



4800 Ashford Dunwoody Road
Dunwoody, Georgia 30338
dunwoodyga.gov | 678.382.6700

MEMORANDUM

To: Mayor and City Council
From: Madalyn Smith, Senior Planner
Date: June 12, 2023
Subject: Text Amendment
Chapter 27 – Vehicle Parking for Home Occupations

ITEM DESCRIPTION

This item is a proposed text amendment to the regulations for home occupations. It creates a limit of one vehicle used in association with a home occupations to be parked outside of a garage and limits drivers to occupants of the home.

DISCUSSION

The Zoning Ordinance allows the use of homes as place to do business in Section 27-168. – Home occupations. To maintain the residential character of the City’s neighborhoods, there are restrictions on the type of business, on noise impacts, on employees and customers on-site, and other aspects.

From time to time, the Code Enforcement Division receives complaints about multiple vehicles being parked in a driveway. To prevent residences from becoming de-facto fllet vehicle parking lots for businesses and employees coming on-site to drive these vehicles, this text amendment limits the number of vehicles associated with a home occupation to one per dwelling unit when parked outside of a garage. It also clarifies that said vehicles can only be driven by an occupant of the dwelling, which is consistent with the intent of the home occupation regulations.

Following feedback provided at the May 8 City Council meeting, staff revised the proposed amendment. The proposed amendment clarifies that commercial vehicles, as defined by the state of Georgia, are expressly prohibited from being parked outside of a garage. This is consistent with how commercial vehicles are defined elsewhere in the code (see Sec. 27-206 (b)(5)). The state of Georgia defines commercial vehicles as follows:

(8.3) "Commercial motor vehicle" means any self-propelled or towed motor vehicle used on a highway in intrastate and interstate commerce to transport passengers or property when the vehicle:

(A) Has a gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight of 4,537 kg (10,001 lbs.) or more;

(B) Is designed or used to transport more than eight passengers, including the driver, for compensation;

(C) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or

(D) Is used to transport material determined to be hazardous by the secretary of the United States Department of Transportation under 49 U.S.C. Section 5103 and transported in a quantity that requires placards under regulations prescribed under 49 C.F.R., Subtitle B, Chapter I, Subchapter C.

An example of a commercial vehicle would be a 15' box truck:



To summarize, the amendment is specifically aimed at preventing home occupations from utilizing residential parking areas for fleet vehicle parking and management. The parking of fleet vehicles is does not reflect the type of residential character residents expect within the City of Dunwoody. However, those with home occupations are still permitted to park their personal work vehicle, in accordance with the regulations. An example of a permitted vehicle would be a pick-up truck or van, such as:





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STAFF RECOMMENDATION

Staff recommends **APPROVAL**.

ATTACHMENTS

- Current and Proposed Chapter 27

AN ORDINANCE TO AMEND CHAPTER 27 (ZONING ORDINANCE) OF THE CITY OF DUNWOODY CODE OF ORDINANCES; TO REGULATE PARKING FOR HOME OCCUPATIONS;

WHEREAS, the City of Dunwoody intends for home occupations to blend into the character of residential neighborhoods; and

WHEREAS, the use of homes for fleet vehicle parking impacts the character and appearance of the City’s neighborhoods; and

WHEREAS, the City wishes to further ensure that home occupations are conducted in an unobtrusive manner; and

WHEREAS, this amendment is necessary to ensure the health, safety, and welfare of Dunwoody residents.

NOW, THEREFORE, the Mayor and City Council of the City of Dunwoody HEREBY ORDAIN that Chapter 27, Section 168 is amended as follows:

Sec. 27-168. - Home occupations.

- (a) *Purpose.* The home occupation regulations of this section are intended to allow Dunwoody residents to engage in customary home-based work activities, while also helping to ensure that neighboring residents are not subjected to adverse operational and land use impacts (e.g., excessive noise or traffic or public safety hazards) that are not typical of residential neighborhoods.
- (b) *Type A and Type B home occupations.* Two types of home occupations are defined and regulated under this section: Type A and Type B.
 - (1) *Type A home occupations.* Type A home occupations are those in which household residents use their home as a place of work, with no employees, customers or clients coming to the site. Typical examples include telecommuting office workers, writers, consultants, artists and crafts people.
 - (2) *Type B home occupations.* Type B home occupation are those in which household residents use their home as a place of work and either one non-resident employee or customers come to the site. Typical examples include tutors, teachers, photographers and licensed therapists or counselors.
- (c) *Exemptions.*
 - (1) *Personal care homes.* Personal care homes are not regulated as home occupations and are exempt from the home occupation regulations of this section. Personal care homes are allowed as indicated in the use tables of sections 27-57 and 27-72. Supplemental regulations applicable to some personal care homes can be found in section 27-145.
 - (2) *Day care.* Day care uses are not regulated as home occupations and are exempt from the home occupation regulations of this section. Day care uses are allowed as indicated in the use tables of sections 27-57 and 27-72. Supplemental regulations applicable to some day care uses can be found in section 27-137.
 - (3) *Bed and breakfast.* Bed and breakfasts are not regulated as home occupations and are exempt from the home occupation regulations of this section. Bed and breakfasts are allowed as indicated

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in the use tables of sections 27-57 and 27-72. Supplemental regulations applicable to bed and breakfasts can be found in section 27-133.

- (d) *Prohibited home occupations.* The following uses are expressly prohibited as home occupations:
- (1) Any type of assembly, cleaning, maintenance or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators);
 - (2) Dispatch centers or other businesses where employees come to the site and are dispatched to other locations;
 - (3) Equipment or supply rental businesses;
 - (4) Taxi, limo, van or bus services;
 - (5) Tow truck services;
 - (6) Taxidermists;
 - (7) Restaurants;
 - (8) Funeral or interment services;
 - (9) Animal care, grooming or boarding businesses; and
 - (10) Any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building.
- (e) *Where allowed.*
- (1) *Type A home occupations.* Type A home occupations are permitted as of right as an accessory use to a principal use in the household living use category. Type A home occupations are subject to the general regulations of subsection (f) and all other applicable regulations of this section. More than one Type A home occupation is allowed as an accessory use, but the general regulations of subsection (f) apply to the combined home occupation uses.
 - (2) *Type B Home occupations.* Type B home occupations may be approved as an accessory use to a principal use in the household living use category only as expressly stated in subsection (g). Type B home occupations are subject to the general regulations of subsection (f), the supplemental regulations of subsection (g) and all other applicable regulations of this section. Multiple Type B home occupations are prohibited as an accessory use to a household living use, and a Type A home occupation may not be conducted with a Type B home occupation.
- (f) *General regulations.* All Type A and Type B home occupations are subject to the following general regulations.
- (1) Home occupations must be accessory and secondary to the use of a dwelling unit for residential purposes. They may not change the character of the residential building they occupy or adversely affect the character of the surrounding neighborhood. Home occupations may not, for example, produce light, noise, vibration, odor, parking demand, or traffic impacts to that are not typical of a residential neighborhood in Dunwoody. Home occupations must be operated so as not to create or cause a nuisance.
 - (2) Any tools or equipment used as part of a home occupation must be operated in a manner or sound-proofed so as not to be audible beyond the lot lines of the subject property.
 - (3) External structural alterations or site improvements that change the residential character of the lot upon which a home occupation is located are prohibited. Examples of such prohibited alterations include construction of parking lots, the addition of commercial-like exterior lighting or the addition of a separate building entrance that is visible from abutting streets.
 - (4) Signs that directly or indirectly, name, advertise, or call attention to a business, product, service or other commercial activity occurring on the subject property are prohibited.

- (5) Home occupations and all related activities, including storage (other than the lawful parking or storage of vehicles), must be conducted entirely within the dwelling unit.
 - (6) The area devoted to the conduct of all home occupations present on the property is limited to 25 percent of the dwelling unit's floor area or 500 square feet, whichever is less.
 - (7) No window display or other public display of any material or merchandise is allowed.
 - (8) The use or storage of hazardous substances is prohibited, except at the "consumer commodity" level, as that term is defined in 49 C.F.R. Section 171.8.
 - ~~(9) Any commercial motor vehicles (as defined in O.C.G.A § 40-1-1) parked outside of a completely enclosed parking spot are expressly prohibited. For all other vehicles, only one vehicle used in the conduct of a home occupation may be parked outside of a completely enclosed parking spot.~~
 - ~~(10) Vehicles parked on-site in association with a home occupation may only be driven by an occupant of the dwelling.~~
 - ~~(9) Only passenger automobiles, passenger vans and passenger trucks may be used in the conduct of a home occupation. No other types of vehicles may be parked or stored on the premises.~~
 - (110) The provisions of subsection (9) (above) are not intended to prohibit deliveries and pickups by common carrier delivery vehicles (e.g., postal service, united parcel service, Fed Ex, et al.) of the type typically used in residential neighborhoods.
- (g) *Use permits and supplemental regulations for Type B home occupations.*
- (1) *Special land use permit approval required.* Type B home occupations are allowed only if reviewed and approved in accordance with the special land use permit procedures of article V, division 3, provided that teaching-related home occupations conducted entirely within the principal dwelling are not subject to the special land use permit procedures, but instead require review and approval in accordance with the administrative permit procedures of article V, division 7.
 - (2) *Supplemental regulations.* All Type B home occupations are, at a minimum, subject to the following regulations in addition to the general regulations of subsection (f).
 - a. Customers or clients may visit the site only from 9:00 a.m. to 7:00 p.m. Monday through Saturday. No more than two clients or customers may be present at any one time, except that up to three students may be present at one time in a teaching-related home occupation (e.g., tutor or music/dance instructor).
 - b. Resident and customer parking shall be provided within a garage and/or driveway on-site. While conducting the home occupation no resident or customer vehicles shall be parked on the street.
 - c. The home occupation shall not create any noise, noxious smell or odor, vibration or other adverse impact upon adjacent property.
 - d. One nonresident employee is allowed with a Type B home occupation if no customers come to the site at any time. Home occupations that have clients, customers or students coming to the site at any time may not have nonresident employees. For the purpose of this provision, the term "nonresident employee" includes an employee, business partner, co-owner or any other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.
 - e. No stock in trade may be displayed or kept for sale on the premises and no on-premises sales may be conducted.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-10.30), 10-14-2013; Ord. No. 2017-04-07, § 2, 4-11-2017)

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SO ORDAINED, this ____ day of _____, 2023.

Approved:

Lynn P. Deutsch, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk (Seal)

City Attorney

Sec. 27-168. - Home occupations.

- (a) *Purpose.* The home occupation regulations of this section are intended to allow Dunwoody residents to engage in customary home-based work activities, while also helping to ensure that neighboring residents are not subjected to adverse operational and land use impacts (e.g., excessive noise or traffic or public safety hazards) that are not typical of residential neighborhoods.
- (b) *Type A and Type B home occupations.* Two types of home occupations are defined and regulated under this section: Type A and Type B.
- (1) *Type A home occupations.* Type A home occupations are those in which household residents use their home as a place of work, with no employees, customers or clients coming to the site. Typical examples include telecommuting office workers, writers, consultants, artists and crafts people.
 - (2) *Type B home occupations.* Type B home occupation are those in which household residents use their home as a place of work and either one non-resident employee or customers come to the site. Typical examples include tutors, teachers, photographers and licensed therapists or counselors.
- (c) *Exemptions.*
- (1) *Personal care homes.* Personal care homes are not regulated as home occupations and are exempt from the home occupation regulations of this section. Personal care homes are allowed as indicated in the use tables of sections 27-57 and 27-72. Supplemental regulations applicable to some personal care homes can be found in section 27-145.
 - (2) *Day care.* Day care uses are not regulated as home occupations and are exempt from the home occupation regulations of this section. Day care uses are allowed as indicated in the use tables of sections 27-57 and 27-72. Supplemental regulations applicable to some day care uses can be found in section 27-137.
 - (3) *Bed and breakfast.* Bed and breakfasts are not regulated as home occupations and are exempt from the home occupation regulations of this section. Bed and breakfasts are allowed as indicated in the use tables of sections 27-57 and 27-72. Supplemental regulations applicable to bed and breakfasts can be found in section 27-133.
- (d) *Prohibited home occupations.* The following uses are expressly prohibited as home occupations:
- (1) Any type of assembly, cleaning, maintenance or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators);
 - (2) Dispatch centers or other businesses where employees come to the site and are dispatched to other locations;
 - (3) Equipment or supply rental businesses;
 - (4) Taxi, limo, van or bus services;
 - (5) Tow truck services;
 - (6) Taxidermists;
 - (7) Restaurants;
 - (8) Funeral or interment services;
 - (9) Animal care, grooming or boarding businesses; and
 - (10) Any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building.
- (e) *Where allowed.*

- (1) *Type A home occupations.* Type A home occupations are permitted as of right as an accessory use to a principal use in the household living use category. Type A home occupations are subject to the general regulations of subsection (f) and all other applicable regulations of this section. More than one Type A home occupation is allowed as an accessory use, but the general regulations of subsection (f) apply to the combined home occupation uses.
- (2) *Type B Home occupations.* Type B home occupations may be approved as an accessory use to a principal use in the household living use category only as expressly stated in subsection (g). Type B home occupations are subject to the general regulations of subsection (f), the supplemental regulations of subsection (g) and all other applicable regulations of this section. Multiple Type B home occupations are prohibited as an accessory use to a household living use, and a Type A home occupation may not be conducted with a Type B home occupation.
- (f) *General regulations.* All Type A and Type B home occupations are subject to the following general regulations.
- (1) Home occupations must be accessory and secondary to the use of a dwelling unit for residential purposes. They may not change the character of the residential building they occupy or adversely affect the character of the surrounding neighborhood. Home occupations may not, for example, produce light, noise, vibration, odor, parking demand, or traffic impacts to that are not typical of a residential neighborhood in Dunwoody. Home occupations must be operated so as not to create or cause a nuisance.
- (2) Any tools or equipment used as part of a home occupation must be operated in a manner or sound-proofed so as not to be audible beyond the lot lines of the subject property.
- (3) External structural alterations or site improvements that change the residential character of the lot upon which a home occupation is located are prohibited. Examples of such prohibited alterations include construction of parking lots, the addition of commercial-like exterior lighting or the addition of a separate building entrance that is visible from abutting streets.
- (4) Signs that directly or indirectly, name, advertise, or call attention to a business, product, service or other commercial activity occurring on the subject property are prohibited.
- (5) Home occupations and all related activities, including storage (other than the lawful parking or storage of vehicles), must be conducted entirely within the dwelling unit.
- (6) The area devoted to the conduct of all home occupations present on the property is limited to 25 percent of the dwelling unit's floor area or 500 square feet, whichever is less.
- (7) No window display or other public display of any material or merchandise is allowed.
- (8) The use or storage of hazardous substances is prohibited, except at the "consumer commodity" level, as that term is defined in 49 C.F.R. Section 171.8.
- (9) Any commercial motor vehicles (as defined in O.C.G.A § 40-1-1) parked outside of a completely enclosed parking spot are expressly prohibited. For all other vehicles, only one vehicle used in the conduct of a home occupation may be parked outside of a completely enclosed parking spot.
- (10) Vehicles parked on-site in association with a home occupation may only be driven by an occupant of the dwelling.
- ~~(9) Only passenger automobiles, passenger vans and passenger trucks may be used in the conduct of a home occupation. No other types of vehicles may be parked or stored on the premises.~~
- ~~(10)~~ The provisions of subsection (9) (above) are not intended to prohibit deliveries and pickups by common carrier delivery vehicles (e.g., postal service, united parcel service, Fed Ex, et al.) of the type typically used in residential neighborhoods.
- (g) *Use permits and supplemental regulations for Type B home occupations.*
- (1) *Special land use permit approval required.* Type B home occupations are allowed only if reviewed and approved in accordance with the special land use permit procedures of article V, division 3, provided that teaching-related home occupations conducted entirely within the principal dwelling

are not subject to the special land use permit procedures, but instead require review and approval in accordance with the administrative permit procedures of article V, division 7.

- (2) *Supplemental regulations.* All Type B home occupations are, at a minimum, subject to the following regulations in addition to the general regulations of subsection (f).
- a. Customers or clients may visit the site only from 9:00 a.m. to 7:00 p.m. Monday through Saturday. No more than two clients or customers may be present at any one time, except that up to three students may be present at one time in a teaching-related home occupation (e.g., tutor or music/dance instructor).
 - b. Resident and customer parking shall be provided within a garage and/or driveway on-site. While conducting the home occupation no resident or customer vehicles shall be parked on the street.
 - c. The home occupation shall not create any noise, noxious smell or odor, vibration or other adverse impact upon adjacent property.
 - d. One nonresident employee is allowed with a Type B home occupation if no customers come to the site at any time. Home occupations that have clients, customers or students coming to the site at any time may not have nonresident employees. For the purpose of this provision, the term "nonresident employee" includes an employee, business partner, co-owner or any other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.
 - e. No stock in trade may be displayed or kept for sale on the premises and no on-premises sales may be conducted.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-10.30), 10-14-2013; Ord. No. 2017-04-07, § 2, 4-11-2017)