

MEMORANDUM

To: Mayor and City Council

From: Ronnie Kurtz

Date: May 6, 2019 (Changes from first read in red)

Subject: Text Amendments
Chapter 27—Kindergartens; **Dunwoody Village Overlay Signs**; Special Administrative Permits

ITEM DESCRIPTION

Request to adopt two discrete text amendments to the Zoning Code (Chapter 27). The proposed changes will: 1. Allow Kindergartens to operate in the O-I and O-I-T district; 2. Allow for temporary signs for new businesses in the Dunwoody Village Overlay; and 3. Update approval criteria for Special administrative permits to explicitly consider the impact on adjacent properties and require mailed notice.

DISCUSSION

1. Kindergartens

The Dunwoody Municipal Code presents the following definitions:

- **Child day care center.** A day care establishment operated by any person with or without compensation providing for the care, supervision and protection of seven or more children who are under 18 years of age, without transfer of legal custody. Children who are related by blood, marriage, adoption or guardianship to the operators of the day care center must be included when computing the number of children within a child day care center. See also "kindergarten," which is included in the educational services use classification.
- **Kindergarten.** An establishment operated for compensation providing for the care, supervision, instruction and protection of seven or more children who are under seven years of age, without transfer of legal custody.
- **Elementary, middle or senior high schools.** Private schools at the primary, elementary, middle school (junior high) or senior high school level that provide state-mandated basic education.

In the Office-Institution (O-I) and Office-Institution-Transitional (O-I-T) districts, a child day care center and an elementary school are permitted as of right, while a kindergarten is not permitted at all. These allowances appear contradictory. By definition, the only difference between a day care and a kindergarten is the presence of *instruction*; yet, instruction under the purview of an elementary school is allowed. To rectify this ambiguity, staff proposes permitting kindergartens to exist as of right in the O-I and O-I-T districts, consistent with the treatment of child day care centers and elementary schools.

Sections Impacted:

- **Sec. 27-72. – Uses allowed.** Changes "-" to "P" in use table for Kindergartens in O-I and O-I-T districts.

2. *Dunwoody Village Overlay Signs*

Temporary signs are not permitted at all in the Dunwoody Village Overlay, except as pole banners related to a special event. To extend the proposed 60-day allowance for temporary signs related to new businesses to new businesses in the Dunwoody Village Overlay, this amendment references the appropriate section of the sign code as an exemption to the overlay prohibition on temporary signs.

Section Impacted:

- **Sec. 27-97(e). – Signs.** Inserts reference to allowances for temporary signs for new businesses as found in Chapter 20 to subsection (5). Replaces the word "banner" with "temporary sign" to reflect recent changes to terms and definitions in Chapter 20.

3. *Special Administrative Permits*

As code currently reads, the community development director must only take into consideration the impact the granting of a special administrative permit will have on the requesting property, not the adjacent properties. Experience informs that, in several instances, the granting of a special administrative permit may have a direct impact on an adjacent property, and thus it would be prudent to require these effects be taken into consideration. The proposed amendment explicitly states that approval of an administrative permit shall be contingent on a finding that the grant of the permit will not be injurious to adjacent properties.

Sections Impacted:

- **Sec. 27-441. – Review and approval criteria.** Inserts phrases "subject property" and "adjacent properties" to subsection (1).

Attachments:

Chapter 27, with edits.

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE NO. 2019-__

AN ORDINANCE TO AMEND CHAPTER 27 (ZONING); TO AMEND THE O-I AND O-I-T DISTRICTS TO ALLOW USE AS A KINDERGARTEN AS A MATTER OF RIGHT; TO AMEND THE DUNWOODY VILLAGE OVERLAY SIGN STANDARDS TO ALLOW TEMPORARY SIGNS FOR NEW BUSINESSES TO AMEND THE REGULATIONS AUTHORIZING THE ISSUANCE AND PUBLIC NOTIFICATION OF ADMINISTRATIVE PERMITS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and Council of the City of Dunwoody (“City Council”) are charged with regulating zoning within the City of Dunwoody; and

WHEREAS, The Mayor and Council recognize that the operation of a kindergarten is not materially different from the operation of a day care or an elementary school; and

WHEREAS, The Mayor and Council believe that it is prudent to amend the zoning ordinance to permit kindergartens in all zoning districts where day cares and elementary schools are permitted; and

WHEREAS, The Mayor and Council believe that new businesses in the Dunwoody Village Overlay District should be afforded the same allowances for temporary signs as those elsewhere in the City; and

WHEREAS, The Mayor and Council believe the potential impact on adjacent properties should be considered before approval of an administrative permit.

THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DUNWOODY, GEORGIA HEREBY ORDAIN:

Section 1: Section 27-72 is hereby amended to read as follows:

Sec. 27-72. - Uses allowed.

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

USES	DISTRICTS									Supplemental Regulations
	O-I	O-I-T	O-D	OCR	NS	C-1	CR-1	C-2	M	
<i>P = use permitted as of right / A = administrative permit req'd / E = special exception req'd / S = special land use permit req'd</i>										
RESIDENTIAL										
Household Living										
Detached house	-	P	-	-	-	-	-	-	-	27-147
Multi-unit building	-	-	-	S	-	-	S	-	-	
Mixed-use building, vertical	-	-	-	P	-	-	P	-	-	
Group Living										
Convent and monastery	P	P	-	P	-	-	-	-	-	27-146

Fraternity house, sorority house or residence hall	P	-	-	-	-	-	-	-	-	
Nursing home	P	P	-	-	-	-	-	-	P	
Personal care home, family (1—4 persons)	-	-	P	-	P	P	P	P	-	
Personal care home, group (5—7 persons)	-	-	P	-	P	P	P	P	-	
Personal care home, community (8+ persons)	P	P	P	-	P	P	P	P	-	27-145
Child caring institution (1—6 persons)	P	P	P	-	P	P	P	P	-	
Child caring institution (7—15 persons)	P	P	P	-	P	P	P	P	-	
Child caring institution (16 or more)	P	S	P	-	P	P	P	P	-	
Community living arrangement (1—4 persons)				P		P	P			
Shelter, homeless	S	S	-	-	-	P	P	P	-	27-140
Transitional housing facility	S	S	-	-	-	P	P	P	-	27-140
QUASI-PUBLIC AND INSTITUTIONAL										

Ambulance Service	-	-	-	-	-	P	P	P	P	
Club or Lodge, Private	P	P	P	-	-	P	P	P	P	
Cultural Exhibit	P	P	P	-	-	P	P	P	-	
Day care facility, adult (6 or fewer persons)	-	-	P	-	-	-	-	-	-	27-137
Day care center, adult (7 or more)	P	P	P	P	P	P	P	P	-	
Day care facility, child (6 or fewer persons)	-	-	P	-	-	-	-	-	-	
Day care center, child (7 or more)	P	P	P	P	P	P	P	P		
Educational Services										
College or university	P	P	P	-	-	-	-	-	-	
Kindergarten	P	P	P	P	P	P	P	P	-	27-141
Research and training facility, college or university affiliated	P	P	P	-	-	-	-	-	P	
School, private elementary, middle or senior high	P	P	P	P	-	P	P	P	P	27-148

School, specialized non-degree	P	P	P	P	-	P	P	P	P	
School, vocational or trade	P	P	P	-	-	P	P	P	P	
Hospital	P	-	-	-	-	-	-	-	-	
Place of Worship	P	P	P	P	P	P	P	P	P	27-146
Utility Facility, Essential	E	E	P	E	E	P	P	P	P	27-151
COMMERCIAL										
Adult Use										
Body art service								P	P	
Sexually oriented business	P	-	-	P	-	-	-	P	P	27-149
Animal Services										
Animal care/boarding	-	-	-	S	S	P	P	P	P	27-131
Animal grooming	-	-	-	P	P	P	P	P	P	27-131
Animal hospital/veterinary clinic	-	-	-	P	P	P	P	P	P	27-131
Communication Services										
Radio and television broadcasting stations	P	P	P	-	-	P	P	P	P	

Recording studios	P	P	P	-	-	P	P	P	P	
Telecommunication tower	A	-	A	-	S	A	A	A	A	27-150
Telecommunication antenna, co-located	P	P	P	P	P	P	P	P	P	27-150
Construction and Building Sales and Services										
Building or construction contractor	-	-	-	-	-	-	-	P	P	
Commercial greenhouse or plant nursery	-	-	-	-	-	-	-	P	P	
Electrical, plumbing and heating supplies and services	-	-	-	-	-	P	P	-	P	
Lumber, hardware or other building materials establishment	-	-	-	-	-	P	P	P	P	
Eating and Drinking Establishments										
Restaurant, accessory to allowed office or lodging use	P	-	-	P	-	P	P	P	P	
Restaurant, drive-in or drive-through	-	-	-	-	-	P	S	P	P	

Food truck	P	P	P	P	P	P	P	P	P	27-138
Other eating or drinking establishment	-	-	-	P	P	P	P	P	-	
Entertainment and Spectator Sports										
Auditorium or stadium	-	-	-	-	-	-	-	P	P	
Drive-in theater	-	-	-	-	-	-	-	P		
Movie theater	-	-	-	P	-	-	-	P	-	
Special events facility	-	P	-	-	-	P	P	P	-	
Financial Services										
Banks, credit unions, brokerage and investment services	P	P	P	P	P	P	P	P	P	
Convenient cash business	-	-	-	-	-	-	-	P	-	27-136
Pawn shop	-	-	-	-	-	-	-	P	-	27-144
Food and Beverage Retail Sales										
Liquor store (as principal use)	-	-	-	-	-	P	P	P	P	
Liquor store (accessory to lodging or 3+ story office)	-	-	P	P	-	-	-	-	-	

Other food and beverage retail sales	-	-	P	P	P	P	P	P	P	
Funeral and Interment Services										
Cemetery, columbarium, or mausoleum	P	P	P	-	-	-	-	-	-	
Crematory	-	-	-	-	-	-	-	-	S	
Funeral home or mortuary	P	-	-	-	-	P	P	P	P	
Lodging	P	-	P	P	-	P	P	P	P	
Medical Service										
Home health care service	P	P	-	-	-	-	-	-	-	
Hospice	P	P	-	-	-	-	-	-	-	
Kidney dialysis center	P	P	-	-	-	-	-	-	-	
Medical and dental laboratory	P	P	-	P	-	P	P	-	P	
Medical office/clinic	P	P	P	P	P	P	P	P	P	
Office or Consumer Service	P	P	P	P	P	P	P	P	P	
Parking, Non-accessory	S	-	P	-	-	P	P	P	P	27-143
Personal Improvement Service										

Barber shop, beauty shop, nail salon, massage and/or spa establishments, estheticians, and other "typical" uses per [subsection] 27-114(14)	P	-	-	P	P	P	P	P	P	27-114(14)
Other personal improvement service	-	-	-	-	-	P	P	P	P	
Repair or Laundry Service, Consumer										
Laundromat, self-service	-	-	-	P	P	P	P	P	-	
Laundry or dry cleaning drop-off/pick-up	P	-	-	P	P	P	P	P	P	
Other consumer repair or laundry service	-	-	-	P	P	P	P	P	P	
Research and Testing Services	P	-	P	P	-	-	-	P	P	
Retail Sales										
Retail sales of goods produced on the premises	-	-	-	-	-	-	-	-	P	
Shopping Center	-	-	-	P	P	P	P	P	-	
Other retail sales	-	-	P	P	P	P	P	P	-	

Sports and Recreation, Participant										
Golf course and clubhouse, private	P	P	P	-	-	-	-	P	P	
Health club	-	-	P	P	P	P	P	P	P	
Private park	P	P	P	-	-	-	-	-	-	
Recreation center or swimming pool, neighborhood	P	P	P	-	-	-	-	-	P	
Recreation grounds and facilities	-	-	P	-	-	-	-	P	-	
Tennis center, club and facilities	P	P	P	P	-	P	P	P	-	
Other participant sports and recreation (Indoor)	P	-	-	P	-	P	P	P	-	
Other participant sports and recreation (Outdoor)	-	-	-	-	-	-	-	P		
Vehicle and Equipment, Sales and Service										
Car wash	-	-	-	-	-	P	-	P	P	27-134
Gasoline sales	-	-	-	-	-	P	-	P	P	27-139
Vehicle repair, minor	-	-	-	-	-	P	-	P	P	27-153
Vehicle repair, major	-	-	-	-	-	-	-	P	P	27-152

Vehicle sales and rental	-	-	-	-	-	S	S	P	P	27-154
Vehicle storage and towing	-	-	-	-	-	-	-	P	P	27-155
INDUSTRIAL										
Manufacturing and Production, Light	-	-	-	-	-	-	-	P	P	
Wholesaling, Warehousing and Freight Movement										
Warehousing and storage	-	-	P	-	-	-	-	-	-	
Self-storage warehouse	-	-	P	-	-	-	-	-	P	
Storage yard and truck terminal	-	-	-	-	-	-	-	-	S	
AGRICULTURE AND TRANSPORTATION										
Agriculture										
Agricultural produce stand	-	-	-	-	-	-	-	-	P	
Community garden	P	P	P	P	P	P	P	P	P	27-135
Crops, production of	-	-	-	-	-	-	-	-	P	
Transportation										
Heliport	S	-	S	-	-	S	S	-	P	

Stations and terminals for bus and rail passenger service	S	-	-	-	-	-	-	-	-	
Taxi stand and taxi dispatching office	-	-	-	-	-	P	P	-	P	

(Ord. No. 2013-10-15, § 1(Exh. A § 27-5.20), 10-14-2013; Ord. No. 2015-01-05, § 1, 1-26-2015; Ord. No. 2015-06-13, § 1, 6-22-2015)

Section 2: Section 27-97 is hereby amended to read as follows:

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

- (a) *Purpose and intent.* The Dunwoody Village Overlay district is primarily intended to implement the policies and objectives of the comprehensive plan and the Dunwoody Village Master Plan. It is further intended to help:
- (1) Maintain and enhance the identity and image of the Dunwoody Village area;
 - (2) Accommodate and promote walkable, development patterns containing a complementary mix of land uses;
 - (3) Create new opportunities for public open spaces and gathering spaces in the commercial core of Dunwoody;
 - (4) Ensure that new development and substantial additions to existing buildings are designed to promote the Dunwoody Village Overlay as an area of unique character while requiring that all new construction makes use of design standards and materials that enhance the district, complement existing character, and allow for the introduction of new design elements while encouraging the addition of walkability and green space;
 - (5) Support efforts to create a vibrant shopping and entertainment area in which merchants and businesses thrive and grow, thereby helping to maintain property values and keeping vacancy rates low; and

- (6) Maintain and enhance the area's role as a place for civic activities and public gatherings within well-designed open spaces.
- (b) *Redevelopment.* The city council anticipates that in the future a developer may desire to redevelop all or portions of the Dunwoody Village area, and that the type of redevelopment proposed may be difficult or impossible to carry out under the existing zoning. To accommodate and encourage large-scale redevelopment in accordance with the approved Dunwoody Village Master Plan, the city council may consider rezoning or planned development (PD) development proposals.
- (c) *Site plan review.* No building permit may be issued for buildings that are subject to one or more of the overlay district regulations of this section until the building has been reviewed through the site plan review process prescribed in article V, division 10. In order to ensure compliance with the requirements set forth in this section, a code compliance certificate (CCC) shall be required prior to approval of any building permit for any exterior and building facade additions, improvements, or renovations within the Dunwoody Village Overlay.
- (d) *Architecture and design.* The architecture and design regulations of this subsection apply within the Dunwoody Village Overlay district to all new buildings, additions, and exterior renovations to building facades. Work that includes maintenance and repair of the existing doors, windows, paint and roofs does not apply. These requirements govern in the event of conflict with other DVO district and base zoning regulations.
- (1) *Exterior materials.*
- a. *Predominant exterior materials.* Exterior finish materials must include brick, natural stone, wood, cement-based siding, and/or hard coat stucco.
 - b. *Secondary exterior materials.* Secondary façade materials include all predominant materials. Other materials may be approved by the director of community development during the site plan process.
 - c. *Accent materials.* The following materials may be used for trim, details, soffits, eaves, and other accent areas: all predominant exterior material, wood or painted wood; PVC/cementitious trim boards, aluminum and other durable metals. Other materials may be approved by the director of community development.
 - d. *Restrictions.* The use of plain CMU block, aluminum siding, and vinyl materials are prohibited as a façade material.

- e. *Roof materials.* Acceptable roofing materials include asphalt shingles, wood shingles, reflective flat roofing systems, and other materials approved by the director of community development. Wherever asphalt shingles are used, they shall be a minimum three-dimensional architectural type. Standing seam metal roofs are permitted only as accents on porches or dormers.

(2) *Building facades.*

- a. Provide front entrance(s) that are distinct and visible from the street, but should not exaggerate or double the height of the entrance.
- b. Simple massing is preferred and should be used with stoops, porches, galleries, arcades, roof eaves, and/or balconies to provide expressive character.
- c. Facades shall provide a discernable base, middle and cap that are clearly defined by horizontal elements along the bottom and top of the building. Expression of the elements should be handled through changes in material selection, color, or plane. Use of horizontal bands, cornices, and/or varied window patterns can assist in expression.
- d. Building wall materials may be combined on each facade only horizontally, with the lighter above more substantial materials.
- e. All glass shall be clear and free of color.
- f. Low pitch or flat roofs shall be enclosed by a parapet that is a minimum of 42 inches in height, or a greater height as necessary to conceal mechanical equipment.
- g. Hardwood used for rafters, fascia boards and all visible portions of roof decking shall be varnished, oiled, stained or painted. Pressure treated wood shall be painted.

(e) *Signs.* All signs within the Dunwoody Village Overlay district are subject to the requirements of the city's sign ordinance and the following additional regulations:

- (1) Signs must be designed and constructed to be compatible with the architectural style that is characteristic of the Dunwoody Village Overlay district area.
- (2) Ground signs must be monument-style signs with a brick base.
- (3) For lots containing nine or fewer storefronts, ground signs may not exceed eight feet in height and eight feet in width.

- (4) For lots containing ten or more storefronts, ground signs may not exceed 12 feet in height and eight feet in width.
- (5) **Temporary signs** are prohibited except for **new businesses as permitted in chapter 20 and** pole banners as permitted in chapter 26 of the Municipal Code.
- (6) Signs must have a matte finish and be constructed of wood or other substitute material approved by the design review advisory committee because of its wood-like appearance and durability.
- (7) Neon, gas, colored, flashing, animated, marquee, sound emitting, fluorescent, rotating or otherwise moving signs are prohibited. This prohibition notwithstanding, a single LED or neon sign up to two square feet in area is allowed, provided that the sign does not employ any flashing, animation, movement or sound and provided that the sign may be illuminated only during hours in which the establishment is open for business.
- (8) Sign shape and lettering is limited as follows:
 - a. Sign facing must be flat in profile and may not exceed eight inches in thickness.
 - b. Sign lettering and logo content may not exceed 18 inches in height.
- (9) Standard informational signs:
 - a. May not be more than three feet above grade;
 - b. May not exceed six square feet in area;
 - c. May not have more than two sign faces;
 - d. May not be made from flexible materials, such as vinyl, cloth or paper;
 - e. Must be free-standing and not attached to permanent or temporary structures;
 - f. Must comply with the color standards of the district; and
 - g. Must be maintained in good repair.
- (f) *Parking and circulation.* The parking and circulation regulations of article IV, division 4, apply within the Dunwoody Village Overlay district except as modified by the following regulations:
 - (1) New nonresidential buildings and nonresidential uses and additions to existing nonresidential buildings and nonresidential uses may not provide more than five parking spaces per 1,000 square feet of floor area for

restaurants and three parking spaces per 1,000 square feet for all other uses. This provision does not require that existing "excess" parking spaces be removed.

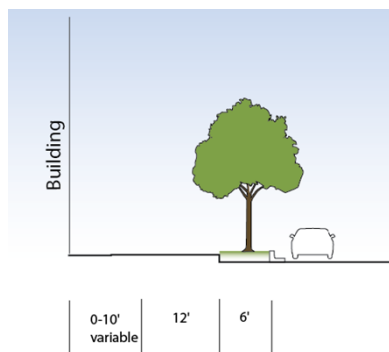
- (2) Parking areas must be separated from the main road by a minimum distance of 30 feet and include at least the landscaping required by section 27-229. Wherever possible, parking must be confined to the rear of structures or be placed underground.

(g) *Landscaping and open space.*

- (1) The landscaping and screening regulations of article IV, division 2, apply within the Dunwoody Village Overlay district. See also subsection (i).
- (2) Street tree regulations of chapter 16, section 16-238 shall apply within the Dunwoody Village Overlay district.
- (3) For any redevelopment, all open space provided within Dunwoody Village shall comply with the open space requirements in section 27-106.

(h) *Streetscape and pedestrian amenities.*

- (1) The streetscape and pedestrian regulations of this subsection apply within the Dunwoody Village Overlay District to all new buildings, additions, and exterior renovations. A minimum six-foot wide landscape area must be established abutting the back of the curb along abutting public and private streets. This landscape area must adjoin a minimum 12-foot wide sidewalk. Buildings must abut the sidewalk or be located within ten feet of the sidewalk. If buildings are set back from the edge of the required 12-foot sidewalk, the setback area must include features such as outdoor dining and seating areas, plazas and landscaped open spaces that provide a safe, comfortable and active environment for pedestrians.



- (2) Lighting must conform to the following:

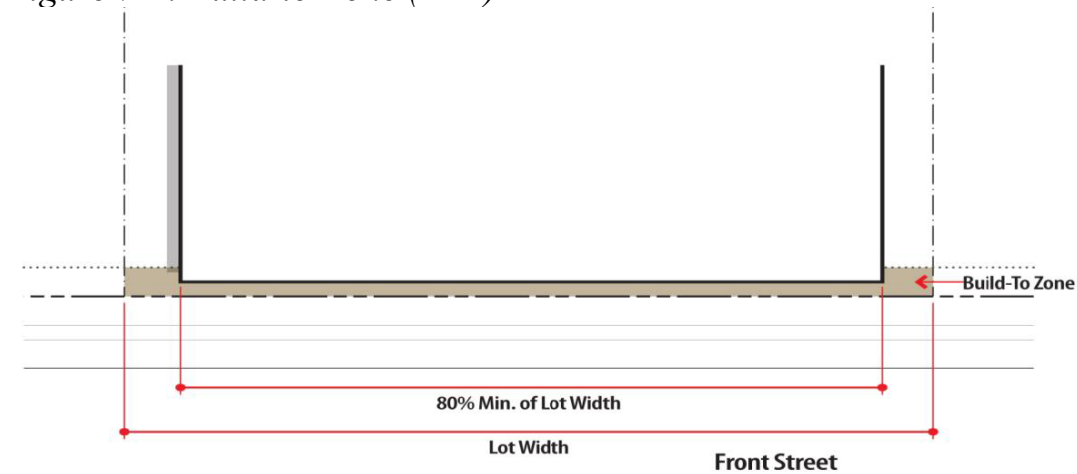
- a. Pedestrian and street lighting must be placed in the landscape zone at intervals of 90 to 100 feet on center and must be equal distance from required street trees.
 - b. Pole height may not exceed 15 feet.
 - c. Light poles and lamps must be selected from the city's approved streetscape list, which 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.
- (3) 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.
- (4) Maintenance of trash and recycling receptacles, including servicing, repair, and replacement, is the full responsibility of the nearest adjacent property owner.
- (5) Recycling receptacles must be clearly identified with symbols and/or text indicating its intended use for recyclables.
- (i) *Public areas, service areas, retaining walls, and drive-thrus.*
 - (1) Public plazas and outdoor dining areas must be easily accessible to pedestrians and provide protection from vehicular traffic by means of their location and design.
 - (2) All dumpsters and other building service areas must be concealed from view of public rights-of-way, publicly accessible areas of the site and residential zoning districts. All dumpsters must be concealed with secured gates screening in accordance with section 27-231.
 - (3) Retaining walls must comply with the city building code. Visible areas of retaining wall must be covered with the face brick or stone of the downhill neighbor with a roll lock at the top. Horizontal wall expanses exceeding 20 feet must include offset pilasters with the same brick or stone rising three courses above the top of the adjoining wall and finished with a double course capital of the same brick or stone.

- (4) Evergreen hedges and street walls may be used to mask parking, so long as they are no less than 75 percent opaque and built along the build-to-line. Street walls shall be a minimum of 3.5 feet in height. The street wall shall have other individual openings not exceeding four square feet in area at height of less than 3.5 feet.
- (5) All utilities must be placed underground unless otherwise approved by the director of community development and the public works director.
- (6) Drive-thrus for new buildings are prohibited.
- (j) *Building placement.* The form and design regulations of this subsection apply to all new buildings, and additions to existing buildings within the DVO-district that result in an increase of ten percent or more in the buildings gross floor area. These requirements govern in the event of conflict with other chapter 27 zoning regulations.
- (1) *Build-to-zone.*
- a. The build-to zone is the area on the lot where a certain percentage of the front building façade must be located, measured as a minimum and maximum yard (setback) range from the edge of the right-of-way. The requirements are as follows:

Build-to-Zone	
Minimum/maximum (feet)	0/10
Minimum percent of building in build-to-zone (percent)	80
Parking Setback	
Minimum (feet)	30

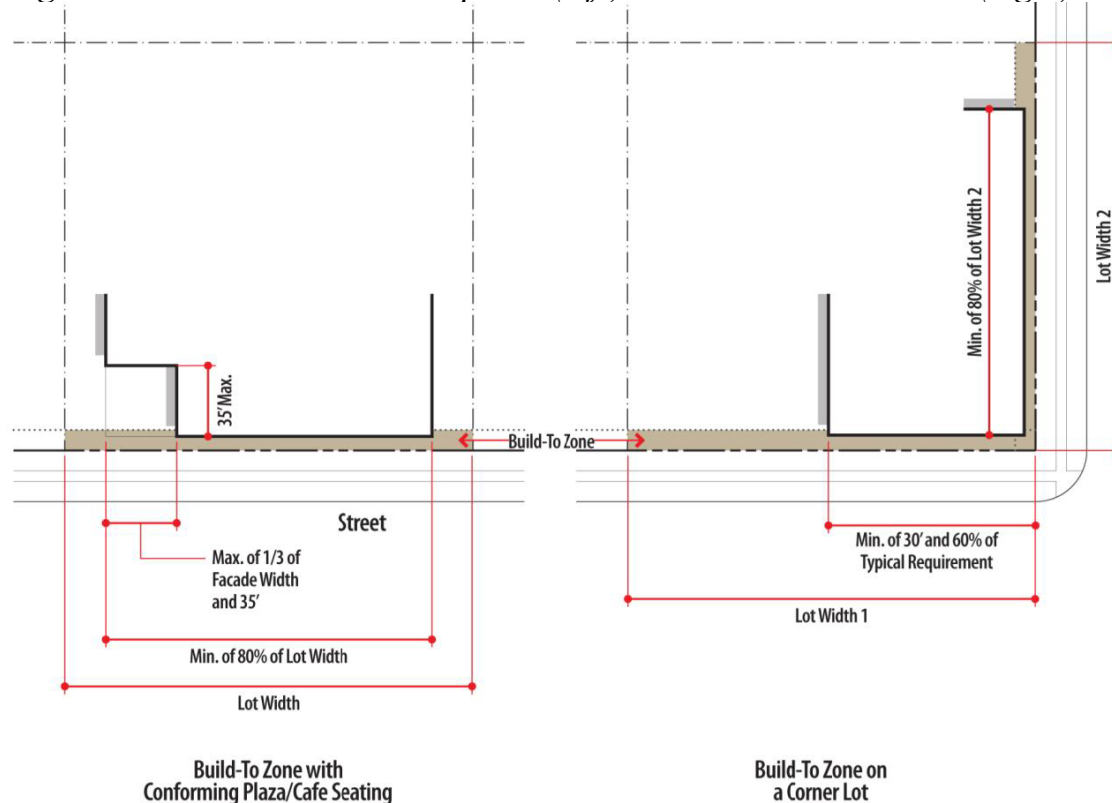
- b. The required percentage specifies the amount of the front building façade that must be located in the build-to zone, based on the width of the front building façade divided by the width of the lot.

Figure 7-1: Build-to-Zone (BTZ)



- c. Outdoor open space, plazas and outdoor dining areas are counted as part of the building for the purpose of measuring compliance with build-to zone requirements, provided that:
 1. The area does not exceed one-third the length of the building face or 35 feet, whichever is less; and
 2. The area is no more than 35 feet in depth (see Figure 7-2).

Figure 7-2: BTZ with allowed plaza (left) and BTZ on corner lot (right)



- d. On corner lots, minimum requirements governing the percent of building façade that must be located in the build-to-zone may be reduced by 60 percent along one of the frontages, at the property owner's option, provided that a building façade must be placed in the build-to zone for the first 30 feet along each street extending from the corner (the intersection of the build-to-zones) (see Figure 7-2).

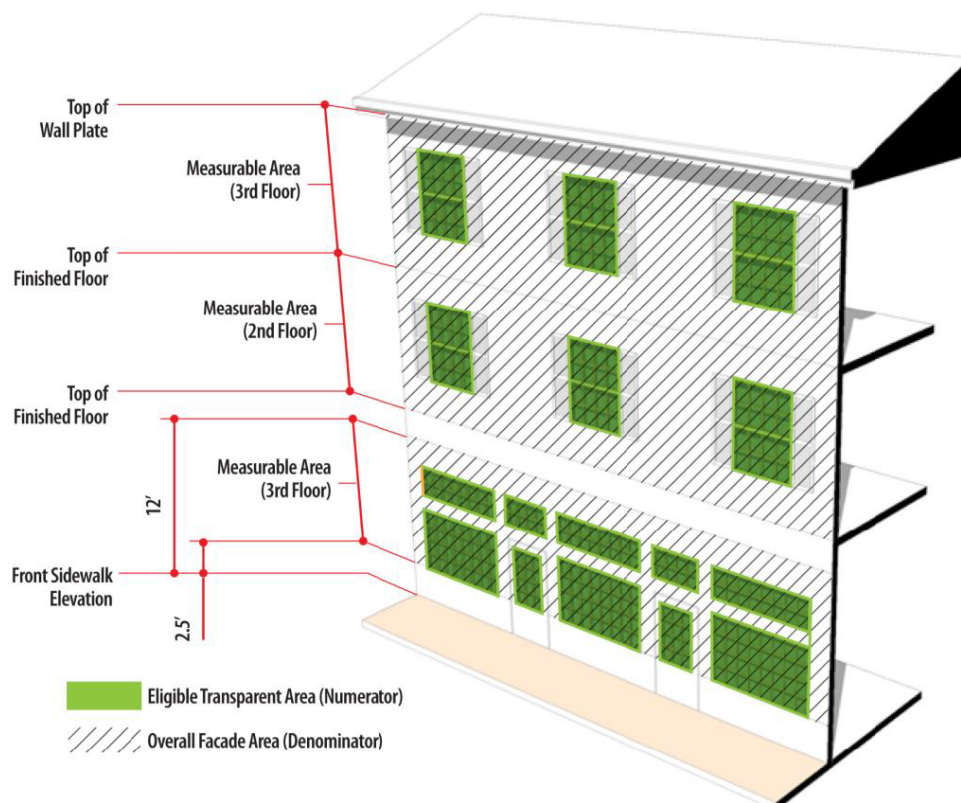
(2) *Transparency.*

- a. Transparency regulations govern the percentage of a street-facing building façade that must be covered by glazing (e.g., transparent windows and doors). The minimum requirements are as follows:

Transparency	
Minimum ground story (%)	65
Minimum upper story (%)	20

- b. The transparency of a ground story façade is measured between 2.5 and 12 feet above the adjacent sidewalk.
- c. The transparency of an upper-story façade is measured from top of the finished floor to the top of the finished floor above. When there is no floor above, upper-story transparency is measured from the top of the finished floor to the top of the wall plate (see Figure 7-3).

Figure 7-3: Transparency Measurements



- d. Glazed element must be clear and non-reflective and not be painted or tinted, provided that low-emission (Low-E) glass coatings are permitted.
 - e. On the ground floor or street level, finished ceiling heights must be a minimum of 12 feet tall.
 - f. Along street frontages, the base of the building and entrances shall be at the average level of the sidewalk.
- (3) *Blank wall area.*
- a. Blank walls are areas on the exterior façade of a building that do not include a substantial material change; windows or doors; columns,

pilasters or other articulation greater than 12 inches in depth. Blank wall limits are established as follows:

Maximum blank wall length (feet)	20
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- b. Blank wall area regulations apply in both a vertical and horizontal direction.
- (4) *Street-facing building entrances.* At least one street-facing building entrance must be provided on all principal buildings. The building entrance must provide ingress and egress for residents and customers. Additional entrances off another street, pedestrian area or internal parking area are also permitted.
- (k) *Building heights.* All buildings heights are allowed up to three stories in the DVO-district. Buildings in excess of three stories may be approved through the special land use permit procedures of article V, division 3.
- (l) *Modifications and adjustments.* Unless otherwise stated in the chapter, the regulations of subsections (d) through (j) above may be modified only if reviewed and approved in accordance with the special exceptions procedures of article V, division 6.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-7.20), 10-14-2013; Ord. No. 2015-01-05, § 1, 1-26-2015; Ord. No. 2017-02-03, § 1, 2-13-2017; Ord. No. 2017-04-07, § 1, 4-11-2017; Ord. No. 2018-12-20, § I, 12-10-2018)

Section 3: Section 27-441 is hereby amended to read as follows:

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 **subject** property, **adjacent properties**, or improvements;
- (2) The requested administrative permit does not go beyond the minimum necessary to afford relief; and
- (3) The requested administrative permit is consistent with all relevant purpose and intent statements of this zoning ordinance.

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

Section 4:

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

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

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

Section 5:

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

Section 6:

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

SO ORDAINED, this ____ day of _____, 2019.

Approved by:

Approved as to Form and Content

Denis L. Shortal, Mayor

City Attorney's Office

Attest:

Sharon Lowery, City Clerk

SEAL