

MEMORANDUM

To: Mayor and City Council
From: Rebecca Keefer, AICP
Date: October 27, 2014
Subject: Six Month Review of Zoning/Land Development Code Rewrite

ITEM DESCRIPTION

Community Development staff has addressed the comments and direction of City Council related to the proposed changes to the Zoning/Land Development Codes. The proposed verbiage to manifest those policy and procedural recommendations is before you for review and is poised for the initiation of the text amendment process.

BACKGROUND

Updates since the October 13th Discussion:

Chapter 16:

- Subdivision plat appeals (preliminary and final plats) are reverted back to City Council review (Sec. 16-190, page 17; Sec. 16-202(e), page 20)
 - City Council to discuss whether this should be amended to require Zoning Board of Appeals review, alternatively
- Single-family exemptions for required street improvements (Sec. 16-218, pages 21-22):
 - Exempt all house for house replacements, except those that exist along an arterial, collector, or roadway planned for improvements
 - Proposed Language for exemptions: "New and replacement homes on existing lots where a single-family residential dwelling will be demolished and replaced, except those that exist along an arterial, collector, or other as expressly stated in a city-adopted plan."

Chapter 27:

- Use categories were amended: personal care home—" unless otherwise waived by the State Department of Human Resources explicitly" was removed from the proposed use description (Sec. 27-112, pages 4-5)

RECOMMENDATION

After deliberation of the remaining policy decisions, staff recommends initiating text amendments for City Code Chapters 27, Zoning and 16, Land Development. The amendments will proceed through the normal adoption process—Community Council, Planning Commission, and two reads before Mayor and City Council.

Renumber Section 16-46-Section 16-65 to Section 16-26-Section 16-45

Renumber Section 16-66-Section 16-75 to Section 16-46-Section 16-55

Renumber Section 16-76-Section 16-95 to Section 16-56-Section 16-75

Renumber Section 16-96-Section 16-110 to Section 16-76-Section 16-90

Renumber Section 16-111-Section 16-125 to Section 16-91-Section 16-105

Renumber Section 16-126-Section 16-145 to Section 16-106-Section 16-125

Renumber Section 16-146-Section 16-155 to Section 16-126-Section 16-135

Renumber Section 16-156-Section 16-175 to Section 16-136-Section 16-155

Renumber Section 16-176-Section 16-190 to Section 16-156-Section 16-170

Renumber Section 16-191-Section 16-205 to Section 16-171-Section 16-185

Renumber Section 16-206-Section 16-220 to Section 16-186-Section 16-200

Renumber Section 207 to Article III, Division 4 Final Plat

Renumber Section 16-221-Section 16-240 to Section 16-201-Section 16-215

Create new Article IV Design and Improvement Standards; Create Divisions 1-3 in Article IV

Move Article III, Division 4 Subdivision Design and Division 5 Subdivision Improvements to Article IV; Division 1 General Provisions, Division 2 Design, and Division 3 Improvements

Move original Section 16-26-Section 16-45 to Article IV, Division 1, Section 16-216-Section 16-235

Move original Section 16-221-Section 16-240 to Article IV, Division 2, Section 16-236-Section 16-255

Move original Section 16-241-Section 16-255 to Article IV, Division 2, Section 16-256-Section 16-270

Create new Article V Variances; Create Division 1 in Article V

Move Article III, Division 6 Subdivision Variances to Article V; Division 1

Move original Section 16-256-Section 16-265 to Article V, Division 1, Section 16-271-Section 16-280

Create new Article VI Measurements, Language, and Definitions

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Move Article IV Terminology to Article VI Measurements, Language, and Definitions

Move original Section 16-266-Section 16-285 to Section 16-281-Section 16-300

Move original Section 16-286 to Section 16-301

Replace instance of the phrase, “sketch” with “preliminary” In Chapter 16, except in Article II, Division 5

ARTICLE I. - INTRODUCTORY PROVISIONS

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~~DIVISION 2. REQUIRED PUBLIC IMPROVEMENTS~~

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Sec. 16-~~4626~~. Intent.

Sec. 16-~~4727~~. Purpose.

Sec. 16-~~4828~~. Applicability.

Sec. 16-~~4929~~. Development permits.

Sec. 16-~~5030~~. Site plans.

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(6) A separate tree protection plan in conformance with the requirements ~~subsection 16-127(a)~~ of ~~this chapter~~.

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Sec. 16-~~5131~~. Administration.

Sec. 16-~~5232~~. Variances.

(a) Authorized variances. Except as further limited herein, an applicant may request a variance from the grading regulations of article II, division 2, the soil erosion, sedimentation and pollution control regulations of article II, division 3, the stream buffer regulations of article II, division 4, and the stormwater management regulations of article II, division 5. See section 16-~~161-141~~ for information about variances to flood damage prevention regulations.

(b) Authority to hear and consider. The zoning board of appeals is authorized to hear variance requests. The zoning board of appeals may not consider or grant variances that are the responsibility of the director of the environmental protection division pursuant to O.C.G.A. § 12-2-8 and other relevant state statutes and regulations.

(c) Stream buffer variances. The zoning board of appeals is authorized to consider applications for variances to the stream buffer requirements of section 16-~~98-78~~ but not within the 25-foot state buffer zone adjacent to waters of the state as set forth in ~~subsection 16-79(c)(15)-59~~

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Sec. 16-~~5333~~. Appeals of administrative decisions.

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(b) Authority to file. Any person or entity (i.e.: an owner, applicant, adjoining neighbor, or a neighbor whose property line is within 1,500 feet of the nearest property line of the proposed subdivision) aggrieved by an administrative decision may appeal the decision. ~~A person aggrieved by any final order, requirement or decision of an administrative official may file an appeal of that administrative decision.~~

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

Sec. 16-~~54~~34. Appeals of zoning board of appeals' decisions.

Sec. 16-~~55~~35. Enforcement.

Sec. 16-~~56~~36. Emergency maintenance.

Secs. 16-~~57~~37—16-~~65~~45. Reserved.

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Sec. 16-~~66~~46. Purpose.

Sec. 16-~~67~~47. Regulations.

Secs. 16-~~68~~48—16-~~75~~55. Reserved.

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Sec. 16-~~76~~56. Purpose.

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Sec. 16-~~77~~57. Compliance with state law.

Any land-disturbing activity permitted under this division must be carried out in accordance with the Georgia Erosion and Sedimentation Act of 1975, O.C.G.A., § 12-7-1 et seq., all applicable city regulations and any conditions attached to the land-disturbance permit issued under section 16-~~8060~~.

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Sec. 16-~~7858~~. Applicability and exemptions.

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(4) The construction of a single-family residence when that construction disturbs less than one acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this section, provided however, that construction of a single-family residence must comply with the minimum requirements of section 16-~~7959~~;

(6) Forestry land management practices, including harvesting; providing, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in subsections 16-~~5979(c)(15) and (c)(16)~~, no other land-disturbing activities except for normal forest management practices are allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices;

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Sec. 16-~~7959~~. Regulations.

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Sec. 16-~~8060~~. Land-disturbance permits.

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(c) Applications.

(1) The application for a permit must be submitted to the community development director and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. The plans must include, at a minimum, the data specified in subsection (d). Soil erosion, sedimentation and pollution control plans must conform to the provisions of subsections 16-~~79(b)59~~.

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(4) Immediately upon receipt of an application and plan for a permit, the local issuing authority must refer the application and plan to the soil and water conservation district for its review and approval concerning the adequacy of the erosion, sedimentation and pollution control plan. The soil and water conservation district must approve or disapprove a plan within 35 days of receipt. Failure of the soil and water conservation district to act within 35 days will be construed as an approval of the pending plan. The results of the soil and water conservation district review must be forwarded to the local

issuing authority. No permit may be issued unless the plan has been approved by the soil and water conservation district, all required fees have been paid and any variances required by subsection 16-~~79(c)(15)~~59.

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(e) Permits.

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(2) No permit may be issued by the community development director unless the erosion, sedimentation and pollution control plan has been approved and the community development director has affirmatively determined that the plan is in compliance with this chapter, any variances required by subsections 16-~~79(c)(15)~~ and ~~(c)(16)~~59 are obtained, any financial guarantees required in accordance with subsection (c)(6) are provided and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the city are met. If the permit is denied, the reason for denial must be furnished to the applicant.

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Sec. 16-~~81~~61. Appeals.

The suspension, revocation, modification or grant with condition of a permit by the city upon finding that the holder is not in compliance with the approved erosion and sediment control plan or that the holder is in violation of permit conditions entitles the person submitting the plan or holding the permit to appeal the decision to the zoning board of appeals in accordance with section 16-~~53~~33.

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Sec. 16-~~82~~62. Enforcement and penalties.

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(b) Penalties.

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(3) Bond forfeiture. If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply must be served by the community development director upon that person. The notice must set forth the measures necessary to achieve compliance with the plan and must state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, they will be deemed in violation of this chapter and, in addition to other penalties, will be deemed to have forfeited his performance bond, if required to post one under the provisions of subsection 16-~~80(c)(6)~~60. The community development director may call the bond or any part thereof to be forfeited

and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

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Sec. 16-~~8363~~. Liability.

Sec. 16-~~8464~~. Education and certification.

Secs. 16-~~8565~~—16-~~9575~~. Reserved.

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Sec. 16-~~9676~~. Applicability.

The stream buffer regulations of this division apply along all perennial and intermittent streams throughout the city except as expressly exempted or permitted in accordance with section 16-~~9979~~.

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Sec. 16-~~9777~~. Purpose.

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Sec. 16-~~9878~~. Minimum stream buffer requirements.

- (a) Stream buffers are established along all perennial and intermittent streams in the city. These required stream buffers begin at the stream bank and extend 75 feet away from the stream. The buffers must remain undisturbed except as otherwise provided in section 16-~~9979~~.

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- (c) Piping of streams is not allowed in required stream buffers unless a variance is granted in accordance with section 16-~~5232~~.

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Sec. 16-~~9979~~. Exemptions and special administrative permits.

- (a) Exemptions. The stream buffer regulations of this division do not apply to any of the following activities, provided that any activity within a state-mandated stream buffer ~~(see section 16-79)~~ must meet state requirements. Exemption of these activities does not constitute an exemption from any other activity proposed on a property or a requirement to obtain a building/land development permit.

- (1) Work consisting of the usual and customary repair or maintenance of any lawful use of land that is zoned and approved for such use on or before the effective date of this section. Such usual

- and customary repair and maintenance activities cannot create any land-disturbance, and must occur within the preexisting disturbed area;
- (2) Construction of decks, porches, or other additions to existing structures, provided that such construction does not require land-disturbance and does not further encroach on the stream buffer;
 - (3) Existing development and on-going land-disturbance activities including existing agriculture, silviculture, landscaping, gardening and lawn maintenance, except that new development or land-disturbance activities on such properties is subject to all applicable buffer requirements;
 - (4) Public sewer line installation in easements running parallel with the stream where necessary, except that all easements (permanent and construction) and land-disturbance within a state waters' buffer must meet state requirements. This includes such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures. This exemption may not be construed as allowing the construction of roads, bike paths or other transportation routes in such easements, regardless of paving material, except for access for the uses expressly identified in this paragraph;
 - (5) Removal of unwanted ground cover (e.g., poison ivy) using hand tools as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed;
 - (6) Land development activities within a dedicated transportation right-of-way existing at the time this section takes effect or approved under the terms of this section;
 - (7) Within an easement of any utility existing at the time this section takes effect or approved under the terms of this section, land-disturbance activities and such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures;
 - (8) Emergency work necessary to preserve life or property. However, when emergency work is performed, the person performing it must report such work to the community development department on the next business day after commencement of the work. Within ten business days thereafter, the person must apply for a permit and perform such work within such time period as may be determined by the community development department to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area;
 - (9) Forestry and silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land-disturbance in the buffer that would otherwise be prohibited, then no other land-disturbing activity other than normal forest management practices will be allowed on the entire property for three years after the end of the activities that intruded on the buffer;
 - ~~(9)~~(10) Activities to restore or enhance stream bank stability, riparian vegetation, water quality or aquatic habitat, so long as native vegetation and bioengineering techniques are used;
 - ~~(10)~~(11) The removal of dead, diseased, insect-infested, or hazardous trees (without any associated land-disturbance), provided the property owner provides sufficient documentation of the condition of the trees before removal, including photographs and a report by a certified arborist; and

~~(11)(12)~~ Multi-use trails and related improvements that are part of a city council-approved plan. Unless otherwise approved by the state, such encroachments must be located at least 25 feet from the banks of state waters when, after study of alternative trail alignments, the community development director determines that the alignment is the most desirable alternative and that they are designed to minimize impervious surfaces and incorporate BMPs and other mitigation practices that minimize the impact of encroachments on water quality. Trail improvements that are part of a city council-approved plan are not counted as part of a site's impervious surface area for purposes of site development-related calculations and regulations.

~~(12)Exemption of these activities does not constitute an exemption for any other activity proposed on a property.~~

(b) Special administrative permits. The following activities may be approved within the stream buffers required by section 16-~~98-78~~ by special administrative permit, pursuant to the process outlined in Chapter 27, Article V, Division 7:

- (1) Stream crossings by utility lines, roads, driveways or similar transportation routes, including trails for nonmotorized transportation;
- (2) Public water supply intake or public wastewater outfall structures;
- (3) Land development necessary to provide access to a property;
- (4) Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the stream, fishing platforms and overlooks;

~~(5) Activities to restore or enhance stream bank stability, riparian vegetation, water quality or aquatic habitat, so long as native vegetation and bioengineering techniques are used;~~

~~(6) Repair and reconstruction of existing structures located more than 50 feet from the stream, provided that the repair or reconstruction does not result in additional impervious cover and that riparian vegetation is restored or replaced in any areas of resulting land disturbance.~~

~~(7)(5)~~ Stormwater outfalls to the stream, by pipe or channel, necessary to protect the buffer from erosion caused by high-flow velocities due to steep slopes;

~~(8) The removal of dead, diseased, insect infested, or hazardous trees (without any associated land disturbance), provided the property owner provides sufficient documentation of the condition of the trees before removal, including photographs and a report by a certified arborist;~~

(6)Minor land-disturbing activities totaling no more than 200 square feet in area and located more than 25 feet from the stream, for the construction of decks, porches, or other additions to existing structures, and accessory structures where riparian vegetation is restored or replaced in any disturbed areas; and

(7) Construction and land disturbance that results in the reduction or removal of impervious surfaces.

~~(9) Minor land-disturbance activities totaling no more than 200 square feet in area, and as required for the installation and removal of stormwater management structures related to projects occurring outside an adjacent stream buffer; and~~

~~Multi-use trails and related improvements that are part of a city council-approved plan. Unless otherwise approved by the state, such encroachments must be located at least 25 feet from the banks~~

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~~of state waters when, after study of alternative trail alignments, the community development director determines that the alignment is the most desirable alternative and that they are designed to minimize impervious surfaces and incorporate BMPs and other mitigation practices that minimize the impact of encroachments on water quality. Trail improvements that are part of a city council-approved plan are not counted as part of a site's impervious surface area for purposes of site development-related calculations and regulations.~~

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Sec. 16-~~80100~~. State-mandated stream buffers.

See section 16-~~7959~~.

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Secs. 16-~~10181~~—16-~~90110~~. Reserved.

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Sec. 16-~~11191~~. General.

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(e) Information required with land development permit applications. Except as otherwise expressly exempted, land development permit applications must be accompanied by the following information:

- (1) Stormwater management plan in accordance with section 16-~~11292~~;

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Sec. 16-~~11292~~. Stormwater management plans.

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(d) Post-development hydrologic analysis. The post-development hydrologic analysis for stormwater runoff rates, volumes, and velocities must include all of the following:

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- (3) Calculations for determining the runoff volumes that need to be addressed for each subbasin for the development project to meet the post-development stormwater management performance criteria in section 16-~~11494~~;

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(e) Stormwater management system. The description, scaled drawings and design calculations for the proposed post-development stormwater management system must include all of the following:

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(5) Documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria in section 16-~~114~~94;

...

(j) Maintenance access easements.

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(2) The access easement to the facility may not have a profile slope steeper than 33 percent and a cross slope of no more than ten percent. The elevation of the maintenance easement around the facility must be established at the top of the dam or wall elevation and be constructed with a cross slope of no more than ten percent to the drainage facility. Fencing that complies with the requirement subsection 16-~~113(g)(2)~~93 must be constructed on the outside edge of the maintenance easement. Gates that comply with the requirements of subsection 16-~~113(g)(2)~~93 must be constructed on each maintenance easement.

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Sec. 16-~~113~~93. Design.

Sec. 16-~~114~~94. Performance criteria.

Sec. 16-~~115~~95. Inspections and maintenance.

Secs. 16-~~116~~96—16-~~125~~105. Reserved.

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Sec. 16-~~126~~106. General.

Sec. 16-~~127~~107. Permit procedure.

Sec. 16-~~128~~108. Tree removal.

Sec. 16-~~129~~109. Tree replacement and revegetation.

Sec. 16-~~130~~110. Specimen and special trees.

Sec. 16-~~131~~111. Tree protection measures.

Sec. 16-~~132~~112. Maintenance.

Sec. 16-~~133~~113. Alternative compliance.

Sec. 16-~~134~~114. Enforcement and penalties.

Sec. 16-~~135~~115. Additional information.

Secs. 16-~~136~~116—16-~~145~~125. Reserved.

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Sec. 16-~~146~~126. Environmental planning criteria.

Secs. 16-~~147~~127—16-~~155~~135. Reserved.

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Sec. 16-~~136~~156. General.

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(f) Violations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) constitutes a violation of this chapter. Any person who violates the flood damage prevention regulations of this division or who fails to comply with any of its requirements will, upon conviction, be subject to a fine and/or imprisonment in accordance with section 1-6 of the municipal code. Each day such violation continues is a separate offense. The city council may take any other lawful action necessary to prevent or remedy any violation. See also the general enforcement provisions of section 16-~~55~~35.

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Sec. 16-~~157~~137. Definitions.

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Sec. 16-~~158~~138. Administration.

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(b) Development permits. A development permit must be obtained before any construction or other development begins within any special flood hazard area. Application for a development permit must be made on forms furnished by the floodplain coordinator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

(1) Application stage. An application for a development project with any special flood hazard area located on the subject site must include a floodplain management/flood damage prevention plan, which must include all of the following information:

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b. Building and foundation design detail, including, but not limited to:

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3. Certification that any proposed nonresidential floodproofed structure meets the criteria in subsection 16-~~160(b)(2);140~~

4. For enclosures below the base flood elevation, location and total net area of foundation openings as required in subsection 16-~~160(a)(5);140~~

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Sec. 16-~~159~~139. Standards for development.

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(d) Engineering study requirements for floodplain encroachments. An engineering study is required, as appropriate to the proposed development activities on the site, whenever a development proposes to disturb any land within the future-conditions floodplain, except for a residential single-lot development on streams without established base flood elevations and/or floodways for which the provisions of subsection 16-~~160(d);140~~ apply. This study must be prepared by a registered professional engineer and made a part of the application for a permit. This information must be submitted to and approved by the community development director before the approval of any permit that would authorize the disturbance of land located within the future-conditions floodplain. The study must include:

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Sec. 16-~~160~~140. Flood hazard reduction.

(a) General regulations. The following regulations apply in all special flood hazard areas:

(1) New construction of principal buildings (residential or nonresidential), including manufactured homes, are not allowed within the limits of the future-conditions floodplain, unless all requirements of subsections 16-~~139~~159(c), (d), and (e) are met;

...

(b) Within future-conditions floodplain. In addition to the general regulations of subsection (a), the following additional regulations apply within the future-conditions floodplain:

(1) Residential buildings.

a. New construction. New construction of principal buildings, including manufactured homes is not allowed within the limits of the future-conditions floodplain unless all requirements of subsections 16-~~159~~139(c), (d) and (e) have been met. If all of the requirements of subsections 16-~~159~~139(c), (d) and (e) have been met, all new construction must have the lowest floor, including basement, elevated at least three feet above the base flood elevation or at least one foot above the future-conditions flood elevation, whichever is higher. If solid foundation perimeter walls are used to elevate the structure,

openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters must be provided in accordance with subsection (a)(5).

b. Substantial improvements. Substantial improvement of any principal structure or manufactured home must have the lowest floor, including basement, elevated at least three feet above the base flood elevation or at least one foot above the future-conditions flood elevation, whichever is higher. If solid foundation perimeter walls are used to elevate a structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters must be provided in accordance with subsection (a)(5).

(2) Nonresidential buildings.

a. New construction. New construction of principal buildings, including manufactured homes is not allowed within the limits of the future-conditions floodplain unless all requirements of subsections 16-~~159~~139(c), (d) and (e) have been met. New construction that has met all of the requirements of subsections 16-~~159~~139(c), (d) and (e) may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and must provide such certification to the community development director.

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(5) Manufactured homes.

a. New manufactured homes are not allowed to be placed within the limits of the future-conditions floodplain unless all requirements of subsections 16-~~153~~9(c), (d) and (e) have been met.

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(f) Subdivisions.

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(3) All subdivision plans must provide the elevations of proposed structures in accordance with subsection 16-~~135~~8(b);

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Sec. 16-~~161~~141. Variances.

Secs. 16-~~162~~142—16-~~175~~155. Reserved.

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Sec. 16-~~176~~156. Policies and purposes.

(a) Policies.

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(b) Purposes. The city's subdivision regulations (~~article III, divisions 1 through 6~~) are adopted for the following purposes:

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Sec. 16-~~177~~157. Applicability.

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~~Sec. 16-178. Exemptions.~~

~~(a) The subdivision regulations of article III, divisions 1, 2, 3, 4, 5, 6, do not apply to a lot or parcel of land established by deed or plat recorded among the land records of the county prior to the date that DeKalb County subdivision regulations first became effective or to the division or sale of land by judicial decree.~~

~~(b) For purposes of this division, the division of land into no more than two lots is considered a subdivision but exempt from the plat review procedures, provided that:~~

~~(1) Each proposed lot complies with the requirements of the city zoning ordinance and all conditions of zoning;~~

~~(2) Each proposed lot fronts an existing paved private or public street, which contains the necessary right-of-way width required by this chapter;~~

~~(3) All such plats are drawn to final plat standards in this chapter; and~~

~~(4)(1) _____ The lot being divided is not a lot which resulted from a subdivision of property that was exempt from these regulations in the immediately preceding 24 months.~~

Sec. 16-~~179~~158. Administration and enforcement.

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Secs. 16-~~180~~159—16-~~170~~190. Reserved.

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Sec. 16-~~191~~171. Applicability.

Proposed subdivisions, including major changes to revised final plats, are eligible to be reviewed under the minor subdivision procedures of this division only when all of the criteria are met:

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(1) The subdivision will result in the creation of no more than three lots;

(2) The subdivision does not require the extension of utilities (other than individual service lines) or other municipal facilities;

- (3) No right-of-way dedication, no new streets, street improvements, or other required public improvements are required, as specified in Article IV of this Chapter. ~~and~~

~~(5) No new streets or street improvements are required.~~

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Sec. 16-~~172~~~~192~~. One-step Minor Subdivision -procedure.

Subdivisions eligible for processing as minor subdivisions require only review, approval, and recording of a final plat in accordance with ~~section 16-207~~Article III, Division 4 of this Chapter.

~~{Ord. No. 2013-10-14, 1(Exh. A 5-16-12.20), 10-14-2013}~~

Sec. 16-~~193~~~~173~~. Public notice.

- (a) The applicant must place a public notification sign on the site of the proposed minor subdivision. The sign must remain in place for at least ~~thirty~~ten days before the date of approval of the minor subdivision plat. The community development director must verify that the sign has been posted. If applicant fails to properly post the required sign, the minor subdivision plat may not be approved until the applicant has properly posted the required notification sign.
- (b) Once the application has been submitted, the applicant and members of the public may submit written comments to the community development director in support of or in opposition to the minor subdivision plat.

Sec. 16-~~194~~~~174~~. Compliance with ~~subdivision~~ design and improvement standards.

Subdivisions eligible for processing as minor subdivisions are subject to compliance with all applicable land development regulations, including the design and improvement standards contained in ~~a~~Article IV III, ~~division 4 and 5 of this Chapter.~~

~~{Ord. No. 2013-10-14, 1(Exh. A 5-16-12.40), 10-14-2013}~~

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Sec. 16-~~195~~~~175~~. Successive applications.

Secs. 16-~~196~~~~176~~—16-~~205~~~~185~~. Reserved.

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Sec. 16-186. Applicability.

Proposed subdivisions not eligible to be reviewed under the minor subdivision procedures of this article are required to be reviewed as a Major Subdivision and subsequent final plat, including major changes to revised final plats.

Sec. 16-~~206~~~~187~~. ~~Sketch plat/p~~Preliminary plat Procedures.

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(a) Preapplication conference. Before filing the sketch-preliminary plat for a subdivision for review and approval, the applicant must meet with the community development director or his designee to present a generalized concept plan for the proposed project and to discuss the procedure for approval of a subdivision plat and the requirements as to general layout of streets, reservations of open space, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing infrastructure and services. ~~The community development director may advise the applicant, when appropriate, to discuss the proposed subdivision with those officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction.~~ This conference will allow early evaluation of the applicant's intentions and coordination with the comprehensive plan and the zoning ordinance. This conference will also allow city officials to discuss with the applicant the necessary regulations that will properly accomplish the project. The community development director may advise the applicant, when appropriate, to discuss the proposed subdivision with those officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction.

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~~(32) Corner lots. Show that corner lots must have an extra width of not less than 15 feet more than required for interior lots for the zoning district within which they are located;~~

...

(f) Application submittal.

- (1) ~~The community development director must give written notice to the applicant within seven days of the date the sketch plat and application are submitted whether the sketch plat application is accepted for review and the official date of acceptance.~~ An application will be considered complete and ready for processing only when it fully complies with the requirements of subsections (b) through (e) this article

...

(g) Referral of sketch-preliminary plat for review.

- (1) Upon official acceptance of the application and the sketch-preliminary plat, ~~the community development director must provide copies of the sketch plat to~~ the community development department, public works, ~~police department,~~ and any other city or county department the community development director determines should be consulted for the particularities of the proposed subdivision, shall review the preliminary plat. As part of its review, ~~Each~~ such department and receiving entity must ~~review the sketch plat and must~~ make comments and recommendations regarding any required changes necessary to comply with all applicable regulations. ~~Each department must return its annotated copy of the sketch plat and written~~

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comments and recommendations to the community development director within 14 days from the date of receipt.

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(2) In the event that any revisions to the sketch plat are required, the applicant may submit a revised sketch plat to the community development director and, if the applicant submits a revised sketch plat, the community development director has 14 days to review the revisions and determine whether such revisions are sufficient for approval. If the revisions are insufficient, the community development director must notify the applicant that further revisions to the sketch plat are required and for each set of revisions submitted by the applicant the community development director has 14 days for review as described in this section.

(3)(2) If a sketch preliminary plat is not approved within 180 days of the official acceptance of the application, the application and sketch preliminary plat is considered withdrawn without further action by the city. The community development director must approve the sketch preliminary plat if the application and sketch preliminary plat conform to all requested revisions, the requirements of this Code and state law and must deny the sketch preliminary plat if the application and sketch preliminary plat do not conform to all requested revisions, the requirements of this Code or state law.

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(h) Sec. 188 Public notice.

(1) The applicant must place a public notification sign on the site of the proposed subdivision within seven days of the date that the sketch preliminary plan is determined to be complete and accepted for processing. The sign must remain in place of at least 30 days. The community development director must verify that the sign has been posted. If applicant fails to properly post the required sign, the sketch preliminary plat may not be approved until the applicant has properly posted the required notification sign.

(2) Once the application has been submitted, the applicant and members of the public may submit written comments to the community development director in support of or in opposition to the sketch preliminary plat.

(3) Following public notice period and determination that the application complies with all city codes, the community development director may be authorized to approve or disapprove the proposed sketch preliminary plat in accordance with the approval criteria of subsection (h) this article.

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~~(4) Any person or entity (i.e., an owner, applicant, adjoining neighbor or a neighbor whose property line is within 1,500 feet of the nearest property line of the proposed subdivision) aggrieved by a denial or approval of a sketch plat, may appeal by filing a petition for writ of certiorari to the county superior court in accordance with state law.~~

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Sec. 16-189. Compliance with design and improvement standards and (i) aApproval criteria.

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(a) Subdivisions eligible for processing as major subdivisions are subject to compliance with all applicable land development regulations, including the design and improvement standards contained in Article IV of this Chapter.

(b) Approval criteria.

- (1) The community development director may not approve a ~~sketch-preliminary~~ plat unless it is found that:

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- j. All requirements of ~~subsection (c)~~ the preliminary plat procedures have been fulfilled.

...

- (3) After review of the ~~sketch-preliminary~~ plat and related comments, and where, in the judgment of the community development director, the ~~sketch-preliminary~~ plat conforms to all of the requirements of this chapter and the city zoning ordinance, all conditions of zoning, and any other applicable city regulations or law, ~~the community development director must approve the sketch plat the preliminary plat shall stand approved.~~ The following wording for approval must be shown on the ~~sketch-preliminary~~ plat:

...

- ~~(4) A sketch plat becomes and will be known as a "preliminary plat" upon its approval by the community development director.~~

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~~(j)~~ Effect of approval. The preliminary plat does not constitute nor provide assurance of approval of the final plat, but is to be used as the development design for the subdivision and for the acquisition of a development permit as provided for in the city zoning ordinance. The preliminary plat must be submitted to the community development department in a digital format acceptable to the city, prior to or simultaneous with an application for a development permit.

~~(k)~~ Lapse of approval. The preliminary plat expires 24 months from the date of its approval. If more than 50 percent of linear feet of total road in the entire development shown on the preliminary plat is complete at the expiration of 24 months from the date of the approval of the preliminary plat, then the community development director is authorized to grant a one-time, one-year extension of the approval of the preliminary plat. An expired preliminary plat is null and void and is of no effect. An expired preliminary plat may not be renewed.

~~(l)~~ Preliminary plat amendments. If the approved ~~sketch-preliminary~~ plat, ~~which becomes the preliminary plat,~~ is amended or altered by the applicant, without an approved variance, after

approval as a ~~sketch-preliminary~~ plat, then the applicant is required to re-submit the revised preliminary plat ~~as a new sketch-plat~~ and begin anew the application process contained in this division.

(4) Sec. 16-190 Appeals.

~~The decision of the community development director to approve or disapprove the preliminary plat may be appealed to city council by request in writing to the community development director within 30 days of the community development director's decision. If no appeal is made within the 30-day period, the decision of the community development director is final. The 30 day appeal deadline may be waived by the city council if the appellant can show evidence that the appeal was filed within 30 days of their actual or constructive notice of the decision. If an appeal is made to the city council, the city council must set a hearing date for the appeal within 30 days of the appeal being requested, and the decision of the city council is final. The city council's decision may be appealed only by a petition for writ of certiorari to the county superior court in accordance with state law. Any person or entity (i.e.: an owner, applicant, adjoining neighbor, or a neighbor whose property line is within 1,500 feet of the nearest property line of the proposed subdivision) aggrieved by a denial or approval of a preliminary plat, may appeal by filing a petition for writ of certiorari to the county superior court in accordance with state law. Any person or entity (i.e., an owner, applicant, adjoining neighbor or a neighbor whose property line is within 1,500 feet of the nearest property line of the proposed subdivision) aggrieved by a denial or approval of a sketch plat, may appeal by filing a petition for writ of certiorari to the county superior court in accordance with state law.~~

Comment [RK1]: Staff recommends sending appeals to ZBA in accordance with the appeals proceedings in Chapter 16, Section 16-33.

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Secs. 16-~~191208~~—16-~~200220~~. Reserved.

...

Sec. 16-207. Final plats.**DIVISION 4. – FINAL PLATS.**

Sec. 16-201. Applicability

~~Minor subdivisions are required to be reviewed under the provisions of this division. Proposed major subdivisions are required to be reviewed under the provisions of this division after completion of all required improvements in accordance with the approved preliminary plat.~~

Sec. 16-202. Final plat procedure.

- (a) Preparation. The applicant must have a registered surveyor prepare the final plat of the subdivision. An application for final plat approval may be made when a preliminary plat of the proposed subdivision has been approved and construction of all required infrastructure is complete to ascertain its location as built, or as required by this chapter.

...

(c) Plat review.

(1) Upon receipt of the final plat, the community development director must forward copies of the final plat to the following city departments for certification that ~~required~~the improvements are complete and in conformity with the Code of Ordinances~~preliminary plat~~:

a. Appropriate official of the department of community development;

b. City geographic information system department;

~~c. Police and fire department;~~

~~cd.~~ Public works department;

~~de.~~ Any other department or entity the community development director deems appropriate.

(2) Any department to which the final plat is submitted must note ~~on the plat~~ whether the development meets or fails to meet the requirements of this Code and of that department, specifically, whether all improvements were properly completed and whether the improvements are in conformity with the preliminary plat, when required by the procedures of this chapter. If the improvements are incomplete or if the improvements are not in conformity with the preliminary plat, the department must note ~~on the plat~~ the manner in which the plat fails to meet these requirements. ~~Each department must return its copy of the final plat with notations made within 21 calendar days of receipt thereof.~~

(3) Upon receipt of the annotated copies from all of the departments which received the final plat for notation, the community development director must independently review the final plat and determine whether it complies with all city zoning, environmental, and subdivision ordinances and regulations and all applicable state and federal laws. The community development director must certify in writing on the final plat his finding of whether the final plat complies with all city zoning, environmental, and subdivision ordinances and regulations and all applicable state and federal laws.

(4) The final plat must conform to the approved preliminary plat on file with the city, when one is required by the procedures of this chapter, and must comply with the city zoning and land development ordinances, including any conditions of zoning.

(5) The final plat may not be forwarded to the city manager until such time as the community development director certifies that the final plat conforms to the approved preliminary plat, if required by the procedures of this chapter, and complies with all city zoning, environmental, and subdivision ordinances and regulations and all applicable state and federal laws.

(d) City manager approval.

(1) ~~No later than 14 calendar days after receiving the annotated copies from all of the departments which received the final plat for notation, +~~The community development director must transmit

the final plat, ~~containing the certifications required in subsection (c)(1)~~ and any necessary supplemental materials, to the city manager for approval.

- (2) The city manager as the designee for the governing authority of the city must approve or disapprove the final plat. ~~within ten days of receiving the final plat, as indicated by a receipt stamp on the final plat. If the final plat is not approved or denied within ten days of receipt, the final plat is deemed to be automatically approved and the city manager must acknowledge and certify that automatic approval.~~ If the final plat is denied, the city manager must provide the reasons for denial in writing and such writing must be given to the applicant with the denied plat. If the final plat is approved, the city manager must place the following wording on the original as follows:

"This plat has been submitted to and accepted by the City Manager of the City of Dunwoody, Georgia, and has been approved as required by state law and city codes as meeting all conditions precedent to recording in the county superior court.

Dated this _____ day of _____, _____.

By: _____/_____/_____

[City manager as designee of the governing authority]"

- (3) Final plat acknowledgement and approval by the city manager constitute the approval, if any, required in order to file subdivision plats with the clerk of the county superior court pursuant to O.C.G.A. § 15-6-67(d).

- (e) **Appeals.** The decision of the city manager to approve or disapprove the final plat may be appealed to the city council by request in writing to the city manager within 30 days of the city manager's decision. If no appeal is made within the 30-day period, the decision of the city manager is final. The 30 day appeal deadline may be waived by the city council if the appellant can show evidence that the appeal was filed within 30 days of their actual or constructive notice of the decision. If an appeal is made to the city council, the city council must set a hearing date for the appeal within 30 days of the appeal being requested, and the decision of the city council is final. The city council decision may be appealed only by a petition for writ of certiorari to the county superior court in accordance with state law. Any person or entity (i.e.: an owner, applicant, adjoining neighbor, or a neighbor whose property line is within 1,500 feet of the nearest property line of the proposed subdivision) aggrieved by a denial or approval of a preliminary plat, may appeal by filing a petition for writ of certiorari to the county superior court in accordance with state law.
- (f) Recording. The approved final plat must be recorded with the clerk of the county superior court by the ~~applicant community development director~~ and returned to the ~~applicant community development director~~.

Comment [RK2]: Staff recommends sending appeals to ZBA in accordance with the appeals proceedings in Chapter 16, Section 16-33.

...

than the minimum restrictions required by the city zoning ordinance.

(o) Disclosure statement.

...

(4) If the applicant intends to make no representations or commitments to potential purchasers concerning each of the representations set forth in this subsection ~~s-(o)(2) and (o)(3)~~, the applicant must note the same in the disclosure statement filed with the community development director which statement must be made available by the community development director to the public.

...

~~(q)~~ **Sec. 16-203. Revised final plat.** ~~(plat amendments).~~

(1) The original recorded plat must be used for all revisions.

...

d. If the community development director determines the change is major, the revised plat must proceed through the approval process for ~~final plats~~ major or minor subdivisions described in this Code, depending on the applicability provisions.

...

~~e. The basis for the community development director's characterization of the change as either major or minor must be recorded on the revised plat.~~

(2) If the original final plat is not available, the applicant must prepare a new Mylar or other durable, stable, and reproducible drafting medium approved by the department of community development, in accordance with this subsection ~~(q)~~.

...

Secs. 16-~~229204~~—16-~~240215~~. Reserved.

...

ARTICLE IV. DESIGN AND IMPROVEMENT STANDARDS

DIVISION 1. General Provisions

Sec. 16-~~26216~~. Purpose.

...

Sec. 16-~~27217~~. Applicability.

Applicants for any building permit or development permit must construct or otherwise provide for public right-of-way improvements as set forth in ~~this section article 16-28~~ if issuance of the permit would result in any of the following:

- (1) Creation of a new access point to a public street;
- (2) Addition of eight or more motor vehicle parking stalls on the subject lot;
- (3) Structural improvements to existing buildings that exceed 25 percent of the county tax assessor's 100 percent assessed value of the existing improvements on the subject property, based on the value of all structural improvements over the previous 12-month period;
- (4) New buildings or building additions that result in an increase in existing building floor area on the subject property by more than ten percent, based on the total floor area added over the previous 12-month period; or
- (5) A change in use or method of operation that results in a 20 percent or greater increase in traffic generation potential, based on average daily and peak-hour traffic generation data published by the Institute of Transportation Engineers (ITE).

Sec. 16-218. Exemptions.

This article shall not apply to the following:

- (1) Additions and accessory structures to existing single-family residential dwellings; and
- (2) Minor subdivisions in single-family residential districts where no additional lots are created and where there is no proposed construction beyond additions and accessory structures (i.e.: lot lines are adjusted)
- (3) New house replacements on existing lots where a single-family residential dwelling will be demolished and replaced, except those that exist along an arterial, collector, or other as expressly stated in a city-adopted plan, all of which are not exempt.

Sec. 16-~~28~~219. Requirements.

The community development director is authorized to determine, in consultation with other affected city departments and service providers, whether one or more of the following public right-of-way improvements abutting the subject property are deficient and must be brought up to current standards to mitigate the impacts of a permitted action set forth in ~~section 16-27~~this article. Construction or provision of those improvements in the manner specified by the community development director must be a condition of granting the applicable permit:

...

Sec. 16-~~29~~220. Construction.

~~Unless At the discretion of the community development director,~~ a deferral and/or fee in lieu of improvements ~~is may be~~ granted in accordance with ~~section 16-30~~this article, otherwise, applicants for a building permits or development permits must construct required improvements in conformance with all applicable city requirements.

...

Sec. 16-~~22130~~. Deferral and fee in lieu of improvements.

...

Sec. 16-~~31222~~. Appeals.

Decisions by the community development director made pursuant to this division may be appealed to the ~~city council~~Zoning Board of Appeals (ZBA) by filing a request with the community development director within 30 days of the community development director's decision. Appeal shall be in accordance with procedures and conditions in Chapter 16, Section 16-33. If no appeal is made within the 30-day period, the decision of the community development director is final. If an appeal is made to the ~~city council~~ZBA, the ~~city council~~ZBA must set a hearing date for the appeal within 30 days of the appeal being requested and the decision of the ~~city council~~ZBA is final. The ~~city council~~ZBA decision may be appealed only by a petition for writ of certiorari to the county superior court in accordance with state law.

...

Secs. 16-~~3223~~—16-~~45235~~. Reserved.

DIVISION ~~24. SUBDIVISION~~ DESIGN

...

Sec. 16-~~236221~~. General.

...

(a) Adequate public facilities. The applicant must submit sufficient information and data with the application on the proposed subdivision to demonstrate compliance with the following:

(7) Common areas. Where present, common areas, such as stormwater detention and open spaces, shall be dedicated to a required home owners association for maintenance and ownership responsibilities. Common areas are not subject to the requirements for lots.

...

Sec. 16-~~222237~~. Streets.

~~(a) Applicability. The provisions of this section apply to streets in subdivisions and in other projects requiring a development or land-disturbance permit from the city.~~

...

~~(e)~~ Intersections.

- (1) Spacing. Street intersections with ~~centerline offsets of~~ nearest edge of pavement offsets less than 125 feet are prohibited.

...

~~(g)~~ Private streets.

...

(14) At the end of the 12-month maintenance period provided for in this subsection ~~16-244(f)~~, a developer must provide a maintenance bond or letter of credit, renewable annually, to cover the cost of maintenance and repair for any private streets within a subdivision. The bond must be for an amount equal to 50 percent of the current estimate of resurfacing costs, as determined by the community development director or his designee. The developer may avoid securing a maintenance bond if they submit proof to the department of community development that 100 percent of the then-current estimate of resurfacing costs, as determined by the community development director, has been deposited in an interest-bearing account on behalf of the property owners' association. If the developer chooses this alternative, the declarations of covenants and articles of association must specifically require the property owners' association to continuously maintain 100 percent of the then-current estimate of resurfacing costs of the private streets in this maintenance fund.

(15) The property owners' association must be empowered to levy assessments against owners within the development for the payment of expenditures made by the association for maintenance of the private streets and other items set forth in this subsection ~~(h)(11)~~. At least 15 percent of all fees or assessments paid must be set aside in the maintenance fund. Any unpaid assessments will constitute a lien in favor of the property owners' association on the lot, building or unit of the owner.

...

~~(j)~~ Street cross-sections. Except as expressly stated in a city-adopted plan (e.g., Dunwoody Village) or within the city's standards and specifications, all streets must be designed and constructed in accordance substantial compliance with the regulations of the ~~following table below. Modifications of this table may be approved by the community development director based on contextual constraints.~~

...

~~(k)~~ Right-of-way and street improvements.

(1) All proposed new streets must be designed and built in accordance with the standards listed in ~~this article subsection (j)~~ and the city's standards and specifications.

...

b. Install all required sidewalks, street trees, streetlights, and place utilities in accordance with the standards in ~~this article subsection (j)~~; and

c. Provide a minimum of 50 percent of the roadway pavement required in ~~this article subsection (j)~~ and install it to the right-of-way centerline.

...

Sec. 16-~~223~~238. Street trees.

Sec. 16-~~224~~239. Easements.

Sec. 16-~~225~~240. Blocks.

Sec. 16-~~226~~241. Lots.

- (a) Dimension, size, and shape orientation. The lot ~~size~~area, frontage, width, depth, shape and orientation ~~and the minimum building setback, side yard, and rear yard lines~~ in subdivisions must be in accordance with requirements of the city zoning ~~and land development~~ ordinances.
- (b) Frontage. Each subdivision lot must front upon an existing paved private or public street.
- (c) Through lots and reverse frontage lots. Through lots and reverse frontage lots are discouraged in subdivisions except along limited access highways, such as interstate highways. Where it is necessary to provide separation of residential development from arterials or to overcome specific disadvantages of topography and orientation, lots fronting such features may be platted in greater depth so that dwellings may be set back an additional distance from the arterial or other feature. Such lots may obtain vehicular access from a rear alley. Lots having access from an alley do not constitute prohibited through lots. A landscape reservation of at least ten feet in width, and across which there is no right of vehicular access, may be required along the lot lines of lots abutting any disadvantageous feature, including a busy roadway, or land use where access should be restricted in the public interest.
- ~~(d)~~ Side lot lines. Side lot lines in subdivisions must be substantially at right angles or radial to street lines as they extend from the front lot line to the front building line.
- (e) Corner lots. Corner lots must have an extra width of not less than 15 feet more for each street frontage than required for interior lots for the zoning district within which they are located.
- ~~(d)~~(f) Buildable area. Lot shall contain adequate buildable area that is suitable for the intended use.
- (g) Spite strips. The creation of spite strips is prohibited.
- (h) Flag lots. The creation of flag lots is prohibited.

...

Sec. 16-~~227~~242. Common open space.

Sec. 16-~~228~~243. Public and civic sites.

Secs. 16-~~229~~244—16-~~240~~255. Reserved.

...

DIVISION ~~53. SUBDIVISION~~ IMPROVEMENTS

Sec. 16-~~241~~256. ~~General~~Utilities.

~~(a) Applicability. This division applies to required improvements for or in subdivisions~~

~~(a)~~ Location of required utilities in public rights-of-way. All required utilities within city rights-of-way must be located as shown in the city's standards and specifications and as stated in this division.

...

Sec. 16-~~242~~257. Water.

Sec. 16-~~243~~258. Sewer.

Sec. 16-~~244~~259. Streets.

...

(h) Sidewalks and bicycle lanes.

~~(1) Sidewalks are required on all sides of all new street frontages, on all new and on the subject side of all improved local residential streets in all subdivisions and along the street frontage of all new and improved nonresidential developments and as set forth in subsection 16-2232(j), unless the community development director determines that a deferral or fee in lieu is approved in accordance with Section 16-221.~~

- ~~a. Sidewalks are infeasible and their absence in the particular circumstances will not be detrimental to the public health, safety or welfare of the public or injurious to the property or public improvements;~~
- ~~b. The requested sidewalk exception does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other similarly situated properties; and~~
- ~~The requested exception is consistent with all relevant purpose and intent statements of this chapter.~~

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(4) A grassed, planted or landscaped strip, as set forth in ~~subsection 16-222(j)~~this article, must separate all sidewalks from adjacent curbs, bridges excepted. The community development director may

...

(9) Bicycle lanes are required on new or substantially improved arterials or collector streets where the posted speed limit is 35 miles per hour or greater. Bicycle lanes may also be required by the community development director where necessary to provide connections to bikeways identified on the comprehensive transportation plan or other adopted plan. Bicycle lanes must be constructed as follows:

a. Bicycle lanes, where required, must be at least four feet wide and placed in the outside lane of a roadway, adjacent to the curb and gutter or shoulder. Curb and gutter areas may not be counted in calculating the width of a bicycle lane. When on-street parking is permitted, bicycle lanes must be at least four feet in width and located between the parking lane and the outer travel lane. Bicycle pavement widths are in addition to the minimum pavement width required for the road. ~~See also subsection 16-222(j).~~

...

Sec. 16-~~245~~260. Private sewage disposal.

Secs. 16-~~246~~261—16-~~255~~270. Reserved.

...

ARTICLE V. VARIANCES

DIVISION ~~61. SUBDIVISION~~-VARIANCES

Sec. 16-~~256~~271. Authority.

(a) The zoning board of appeals is authorized to hear and decide applications for variances from the strict application of ~~the subdivision design standards of article III, division 4~~Articles III or IV, where strict application of any of the ~~regulations of this Articles III or IV~~regulations of article III, division 4 would result in exceptional and undue hardship to the owner of such property. These regulations provide the minimum necessary requirements ~~for subdivisions in the city~~; thus, variances from the requirements of ~~article III, division 4~~Articles III or IV may be authorized only upon the zoning board of appeals making all of the following findings:

(1) By reason of the shape or topographical conditions of a parcel of property which were not created by the owner or applicant, the strict application of ~~article III, division 4~~Articles III or IV would deprive the property owner of rights and privileges enjoyed by other similarly situated property owners in the same zoning district;

...

(b) No variance may be granted by the zoning board of appeals to:

...

(3) Vary the requirements set forth section 16-~~226~~241.

...

Secs. 16-~~257~~272—16-~~265~~280. Reserved.

...

ARTICLE ~~IV~~VI. ~~TERMINOLOGY~~MEASUREMENTS, LANGUAGE, AND DEFINITIONS

Sec. 16-~~266~~281. Meanings and intent.

The language of these land development regulations must be read literally. Regulations are no more or less strict than stated. Words and terms expressly defined in these land development regulations ~~(See, for example, article IV, division 2)~~ have the specific meanings assigned, unless the context clearly indicates another meaning. Words that are not expressly defined in these land development regulations have the meaning given in the latest edition of Merriam-Webster's Unabridged Dictionary.

...

Sec. 16-~~267~~282. Tenses and usage.

Sec. 16-~~268~~283. Conjunctions.

Sec. 16-~~269~~284. Computation of time.

Sec. 16-~~270~~285. Headings and illustrations.

Sec. 16-~~271~~286. References to other regulations.

Sec. 16-~~272~~287. Current versions and citations.

Sec. 16-~~273~~288. Lists and examples.

Sec. 16-~~274~~289. Delegation of authority.

Sec. 16-~~275~~290. Public officials and agencies.

Secs. 16-~~276~~291—16-~~285~~300. Reserved.

...

DIVISION 2. DEFINITIONS

Sec. 16-~~286~~301. Terms defined.

...

(f) Terms beginning with "F."

...

(l) Terms beginning with "L."

...

Land-disturbing activity means any activity that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting and filling of land, but not including agricultural practices as described in subsection 16-78(5)-58.

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

Lot, flag means a lot that sits behind lots which face directly onto a street with access provided to the bulk of the lot by means of a narrow corridor, whether providing the minimum amount of street frontage and width or not.

(s) Terms beginning with "S."

...

Special flood hazard area (SFHA) means an area in the floodplain subject to a one-percent or greater chance of flooding in any given year. This includes areas shown on an FHBM or FIRM as zone A, AO, A1-A30, AE, A99, AE, AO, AH or AR; all floodplain and floodprone areas at or below the future-conditions flood elevation; and all other floodprone areas as referenced in subsection 16-156(g) section 16-136. All streams with a drainage area of 100 acres or greater must have the special flood hazard area delineated.

Special tree means any tree that qualifies for special consideration for preservation due to its size, type, and condition ~~(See [section] 16-130)~~.

Specimen tree means any tree that has been determined by the city arborist to be of high value because of its type, size, age, and/or of historical significance, or other professional criteria, and has been so designated in administrative standards established by the city. This is usually a plant with desirable form, foliage, fruit or flower that can be emphasized although isolated ~~(See [section] 16-130)~~.

...

Spite strip means a piece of land used to separate a street or road rights-of-way from adjoining property and whose primary purpose is to preclude access to such rights-of-way.

...

(w) Terms beginning with "W."

...

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

...

Sec. 27-57. Uses allowed

...

USES	DISTRICTS								Supplemental Regulations				
	R-150	R-100	R-85	R-75	R-60	R-50	RA-5	RA-8		RM-150	RM-100	RM-85	RM-75
<i>P = use permitted as of right A = administrative permit req'd E = special exception req'd S = special land use permit req'd</i>													
RESIDENTIAL													
Household Living													
Detached house				P			P			P			27-147
Attached house				—			P			P			27-132
Multi-unit building				—			—			P			27-142
Group Living													
Convent or monastery				S			S			S			
Fraternity or sorority				—			—			P			
Nursing home				—			—			P			
Personal care home, registered (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)				—			—			P			

...

27-58. Lot and building regulations.

...

Regulation		MULTI-DWELLING DISTRICTS				
		RM-150	RM-100	RM-85	RM-75	RM-HD
...						
Minimum Building/Structure Setbacks (ft.) [4]						
Detached & Attached Houses, 2-unit and 3-unit Buildings						
S1	Street, Front	30	30	30	30	30
S2	Street, Side[5]	15	15	15	15	15
S3	Side, Interior	7.5	7.5	7.5	7.5	7.5
S4	Side, Interior (accessory buildings/structures)	10	10	10	10	10
S5	Rear	30	30	30	30	30
S6	Rear (accessory buildings/structures)	10	10	10	10	10
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)	7.540	407.5	407.5	407.5	407.5
S5	Rear [7]	40[6]	40[6]	40[6]	40[6]	40[6]
S6	Rear (accessory buildings/structures) [7]	10	10	10	10	10

...

Sec. 27-72. Uses allowed.

...

USES	DISTRICTS									Supplemental Regulations
	O-I	O-I-T	O-D	OCR	NS	C-1	CR-1	C-2	M	
P = use permitted as of right / A = administrative permit req'd / E = special exception req'd / S = special land use permit req'd										
RESIDENTIAL										
...										
Group Living										
Convent and monastery	P	P	—	P	—	—	—	—	—	Error! 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)	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	=	
...										
Food truck	AP	AP	AP	AP	AP	AP	AP	AP	AP	27-138

Sec. 27-73. Lot and building regulations

...

	Regulation	O-I	O-I-T	O-D	OCR	NS	C-1	CR-1	C-2	M
L1	Minimum Lot Area (sq. ft.)	20,000	20,000[1]	43,560	87,120	20,000	20,000	20,000	30,000	30,000
L2	Minimum Lot Frontage (ft.)	100	100	150	100	100	100	100	100	100
	Maximum Density (dwelling units per acre)	NA	NA	NA	30	NA	NA	80	NA	NA
	Minimum Building/Structure Setbacks (ft.)									
S1	Street, Front and Side	50	40	75	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

...

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

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

...

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

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.

...

(i) Streetscape and pedestrian amenities.

...

(8) Lighting must conform to the following:

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

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

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

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

(9) Furniture must be provided as follows:

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

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.

...

(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 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.

...

(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

...

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

...

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

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

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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.

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(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.

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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)

...

Sec. 27-166. Generally applicable regulations.

...

(e) Accessory buildings and structures.

(1) Applicable regulations and standards. Accessory buildings and structures are subject to the same regulations and standards as ~~applicable~~ 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.

...

(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.

...

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

...

Sec. 27-252. Plans.

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

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

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

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

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

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

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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.

...

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

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

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

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

~~-(a) Major changes.~~

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

- ~~a. The movement of any building or structure adjacent to an exterior boundary line, closer to the boundary line of the property to which it is adjacent;~~
- ~~b. Any increase in the number of dwelling units or 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.

...

Sec. 27-392. Prohibited variances.

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

...

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

...

DIVISION 7. SPECIAL ADMINISTRATIVE PERMITS

Sec. 27-436. Applicability.

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

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

...

Sec. 27-437. Authority to file.

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

Sec. 27-438. Application filing.

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

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

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

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

Sec. 27-441. Review and approval criteria.

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

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

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

Sec. 27-442. - Appeals.

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

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

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

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

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

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

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

...

Sec. 27-457. - Authority to file.

~~Any person or entity (i.e.: an owner, applicant, adjoining neighbor, or a neighbor whose property line is within 1,500 feet of the nearest property line of the proposed subdivision) aggrieved by an administrative decision may appeal the decision. Appeals of administrative decisions may be filed by any person aggrieved by, or by any city official, department, board or agency affected by any final order, requirement, or decision of an administrative official, based on or made in the enforcement of this zoning ordinance. A person may be considered aggrieved for purposes of this subsection only if they are the owner of the property that is the subject of the administrative official's decision or they are a person with a substantial interest in the administrative official's decision who is in danger of suffering special~~

~~damage or injury not common to all property owners similarly situated, as determined by the zoning board of appeals.~~

Sec. 27-458. - Application filing.

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

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Sec. 27-464. - Appeals.

(a) ~~Any person or entity (i.e.: an owner, applicant, adjoining neighbor, or a neighbor whose property line is within 1,500 feet of the nearest property line of the proposed subdivision) aggrieved by an administrative decision may appeal the decision. Any person aggrieved by a final variance decision of the zoning board of appeals, including any officer, department, board or agency affected by such decision, may seek review of such decision~~ by petitioning the superior court for a writ of certiorari, setting forth the alleged errors. The petition must be filed within 30 days of the date that the zoning board of appeals renders its final decision.

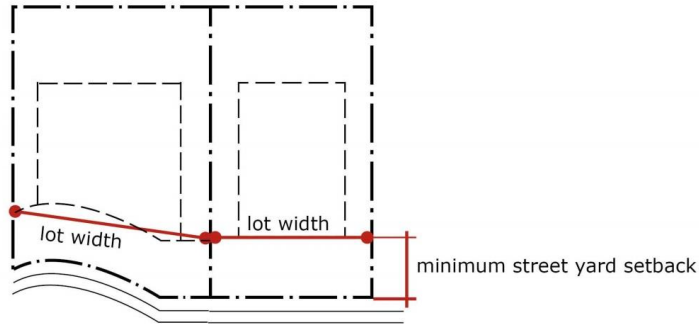
(b) When a petition for a writ of certiorari is filed, the zoning board of appeals must be designated the respondent in certiorari and the city the defendant in certiorari. The secretary of the zoning board of appeals is authorized to acknowledge service of a copy of the petition and writ on behalf of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

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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.

...

~~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~~¹². 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~~³²—27-375. Reserved.

CITY OF DUNWOODY FEE SCHEDULE

PLANNING AND ZONING FEES - EXHIBIT A Rezoning						
REZONING FROM ANY DISTRICT	TO:	ACREAGE				
		0 to 5	5+ to 10	10+ to 20	20+ to 100	100+
	Any R district	\$500	\$1,000	\$1,500	\$2,000	\$2,500 plus an additional \$40 per acre for any portion thereof over 100 acres. Maximum fee = \$10,000
	Any RM, Mixed Use, or Commercial District	\$750	\$1,500	\$2,000	\$2,500	\$3,000 plus an additional \$50 per acre for any portion thereof over 100 acres. Maximum fee = \$10,000
	PD, PC	Any acreage: \$2,000 plus \$50 per acre or any portion thereof. Maximum fee = \$10,000				
USE PERMIT	Home Occupation	\$250				
	All Other Use Permits	\$500				
MODIFICATIONS	Any modification request			\$300 plus \$100 for each additional modification request on the same piece of property		

Variances		
Variances	Single-Family Residential Zoning Districts	\$250 plus \$50 for each additional variance request on the same piece of property
	Multi-Family Districts, Non-Residential Districts, and Commercial Uses in Residential	\$350 plus \$100 for each additional variance request
	All Signs	\$350 plus \$100 for each additional variance request

Other		
SPECIAL ADMINISTRATIVE PERMIT	\$250 plus \$50 for each additional variance request on the same piece of property	
ADMINISTRATIVE PERMIT	Event Type	Fee
	Special Event	\$50 plus \$10 per day
	Temporary Outdoor Seasonal Sales (Christmas trees, pumpkins, etc.)	\$50
	Temporary Outdoor Sales	\$50 plus \$10 per day
ZONING CERTIFICATION LETTER	Fee	
	\$30	

Construction Permit Fees		
ADMINISTRATIVE FEE	\$25 for all new permits and reissue of permits, certificates of occupancy, inspection sheets, and for installation lists when not attached to combination building permits	
	Building permits will be calculated based on the tables below	
	Use	Permit Fee
VALUATIONS FOR USES NOT COVERED UNDER THE ICC BUILDING VALUATION DATA CONSTRUCTION COST TABLE	Patio Cover, Deck, Balcony	\$8 per \$1000 of the construction valuation listed below (or otherwise noted)
	Enclosed Patio, Sunroom, Screened Room	\$15 per square foot
	Shed Storage Building	\$30 per square foot
	Fences 6' in height or taller	\$20 per square foot
	Pools (value per square foot)	\$1 per square foot
	Public Garages	\$180 per square foot
	Retaining Wall (value per linear foot)	\$47 per square foot
	8' or less in height	
	More than 8' in height	\$10 per square foot
SUBDIVISION DEVELOPMENT SIGN FEES	Tenant OR Interior Finish Improvements	\$20 per square foot
	Sign type	\$50 per square foot
	24" Stop Sign, Street Sign(s), post, and sign bracket	
	30" Stop Sign, Street Sign(s), post, and sign bracket	\$165 per sign
	Speed limit sign, post, bracket with Watch for Children	\$175 per sign
	Speed limit sign, post, bracket	\$125 per sign
	30" Yield Sign, post, bracket	\$125 per sign
VALUATIONS FOR USES LISTED IN THE ICC BUILDING VALUATION DATA CONSTRUCTION COST TABLE	No Outlet sign	\$125 per sign
	Use	Vaulation
	New One & Two Family Residential	Use ICC Building Valuation Data Table, latest published edition
	New Non-Residential & Multi-Family	Use ICC Building Valuation Data Table, latest published edition
	The following valuation shall be used for the valuation of separate permits pertaining to the same structure: a. Building shell only: 80% of valuation above b. Mechanical only: 15% of valuation above c. Plumbing only: 15% of valuation above d. Electric only: 15% of valuation above	
OTHER FEES	Permit or Fee Type	Fee
	Building for retaining wall – site plan review	\$100 per review
	Inspections outside of normal business hours	\$150/hour (min 2 hours)
	Reinspection fees	\$50/hour (min 1 hour)
	Inspections for which no fee is specifically indicated	\$50/hour (min 1 hour)
	Demolition Permit	100
	Tree Replacement Fund Donation	\$1,000 per 1.0 unit of density credit required
	COMPONENT PERMITS not to be used for remodeling or new construction	\$50 minimum see permit forms for additional fees
	Final Certificate of Occupancy	\$50

Review Fees		
PRELIMINARY PLANS	Use	Cost Per Unit
	Residential	\$350 plus \$5 per lot
	Commercial	\$350 plus \$5 per acre
LAND DISTURBANCE PERMIT	Use	Cost Per Unit
	Residential	\$350 plus \$20 per lot
		Additional review fee of \$200 assessed for the second and subsequent re-submittal of plans
	Commercial	\$350 plus \$20 per acre
FINAL PLAT		Additional review fee of \$200 assessed for the second and subsequent re-submittal of plans
	\$350 plus \$5 per lot	
MINOR SUBDIVISION	\$350	

Permit Fees		
LAND DEVELOPMENT	Inspection	Cost Per Unit
	Road Vert. & Sect.	\$16 per linear foot
	Curb and Gutter	\$6.50 per linear foot
	Base and Paving	\$25 per square foot
	Commercial Driveway	\$0.75 per square foot
	Storm Drainage	\$20 per linear foot
	Wastewater	\$22 per linear foot
	Water Main	\$16 per linear foot
	Sidewalk	\$2 per square foot
	Other	
	Permit Fees	Cost Per Unit
	Street Name Markers/Intersection	\$75 per intersection
	Traffic Signs/Intersection	\$65 per intersection
	Land Disturbance Permit	Fee
	LDP	\$125
	Fees for Land Disturbance Permits	
	Valuation	Fee
	\$1 to \$5,000	\$300
	\$5,001 to \$20,000	\$300 for the first \$5,000 and \$150 for each additional \$1,000, or fraction thereof
	\$20,001 to \$100,000	\$2,250 for the first \$20,000 and \$100 for each additional \$1,000, or fraction thereof
	\$100,001 to \$250,000	\$10,550 for the first \$100,000 and \$50 for each additional \$1,000, or fraction thereof
	\$250,001 to \$500,000	\$18,050 for the first \$250,000 and \$25 for each additional \$1,000, or fraction thereof
	\$500,001 to \$1,000,000	\$24,300 for the first \$500,000 and \$15 for each additional \$1,000, or fraction thereof
	\$1,000,001 and up	\$31,800 for the first \$1,000,000 and \$10 for each additional \$1,000, or fraction thereof

Sign Permit Fees		
REVIEW FEE	\$15	
SIGN PERMIT	Sign Message Area Size	Flat Fee
	1 to 50 square feet	\$50
	51 to 100 square feet	\$100
	101 to 150 square feet	\$150
	151 to 200 square feet	\$200