

MEMORANDUM

To: Mayor and City Council
From: Madalyn Smith, Senior Planner
Date: January 10, 2021
Subject: Text Amendment
Chapter 27— Party House

ITEM DESCRIPTION

This item is a proposed text amendment to define a party house use and to regulate party houses in the City. The amendment would prohibit party houses in most of the zoning districts except for certain non-residential districts. The text amendment also creates an application process for party house events through the special administrative permit process.

1st READ

Council requested that Community Development staff further research the legal repercussions of violating the party house regulations, i.e. fees and jail time. Based on conversations with the city's legal team and police department leadership, the ordinance makes party houses illegal but the ordinance does not specify the punishment for violation.

DISCUSSION

Party house events are an increasingly frequent occurrence in metro Atlanta, and lead to concerns about noise, odor, litter, lighting, glare and traffic congestion. These are commercial events that are hosted in residential dwelling units, and they lead to degradation of the residential character of the neighborhoods.

These events have occurred in the mansion districts of Buckhead and Sandy Springs for several years. The City of Atlanta and City of Sandy Springs have recently amended their code ordinance to prohibit these uses and have increased enforcement efforts. The expected spillover of these highly profitable events into adjacent municipalities creates urgency for the City of Dunwoody to create regulations.

This text amendment prohibits party house events in all residential districts. In addition to this, any party house use would also be prohibited if the event takes place within 150 feet of a residential use property. Due to the commercial character, party house events can be permitted in certain commercial districts through the special administrative permit process, which requires a public notification period of 30 days and the Community Development Director's review based upon specified review criteria. A separate special administrative permit is required for each event, not to exceed 48 hours. Nothing in this ordinance prohibits home owners or tenants to have non-commercial events, e.g. birthday parties or fund raisers.

Short-term rentals of residential properties are not allowed in the City of Dunwoody. This text amendment gives the Police Department and the Code Enforcement Division an additional tool to investigate and shut down commercial events in residential districts.

RECOMMENDATION

Staff recommends **APPROVAL**.
Planning Commission recommends **APPROVAL**.

**AN ORDINANCE TO AMEND CHAPTER 27 OF THE CITY OF DUNWOODY CODE
OF ORDINANCES TO DEFINE PARTY HOUSE USES AND TO AMEND USE
REGULATIONS FOR PART HOUSE EVENTS**

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

WHEREAS, the occurrence of loud or unruly gatherings on residential property is a threat to the quiet enjoyment of neighbors' property and to the public health, safety, and welfare due to excessive noise, traffic obstruction of streets, service of alcohol to minors, public drunkenness, fights, disturbances of the peace, vandalism and litter; and

WHEREAS, such intrusion has caused the degradation of the residential character of the neighborhoods; and

WHEREAS, large-scale commercial events in dwelling units shall be directed to commercial areas where they are viable without infringing on the residential character of neighborhoods; and

WHEREAS, the Mayor and City Council have determined that it is appropriate to amend Chapter 27, to define party house uses and to amend the use regulations for party house events.

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

Section I: That Chapter 27 of the City Code is amended by amending Code Section 27-57, to regulate party house uses in residential districts, to read as follows:

Sec. 27-57. - Uses allowed.

The following table identifies uses allowed in residential zoning districts. See subsection [27-111](#)(4) for information about how to interpret the use table.

	DISTRICTS	
--	------------------	--

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2021-__-__

USES	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	Supplemental Regulations
<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	

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2021-__-__

Personal care home, family (1—4 persons)	S	S	S-	
Personal care home, group (5—7 persons)	S	S	S	
Personal care home, community (8+ persons)	-	-	S	
Child caring institution (1—6 persons)	-	-	P	
Community living arrangement (1—4 persons)	P	P	P	
Shelter, homeless	-	-	S	27-140
Supportive living	-	-	P	
Transitional housing facility	-	-	S	27-140
<u>Party House</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>27-143.2</u>
QUASI-PUBLIC AND INSTIUTIONAL				
Day Care				
Day care facility, adult (6 or fewer persons)	S	S	P	27-137
Day care facility, adult (7 or more)	-	-	P	27-137
Day care facility, child (6 or fewer persons)	S	S	P	27-137

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2021-__-__

Day care facility, child (7 or more)	-	-	P	27-137
Educational Services				
Kindergarten	-	-	P	27-141
Schools, private elementary, middle or senior high	S	S	S	27-148
Place of Worship	S	S	S	27-146
Utility Facility, Essential	E	E	E	27-151
COMMERCIAL				
Communication Services				
Telecommunication antenna, co-located	P	P	P	27-150
Telecommunication tower	-	-	S	27-150
Funeral and Interment Services				
Cemetery, columbarium, or mausoleum	S	S	S	
Lodging				
Bed and breakfast	S	S	S	27-133
Sports and Recreation, Participant				

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2021-__-__

Neighborhood recreation club	S	S	S	
AGRICULTURE				
Agriculture				
Community garden	P	P	P	27-135

(Ord. No. 2013-10-15, § 1(Exh. A § 27-4.20), 10-14-2013; Ord. No. 2015-01-05, § 1, 1-26-2015)

Section II: That Chapter 27 of the City Code is further amended by amending Code Section 27-72, to regulate party house uses in non-residential districts, to read as follows:

Sec. 27-72. - Uses allowed.

The following table identifies uses allowed in nonresidential and mixed-use zoning districts. See [subsection] 27-111(4) for information about how to interpret the use table.

USES	DISTRICTS									Supplemental Regulations	
	O-I	O-I-T	O-D	OCR	NS	C-1	CR-1	C-2	M		
<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	-	-	-	-	-	-	-	27-147	

**STATE OF GEORGIA
CITY OF DUNWOODY**
ORDINANCE 2021-__-__

Multi-unit building	-	-	-	S	-	-	S	-	-	
Mixed-use building, vertical	-	-	-	P	-	-	P	-	-	
Group Living										
Convent and monastery	P	P	-	P	-	-	-	-	-	27-146
Fraternity house, sorority house or residence hall	P	-	-	-	-	-	-	-	-	
Nursing home	P	P	-	-	-	-	-	-	P	
Personal care home, family (1—4 persons)	-	-	P	-	P	P	P	P	-	
Personal care home, group (5—7 persons)	-	-	P	-	P	P	P	P	-	
Personal care home, community (8+ persons)	P	P	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			
Shelter, homeless	S	S	-	-	-	P	P	P	-	27-140
Transitional housing facility	S	S	-	-	-	P	P	P	-	27-140
Party House	<u>-</u>	<u>A</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>-</u>	27-143.2
QUASI-PUBLIC AND INSTITUTIONAL										

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2021-__-__

Ambulance Service	-	-	-	-	-	P	P	P	P	
Club or Lodge, Private	P	P	P	-	-	P	P	P	P	
Cultural Exhibit	P	P	P	-	-	P	P	P	-	
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		
Educational Services										
College or university	P	P	P	-	-	-	-	-	-	
Kindergarten	P	P	P	P	P	P	P	P	-	27-141
Research and training facility, college or university affiliated	P	P	P	-	-	-	-	-	P	
School, private elementary, middle or senior high	P	P	P	P	-	P	P	P	P	27-148
School, specialized non- degree	P	P	P	P	-	P	P	P	P	
School, vocational or trade	P	P	P	-	-	P	P	P	P	
Hospital	P	-	-	-	-	-	-	-	-	
Place of Worship	P	P	P	P	P	P	P	P	P	27-146
Utility Facility, Essential	E	E	P	E	E	P	P	P	P	27-151

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2021-__-__

COMMERCIAL										
Adult Use										
Body art service								P	P	
Sexually oriented business	P	-	-	P	-	-	-	P	P	27-149
Animal Services										
Animal care/boarding	-	-	-	S	S	P	P	P	P	27-131
Animal grooming	-	-	-	P	P	P	P	P	P	27-131
Animal hospital/veterinary clinic	-	-	-	P	P	P	P	P	P	27-131
Communication Services										
Radio and television broadcasting stations	P	P	P	-	-	P	P	P	P	

USES	DISTRICTS									Supplemental Regulations
	O-I	O-I-T	O-D	OCR	NS	C-1	CR-1	C-2	M	
<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>										
Recording studios	P	P	P	-	-	P	P	P	P	
Telecommunication tower	A	-	A	-	S	A	A	A	A	27-150

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2021-__-__

USES	DISTRICTS									Supplemental Regulations
	O-I	O-I-T	O-D	OCR	NS	C-1	CR-1	C-2	M	
<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>										
Telecommunication antenna, co-located	P	P	P	P	P	P	P	P	P	27-150
Construction and Building Sales and Services										
Building or construction contractor	-	-	-	-	-	-	-	P	P	
Commercial greenhouse or plant nursery	-	-	-	-	-	-	-	P	P	
Electrical, plumbing and heating supplies and services	-	-	-	-	-	P	P	-	P	
Lumber, hardware or other building materials establishment	-	-	-	-	-	P	P	P	P	
Eating and Drinking Establishments										
Microbrewery	S	-	-	P	P	P	P	P	P	
Wine Specialty Shop	S	-	-	P	P	P	P	P	P	

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2021-__-__

USES	DISTRICTS									Supplemental Regulations
	O-I	O-I-T	O-D	OCR	NS	C-1	CR-1	C-2	M	
<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>										
Distillery	S	-	-	P	P	P	P	P	P	
Brewery	-	-	-	-	-	-	-	S	S	
Restaurant, accessory to allowed office or lodging use	P	-	-	P	-	P	P	P	P	
Restaurant, drive-in or drive-through	-	-	-	-	-	P	S	P	P	
Food truck	P	P	P	P	P	P	P	P	P	27-138
Other eating or drinking establishment	-	-	-	P	P	P	P	P	-	
Entertainment and Spectator Sports										
Auditorium or stadium	-	-	-	-	-	-	-	P	P	
Drive-in theater	-	-	-	-	-	-	-	P		
Movie theater	-	-	-	P	-	-	-	P	-	
Special events facility	-	P	-	-	-	P	P	P	-	

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2021-__-__

USES	DISTRICTS									Supplemental Regulations
	O-I	O-I-T	O-D	OCR	NS	C-1	CR-1	C-2	M	
<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>										
Financial Services										
Banks, credit unions, brokerage and investment services	P	P	P	P	P	P	P	P	P	
Convenient cash business	-	-	-	-	-	-	-	P	-	27-136
Pawn shop	-	-	-	-	-	-	-	P	-	27-144
Food and Beverage Retail Sales										
Liquor store (as principal use)	-	-	-	-	-	P	P	P	P	
Liquor store (accessory to lodging or 3+ story office)	-	-	P	P	-	-	-	-	-	
Other food and beverage retail sales	-	-	P	P	P	P	P	P	P	
Funeral and Interment Services										

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2021-__-__

USES	DISTRICTS									Supplemental Regulations
	O-I	O-I-T	O-D	OCR	NS	C-1	CR-1	C-2	M	
<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>										
Cemetery, columbarium, or mausoleum	P	P	P	-	-	-	-	-	-	
Crematory	-	-	-	-	-	-	-	-	S	
Funeral home or mortuary	P	-	-	-	-	P	P	P	P	
Lodging	P	-	P	P	-	P	P	P	P	
Medical Service										
Home health care service	P	P	-	-	-	-	-	-	-	
Hospice	P	P	-	-	-	-	-	-	-	
Kidney dialysis center	P	P	-	-	-	-	-	-	-	
Medical and dental laboratory	P	P	-	P	-	P	P	-	P	
Medical office/clinic	P	P	P	P	P	P	P	P	P	

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2021-__-__

USES	DISTRICTS									Supplemental Regulations
	O-I	O-I-T	O-D	OCR	NS	C-1	CR-1	C-2	M	
<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>										
Office or Consumer Service	P	P	P	P	P	P	P	P	P	
Parking, Non-accessory	S	-	P	-	-	P	P	P	P	27-143.1
Personal Improvement Service										
Barber shop, beauty shop, nail salon, massage and/or spa establishments, estheticians, and other "typical" uses per [subsection] 27-114 (14)	P	-	-	P	P	P	P	P	P	27-114 (14)
Other personal improvement service	-	-	-	-	-	P	P	P	P	
Repair or Laundry Service, Consumer										
Laundromat, self-service	-	-	-	P	P	P	P	P	-	
Laundry or dry cleaning drop-off/pick-up	P	-	-	P	P	P	P	P	P	

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2021-__-__

USES	DISTRICTS									Supplemental Regulations
	O-I	O-I-T	O-D	OCR	NS	C-1	CR-1	C-2	M	
<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>										
Other consumer repair or laundry service	-	-	-	P	P	P	P	P	P	
Research and Testing Services	P	-	P	P	-	-	-	P	P	
Retail Sales										
Retail sales of goods produced on the premises	-	-	-	-	-	-	-	-	P	
Shopping Center	-	-	-	P	P	P	P	P	-	
Other retail sales	-	-	P	P	P	P	P	P	-	
Sports and Recreation, Participant										
Golf course and clubhouse, private	P	P	P	-	-	-	-	P	P	
Health club	-	-	P	P	P	P	P	P	P	
Private park	P	P	P	-	-	-	-	-	-	

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2021-__-__

USES	DISTRICTS									Supplemental Regulations
	O-I	O-I-T	O-D	OCR	NS	C-1	CR-1	C-2	M	
<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>										
Recreation center or swimming pool, neighborhood	P	P	P	-	-	-	-	-	P	
Recreation grounds and facilities	-	-	P	-	-	-	-	P	-	
Tennis center, club and facilities	P	P	P	P	-	P	P	P	-	
Other participant sports and recreation (Indoor)	P	-	-	P	-	P	P	P	-	
Other participant sports and recreation (Outdoor)	-	-	-	-	-	-	-	P		
Vehicle and Equipment, Sales and Service										
Car wash	-	-	-	-	-	P	-	P	P	27-134
Gasoline sales	-	-	-	-	-	P	-	P	P	27-139
Vehicle repair, minor	-	-	-	-	-	P	-	P	P	27-153
Vehicle repair, major	-	-	-	-	-	-	-	P	P	27-152

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2021-__-__

USES	DISTRICTS									Supplemental Regulations
	O-I	O-I-T	O-D	OCR	NS	C-1	CR-1	C-2	M	
<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>										
Vehicle sales and rental	-	-	-	-	-	S	S	P	P	27-154
Vehicle storage and towing	-	-	-	-	-	-	-	P	P	27-155
INDUSTRIAL										
Manufacturing and Production, Light	-	-	-	-	-	-	-	P	P	
Wholesaling, Warehousing and Freight Movement										
Warehousing and storage	-	-	P	-	-	-	-	-	-	
Self-storage warehouse	-	-	P	-	-	-	-	-	P	
Storage yard and truck terminal	-	-	-	-	-	-	-	-	S	
AGRICULTURE AND TRANSPORTATION										
Agriculture										

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2021-__-__

USES	DISTRICTS									Supplemental Regulations
	O-I	O-I-T	O-D	OCR	NS	C-1	CR-1	C-2	M	
<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>										
Agricultural produce stand	-	-	-	-	-	-	-	-	P	
Community garden	P	P	P	P	P	P	P	P	P	27-135
Crops, production of	-	-	-	-	-	-	-	-	P	
Transportation										
Heliport	S	-	S	-	-	S	S	-	P	
Stations and terminals for bus and rail passenger service	S	-	-	-	-	-	-	-	-	
Taxi stand and taxi dispatching office	-	-	-	-	-	P	P	-	P	

(Ord. No. 2013-10-15, § 1(Exh. A § 27-5.20), 10-14-2013; Ord. No. 2015-01-05, § 1, 1-26-2015; Ord. No. 2015-06-13, § 1, 6-22-2015; Ord. No. 2019-05-08, § 1, 5-6-2019; Ord. No. 2020-03-04, § I, 3-9-2020)

Section III: That Chapter 27 of the City Code is further amended by amending Code Section 27-104, to regulate party house uses in Perimeter Center districts, to read as follows:

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2021-__-__

Sec. 27-104. - Districts.

(f) *Uses.* The following applies to all Perimeter Center districts.

(1) *Use table.* The following apply to the uses outlined in this section. Refer to figure 27-104-6, table of permitted uses.

a. *Use categories.* Refer to [sections] [27-111](#) through [27-116](#).

b. *Permitted and special uses.* Each use may be permitted as-of-right, permitted with a special administrative permit, permitted as a special exception, or permitted with a special land use permit. Refer to [section] [27-111](#)(4), use tables.

c. *Number of uses.* A lot may contain more than one use.

d. *Principal and accessory uses.* Each of the uses may function as either a principal use or accessory use on a lot, unless otherwise specified.

e. *Building type.* Each use shall be located within a permitted building type (refer to [section] [27-105](#), building types), unless otherwise specified.

(2) *Use subcategories.* For the purposes of fulfilling the use mix requirements defined in each district table (refer to [section] 27-104(b), PC-1 district through [section] [27-104](#)(e), PC-4 district), utilize the following subcategories of uses, consisting of those uses listed in the table, right, that may contribute to the mix. Some permitted uses are not included.

a. *Lodging and residence subcategory.*

Household living

Group living

Lodging

b. *Civic subcategory.*

Club or lodge, private

Cultural exhibit

Educational services

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2021-__-__

Hospital

Place of worship

c. Office subcategory.

Construction and building sales and service

Medical service

Office or consumer service

Research and testing services

d. Retail sales subcategory

Retail sales

Food and beverage retail sales

e. Service use subcategory.

Animal services

Day care

Repair or laundry services, consumer

Personal improvement services

Eating and drinking establishments

Financial services

Entertainment and spectator sports

Sports and recreation, participant

Table of Permitted Uses

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2021-__-__

USES	DISTRICTS				
	PC-1	PC-2	PC-3	PC-4	Reference
<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	
Attached house	—	P[1]	P[1]	P[1]	
Multi-unit building, rental	S	S	S	S	
Multi-unit building, owner-occupied	P	P	P	P	
Age-Restricted Multi-unit building, rental	S	S	S	S	
Age-Restricted Multi-unit building, owner-occupied	P	P	P	P	
Group Living	—	S	S	S	
<u>Party House</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>27-143.2</u>
QUASI-PUBLIC & INSTITUTIONAL					
Ambulance Service	S	S	S	S	

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2021-__-__

USES	DISTRICTS				
	PC-1	PC-2	PC-3	PC-4	Reference
Club or Lodge, Private	P	P	P	—	
Cultural Exhibit	P	P	P	P	
Day Care	P	P	P	P	
Educational Services	S	S	S	S	
Hospital	S	S	S	—	
Place of Worship	P	P	P	P	27-146
Utility Facility, Essential	P	P	P	E	27-151
COMMERCIAL					
Animal Services	P	P	S	—	27-131
Communication Services					
Telecommunications antenna mounted to building or similar structure	A	A	A	A	27-150
All other	P	P	P	P	
Standalone tower	S	S	S	S	

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2021-__-__

USES	DISTRICTS				
	PC-1	PC-2	PC-3	PC-4	Reference
Construction and Building Sales and Services	P	P	P	—	
Eating and Drinking Establishments					
Food truck	P	P	P	—	27-138
Microbrewery	P	P	P	—	27-156
Wine specialty shop	P	P	P	—	27-157
Distillery	P	P	P	—	27-158
Other eating or drinking establishments	P	P	P	P	
Drive-through Facility	S	S	S	—	27-98(d)(8)
Entertainment and Spectator Sports					
Indoor	P	P	P	—	
Outdoor	S	S	S	—	
Financial Services					
Banks, credit unions, brokerage and investment services	P	P	P	—	

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2021-__-__

USES	DISTRICTS				
	PC-1	PC-2	PC-3	PC-4	Reference
Food and Beverage Retail Sales	P	P	P	—	
Funeral and Interment Services	P	P	P	—	
Lodging	P	P	P	S	
Medical Service	P	P	P	—	
Office or Consumer Service	P	P	P	—	
Parking, Non-accessory	S	S	S	S	27-98(d)(9)
Personal Improvement Service	P	P	P	—	
Repair or Laundry Service, Consumer	P	P	P	—	
Research and Testing Services	P	P	P	—	
Retail Sales	P	P	P	—	
Sports and Recreation, Participant					
Indoor	P	P	P	—	
Outdoor	S	S	S	—	
Vehicle and Equipment, Sales and Service					

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2021-__-__

USES	DISTRICTS				Reference
	PC-1	PC-2	PC-3	PC-4	
Gasoline sales	—	—	S	—	27-98(d)(7)
Vehicle sales and rental (indoor only)	P	P	P	—	27-154
Vehicle repair, minor	—	—	S	—	27-153
[1] Where more than 10% of the units are rental, a special land use permit is required					

Section IV: That Chapter 27 of the City Code is further amended by amending Code Section 27-107B, to regulate party house uses in Dunwoody Village districts, to read as follows:

Sec. 27-107B - Districts.

Uses

(f) Uses

The following applies to all DV districts.

(1) Use table.

The following apply to the uses outlined in this section. Refer to figure 27-107B-6, use table.

- a. Use categories. Refer to sections 27-111 through 27-116.
- b. Permitted and special uses. Each use may be permitted as-of-right, permitted with a special administrative permit, permitted as a special exception, or permitted with a special land use permit. Refer to figure 27-107B-6, use tables.
- c. Number of uses. A lot may contain more than one use.

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2021-__-__

- d. Principal and accessory uses. Each of the uses may function as either a principal use or accessory use on a lot, unless otherwise specified.
- e. Building type. Each use shall be located within a permitted building type (refer to section 27-107D, building types), unless otherwise specified.

(2) Use subcategories. For the purposes of fulfilling the use mix requirements defined in each district table (refer to section 27-107B(b) through section 27-107B(e)), utilize the following subcategories of uses, consisting of those uses listed in the table, that may contribute to the mix. Some permitted uses are not included.

a. Lodging and residence subcategory.

Household living
Group living
Lodging

b. Civic subcategory.

Club or lodge, private
Cultural exhibit
Educational services
Hospital
Place of worship

c. Office subcategory.

Construction and building sales and service
Medical service
Office or consumer service
Research and testing services

d. Retail sales subcategory.

Retail sales
Food and beverage retail sales

e. Service use subcategory.

Animal services
Day care
Repair or laundry services, consumer
Personal improvement services
Eating and drinking establishments
Financial services
Entertainment and spectator sports

(3) Live-Work

- a. Defined. Accessory nonresidential activity conducted wholly within a dwelling unit that allows employees, customers, or clients to visit.
- b. Use Standards. All live-work is subject to the following:
 - 1. Live-work is only allowed when the dwelling unit to which it is accessory has been approved in accordance with figure 27-107B-6, use table.

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2021-__-__

2. Live-work is only allowed on the ground story of a building.
3. At least one person must occupy the dwelling containing the live-work use as their primary place of residence.
4. The live-work use may employ no more than two persons not living on the premises at any one time.
5. No business storage or warehousing of material, supplies, or equipment is permitted outside of the dwelling containing the live-work use.
6. The nonresidential use of the live-work use is limited to a use allowed in the DV district.
7. No equipment or process may be used that creates, without limitation, noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses, off the premises.

Figure 27-107B-6 Use Table

USES	DISTRICT				Reference
	DV-1	DV-2	DV-3	DV-4	
RESIDENTIAL					
Household Living					
Detached house	-	P[6]	-	-	
Attached house, rental	S	-	S	-	
Attached house, owner occupied	P	-	P	-	
Multi-unit building, rental	S[1]	S[1,4]	S[1]	S[1]	
Multi-unit building, owner occupied	S[1]	S[1,4]	S[1]	S[1]	
Age-Restricted Multi-unit building, rental	P	P	P	P	
Age-Restricted Multi-unit building, owner occupied	P	P	P	P	
Live/work	See principal dwelling unit				27-107B(f)(3)
Group Living	S	-	S	S	
Party House	-	-	-	-	27-143.2
QUASI-PUBLIC & INSTITUTIONAL					
Ambulance Service	S	S	S	S	
Club or Lodge, Private	P	-	-	P	
Cultural Exhibit	P	P	P	P	
Day Care	P	P	P	P	
Educational Services	S	S	-	S	

**STATE OF GEORGIA
CITY OF DUNWOODY**
ORDINANCE 2021-__-__

Hospital	-	-	-	-	
Place of Worship	P	P	P	P	27-146
Utility Facility, Essential	P	P	P	P	27-151
COMMERCIAL					
Animal Services	S	S	-	P	
Microbrewery, wine specialty shop, distillery, cidery	P[2]	-	-	P[2]	
Communication Services					
Telecommunications antenna mounted to building or similar structure	A	A	A	A	
All other	P	P	P	P	
Standalone tower	S	S	S	S	
Construction and Building Sales and Services	P[2]	-	-	P[2]	
Eating and Drinking Establishments					
Food truck	P	P	-	P	27-138
Other eating or drinking establishment	P[2]	-	-	P[2]	
Drive-through Facility	-	-	-	-	
Entertainment and Spectator Sports					
Indoor	P[2]	-	-	P[2]	
Outdoor	-	-	-	-	
Financial Services					
Brokerage and investment services	P	P	-	P	
Banks, credit unions, savings and loan associations	P[3]	P[3]	-	P[3]	
Food and Beverage Retail Sales	P[2]	-	-	P[2]	
Funeral and Interment Services	-	-	-	-	
Lodging	P	P	-	P	
Medical Service	P	P	-	P	
Office or Consumer Service	P	P	-	P	
Parking, Non- accessory	P	P	-	P	27- 107D(i)(5)

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2021-__-__

Parking Structures, Accessory or Non-Accessory	S[7]	S[7]	S[7]	S[7]	27-107D(i)(5)
Personal Improvement Service	P[2]	P[2]	-	P[2]	
Repair or Laundry Service, Consumer	P	P	-	P	
Research and Testing Services	P	P	-	P	
Retail Sales	P[2]	-	-	P[2]	
Sports and Recreation, Participant					
Indoor	P[2]	-	-	P[2]	
Outdoor	-	-	-	-	
Vehicle and Equipment, Sales and Service					
Gasoline sales	-	-	-	-	
Vehicle sales and rental	P[5]	-	-	P[5]	27-154
Vehicle repair, minor	-	-	-	-	27-153

P = use permitted as of right

A = special administrative permit required

S = special land use permit required

[1] No more than 60% of dwelling units may have a floor area of less than 800 square feet.

[2] Individual establishments shall not exceed 50,000 square feet in gross floor area.

[3] Use shall not be located within 1,320 feet of the same use (as measured in a straight line from property line to property line), including any uses not within a DV district.

[4] Use shall not be located on the ground story along any public or private street. When the use is allowed on the ground story it must be set at least 30 feet behind the street-facing façade.

[5] No more than 4 vehicles for sale or rent may be displayed on site. All vehicles for sale or rent must be located in conditioned space.

[6] Detached houses shall be subject to the Street Façade Design Requirements of the Townhouse building type. No other building type standards shall apply.

[7] A special land use permit is only required for accessory or non-accessory parking structures when any above-ground portion of such structure is located within 200 feet of a single-family residential zoning district. The use is permitted as of right in all other locations.

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2021-__-__

Section V: That Chapter 27 of the City Code is further amended by amending Code Section 27-112, to define party house uses in the residential use category, to read as follows:

Sec. 27-112. - Residential use category.

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

(1) *Household living category.* Residential occupancy of a dwelling unit by a household. When dwelling units are rented, tenancy is arranged on a month-to-month or longer basis. Dwelling units rented whole or in part for periods of less than one calendar month are not included in the household living category. They are considered a form of lodging (subsection [27-114\(10\)](#)).

a. *Detached house.* A principal residential building containing one dwelling unit located on a single lot with private yards on all sides.

b. *Attached house.* A residential building containing two or more dwelling units, each located on its own lot with a common or abutting wall along shared lot lines. Each dwelling unit has its own external entrance.

c. *Multi-unit building.* A residential building, other than an attached house building, containing two or more dwelling units that share common walls and/or common floors/ceilings.

d. *Mixed-use building, vertical.* A building in which commercial uses occupy the ground floor and dwelling units occupy one or more upper floors.

(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

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2021-__-__

personnel, or admit and retain residents who need continuous medical or nursing care.

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 or more persons.

c. *Shelter, homeless.* The provision of overnight housing and sleeping accommodations for one or more persons who have no permanent residence and are in need of temporary, short-term housing assistance, and in which may also be provided meals and social services including counseling services.

d. *Supportive living.* Four or more dwelling units in a single building or group of buildings that are designed for independent living for persons with disabilities of any kind and in which are provided supportive services to the residents of the complex but which supportive services do not constitute continuous 24-hour watchful oversight, and that does not require licensure as a personal care home by the Office of Regulatory Services of the State of Georgia Department of Human Resources.

e. *Transitional housing facility.* The provision of long-term but not permanent living accommodations for more than six persons who have no permanent residence and are in need of long-term housing assistance.

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 [of] behavioral health and developmental disabilities (DBHDD).

(3)Party house. A single unit detached, single unit attached, or multi-unit dwelling, including all accessory structures and the dwelling unit's curtilage,

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2021-__-__

which is used for the purpose of hosting a commercial event. See subsection 27-143.2 for additional definitions.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-8.20), 10-14-2013; Ord. No. 2015-01-05, § 1, 1-26-2015)

Section VI: That Chapter 27 of the City Code is further amended by amending Code Section 27-143, to create use standards party house uses in the supplement use category and to modify the section number, to read as follows:

Sec. 27-143.1 - Parking, non-accessory.

Non-accessory parking garages may include gasoline pumps if the pumps are located entirely within the parking garage structure.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-9.130), 10-14-2013)

Sec. 27-143.2 – Party House

(a) Defined. A single unit detached, single unit attached, or multi-unit dwelling, including all accessory structures and the dwelling unit's curtilage, which is used for the purpose of hosting a commercial event. For this definition, commercial event includes parties, ceremonies, receptions or similar large-scale gatherings where a fee is charged for the use of the dwelling unit, whether or not the attendees are charged entry to the event; or parties, ceremonies, receptions or similar large-scale gatherings where attendees are charged entry. Where a Special Administrative Permit is required for a party house, the criteria for approval are outlined in Sec. 27-441.

(b) A party house is subject to all of the following regulations:

- a. It is unlawful for a party house event to occur in the city without having first obtained a permit for such event.
- b. Persons seeking to operate a party house event must file a special administrative permit application with the community development department. The community development director shall determine compliance with the City's zoning requirements.
- c. All permits are temporary and shall not vest in the holder any permanent property rights in a permit.
- d. Unless specifically provided otherwise, a party house event is subject to and must comply with any and all other applicable ordinances of the City.
- e. The location of a party house must comply with all existing zoning requirements of the City.
- f. Party house use shall be prohibited within 150 feet of a property zoned 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, DV-3, PC-4, or a property used for a residential purpose measured from property line to property line.

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2021-__-__

Section VII: That Chapter 27 of the City Code is further amended by amending Code Section 27-441, to amend the review and approval criteria for party house events, to read as follows:

Sec. 27-441. - Review and approval criteria.

(a) Special administrative permits except for party house events 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 subject property, adjacent properties, or improvements;

(2)The requested administrative permit does not go beyond the minimum necessary to afford relief; and

(3)The requested administrative permit is consistent with all relevant purpose and intent statements of this zoning ordinance.

(b) Upon receipt of a complete application for a special administrative permit for a party house event, the director of community development shall review it with the following issues being considered:

(1)Event location. Should the event location be within any zoning districts where a party house is prohibited, or the event location be within 150 feet of a property of residential use purposes measured from property line to property line, the application shall be denied.

(2)Sound amplification. Given the provided information about the schedule and time of the event, the director of community development will consider if the proposed use of sound amplification will comply with the noise ordinance.

(3) Signage. Given the provided information about the temporary signs, the director of community development will consider if the proposed signs comply with the administrative guidelines for temporary signage and advertising. The issuance of a special administrative permit does not preclude the need to obtain temporary sign permits and does not guarantee approval of temporary sign permits.

(4) Waste disposal and recycling collection. Given the provided information about projected event attendance, event activities, and

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2021-__-__

event location, director of community development will consider if the plans for waste disposal and recycling collection are adequate.

(5) *Health, safety, and welfare.* Given the provided information about the event, director of community development will consider if the event will endanger or has the reasonable possibility of endangering the public's health, safety, or welfare, especially in terms of glare, odor, lighting and traffic congestion.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-23.60), 10-14-2013; Ord. No. 2015-01-05, § 1, 1-26-2015; Ord. No. 2019-05-08, § 3, 5-6-2019)

Section VIII: That Chapter 27 of the City Code is further amended by adding Code Section 27-445, to regulate the duration of a party house permit, to read as follows:

Sec. 27-445. – Party House Permit Duration.

A special administrative permit for a party house event is only valid during the hours of operation of the party event, as specified on the approved special administrative permit. No party house event shall exceed 48 hours. A special administrative permit for a party house event shall not be renewed or transferred. Failure to comply with these standards or otherwise meet the definition of a party house event after issuance of a special administrative permit may result in the revocation of the permit.

SO ORDAINED, this ____ day of _____, 2021.

Approved:

Lynn Deutsch, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk
(Seal)

City Attorney