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Sec. 27-57. Uses allowed

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USES	DISTRICTS										Supplemental Regulations		
	R-150	R-100	R-85	R-75	R-60	R-50	RA-5	RA-8	RM-150	RM-100		RM-85	RM-75
<i>P = use permitted as of right A = administrative permit req'd E = special exception req'd S = special land use permit req'd</i>													
RESIDENTIAL													
Household Living													
Detached house			P				P			P			27-147
Attached house			–				P			P			27-132
Multi-unit building			–				–			P			27-142
Group Living													
Convent or monastery			S				S			S			
Fraternity or sorority			–				–			P			
Nursing home			–				–			P			
Personal care home, registered (1–3 persons)			P				P			P			
Personal care home, family (4–6 persons)			P				P			P			
Personal care home, group (7–15 persons)			–				–			P			
Personal care home, congregate (16 or more)			S				–			P			Error! Reference source not found.
Child caring institution (1–6 persons)										<u>P</u>			

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27-58. Lot and building regulations.

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

Regulation	MULTI-DWELLING DISTRICTS				
	RM-150	RM-100	RM-85	RM-75	RM-HD
S1 Street, Front and Side	35	35	35	35	35
S3 Side, Interior	20[6]	20[6]	20[6]	20[6]	20[6]
S4 Side, Interior (accessory buildings/structures)	7.510	107.5	107.5	107.5	107.5
S5 Rear [7]	40[6]	40[6]	40[6]	40[6]	40[6]
S6 Rear (accessory buildings/structures) [7]	10	10	10	10	10

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Sec. 27-72. Uses allowed.

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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										
...										
Group Living										
Convent and monastery	P	P	-	P	-	-	-	-	-	Error! Reference source not found.
Fraternity house, sorority house or residence hall	P	-	-	-	-	-	-	-	-	
Nursing home	P	P	-	-	-	-	-	-	P	
Personal care home, registered (1–3 persons)	-	-	P	-	P	P	P	P	-	
Personal care home, family (4–6 persons)	-	-	P	-	P	P	P	P	-	
Personal care home, group (7–15 persons)	P	P	P	-	P	P	P	P	-	
Personal care home, congregate (16 or more)	P	S	P	-	P	P	P	P	-	27-145
Child caring institution (1–6 persons)	<u>P</u>	<u>P</u>	<u>P</u>	<u>=</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>=</u>	
Child caring institution (7–15 persons)	<u>P</u>	<u>P</u>	<u>P</u>	<u>=</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>=</u>	
Child caring institution (16 or more)	<u>P</u>	<u>S</u>	<u>P</u>	<u>=</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>=</u>	
...										
Food truck	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	27-138

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Sec. 27-73. Lot and building regulations

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

Regulation	O-I	O-I-T	O-D	OCR	NS	C-1	CR-1	C-2	M
Maximum Building Floor Area (sq. ft.)	NA	NA	NA	NA	50,000[5]	NA	NA	NA	NA

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

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

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b. Any major change to conditions attached to an approved PD zoning designation requires approval of a zoning map amendment in accordance with the procedures of article V, division 2. Without limiting the meaning of the phrase, the following are deemed to constitute major changes for purposes of interpreting this section:

1. The movement of any building or structure adjacent to an exterior boundary line, closer to the boundary line of the property to which it is adjacent;
2. Any increase in the number of dwelling units or any increase in the total amount of floor space of any nonresidential building;
3. Any decrease in the minimum size of residential units imposed in the original conditional zoning amendment;
4. Any change in any buffer requirement imposed in the original conditional zoning amendment;
5. Any increase in the height of any building or structure; or
6. Any change in the proportion of floor space devoted to different authorized uses.

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

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(i) Streetscape and pedestrian amenities.

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(8) Lighting must conform to the following:

- a. Pedestrian and street lighting must be placed in the landscape zone at intervals of 90 to 100 feet on center and must be equal distance from required street trees, in accordance with the Georgia Power Area-Wide Pedestrian Lighting Plan.
- b. Pole height may not exceed 15 feet.

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

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

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

(9) Furniture must be provided as follows:

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

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

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

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

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Sec. 27-112. - Residential use category.

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

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(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 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 services shall not include medical, nursing, or health

services, unless otherwise waived by the State Department of Human Resources explicitly as part of licensing a particular personal care home.

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

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

(c) Child-caring institution. Any institution, society, agency, or facility, whether incorporated or not, which either primarily or incidentally provides full-time care 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.

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

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

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Sec. 27-147. Residential Infill

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

a. The street facing facade of a detached house subject to these contextual street setback regulations must be located within the range of street setbacks observed by detached houses that exist on the nearest two lots on ~~either side~~both sides of the subject lot.

b. If one or more of the nearest two lots on both sides ~~either side~~ of the subject lot is vacant, the vacant lot will be deemed to have a street setback depth equal to the minimum street setback requirement of the subject zoning district.

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

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

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

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

d. Corner lots or lots with multiple street frontages

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

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

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

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

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

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

a. Unbuildable lots;

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

~~(53)~~ Building plans. Building plans for a detached house must be submitted for review and approval prior to issuance of a building permit. Plans must contain all information necessary to determine compliance with the building code and this zoning ordinance.

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

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Sec. 27-166. Generally applicable regulations.

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(e) Accessory buildings and structures.

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

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

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Sec. 27-188. Authorized temporary uses.

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(b) Temporary buildings.

(1) The community development director is authorized to approve temporary buildings to be used in conjunction with construction work or pending completion of a permanent building. The temporary building shall not be approved until a permit for the land development or building construction has been issued. for a period not to exceed one year. This one-year time limit may be extended only if approved through the special land use permit procedure of article V, division 3.

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

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

(a) General. Except as otherwise expressly stated, required off-street parking spaces must be located on the same lot as the building or use they are required to serve.

(b) Residential districts. The following standards apply in residential districts:

(1) Parking required in driveway. In R districts, parking is prohibited in street yards except on approved driveways.

(2) Paved area. No more than 35 percent of the street yard area in an R district may be paved. Circular driveways are allowed only on lots with adequate width to comply with the Institute of Traffic Engineers' geometric design standards. They are subject to the 35 percent paved area limitation.

(3) RM district parking. In RM districts, parking is prohibited in required street setbacks.

(4) Commercial vehicles prohibited. Only licensed, operable motorcycles and passenger vehicles not operated as a common or contract carrier for hire may be parked outside of an enclosed building in residential zoning districts. This provision is intended to expressly prohibit the parking of commercial motor vehicles (as defined in O.C.G.A § 40-1-1) outside of an enclosed building, except for the immediate loading or unloading of goods or people. It also expressly prohibits the outdoor parking and outdoor storage of construction equipment such as tractors, skid steers, backhoes, forklifts, cement mixers and similar equipment. This prohibition does not apply to construction staging areas.

(5) Location of parking for recreational vehicles, trailers, etc. The parking and outdoor storage of trailers, recreational vehicles, travel trailers, campers, pickup coaches, motorized homes, boat trailers, boats and similar vehicles and equipment is prohibited in street yards and within 20 feet of any lot line

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Sec. 27-250. Regulations.

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

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

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Sec. 27-252. Plans.

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

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

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

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

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

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

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

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

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

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

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Sec. 27-337. Amending conditions of approval.

(a) Major changes.

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

a. The movement of any building or structure adjacent to an exterior boundary line, closer to the boundary line of the property to which it is adjacent;

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

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

d. Any change in any buffer requirement;

e. Any increase in building or structure height; or

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

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

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

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

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

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

~~-(a) Major changes.~~

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

~~a. The movement of any building or structure adjacent to an exterior boundary line, closer to the boundary line of the property to which it is adjacent;~~

b. Any increase in the number of dwelling units or more than 5 percent increase in the total amount of floor space of any nonresidential building;

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

d. Any change in any buffer requirement;

e. Any increase in building or structure height; or

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

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

(b) Minor changes.

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

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

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

Secs. 27-36~~23~~—27-375. Reserved.

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Sec. 27-392. Prohibited variances.

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

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

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DIVISION 7. SPECIAL ADMINISTRATIVE PERMITS

Sec. 27-436. Applicability.

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

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

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Sec. 27-437. Authority to file.

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

Sec. 27-438. Application filing.

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

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

Sec. 27-439. Posted notice.

A sign must be placed in a conspicuous location on the subject property at least 30 days before the date of the community development director's decision on the special administrative permit request. This required notice must indicate the earliest date that a decision on the administrative permit will be made and indicate the nature of the request and a contact where additional information can be obtained.

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

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

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

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

Sec. 27-441. Review and approval criteria.

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

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

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

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

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

Sec. 27-444. Amending conditions of approval.

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

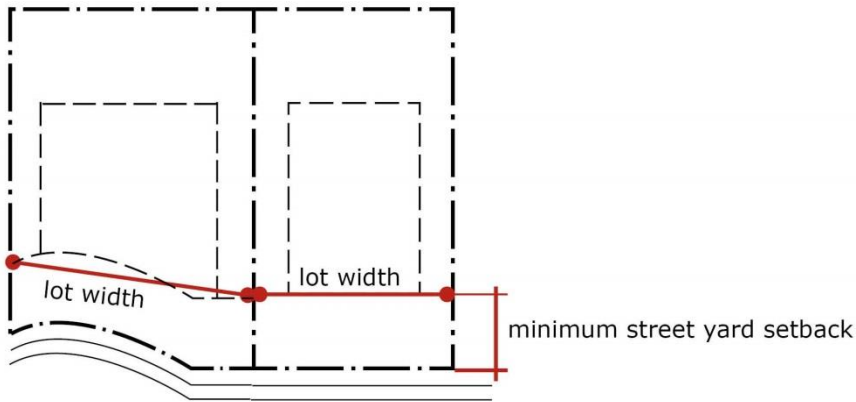
Sec. 27-445. Reporting.

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

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Sec. 27-578. Lot Width.

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



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Sec. 27-621. Terms defined.

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Infill lot means: (1) a conforming lot or a nonconforming lot of record created by the demolition of an existing residential structure for the replacement of that structure with new construction; (2) any lot intended for use as a site for a detached house that is created by act of subdivision; ~~and or~~ (3) any lot that, ~~at the time it is zoned,~~ has no principal building and that is subsequently proposed as a site for a detached house.

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

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

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

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

Secs. 27-36~~2~~³—27-375. Reserved.