to exceed these allowances by either: a) obtaining a Special Exception, similar to the process currently in place for parking reductions; or b) constructing a multi-level parking deck of a footprint no greater than that required for a surface parking lot that would provide the maximum amount of allowable parking. Bicycle parking minimum requirements will not be affected.

#### Sections Impacted:

- **Sec. 27-202. – Minimum motor vehicle and bicycle parking ratios.** All references to "minimum" ratios in relation to motor vehicles are changed to "maximum." Inserts circumstances in which maximum ratios may be exceeded.
- **Sec. 27-203. – Calculation of required parking.** All references to "minimum" ratios in relation to motor vehicles are changed to "maximum."
- **Sec. 27-204. – Motor vehicle parking reductions.** Deletes criteria for reducing minimum off-street parking requirements.
- **Sec. 27-416. – Applicability (Special Exception).** Changes authorization for special exception requests from "reduction of minimum" parking requirements to "increase of maximum."
- **Sec. 27-421. – Review and approval criteria (Special Exception).** Alters approval criteria for special exception to refer to an increase in maximum. Deletes references to parking reductions.
- **Sec. 27-436. – Applicability (Special Administrative Permit).** Deletes authorization for a special administrative permit to reduce off-street motor vehicle parking requirements.

*Definitions*

The proposed amendment clearly defines "street yard" (indexed as "yard, street") as "the actual area of the lot between the principal building and the adjoining lot line fronting a street." The term "yard" is already defined in the code, and the term "street yard" is referenced frequently. Providing a concrete definition will assist the Community Development department when enforcing the discrete regulations that apply specifically to street yards by clearly identifying where they apply.

Attachments:

Chapter 27 Ordinance.

**STATE OF GEORGIA  
CITY OF DUNWOODY**

**ORDINANCE NO. 2019-\_\_**

**AN ORDINANCE TO AMEND CHAPTER 27 (ZONING ORDINANCE); TO PROVIDE FOR A MAXIMUM RATIOS FOR PARKING SPACES AND MINIMUM RATIOS FOR BICYCLE PARKING SPACES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

**WHEREAS**, the Mayor and Council of the City of Dunwoody (“City Council”) are charged with developing a comprehensive zoning ordinance for the City of Dunwoody, Georgia; and

**WHEREAS**, The Dunwoody municipal code currently provides minimum motor vehicle parking ratios; and

**WHEREAS**, The Mayor and City Council believe providing maximum motor vehicle parking ratios is more congruent with market forces and a transition to a semi-urban environment; and

**WHEREAS**, The Mayor and City Council believe inserting a definition for street yard will provide clarity for code enforcement procedures; and

**THEREFORE**, THE MAYOR AND COUNCIL OF THE CITY OF DUNWOODY, GEORGIA HEREBY ORDAIN THAT CHAPTER IV IS AMENDED AS FOLLOWS:

**Section I:** Section 27-202 of the code is hereby amended to read as follows:

***Sec. 27-202. – Maximum motor vehicle and minimum bicycle parking ratios.***

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

- (1) No use is required to provide more than eight bicycle parking spaces; and
- (2) The community development director is authorized to reduce minimum bicycle parking ratios for multi-tenant centers and other sites occupied by multiple uses when the director determines that common bike rack locations and overall bike parking availability will be adequate to meet bicycle parking demands on the subject lot.
- (3) Maximum parking ratios may be exceeded with construction of a multi-level parking deck, provided the footprint does not exceed the area of the maximum allowable surface level parking lot.

	<b>Off-Street Parking Ratios</b>	
<b>USES</b>	<b>Motor Vehicle Parking (Maximum)</b>	<b>Bicycle Parking (Minimum)</b>
<b>RESIDENTIAL</b>		
<b>Household Living</b>		None
Detached house	Not Applicable	None
Attached house	Not Applicable	None
Multi-unit building	1 space per dwelling unit + 1 additional space for 2+ bedroom units + 1 visitor space per 8 units	0.1 spaces per dwelling unit; min. 2 spaces
Multi-unit building (age-restricted 62 years+)	1 space per dwelling unit + 1 visitor space per 8 units	0.05 spaces per dwelling unit; min. 2 spaces
<b>Group Living</b>		
Convent and monastery	5 spaces per 1,000 sq. ft.	None
Fraternity house or sorority house	1 space per bed	None

Nursing home	1 space per 2 beds	None
Personal care home, registered (1—3 persons)	4 spaces	None
Personal care home, family (4—6 persons)	4 spaces	None
Personal care home, group (7—15 persons)	4 spaces	None
Personal care home, congregate (16 or more)	1 space per 4 clients	None
Residence hall	0.25 spaces per sleeping room	0.1 spaces per sleeping room; min. 8 spaces
Shelter, homeless	1 space per 10-person capacity	None
Supportive living	1 space per 2 living units	None
Transitional housing facility	1 space per 4 beds	None
<b>QUASI-PUBLIC AND INSTITUTIONAL</b>		
<b>Ambulance Service</b>	1 space per service vehicle plus 1 space per 2 employees	None
<b>Club or Lodge, Private</b>	10 spaces per 1,000 sq. ft.	None
<b>Cultural Exhibit</b>	0.33 spaces per seat; 40 spaces per 1,000 sq. ft. in largest assembly room if no fixed seats	0.05 spaces per seat; min. 4 spaces

<b>Day Care</b>		
Day care facility, adult (6 or fewer persons)	4 spaces	None
Day care center, adult (7 or more)	5 spaces per 1,000 sq. ft.	None
Day care facility, child (6 or fewer persons)	4 spaces	None
Day care center, child (7 or more)	5 spaces per 1,000 sq. ft.	None
<b>Educational Services</b>		
College or university	10 spaces per classroom	None
Kindergarten	5 spaces per 1,000 sq. ft.	None
Research and training facility, college or university affiliated	10 spaces per classroom	None
School, private elementary or middle	2 spaces per classroom	Min. 4 spaces
School, private senior high	5 spaces per classroom	Min. 4 spaces
School, specialized non-degree	10 spaces per classroom	Min. 4 spaces
School, vocational or trade	10 spaces per classroom	Min. 4 spaces

<b>Hospital</b>	1 space per 2 beds	None
<b>Place of Worship</b>	1 space per 3 fixed seats or 40 spaces per 1,000 sq. ft. in largest assembly room if there are no fixed seats	0.05 spaces per seat; min. 4 spaces
<b>Utility Facility, Essential</b>	As determined per subsection 27-203(6)	
<b>COMMERCIAL</b>		
<b>Adult Use</b>	13.33 spaces per 1,000 sq. ft.	None
<b>Animal Services</b>	3.3 spaces per 1,000 sq. ft.	None
<b>Communication Services</b> (except as noted below)	3.3 spaces per 1,000 sq. ft.	None
Telecommunication tower or antenna	None	None
<b>Construction and Building Sales and Services</b>	4 spaces per 1,000 [sq. ft.] of customer-accessible sales area + 3.3 spaces per 1,000 sq. ft. of office floor area + 0.5 spaces per 1,000 [sq. ft.] of additional indoor floor area	None
<b>Eating and Drinking Establishments (see also Sec. 27-204(f))</b>		
Restaurant, accessory to allowed office or lodging use	6.67 spaces per 1,000 sq. ft.; 3.3 spaces per 1,000 sq. ft. for PC-zoned property	None

Restaurant, drive-in or drive-through	10 spaces per 1,000 sq. ft	Min. 4 spaces
Restaurant, other than drive-through or drive-in	6.67 spaces per 1,000 sq. ft.; 3.3 spaces per 1,000 sq. ft. for PC-zoned property	Min. 4 spaces
Carry-out only restaurant	2 spaces per 1,000 sq. ft.	Min. 2 spaces
Food truck	None for temporary locations	None
Other eating or drinking establishment	6.67 spaces per 1,000 sq. ft.; 3.3 spaces per 1,000 sq. ft. for PC-zoned property	Min. 2 spaces
<b>Entertainment and Spectator Sports</b> (except as stated below)	1 space per 3 fixed seats or 40 spaces per 1,000 sq. ft. in largest assembly room if there are no fixed seats	Min. 4 spaces
Special events facility	10 spaces per 1,000 sq. ft.	None
<b>Financial Services</b>		
Banks, credit unions, brokerage and investment services	3.3 spaces per 1,000 sq. ft.; 2.5 spaces per 1,000 sq. ft. for PC-zoned property	0.33 spaces per 1,000 sq. ft.; min. 2 spaces
Convenient cash business	4 spaces per 1,000 sq. ft.	0.33 spaces per 1,000 sq. ft.; min. 2 spaces
Pawn shop	4 spaces per 1,000 sq. ft.	0.33 spaces per 1,000 sq. ft.; min. 2 spaces

<b>Food and Beverage Retail Sales</b>	4 spaces per 1,000 sq. ft.; 2.5 spaces per 1,000 sq. ft. for PC-zoned property	0.1 spaces per 1,000 sq. ft.; min. 4 spaces
<b>Funeral and Interment Services</b>	0.5 spaces per 1,000 sq. ft.	None
Cemetery, columbarium, or mausoleum	None (parking allowed on internal roads/drives)	None
Crematory	0.5 spaces per 1,000 sq. ft.	None
Funeral home or mortuary	1 space per 3 fixed seats or 40 spaces per 1,000 sq. ft. in largest assembly room if there are no fixed seats	None
<b>Lodging</b>	1.25 spaces per guest room; 1 space per guest room for PC-zoned property	None
<b>Medical Service</b>		
Home health care service	3.3 spaces per 1,000 sq. ft.	None
Hospice	1 space per 2 beds	None
Kidney dialysis center	4 spaces per 1,000 sq. ft.	None
Medical and dental laboratory	3.3 spaces per 1,000 sq. ft.	Min. 2 spaces
Medical office/clinic	4 spaces per 1,000 sq. ft.	Min. 2 spaces

<b>Office or Consumer Service</b>	3.3 spaces per 1,000 sq. ft.; 2.5 spaces per 1,000 sq. ft. for PC-zoned property	Min. 2 spaces
<b>Parking, Non-accessory</b>	N/A	Min. 2 spaces
<b>Personal Improvement Service</b>	4 spaces per 1,000 sq. ft.; 2.5 spaces per 1,000 sq. ft. for PC-zoned property	0.25 spaces per 1,000 sq. ft.; min. 2 spaces
<b>Repair or Laundry Service, Consumer</b>	4 spaces per 1,000 sq. ft.; 2.5 spaces per 1,000 sq. ft. for PC-zoned property	0.25 spaces per 1,000 sq. ft.; min. 2 spaces
<b>Research and Testing Services</b>	3.3 per 1,000 sq. ft.	
<b>Retail Sales</b>	4 spaces per 1,000 sq. ft. + 1 space per 1,000 sq. ft. of outdoor display/sales areas; 2.5 spaces per 1,000 sq. ft. for PC-zoned property (see also "shopping center" requirements)	0.1 spaces per 1,000 sq. ft.; min. 4 spaces
<b>Shopping Center [1]</b>	0 to 400,000 sq. ft. = 4.5 spaces per 1,000 sq. ft. 400,001 to 600,000 sq. ft. = 5.0 spaces per 1,000 sq. ft. 600,001 or more sq. ft. = 5.5 spaces per 1,000 sq. ft.	0.1 spaces per 1,000 sq. ft.; min. 4 spaces (see also 27-202(b))
<b>Sports and Recreation, Participant</b>		
Golf course and clubhouse, private	2 spaces per hole	None

Health club	4 spaces per 1,000 sq. ft.; 2.5 spaces per 1,000 sq. ft. for PC-zoned property	0.25 spaces per 1,000 square feet; min. 6 spaces
Private park	As determined per subsection 27-203(6)	
Recreation center or swimming pool, neighborhood	1 space per 5 members;	1 space per 20 adult members; min. 4 spaces
Recreation grounds and facilities	As determined per subsection 27-203(6)	
Tennis center, club and facilities	1 space per 5 members;	1 space per 20 adult members; min. 4 spaces
Other participant sports and recreation (Indoor)	5 spaces per 1,000 sq. ft.	0.4 spaces per 1,000 square feet; min. 4 spaces
Other participant sports and recreation (Outdoor)	As determined per subsection 27-203(6)	
<b>Vehicle and Equipment, Sales and Service</b>		
Car wash	Vehicle stacking spaces per section 27-211	None
Gasoline sales	3 spaces per service bay/stall	None
Vehicle repair, minor	3 spaces per service bay/stall	None
Vehicle repair, major	3 spaces per service bay/stall	None

Vehicle sales and rental	1 space per employee + 2 spaces per service bay/stall	None
Vehicle storage and towing	4 spaces + 1 per employee	None
<b>INDUSTRIAL</b>		
<b>Manufacturing and Production, Light</b>	0.5 spaces per 1,000 sq. ft.	None
<b>Wholesaling, Warehousing and Freight Movement</b>	0.5 spaces per 1,000 sq. ft.	None
<b>AGRICULTURE AND TRANSPORTATION</b>		
<b>Agriculture</b>		
Agricultural produce stand	None	None
Community garden	None	None
Crops, production of	None	None
<b>TRANSPORTATION</b>		
Heliport	None	None
Stations and terminals for bus and rail passenger service	As determined per subsection 27-203(6)	None
Taxi stand and taxi dispatching office	As determined per subsection 27-203(6)	None

[1] Parking requirements for shopping centers are calculated based on the area of the entire shopping center, rather than the individual uses within the center. This parking calculation provision applies only to shopping centers in which restaurants make up less than 50 percent of the center's gross floor area. Parking requirements for any drive-through uses within a shopping center are always calculated separately.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-12.20), 10-14-2013; Ord. No. 2015-01-05, § 1, 1-26-2015; Ord. No. 2017-04-07, § 4, 4-11-2017)

**Editor's note**— Ord. No. 2017-04-07, § 4, adopted April 11, 2017, changed the title of § 27-202 from "Minimum motor vehicle parking ratios" to read as herein set out.

**Section II:** Section 27-203 of the code is hereby amended to read as follows:

***Sec. 27-203. Calculation of maximum parking.***

The following rules apply when calculating the maximum number of off-street parking spaces:

- (1) *Multiple uses.* Unless otherwise expressly stated, lots containing more than one use may not exceed parking in an amount equal to the total of the requirements for all uses on the lot.
- (2) *Fractions.* When measurements of the number of required spaces result in a fractional number, any fraction of less than one-half is rounded down to the next lower whole number, and any fraction of one-half or more is rounded up to the next higher whole number.
- (3) *Area measurements.* Unless otherwise expressly stated, all area-based (square footage) parking standards must be computed on the basis of gross floor area.
- (4) *Occupancy- or capacity-based standards.* For the purpose of computing parking requirements based on employees, students, members, residents or occupants, calculations must be based on the largest number of persons working on any single shift, the maximum enrollment or membership or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

- (5) *Unlisted uses.* Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the community development director is authorized to apply the off-street parking ratio specified for the listed use that is deemed most similar to the proposed use or establish a maximum off-street parking requirement for the proposed use in accordance with subsection (6).
- (6) *Establishment of other parking ratios.* The community development director is authorized to establish maximum off-street parking ratios for unlisted uses and in those instances where authority to establish a requirement is expressly granted. Such ratios may be established on the basis of a similar use/parking determination (as described in subsection (5)), on parking data provided by the applicant or information otherwise available to the community development director. Parking data and studies must include estimates of parking demand based on reliable data collected from comparable uses or on external data from credible research organizations (e.g., Institute of Transportation Engineers (ITE) or American Planning Association [APA]). Comparability will be determined by density, scale, bulk, area, type of activity and location. Parking studies must document the source of all data used to develop recommended requirements.
- (7) *On-street parking.* Nonresidential uses shall count on-street parking spaces on public street rights-of-way abutting the subject property towards the off-street motor vehicle parking maximums for nonresidential uses. One on-street parking space credit shall be taken for each 20 linear feet of abutting right-of-way where parallel on-street parking is allowed. Credit for angled parking, where allowed, will be determined by the community development director. Only space on the same side of the street as the subject use shall be counted, except that the community development director is authorized to allow spaces on the opposite side of the street to be counted if the property on that side of the street does not have the potential for future development. In calculating credit for on-street parking, all fractional spaces are rounded down.
- (8) *Outdoor dining areas.*
- a. Except as otherwise expressly stated in this ordinance, maximum off-street parking requirements for eating and drinking establishments must be based on the amount of indoor and outdoor floor area.
  - b. Outdoor dining areas containing up to 24 seats or no more than ten percent of the indoor public floor area devoted to customer seating

(whichever amount is less) are not counted in determining maximum off-street parking requirements. All portions of outdoor seating areas that exceed ten percent the indoor public floor area devoted to customer seating and all portions of outdoor dining areas with a capacity of more than 24 seats must be counted in determining maximum off-street parking requirements.

(9) *Alternative compliance.* The motor vehicle parking ratios of this division are not intended to prevent development and redevelopment or to make development and redevelopment economically impractical. In order to allow for flexibility in addressing the actual expected parking demand of specific uses, alternative compliance parking ratios may be approved through the special exception process (see article V, division 6) or the special administrative permit process (see article V, division 7) only if it is determined that the maximum motor vehicle parking ratios do not accurately reflect the actual parking demand that can reasonably be anticipated for the proposed use and the applicant provides a parking study or survey or a parking demand management plan in accordance with the following:

a. The applicant submits a parking study or survey, prepared and sealed by a registered professional engineer in the State of Georgia with expertise in parking and transportation demonstrating that the motor vehicle parking ratios of section 27-202 do not accurately reflect the actual parking demand that can reasonably be anticipated for the proposed use.

(10) Shared Parking. Shared parking among different users is authorized provided that:

a. The community development director is authorized to specify the shared parking methodology to be used or to require that the analysis be prepared by registered engineer in the State of Georgia with expertise in parking and transportation. The shared parking analysis must demonstrate that the peak parking demands of the subject uses occur at different times and that the parking area will be large enough for the anticipated demands of all uses.

b. Required residential parking and accessible parking spaces (for persons with disabilities) may not be shared and must be located on site.(Ord. No. 2013-10-15, § 1(Exh. A § 27-12.30), 10-14-2013)

**Section III:** Section 27-416 of the code is hereby amended to read as follows:

***Sec. 27-416. - Applicability.***

The zoning board of appeals is authorized to approve the following as special exceptions in accordance with the procedures of this division:

- (1) Any use or activity expressly authorized to be approved as a special exception pursuant to the provisions of this zoning ordinance;
- (2) Increase of maximum off-street parking by more than allowed as an administrative permit.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-22.10), 10-14-2013)

Sec. 27-421. - Review and approval criteria.

- (a) *Parking and loading increases.* The zoning board or appeals may approve an increase to the maximum number of parking spaces or the maximum number of loading spaces in any district upon an expressed finding that:
  - (1) The maximum motor vehicle parking ratios do not accurately reflect the actual parking demand that can reasonably be anticipated for the proposed use;
- (b) *Other authorized special exceptions.* Special exceptions for matters other than parking or loading space reductions may be approved by the zoning board of appeals only when the zoning board of appeals determines that any specific approval criteria associated with the authorized special exception and the following general approval criteria have been met:
  - (1) The grant of the special exception will not be detrimental to the public health, safety or welfare of the public or injurious to the property or improvements;
  - (2) The requested special exception 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
  - (3) The requested special exception is consistent with all relevant purpose and intent statements of this zoning ordinance.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-22.60), 10-14-2013)

**Section IV:** Section 27-436 of the code is hereby amended to read as follows:

***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) Increase in maximum off-street motor vehicle parking and loading ratios by up to one space or twenty percent, whichever is greater and reductions in minimum bicycle parking ratios by up to two spaces or ten percent, whichever is greater;
- (3) Minor exceptions to those Perimeter Center Overlay and Perimeter Center zoning district regulations expressly identified in section 27-98(a)(7)a. and section 27-104(a)(5)a.;
- (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 ten feet, for building additions not exceeding one story or 18 feet in height;
- (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 ten 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;
- (13) Reduction of the minimum wing wall side setback requirement, as allowed by section 27-270; and
- (14) Increase in maximum fence height on residential corner lots, as allowed by section 27-267.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-23.10), 10-14-2013; Ord. No. 2015-01-05, § 1, 1-26-2015; Ord. No. 2017-04-07, § 4, 4-11-2017; Ord. No. 2018-03-05, § II, 3-26-2018)

**Section V:** Section 27-621 of the code is hereby amended to read as follows:

***Sec. 27-621. - Terms defined.***

The words and terms expressly defined in this division have the specific meanings assigned, unless the context clearly indicates another meaning. Words that are not expressly defined have the meaning given in the latest edition of Merriam-Webster's Unabridged Dictionary.

(a) *Terms beginning with "A."*

*Accessory building* means a building detached from the principal building located on the same lot and customarily incidental and subordinate in area, extent, and purpose to the principal building or use. See also the accessory use regulations of article III, division 3.

*Accessory structure* means a structure detached from the principal building located on the same lot and customarily incidental and subordinate in area, extent, and purpose to the principal building or use. See also the accessory use regulations of article III, division 3.

*Accessory use* means a use of land or building or structure or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use. See also the accessory use regulations of article III, division 3.

*Agent* means a person duly authorized to act on behalf of the subject property owner.

*Amateur radio service antenna structure* means a tower and antenna for radio transmission and reception that is maintained by a licensed amateur radio operator as an accessory structure.

*American Main Street Commercial style* means buildings designed in the one-part commercial block and two-part commercial block styles.

*Amplified sound reproduction device* means any device capable of producing, reproducing or emitting sounds by means of any loudspeaker or amplifier.

*Animal, companion* means animals that are commonly kept by persons as a pet or for companionship. Companion animals have the following characteristics: have a special and close relationship with humans; are partially or totally dependent on

people; commonly live inside a residence in close proximity with humans; form bonds with people; and interact with their human companions. Dogs and cats are common companion animals.

*ANSI* means the American National Standards Institute.

*Antenna* means telecommunications antenna.

*Archaeological resource* means any material remains of past human culture or activities that are of archaeological interest, including, but not limited to the following: basketry, bottles, carvings, graves, human skeletal materials, pit houses, pottery, rock intaglios, rock paintings, soapstone quarries, structures or portions of structures, tools, weapons, weapon projectiles, or any portion or piece of any of the foregoing items. Nonfossilized and fossilized paleontological specimens, or any portion or piece thereof, are not considered archaeological resources under the regulations of this zoning ordinance, unless found in archaeological context. No item may be deemed to be an archaeological resource under regulations of to this zoning ordinance unless the item is at least 200 years of age.

*Authorized use* means any use allowed by right in a zoning district and subject to the restrictions applicable to that zoning district.

*Automobile* means a self-propelled, free-moving vehicle, with not more than six wheels, typically used to transport no more than eight passengers and licensed by the appropriate state agency as a passenger vehicle.

(b) *Terms beginning with "B."*

*Base (zoning) district* means any zoning district that is not an overlay district.

*Basement* means a space having one-half or more of its floor-to-ceiling height below the average level of the adjoining ground and with a floor-to-ceiling height of no less than 6.5 feet.

*Battery charging station* means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.

*Battery exchange station* means a facility designed to enable an electric vehicle with a swappable battery to enter a drive land and exchange the depleted battery for a more fully charged battery through an automated process.

*Bedroom* means a private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom.

*Bicycle parking, long-term* means bicycle parking spaces provided to meet the needs of residents, employees or occupants of a site who leave bicycles unattended overnight, during the workday or other long periods of time.

*Bicycle parking, short-term*, means bicycle parking spaces provided to meet the needs of customers and other short-term visitors to a site.

*Biomass energy* means energy produced from the biological breakdown of organic matter.

*Block face* means all parcels abutting one side of a street between the two nearest intersecting streets.

*Buildable area* means the area of a lot remaining after the minimum setbacks and open space requirements of this zoning ordinance have been met.

*Building* means any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

*Building line* means an imaginary line representing the vertical projection (or plumb line) of an exterior building wall that encloses interior floor space.

*Building, accessory.* See "Accessory building."

*Building footprint* means the outline of the total area covered by a building's perimeter at the ground level.

*Building mass* means the overall visual impact of a structure's volume; a combination of height and width, and the relationship of the heights and widths of the building's components.

*Building, principal.* See "Principal building."

*Building scale* means the relationships of the size of the parts of a structure to one another and to humans.

*Building type, civic* has the meaning ascribed in [section] 27-105(b)(2)e.

*Building type, detached house* has the meaning ascribed in section 27-105(b)(2)d.

*Building type, general* has the meaning ascribed in [section] 27-105(b)(2)b.

*Building type, shopfront* has the meaning ascribed in [section] 27-105(b)(2)a.

*Building type, townhouse* has the meaning ascribed in [section] 27-105(b)(2)c.

(c) *Terms beginning with "C."*

*Car-share program* means a system in which a fleet of cars (or other motor vehicles) is made available for use by members of the car-share program and that exhibit all of the following characteristics:

- (1) Members are permitted to use vehicles from the car-share program fleet on an hourly basis;
- (2) Car-share vehicles are generally available 24 hours a day and seven days a week to members in parking spaces at dispersed locations or facilities; and
- (3) No separate written agreement is required each time a member reserves and uses a car-share vehicle.

*Car-share vehicle* means a motor vehicle from a car-share program fleet.

*City manager* means the person hired and designated as such by the mayor and city council.

*City solid waste* means any solid waste derived from households, including garbage, trash, and sanitary waste in septic tanks and means solid waste from household living uses, hotel and motels, picnic grounds and day use recreation areas. The term includes yard trimmings and commercial solid waste but does not include solid waste from mining, agricultural, or silvicultural operations or industrial processes or operations.

*Collector street* means a street or road designated as a collector street in the transportation plan.

*Commercial solid waste* means all types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial wastes.

*Common open space* means that open space that is owned in common by all property owners within the development.

*Compatible* means land development that is consistent with existing, identified physical elements in proximity to that land development, such as architectural style, building mass, building scale, land uses, and landscape architecture.

*Composting* means the controlled biological decomposition of organic matter into a stable, odor-free humus.

*Comprehensive plan* means the comprehensive plan adopted by the mayor and city council, as it may be amended from time to time, that divides areas of the city into land use categories and that constitutes the official policy of the city regarding long-term planning and use of land.

*Conditional approval* or *conditions* means the imposition of special requirements, whether expressed in written form or as a site plan or other graphic representation, made a requirement of development permission associated with a particular parcel or parcels of land and imposed in accordance with the terms of this zoning ordinance.

*Condominium* means a building, or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis in compliance with Georgia Law.

*Conservation easement* means a restriction or limitation on the use of real property that is expressly recited in any deed or other instrument of grant or conveyance executed by or on behalf of the owner of the land described therein and whose purpose is to preserve land or water areas predominantly in their natural scenic landscape or open condition or in an agricultural farming, forest or open space use.

*Construction* means any site preparation, assembly, erection, repair, alteration or similar action, including demolition of buildings or structures.

*Construction staging area* means temporary storage of construction equipment and building materials on sites (1) for which a valid land-disturbance permit or valid building permit exists and (2) on which development or construction is being diligently pursued.

*Courtyard* means an outdoor area enclosed by a building façade on at least three sides and open to the sky.

*Cutoff fixture* means a luminaire light distribution where the candela per 1,000 lamp lumens does not numerically exceed 25 (2.5 percent) at or above a vertical angle of 90 degrees above nadir, and 100 (ten percent) at or above a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire.

(d) *Terms beginning with "D."*

*Demolition* means any dismantling, destruction or removal of buildings, structures, or roadways whether manmade or natural occurring both above and below ground.

*Demolition of an infill building* means the destruction and removal of an existing building or structure in whole or in part whether such destruction and removal involves removal of all or part of the prior foundation.

*Density.* See section 27-573.

*Development permit* means any permit that authorizes land-disturbance for the use, construction thereon or alteration of any real property within the city.

*Diameter-at-breast height (DBH)* means tree trunk diameter measured at a height of 4.5 feet above grade level at the base of a tree.

*Dripline* means a vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

*Dwelling unit* means one or more rooms designed, occupied, or intended for occupancy as a separate living quarters, with cooking, sleeping, and bathroom facilities provided within the dwelling unit for the exclusive use of a single household.

*Dwelling unit, efficiency, or studio* means a self-contained residential unit consisting of not more than one room together with a private bath and kitchen facilities.

(e) *Terms beginning with "E."*

*Easement* means authorization by a property owner for use of all or a designated portion of the subject property by another property owner or entity.

*Electric vehicle* means any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; either partially or exclusively, on electrical energy from the grid or an off-board source, that is stored on-board via a battery. "Electric vehicle" includes: (1) battery electric vehicles; and (2) plug-in hybrid electric vehicles.

*Electric vehicle (EV) charging station* means a public or private parking space that is served by battery charging station equipment.

*Electric vehicle charging station, private (restricted-access)* means an EV charging station that is not available for use by the general public. Examples include electric vehicle charging stations that serve residential homeowners or renters, executive parking areas, designated employee parking areas and fleet parking areas.

*Electric vehicle charging station, public* means an EV charging station that is accessible to and available for use by the general public.

*Electric vehicle parking space* means any parking space that is clearly identified to be used exclusively for the parking of an electric vehicle.

*Emergency work* means any work or action necessary to deliver essential services including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public

rights-of-way, dredging navigational waterways, or abating life-threatening conditions.

*Expression line* means an architectural feature consisting of a decorative, three-dimensional, linear element, horizontal or vertical, protruding or indented at least 1.25 inches from the exterior façade of a building. It is typically utilized to delineate the top or bottom of floors or stories of a building.

(f) *Terms beginning with "F."*

*Façade* means all the wall planes of a building seen from one side or view.

*Fence* means a structure designed to provide separation and security, constructed of materials including chain link, wire, metal, artistic wrought iron, vinyl, plastic and other such materials as may be approved by the community development director.

*Fenestration* means the arrangement, proportioning, and design of windows and doors in a building. For purposes of administering and interpreting the Perimeter Center districts and overlay only, said term means a measurement of the percentage of a façade that has highly transparent, low-reflectance windows, not including mirrored glass.

*Flood hazard district.* See chapter 16 of the Municipal Code (land development).

*Flood lamp* means a form of lighting designed to direct its output in a specific direction with a reflector formed from the glass envelope of the lamp itself. Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.

*Flood light* means a form of lighting designed to direct its output in a diffuse, more or less specific direction, with reflecting or refracting elements located external to the lamp.

*Floodplain* means 100-year floodplain.

*Floodplain, 100-year,* means land within the 100-year flood elevation as is defined in the city's land development code (chapter 16).

*Floodway.* See chapter 16 of the Municipal Code (land development).

*Floor area ratio.* See section 27-574.5.

*Floor area ratio* means the gross floor area of all heated floor space in all buildings or structures on a lot divided by the total lot area.

*Footcandle* means a unit of measure for illuminance on a surface that is everywhere one foot from a point source of light of one candle, and equal to one lumen per square foot of area.

*Freeway* means a multiple-lane roadway carrying local, regional, and interstate traffic of relatively high volumes that permits access only at designated interchanges and is so designated in the comprehensive plan.

*Front door* means the door located closest to the front of the dwelling that provides the most direct access to that level of the dwelling that contains the main kitchen of the dwelling.

*Frontage.* See section 27-572. Frontage also means, for purposes of administering and interpreting the Perimeter Center districts and overlay only, required pedestrian and bicyclist accommodations within the space between the building and the existing curb for all street types within the Perimeter Center Overlay. Street types are identified in figure 27-98-2.

*Full cutoff* means a luminaire light distribution where zero candela intensity occurs at or above an angle of 90 degrees above nadir. Additionally, the candela per 1,000 lamp lumens does not numerically exceed 100 (ten percent) at or above a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire.

*Full cutoff fixture* means an outdoor light fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture.

(g) *Terms beginning with "G."*

*Geothermal heat exchange system* means equipment that exchanges thermal energy between the ground (or a water source) and a building. This includes vertical closed loop, horizontal closed loop, water body closed loop system and open loop systems. Also known as ground source heat pumps and geothermal heat pumps.

*Glare* means the sensation produced within the visual field by luminance that is sufficiently greater than the luminance to which the eyes are adapted, causing annoyance, discomfort, or loss in visual performance and visibility.

*Grade, average,* means the mean elevation of the ground along a line determined by dividing the sum of the elevation of the highest point on the line and the elevation of the lowest point on the line by two.

*Grade, existing,* means the elevation of the ground surface before development.

*Grade, finished,* means the final grade of the ground surface after development.

*Greenhouse* means a temporary or permanent structure that is primarily used for the cultivation of plants.

*Greenspace* means undeveloped land that has been designated, dedicated, reserved, or restricted in perpetuity from further development and that is not a part of an individual residential lot.

(h) *Terms beginning with "H."*

*Home occupation* [means] an accessory use of a dwelling unit for limited commercial purposes. Home occupations are subject to the regulations of section 27-168.

*Hoop house* means a temporary or permanent structure typically made of flexible pipe or other material covered with translucent plastic, constructed in a "half-round" or "hoop" shape, for the purposes of protecting and cultivating plants. A hoop house is considered more temporary than a greenhouse.

*Household* means a group of individuals related by blood, marriage, adoption, guardianship or other custodial relationship, or not more than four persons not so related, living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability. This definition specifically includes four or fewer persons with mental, developmental, or other disabilities as defined in the Fair Housing Act, 42 USC 3601 et seq., living as a housekeeping unit and otherwise meeting this definition of "household."

(i) *Terms beginning with "I."*

*IESNA* means the Illuminating Engineering Society of North America, a non-profit professional organization of lighting specialists that has established recommended design standards for various lighting applications.

*Illuminance* means the quantity of light arriving at a surface divided by the areas of the illuminated surface measured in footcandles. Horizontal illuminance applies to a horizontal surface; vertical illuminance applies to a vertical surface. Average illuminance is the level of illuminance over an entire illuminated target area. Maximum illuminance is the highest level of illuminance on any point within the entire area; minimum illuminance is the lowest level of illuminance on any point within the entire area.

*Illuminance levels* and footcandles noted in this zoning ordinance mean the maintained illuminance levels, the illuminance levels occurring just prior to lamp replacement and luminaire cleaning. The average illuminance level applies to an entire illuminated target area. Minimum and maximum illuminance levels apply to small areas within the entire illuminated target area. Unless otherwise noted, illuminance levels refer to horizontal illuminance levels.

*Industrial solid waste* means solid waste generated by manufacturing or industrial processes or operations that is not a hazardous waste as defined herein. Such wastes include, but are not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals; plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textiles; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

*Industrialized building* means any structure or component of a building that is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation-site without disassembly, damage to, or destruction thereof.

*Infill building* means any building built or proposed to be built on an infill lot.

*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; or (3) any lot that has no principal building and that is subsequently proposed as a site for a detached house.

*Interim development control* means an ordinance that temporarily imposes developmental regulations when existing regulations do not adequately protect the public's health, safety and welfare in accordance with the standards specified in this zoning ordinance.

*Interior lot façade* means any façade that does not face a street, faces the interior of the lot, or is located such that a parking lot is between the building and the street.

*Invasive (plant) species*: means any plant species, including its seeds, spores or other biological material capable of propagating that species, that is not native to that ecosystem; and whose introduction does or is likely to cause environmental harm.

(j) *Terms beginning with "J."*

*Junk vehicle* means any vehicle that is inoperable or any vehicle that does not bear a current, valid license plate.

(k) *Terms beginning with "K."*

*Kiosk* means a freestanding structure upon which temporary information and/or posters, notices, and announcements are posted.

*Kitchen facilities* means a room used to prepare food containing, at a minimum, a sink and a stove or oven.

(l) *Terms beginning with "L."*

*Landscape/landscaping* means the act of enhancing the appearance of the land by altering its contours and planting trees, shrubs, vines, flowers, turf, groundcover and other plant materials for aesthetic effect.

*Land use* means a description of how land is occupied or utilized.

*Leachate collection system* means a system at a landfill for collection of the leachate that may percolate through the waste and into the soils surrounding the landfill.

*Lot* means a designated parcel, tract, or area of land legally established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

*Lot area.* See section 27-571.

*Lot, buildable area of,* means the portion of a lot remaining after required yards have been provided.

*Lot, corner,* means a lot abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.

*Lot coverage.* See section 27-575.

*Lot, double-frontage,* means a lot that abuts two parallel streets or that abuts two streets that do not intersect at the boundaries of the lot. Double-frontage lots are sometimes referred to as "through lots."

*Lot, interior,* means a lot, other than a corner lot, abutting only one street.

*Lot, nonconforming.* See [subsection] 27-552(a).

*Luminaire* means a complete lighting unit consisting of a lamp or lamps and the parts designed to distribute the light, to position and protect the lamp, and to connect the lamp to the power supply. These parts include the lamp, reflector, ballast, socket, wiring, diffuser and housing.

(m) *Terms beginning with "M."*

*Main parking lot* means a parking lot that contains more than 50 percent of the parking designated for a particular building.

*Mixed-use development* means a development that includes primary residential uses and primary nonresidential uses that are part of the same integrated development, whether within the same building or on the same walkable, interconnected site.

*Multiuse property* means any distinct parcel of land that is being used for more than one land use purpose.

(n) *Terms beginning with "N."*

*New construction on an infill lot* means the replacement of an existing residential building or structure with a new building, structure or an addition that increases the usable square footage in the building, structure or addition.

*Node* means a concentration of population, retail, and employment within a well-defined area that has a diverse mix of land uses and a pedestrian and transit orientation.

*Nonconforming use.* See subsection 27-554(a).

*Nonresidential development* means any development that does not include residential uses.

(o) *Terms beginning with "O."*

*Occupied space* means interior building space regularly occupied by the building users. It does not include storage areas, utility space, or parking, but includes hallways, stairwells, and elevators.

*One-part commercial block style* means a single-story building that has a flat roof, a façade that is rectangular in shape, and in which the fenestration in the façade is equal to 75 percent of the width of the front façade of the building.

*Open-air uses* means storage yards, construction debris sites, used vehicle sales lots, vehicle impound yards, auto wrecking, junkyards, and similar open-air uses when the only buildings on the parcel are incidental and accessory to the open-air use of the lot.

*Open water* means a pond, lake, reservoir, or other water feature holding water at all times with the water surface fully exposed.

*Outdoor lighting fixture* means outdoor artificial illuminating device, lamp, and other similar device used for flood lighting, security, and/or general illumination. Such devices include: outdoor lighting of buildings and structures, including building overhands and canopies; outdoor lighting of recreational areas or parking lots; security lighting; street lighting; landscape lighting; building-mounted area lighting; product display area lighting; and building façade lighting.

*Outdoor storage* means the keeping, in an unenclosed area, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours.

(p) *Terms beginning with "P."*

*Parking garage* means a covered or sheltered structure designed, constructed and used for the parking of motor vehicles.

*Parking lot* means any area designed for temporary storage of motor vehicles of the motoring public in normal operating condition, whether for a fee or as a service.

*Paved* means an improved area, covered by asphalt, concrete, or other hard surface material, that may or may not be impervious. "Paved" specifically excludes dry gravel and similar materials as a finished product.

*Pedestrianway* means a pathway designed for use by pedestrians; it can be located mid-block allowing pedestrian movement from one street to another without traveling along the block's perimeter.

*Pervious paving or pavement* means a ground covering of hard-surfaced material that is designed and installed to allow percolation or infiltration of stormwater into the soil below. Pervious paving or pavement systems include but are not limited to porous concrete and modular porous paver systems that are designed to allow infiltration of stormwater. Pervious paving or pavement areas are not considered "impervious surface areas" for the purposes of calculating impervious surface coverage.

*Photovoltaic cell* means a semiconductor device that converts solar energy into electricity. Pitch of roof lines means the ratio of the rise to the run in the slope of a roof.

*Principal building* means the building occupied by the principal use of the subject lot.

*Principal use* means the primary or predominant use of the subject lot.

*Private restrictive covenants* means private restrictions on the use of land or structures imposed by private contract, such as subdivision covenants.

*Private right-of-way* means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is not owned, leased, or controlled by a governmental entity.

*Public right-of-way* means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

*Public uses* means land or structures owned by a federal, state or local government, including a board of education, and used by the respective unit of government for a necessary governmental function.

(q) *Terms beginning with "Q."*

*RESERVED*

(r) *Terms beginning with "R."*

*Real property line* means (1) the imaginary line, including vertical extension, that separates one parcel of real property from another; (2) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-unit residential building; or (3) on a multiuse property, the dividing lines that separate various portions of the property used for different purposes.

*Real property owners within a proposed or enacted residential infill overlay district* means the homeowners or other real property owners of land within the residential infill overlay district as indicated in the tax records maintained by the county board of tax assessors.

*Recovered materials* means those materials that have known use, reuse, or recycling potential; can be feasibly used, reused, or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.

*Recreational vehicle* means a vehicle that is: built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty vehicle; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

*Renewable energy* means energy from resources that are quickly replenished, such as sunlight, wind, water, biomass, geothermal resources.

*Residential district.* See article II, division 1.

*Residential use* means the occupation of a building and land for human habitation.

*Retaining wall* means a structure constructed and erected between lands of different elevations to protect structures and/or to prevent erosion. A retaining wall is not a wing wall or an areaway. See also article IV, division 4.

(s) *Terms beginning with "S."*

*Satellite television antenna* means an apparatus capable of receiving but not transmitting television, radio, or cable communications from a central device transmitting said communications.

*Semi-nude* means the exposure of one or more, but not all, of the following: human genitals or pubic region, buttocks, or female breasts below a point immediately above the top of the areola.

*Semi-pervious surface* means, for purposes of administering and interpreting the Perimeter Center districts and overlay only, either a material covering a surface that allows for at least 40 percent absorption of water into the ground or plant material, such as pervious pavers, permeable asphalt and concrete, or gravel, or a vegetated roof.

*Setback.* See section 27-576.

*Sexually oriented business.* See subsection 27-114(1)a.

*Shopping center* means a group of retail and other commercial establishments that is planned, developed, owned and/or managed as a single property, typically with collective parking, shared driveways, common signage and other shared features.

*Site plan* means that plan required to acquire a development, construction or building permit that shows the means by which the developer will conform with applicable provisions of this zoning ordinance and other applicable ordinances.

*Solar energy system* means a system intended to convert solar energy into thermal, mechanical or electrical energy,

*Solar energy system, building-integrated* means a solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural part of the building. Building-integrated systems include, but are not limited to, photovoltaic or hot water systems that are contained within roofing materials, windows, skylights, shading devices and similar architectural components.

*Solar energy system, structure-mounted* means a solar energy system that is mounted on the façade or roof of either a principal or accessory structure.

*Solar energy system, flush-mounted* means a solar energy system that is mounted flush with a finished building surface, at no more than six inches in height above that surface.

*Solar energy system, ground-mounted* means a solar energy system mounted on the ground and not attached to any other structure other than structural supports.

*Solar panel* means a group of photovoltaic cells assembled on a panel. Panels are assembled onsite into solar arrays.

*Solid waste* means any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and community activities, but does not include recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 USC 1342; or source, special nuclear, or byproduct material as defined by the Federal Atomic Energy Act of 1954, as amended (68 Stat. 923).

*Solid waste handling* means the storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste or any combination of such activities.

*Specified anatomical areas* means any of the following:

- (1) Less than completely and opaquely covered human genitals or pubic region, buttocks, or female breasts below a point immediately above the top of the areola; or
- (2) Human male genitalia in a discernibly turgid state, even if completely or opaquely covered.

*Specified sexual activities* means any of the following:

- (1) Actual or simulated intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, sapphism;
- (2) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence;
- (3) Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation;
- (4) Fondling or touching of nude human genitals, pubic regions, buttocks or female breasts;
- (5) Masochism, erotic or sexually oriented torture, beating or the infliction of pain;

- (6) Erotic or lewd touching, fondling or other sexually-oriented contact with an animal by a human being; or
- (7) Human excretion, urination, menstruation, vaginal or anal irrigation.

*Spill light* means the light that illuminates surfaces beyond the intended area of illumination caused by the uncontrolled direct light component from the luminaires.

*Stoop* means a platform entranceway at the door to a building, providing a transition between the interior of the building and the sidewalk outside the building. The stoop may be elevated or at grade, and may be covered by a canopy or awning.

*Stormwater management facility* means those structures and facilities that are designed for the collection, conveyance, storage, treatment and disposal of storm water runoff into and through the drainage system.

*Story* means that portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above or, if there is no floor above, the space between the floor and the ceiling next above. Each floor or level in a multistory building used for parking, excluding a basement, is classified as a story.

*Story, ground (or ground floor)* means the first floor of a building on any street façade that is level to or elevated above the finished grade on any street façade.

*Story, half* means a story either in the basement of the building, partially below grade and partially above grade, or a story fully within the roof structure with windows facing the street.

*Story, upper (or upper floor)* means all floors located above the ground story of a building. Upper stories may be half stories.

*Street façade* means the façade of a building that faces a street right-of-way.

*Street, private*, means any street that provides vehicular or pedestrian access within a development that is not dedicated or intended to be dedicated to the city, and that is not maintained by the city.

*Street, public*, means any right-of-way set aside for public travel deeded to the city and any right-of-way that has been accepted for maintenance as a street by the city.

*Street right-of-way line* means the dividing line between a lot, tract or parcel of land and a street right-of-way.

*Structure* means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on or in the ground. This does not include telephone poles and utility boxes.

*Structure, accessory*. See "Accessory structure."

*Subdivision* means as set forth in the city development code (chapter 16). ;l0; (t)\  
*Terms beginning with "T."*

*Telecommunications tower or antenna height* means the vertical distance from grade to the highest point of the telecommunications tower, grade being the average level of the pre-existing or finished surface of the ground adjacent to the exterior of the tower, whichever is lower. When referring to a telecommunications antenna alone, it means the vertical distance from the base of the antenna to its highest point. Where telecommunications towers and antennae are used in combination, height means the vertical distance from grade to the highest point of either the tower or antenna, whichever is highest.

*Threshold* means the top of the subfloor in the opening that is designated as the front door of a dwelling.

*Tree* means any self-supporting woody plant that usually provides one main trunk and produces a more or less distinct and elevated head with branches.

*Tree canopy* means the area directly beneath the crown and within the outermost edges of the branches and leaves of a tree.

*Trespass light* means the offsite spill light that illuminates beyond the property boundaries in which the light fixture is installed, where it is neither wanted nor needed.

*Truck* means every motor vehicle designed, used, or maintained primarily for the transportation of property.

*Two-part commercial block style* means a building of two stories or greater in height that has a flat roof and is characterized by a horizontal division of the building façade into two distinct zones. These zones may be similar in design but must be clearly separated from one another. The ground floor level of the building must contain fenestration equal to 75 percent of the width of the front façade of the building.

(u) *Terms beginning with "U."*

*Usable satellite signals* means satellite signals from all major communications satellites that, when viewed on a conventional television set, are at least equal in picture quality to those received from local commercial television stations by way of cable television.

*Use* means the purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

*Utility-scale energy production* means an energy production facility that produces electric energy for widespread distribution through the electric power grid.

(v) *Terms beginning with "V."*

*Vacant and undeveloped* means the comprehensive plan land use category that includes forested areas, undeveloped land and land not used for any other identified purpose.

*Van service* means a commercial or not-for-profit service in which the provider offers transportation service to clients from their home to another destination, such as a medical service facility or other destination, and in which service is usually provided in a closed vehicle with a capacity of eight to 12 passengers.

*Vegetated roof* means that portion of a building roof covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.

*Vehicular use area* means any area on a parcel that is not located within any enclosed or partially enclosed building and that is devoted to a use by or for motor vehicles including parking; storage of automobiles, trucks or other vehicles; gas stations; car washes; vehicle repair establishments; loading areas; drive-through service areas; and access drives and driveways.

*Viewshed* means the total visible area from an identified observation position or positions.

*Visible basement* means a half story or basement partially below grade and exposed above grade a minimum of one-half the minimum floor-to-floor height.

(w) *Terms beginning with "W."*

*Wall* means a solid retaining or security barrier constructed of materials including brick, stone, concrete, concrete block, ceramic tile or other aggregate materials and other such materials as may be approved by the community development director. See also article IV, division 4.

*Water collection cistern* means a barrel or similar container that collects and stores rainwater or other water that would otherwise be lost as runoff or diverted into a storm drain.

*Weekday* means the time period of the week that begins at 7:00 a.m. on each Monday and ends at 6:00 p.m. on each Friday.

*Weekends* means the time period of each week that begins at 6:00 p.m. on each Friday and ends at 7:00 a.m. on each Monday.

*Wetlands* means an area of land meeting the definition of "wetlands" set forth in 33 CFR 328.3(b), as amended, and that is subject to federal, state or local regulations governing land meeting that definition.

*Wing wall* means a wall that is constructed and poured at the same time as the building foundation, and is structurally a part of the building foundation. A wing wall is not a retaining wall or an areaway. See also article IV, division 4.

(x) *Terms beginning with "X."*

*RESERVED*

(y) *Terms beginning with "Y."*

*Yard* means the actual area of a lot between the principal building and adjoining lot lines. Note: "setback" refers to the minimum distance that buildings are required to be set back from property lines.

*Yard, street* means the actual area of the lot between the principal building and the adjoining lot line fronting a street.

(z) *Terms beginning with "Z."*

*Zoning decision* means final legislative action by a local government that results in: (1) the adoption of a zoning ordinance; (2) the adoption of an amendment to a zoning ordinance that changes the text of the zoning ordinance; (3) the adoption of any amendment to a zoning ordinance that rezones the property from one zoning classification to another; (4) the grant of a permit relating to a special use of property, as defined in O.C.G.A. § 36-66-3, and as may hereafter be amended by state law.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-32.10), 10-14-2013; Ord. No. 2015-01-05, § 1, 1-26-2015; Ord. No. 2017-04-07, § 5, 4-11-2017)

## **Section VI:**

a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph,

sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section paragraph, sentence, clause or phrase of this Ordinance.

c. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

### **Section VII:**

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section VIII:**

This Ordinance shall be codified in accordance with state law and the Code of the City of Dunwoody, Georgia. This Ordinance shall become effective immediately upon adoption.

SO ORDAINED, this \_\_\_\_ day of \_\_\_\_\_, 2019.

Approved by:

Approved as to Form and Content

\_\_\_\_\_  
Denis L. Shortal, Mayor

\_\_\_\_\_  
City Attorney's Office

Attest:

\_\_\_\_\_  
Britney Davis, Acting City Clerk

SEAL