



## **SPECIAL CALLED CITY COUNCIL MEETING**

Donna Pittman-Mayor

Robert J. Patrick-District 1  
Trudy Jones Dean – District 2  
Karen Pachuta – District 3

Pam Fleming – District 1  
Brian Bates – District 2  
Maria Alexander – District 3 Mayor Pro-Tem

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### **AGENDA**

**October 21, 2013. 6:30PM**

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**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PLEDGE OF ALLEGIANCE**

**4. APPROVAL OF MINUTES**

a) October 7, 2013

**5. APPROVAL OF MEETING AGENDA**

**6. PUBLIC COMMENT**

**7. CONSENT AGENDA**

**8. ORGANIZATIONAL AND PROCEDURAL ITEMS**

**9. REPORTS AND PRESENTATIONS**

a) Red Ribbon Week Proclamation

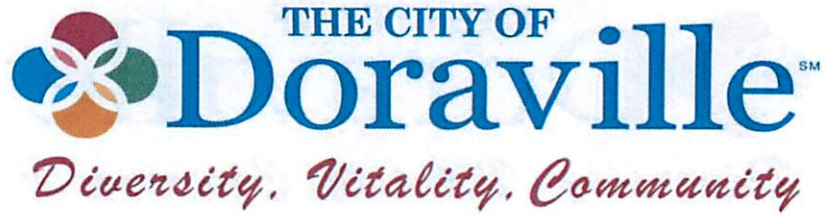
**10. UNFINISHED BUSINESS**

a) Form Based Code- Shawn Gillen

**11. NEW BUSINESS**

- a) First Read on Proposed Amendment to FY 2013 Budget- Lisa Ferguson
- b) Public Hearing – Application for Rezoning of Parcel # 18 311 02 014 located at 5407 Buford Hwy from C-2 Commercial to M-1 Light Manufacturing - Joe Cooley
- c) CT Zoning- Councilmember Trudy Dean

**12. OTHER BUSINESS**



### 13. COUNCIL COMMENTS

### 14. ADJOURNMENT



AGENDA ITEM REQUEST SHEET  
September 20, 2013

**Subject:** Red Ribbon Week Proclamation

**Date of Meeting:** October 7, 2013

**Budget Impact:** ☐ Yes ☒ N/A

**Budget Impact Amount:** \$ N/A

**Funding Source:**

- ☐ Annual
- ☐ Capital
- ☐ Grant(s)/ Technical Assistance
- ☒ N/A

- Regular ☒
- Work Session ☐
- Recommendation ☐
- Policy/Discussion ☐
- Report ☐
- Ceremonial ☒
- Other ☐

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**Department:** Administrative

**Department Head:** Mayor

**Action Requested:** Mayor will present a proclamation to the Metro Atlanta Young Marines, declaring the last week in October as "Red Ribbon Week" in Doraville. Championed by the Young Marines, Red Ribbon Week is a nationally recognized event, promoting the fight against illicit drug abuse.

Respectfully,

S/Luke Howe  
Economic Development Director

# Proclamation

## Declaring Red Ribbon Week in Doraville

**Whereas,** *cities across America have been plagued by the numerous problems associated with alcohol, tobacco, and other drug use; and,*

**Whereas,** *substance abuse is particularly damaging to one of our most valuable resources, our children, and a contributing factor in the three leading causes of death for teenagers – accidents, homicides, and suicides; and,*

**Whereas,** *October 23 - 31, 2013 has been designated National Red Ribbon Week, calling on all Americans to show their support for a drug-free nation by wearing a red ribbon during that week; and,*

**Whereas,** *it is the goal of Red Ribbon Week and the City of Doraville, Georgia to involve families, schools, businesses, churches, law enforcement agencies and service organizations in all aspects of this campaign and establish an atmosphere that supports awareness, education and ongoing initiatives to prevent illegal drug use; and,*

**Whereas,** *the Red Ribbon Week Campaign promotes family and individual responsibilities for living healthy, drug-free lifestyles, without illegal drugs or the illegal use of legal drugs; and,*

**Therefore,** *I, Donna Pittman, Mayor of the City of Doraville, do hereby proclaim October 23-31, 2013 as Red Ribbon Week in Doraville; and, in doing so, I encourage all residents and business owners to participate in drug prevention education activities, not only during National Red Ribbon Week, but throughout the year, making a strong statement that we are staunchly committed to a drug-free city.*

**In Witness Whereof,** *I, Donna Pittman, Mayor of the City of Doraville, have hereunto set my hand and affixed this Seal on this seventh day of October, in the year of our Lord two thousand and thirteen.*

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Mayor

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City Manager





## LIVABLE COMMUNITY CODE – V4

Prepared by Tunnell-Spangler-Walsh & Associates  
October 15, 2013

### SUMMARY OF COMMENTS AND REVISIONS

The following is a summary of revisions reflected in the Draft Doraville Livable Community Code V3. Grammatical revisions are not noted.

#### Sec. 4.2.3 Non-Conforming Lots

This text was not reworded, at the recommendation of the City Attorney.

#### Sec. 4.5 Average Grade

A method for calculating average grade along the buildable area boundary was added.

#### Sec. 4.8.3 Parking Agreements

A requirement that off-site parking agreements be court recorded was added.

#### Sec. 4.10 Landscaping

Requirements for landscaping maintenance and replacement were added.

#### Sec. 4.15.3 Residential Materials

The use of “fake stucco,” also known as EIFS, was prohibited.

#### Sec. 4.15.3 Roofs

Flat roofs were prohibited in T3 and limited to no more than three adjacent flat roofs on attached and detached houses in all other zones.

#### Table 4B: Public Frontages – Specific

Language was added to C: Walkway requiring that sidewalks and paths be maintained clear to a minimum height of 8 feet.

#### Table 5: Civic Space

This table was amended to allow sports fields and courts in Parks, and courts in Greens; sports stadium remain prohibited. Additionally, the Playground language was revised to clarify that playgrounds may be located within another Civic Space.

#### Table 9: Building Function

T3 was amended to prohibit lodging, prohibit accessory dwelling units, and restrict office functions to only home occupation by the owner.

#### Table 10: Specific Function and Use

Language was added that, in T3, no two unit attached single-family dwelling may be created by conversion of an existing detached single-family dwelling.

#### Regulating Plan

The area northwest of the former GM Assembly was changed from T5 to Special District C-2 to match the LCI Plan.

## **LIVABLE COMMUNITY CODE – V4**

*City of Doraville*

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### **ARTICLE 1. GENERAL**

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- 1.2 APPLICABILITY
- 1.3 PROCESS
- 1.4 TRANSECT ZONES AND SPECIAL DISTRICTS
- 1.5 VARIANCES
- 1.6 DENSITY CALCULATIONS

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- 2.2 SPECIAL AREA PLAN REQUIREMENTS
- 2.3 REQUIRED BUFFERS

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- 3.2 THOROUGHFARES - VEHICULAR LANES
- 3.3 THOROUGHFARES - BICYCLE FACILITIES
- 3.4 THOROUGHFARES - PUBLIC FRONTAGES
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### **ARTICLE 4. LOT AND BUILDING PLANS**

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- 4.2 NON-CONFORMING PROPERTIES
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- 4.4 BUILDING PLACEMENT
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- 4.6 BUILDING FUNCTION
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- 4.10 LANDSCAPE STANDARDS
- 4.11 DRIVE-THROUGH STANDARDS
- 4.12 AUTOMOBILE FUEL STATION STANDARDS
- 4.13 LIGHTING STANDARDS
- 4.14 SIGN STANDARDS
- 4.15 ARCHITECTURAL STANDARDS

### **ARTICLE 5. STANDARDS AND TABLES**

- TABLE 1 TRANSECT ZONE DESCRIPTIONS
- TABLE 2 MODIFICATION TO NON-CONFORMING PROPERTIES
- TABLE 3A VEHICULAR LANE DIMENSIONS
- TABLE 3B VEHICULAR LANE/PARKING ASSEMBLIES
- TABLE 4A PUBLIC FRONTAGES - GENERAL
- TABLE 4B PUBLIC FRONTAGES – SPECIFIC
- TABLE 4C THOROUGHFARE ASSEMBLIES
- TABLE 5 CIVIC SPACE
- TABLE 6 BUILDING FORM - HEIGHT
- TABLE 7 BUILDING PLACEMENT
- TABLE 8 PRIVATE FRONTAGES
- TABLE 9 BUILDING FUNCTION
- TABLE 10 SPECIFIC FUNCTION & USE
- TABLE 11 CODE SUMMARY
- TABLE 12A LANDSCAPING – TREES
- TABLE 12B LANDSCAPING – INVASIVE SPECIES
- TABLE 13 SPECIAL DISTRICTS
- TABLE 14 DEFINITIONS ILLUSTRATED

### **ARTICLE 6. DEFINITIONS OF TERMS**

**ARTICLE 1. GENERAL**

**1.1 INTENT**

The intent and purpose of this code is to enable and support the implementation of the following policies:

- a. That the Doraville MARTA station area is the focal point for high-quality, mixed-use development in the City of Doraville as established in the 2010 Doraville Downtown Master Plan Livable Centers Initiative and the 2005-2025 Comprehensive Plan.
- b. That within Doraville ordinary activities of daily life should occur within walking or bicycling distance of most dwellings.
- c. That interconnected networks of thoroughfares should be designed to disperse traffic and reduce the length of automobile trips.
- d. That appropriate densities and land uses should be provided within walking distance of transit stops.
- e. That a range of housing options should be provided to accommodate different needs in the community.
- f. That the quality-of-life in existing neighborhoods should be preserved, protected, and enhanced.
- g. That development patterns should enable children to walk or bicycle to school.
- h. That a range of open spaces including parks, squares, playgrounds, and preserved green corridors should be distributed throughout Doraville.
- i. That buildings and landscaping should contribute to the physical definition of thoroughfares as civic places.
- j. That development should adequately accommodate automobiles while respecting the pedestrian and the spatial form of public areas.
- k. That community design should reinforce safe environments, but not at the expense of accessibility.
- l. That civic buildings and public gathering places should be provided as locations that reinforce community identity and support self-governance.
- m. That civic buildings should be distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the area.
- n. That the harmonious and orderly development and redevelopment of Doraville should be secured through form-based codes.

**1.2 APPLICABILITY**

- 1.2.1 In areas subject to this code, all ordinances or parts of ordinances in conflict with this chapter or inconsistent with its provisions in the City of Doraville Code of Ordinances (including, without limitation, the Zoning Code of the City of Doraville and the Doraville Subdivision Regulations), are hereby superseded to the full extent necessary to give this code full force and effect.
- 1.2.2 Should any provision of this be declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect this chapter as a whole or any part hereof except that specific provision which was the subject of the declaration.
- 1.2.3 Capitalized terms used throughout this code may be defined in Article 6 Definitions of Terms. Article 6 contains regulatory language that is integral to this code. Those terms not defined in Article 6 shall be accorded their commonly accepted meanings. In the event of conflicts between these definitions and those of Section 23-402 Definitions of this zoning ordinance, those of this code shall take precedence when applied to the regulations found herein.

- 1.2.4 The metrics of Article 5 Standards and Tables are an integral part of this code. However, the diagrams and illustrations that accompany them should be considered advisory, with the exception of those in Table 14 Definitions Illustrated, which are legally binding.
- 1.2.5 Where in conflict, numerical metrics shall take precedence over graphic metrics.

**1.3 PROCESS**

- 1.3.1 Properties may only be rezoned to this code as part of a Regulating Plan and in accordance with Article 2.
- 1.3.2 The procedure for rezoning to a Regulating Plan shall be the same as required for any other application for zoning map amendment as described in Article XVI of the zoning ordinance, subject to the modifications thereto and additional requirements set forth below.
- 1.3.3 Regulating Plan rezoning applications submitted by any entity, including the City, shall be exempt from the correct site plan requirements set forth in Section 23-1602 Application for a Zoning Amendment, but shall provide the following instead:
  - a. A Regulating Plan in accordance with the requirements of Section 2.1.2;
  - b. A map of existing structures on the site and those proposed to remain after development;
  - c. Proposed maximum number of residential units and maximum non-residential floor area;
  - d. Standards for Special Districts, if applicable; and
  - e. Requested Variances for concurrent approval by City Council, if applicable.
- 1.3.4 Once the Mayor and City Council approves a rezoning under this code, the parcel(s) shall be designated LCC (Livable Community Code) on the City of Doraville zoning map.
- 1.3.5 Special Area Plans identified in Section 2.14 may only be approved by the Mayor and City Council in accordance with the procedures set forth for Regulating Plan rezoning applications.

**1.4 TRANSECT ZONES AND SPECIAL DISTRICTS**

- 1.4.1 The standards for Transect Zones and Civic Zones shall be as set forth in Articles 3, 4, and 5.
- 1.4.2 Areas that, by their intrinsic character, cannot conform to the requirements of any Transect Zone may be designated as Special Districts on a Regulating Plan.
- 1.4.3 The standards for Special Districts shall be approved by the Mayor and City Council as part of Regulating Plan and shall include either:
  - a. Standards specifically prepared for the Special District and recorded in Table 13: Special Districts; or
  - b. Standards of any City of Doraville zoning district.
- 1.4.4 Special Districts shall comply with:
  - a. All Special District provisions identified in Article 3 unless relief is granted by Variance; and
  - b. Special District provisions set forth in Table 13: Special Districts, as applicable; or
  - c. The requirements the base zoning, including conditions, as applicable; or
  - d. The requirements of any other City of Doraville zoning district, as applicable.

**1.5 VARIANCES**

- 1.5.1 Variances from the requirements of this code shall be in accordance with Article XIV of the zoning ordinance except as identified to the contrary herein.
- 1.5.2 The requirements of Sections 23-1402 Variances and 23-1402A Additional Authorization to Grant Variances of Article XIV notwithstanding, the Mayor and City Council are authorized upon appeal in specific cases to consider variances as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the article will, in an individual case,

result in practical difficulty or unnecessary hardship, so that the spirit of the code shall be observed, public safety and welfare secured, and substantial justice done. The existence of a nonconforming use of neighboring land, buildings or structures in the same or in other districts shall not constitute a reason for a Variance. A variance may be granted in an individual case of unnecessary hardship upon a finding by the Mayor and City Council as relevant that all the conditions below are met. When the Mayor and City Council consider approval, denial or nonbinding recommendations on variances as may be relevant, all of the following conditions must be considered and found present or found not to be present.

- a. The variance is justified by the provision of Section 1.1 Intent.
- b. The variance is consistent with the comprehensive plan.
- c. The variance will not materially endanger the public health or safety or constitute a public nuisance if located where proposed and developed according to the plans and information submitted and approved.
- d. The variance will not substantially injure the value of adjoining property.
- e. The variance, if developed according to the plans and information approved, will result in development that is in harmony with nearby land uses.
- f. The variance will advance the presence of the intended form of the development.

1.5.3 If a variance is requested in conjunction with an application for a Regulating Plan or Special Area Plan, the Mayor and City Council may process the requested variances concurrently.

## **1.6 DENSITY CALCULATIONS**

1.6.1 The following Density calculations shall apply to all areas except Special Districts that are subject to the standards of any other City of Doraville zoning district as set forth in Section 1.4.3(b).

1.6.2 All areas of a site shall be considered cumulatively the Gross Site Area.

1.6.3 Development on a site shall be limited as follows:

- a. The maximum amount of floor area shall be limited by the maximum building height and applicable setback and lot coverage regulations; and
- b. The maximum number of housing units shall be further limited by the maximum number housing units per acre as specified for each Transect Zone by Table 11: Code Summary, item a Residential Density.

1.6.4 The maximum residential density of a site shall be calculated by multiplying the Transect Zone's density identified in Table 11: Code Summary, item a Residential Density by the Gross Site Area. Where a site includes multiple Transect Zones, each shall be calculated independently. The area of new Thoroughfares and Civic Spaces on the site shall be allocated to the closest Transect Zone(s) on the site. Where a Thoroughfare or Civic Space adjoins multiple Transect Zones, their area shall be proportionally allocated to the adjoining zones.

1.6.5 Where a site is subdivided into lots, a lot's residential density may exceed the residential density of the Transect Zone within which it lies, provided that the maximum residential density of the Transect Zone for the site as whole as established in Section 1.6.2(b) is not exceeded.

1.6.6 Accessory Units do not count toward residential density calculations.

**ARTICLE 2. REGULATING PLANS**

**2.1 INSTRUCTIONS**

- 2.1.1 The provisions of this article shall be utilized for sites being rezoned under this code.
- 2.1.2 Regulating Plans shall consist of one or more maps showing the following:
- a. Transect Zones existing Civic Building Sites and Civic Spaces;
  - b. Thoroughfare network, existing and planned;
  - c. Rail transit alignments, existing and planned;
  - d. A differentiation of Thoroughfares as A-Grid and B-Grid. Buildings along the A-Grid shall be held to the highest standard of this code in support of pedestrian activity. Buildings along the B-Grid may be more readily considered for Variances allowing automobile-oriented standards;
  - e. Special Districts, including an indication of the specific City zoning district, if applicable;
  - f. Mandatory Private Frontages;
  - g. Any special requirements; and
  - h. A record of any Variances.
- 2.1.3 Within any area subject to an approved Regulating Plan, this code becomes the exclusive and mandatory regulation. Property owners within this area may submit Building Scale Plans under Article 4 in accordance with the provisions of this code.
- 2.1.4 The owner(s) of a parcel, or abutting parcels, consisting of 30 acres or more of contiguous lots within an area subject to a Regulating Plan may apply to prepare a Special Area Plan. In consultation with the Department of Community Development, a Special Area Plan may assign new Transect Zones, Civic Zones, Thoroughfares, Special Districts, architectural standards, signage standards, and/or Special Requirements as provided in this code, with appropriate transitions to abutting areas. Special Area Plans shall be approved by the Mayor and City Council.
- 2.1.5 The City of Doraville or the owner of a parcel or abutting parcels in an approved Regulating Plan or Special Area Plan may adjust the following subject to approval of the Director of Community Development:
- a. The locations of proposed Thoroughfares from those shown by up to a total of 300 horizontal feet, provided that the interconnected network shown in the Regulating Plan is maintained.
  - b. The locations of planned rail transit alignments from those shown to the extent necessary to bring said alignments into conformance with those planned by the transit operator.

**2.2 SPECIAL AREA PLAN REQUIREMENTS**

- 2.2.1 Special Area Plans shall include one or more maps in conformance with the requirements for Regulating Plans set forth in Section 2.1.2.
- 2.2.2 Special Area Plans may also include alternative standards for:
- a. Section 4.8.1 off street parking and loading spaces required;
  - b. Section 4.13 Lighting Standards;
  - c. Section 4.14 Sign Standards;
  - d. Section 4.15 Architectural Standards; and
  - e. Table 6: Building Form – Height.
- Where alternate standards are not submitted this requirements of the applicable sections shall apply.
- 2.2.3 The following elements shall not deviate from those established in an approved Regulating Plan:

- a. Mandatory Public Frontages along existing Thoroughfares; and
    - b. Greenways, although their exact locations may vary provided the connections to adjacent sites shown outside of the Regulating Plan are maintained.
  - 2.2.4 Each Special Area Plan shall dedicate at least 5% of its total area to Civic Space.
  - 2.2.5 Civic Space shall be designed as generally described in Table 5: Civic Space and as allowed in the Transect Zones in accordance with Table 11: Code Summary, item d Civic Spaces. Greenways shall not be counted towards this requirement, except where they pass through a Civic Space meeting the requirements of Table 5: Civic Space.
  - 2.2.6 The Thoroughfare network for the Special Area Plan shall be designed to define Blocks not exceeding the size prescribed in Table 11: Code Summary, item b Block Size. The perimeter shall be measured as the sum of lot Frontage Lines of the Block. When one side of the Block perimeter is at the edge of a development parcel the maximum Block perimeter shall be subject to approval by Variance.
  - 2.2.7 All Thoroughfares shall terminate at other Thoroughfares, forming an interconnected network. Internal Thoroughfares shall connect wherever possible to those on adjacent sites. Where adjacent sites are non-conforming with regards to the Thoroughfare network requirements of this code, stub-out streets shall be provided to provide future connectivity at such time as the adjacent sites are developed or redeveloped. All other dead-end streets and cul-de-sacs are allowed only by variance to accommodate specific site conditions including and limited to where said street would otherwise cross a state water, wetland, or existing slope exceeding 25%.
- 2.3 REQUIRED BUFFERS**
- 2.3.1 The requirements of Section 23-1102 Required Buffers shall not apply between different uses when both uses are located within an area subject to this code.
  - 2.3.2 The requirements of Section 23-1102 Required Buffers shall apply between different uses where an area subject to this code abuts an area not subject to this code, if such buffer is applicable.



**ARTICLE 3. PUBLIC STANDARDS**

**3.1 ARTICLE APPLICABILITY**

- 3.1.1 All sites, including those in Special Districts, shall incorporate Thoroughfares and Civic Spaces as established in an approved Regulating Plan or Special Area Plan.
- 3.1.2 Where no approved Special Area Plan exists, excluding Special Districts in an approved Regulating Plan:
  - a. Additional Thoroughfares are only permitted when in accordance with Section 2.2.6;
  - b. Additional Civic Spaces are permitted; and
  - c. Sites of more than 4 acres shall be designed to define Blocks not exceeding the size prescribed in Table 11: Code Summary, item b Block Size. The perimeter shall be measured as the sum of lot Frontage Lines of the Block. When one side of the Block perimeter is at the edge of a development parcel the maximum Block perimeter shall be subject to approval by variance.
- 3.1.3 Thoroughfares are intended for use by vehicular, bicycle, and pedestrian traffic and to provide access to adjacent lots and Civic Spaces. Thoroughfares shall generally consist of Vehicular Lanes and Public Frontages. Bicycle Facilities, where provided along a Thoroughfare, shall also be considered part of said Thoroughfare.
- 3.1.4 Thoroughfares and Civic Spaces shall be designed according to their Transect Zone. The Public Frontages of Thoroughfares that pass from one Transect Zone to another shall be adjusted so that the newer Thoroughfare's vehicular lane and parking assemblies and Public Frontages shall taper to meet those of the existing Thoroughfare.
- 3.1.5 Each lot shall Enfront a vehicular Thoroughfare or Civic Space, except that 20% of the lots within each Transect Zone may Enfront a Passage.
- 3.1.6 Standards for Thoroughfares within Special Districts shall be determined by the City of Doraville Public Works Director or other official as designated by the City Manager, who may, at their discretion, require alternative standards if the public health, safety, and welfare demand.
- 3.1.7 Thoroughfares along a designated B-Grid may be exempted by Variance from one or more of the specified Public Frontage or Private Frontage requirements. See Table 8: Private Frontages.
- 3.1.8 Rear Alleys and Rear Lanes shall be provided where required by Table 11: Code Summary, item c Thoroughfares.
- 3.1.9 Rear Alleys shall be paved for their width.
- 3.1.10 Rear Lanes may be paved to driveway standards. Rear Lanes shall consist of bounded gravel or landscaped edges, and have no raised Curb.

**3.2 THOROUGHFARES - VEHICULAR LANES**

- 3.2.1 Thoroughfares may include vehicular lanes in a variety of widths for parked and moving vehicles, and Bicycle Lanes. The standards for vehicular lanes shall be as shown in Table 3A: Vehicular Lane Dimensions, subject to approval of the City of Doraville Public Works Director or other official as designated by the City Manager, who may, at their discretion, require alternative standards if the public health, safety, and welfare demand.

**3.3 THOROUGHFARES - BICYCLE FACILITIES**

3.3.1 A bicycle network consisting of Greenways, Bicycle Lanes, and other bicycle facilities shall be provided as specified in the approved Regulating Plan or Special Area Plan. The bicycle network shall be connected to existing or proposed city and regional networks wherever possible.

3.3.2 Greenways shall include:

- a. A minimum 30 foot wide open space corridor that is available for pedestrian access;
- b. A Multi-Use Trail, which shall be located within the minimum 30 foot wide open space corridor;
- c. Trees spaced a minimum of 30 and a maximum of 60 feet on-center along one of both sides of the Multi-Use Trail; and
- d. Public lighting as established in Section 4.13.

### **3.4 THOROUGHFARES - PUBLIC FRONTAGES**

3.4.1 The standards for Public Frontages shall be as follows, subject to approval of the City of Doraville Public Works Director or other official as designated by the City Manager, who may, at their discretion, require alternative standards if the public health, safety, and welfare demand.

3.4.2 General to zones T3, T4, T5, T6

- a. The Public Frontage contributes to the character of the Transect Zone and includes Sidewalk, Curb, Planter, and trees. If a Greenway is located in what would otherwise be part of the Public Frontage then it shall also be considered part of the Public Frontage.
- b. Public Frontages shall be designed as shown in Table 4A: Public Frontages - General and Table 4B: Public Frontages - Specific and allocated within Transect Zones, where applicable, as specified in Table 11: Code Summary, item c Thoroughfares.
- c. Retrofit of existing Thoroughfares
  - i. Retrofit of existing Thoroughfares shall be accomplished in the Public Frontage by widening Sidewalks, adding trees, adding public lighting, and adding any required Greenways.
  - ii. Retrofit of existing Thoroughfares may also be accomplished in the Public Frontage by adding on-street parking, or by adding one Slip Road along one or both sides of the Thoroughfare utilizing one of the Thoroughfares identified as suitable for a Slip Road in Table 3B: Vehicular Lane/Parking Assemblies.
  - iii. Where retrofit occurs and there is insufficient right-of-way for the required improvements, the right-of-way needed for such improvements may be expanded by mutual agreement between the property owner and the entity holding the right-of-way, or a public access easement may be provided to the City of Doraville to meet the required improvements. Where the latter occurs, the Frontage Line will not be congruent with the right-of-way line.
- d. Public lighting shall be provided as established in Section 4.13 Lighting Standards
- e. Street trees shall be provided in the Public Frontage Planter and required Landscape Zone, subject to the following:
  - i. Along State Routes street trees shall be placed and sized in accordance with the standards established by the Georgia Department of Transportation.
  - ii. Along other Thoroughfares street trees shall be placed and sized in accordance with the current standards established by the American Association of State Highway and Transportation Officials.
  - iii. Permitted tree species and caliper within the Public Frontage shall be as established in Table 12A: Landscaping – Trees. No more than 33 percent of the trees shall be the same species. The City of Doraville may establish additional requirements along specific Thoroughfares.

## **LIVABLE COMMUNITY CODE – V4**

### *City of Doraville*

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#### 3.4.3 Specific to zone T3

- a. The Public Frontage shall include trees of various species, naturalistically clustered.

#### 3.4.4 Specific to zones T3, T4, T5, T6

- a. Street trees shall be spaced a minimum of 30 and a maximum of 60 feet on-center.
- b. The introduced landscape shall consist of durable species tolerant of soil compaction.

#### 3.4.5 Specific to zone T4

- a. Street trees shall be planted in a regularly-spaced Allee pattern of similarly shaped species with shade canopies of a height that, at maturity, clears at least one Story.

#### 3.4.6 Specific to zone T5, T6

- a. Street trees shall be planted in a regularly-spaced Allee pattern of similarly shaped species with shade canopies of a height that, at maturity, clears at least one Story. At Retail Frontages, the spacing of the trees may be irregular, to avoid visually obscuring the Shopfronts.

#### 3.4.7 Specific to State Routes

- a. The requirements of the Specific Transect Zones or Special Districts notwithstanding, along State Routes Sidewalk with a minimum width of 10 feet and a Planter having a width of 10 feet shall be provided. Street trees shall be located in the Planter and spaced a minimum of 30 and a maximum of 60 feet on-center. The spacing may be adjusted to accommodate specific site conditions.

### **3.5 CIVIC ZONES**

#### 3.5.1 General

- a. Civic Zones shall be designated on a Regulating Plan or Special Area Plan as Civic Building Sites or Civic Spaces.

#### 3.5.2 Civic Spaces

- a. Civic Spaces shall be designed as described in Table 5: Civic Space and shall be accessible to the public during normal City of Doraville park hours or longer each day.
- b. Each Civic Space, except for Playgrounds and Parks, shall have a minimum of 50% of its perimeter Enfronting one or more Thoroughfares. There shall be no minimum requirement for Playgrounds and Parks.

**ARTICLE 4. BUILDING SCALE PLANS**

**4.1 ARTICLE APPLICABILITY**

- 4.1.1 Lot and building plan approval for areas subject to a Regulating Plan shall be subject to the following requirements of this Article.
- 4.1.2 Building and site plans submitted under this code shall show compliance with the following standards described in this code:
  - a. For preliminary site and building approval:
    - i. Building Placement
    - ii. Building Form
    - iii. Building Function
    - iv. Public Frontages
  - b. For final approval, in addition to the above:
    - i. Landscaping
    - ii. Signage
    - iii. Special Requirements, if any
    - iv. Architecture
- 4.1.3 Special Districts that do not have provisions within this code as set forth in Table 13: Special Districts shall be governed by the applicable base zoning, including any zoning conditions, or by any other City of Doraville zoning district as indicated on an approved Regulating Plan or Special Area Plan.
- 4.1.4 Civic Building Sites shall not be subject to the requirements of this code. Buildings housing Civic Functions that do not meet the definition of a Civic Building shall be subject to the requirements of this code.

**4.2 NON-CONFORMING PROPERTIES**

- 4.2.1 Non-conforming properties shall comply with Article V Nonconforming Uses of the zoning ordinance except as indicated to the contrary below.
- 4.2.2 A property existing at the date of adoption of this code or any amendments thereto that does not conform to the provisions of this code or any subsequent amendment may continue in use as they are until a Substantial Modification is requested, at which time the Director of Community Development shall determine the provisions of this code that shall apply.
- 4.2.3 Lots existing at the time of adoption of this code shall not be considered non-conforming with regard to width.
- 4.2.4 The modification of existing buildings is permitted By Right if such changes do not increase the non-conformity with the specifications of this code (as illustrated in Table 2: Modifications to Non-Conforming Properties).

**4.3 SPECIAL REQUIREMENTS**

- 4.3.1 To the extent that an approved Regulating Plan or Special Area Plan designates any of the following Special Requirements, these standards shall apply to said requirements:
  - a. A mandatory Retail Frontage designation requires that a building provide a Shopfront at Sidewalk level along the entire length of its Private Frontage. The Shopfront shall be no less than 70% glazed in clear glass and shaded by an awning overlapping the Sidewalk as illustrated in Table 8: Private Frontages. The first story shall be confined to Retail or Office use through the depth of the Second Layer.

- b. A mandatory Gallery Frontage designation requires that a building provide a permanent cover over the Sidewalk, either cantilevered or supported by columns (as generally illustrated in Table 8: Private Frontages). A Gallery Frontage may be combined with a Retail Frontage.
- c. A mandatory Arcade Frontage designation requires that a building overlap the Sidewalk such that the first floor Facade is a colonnade (as illustrated in Table 8: Private Frontages). The Arcade Frontage may be combined with a Retail Frontage.
- d. A coordinated Frontage designation requires that the Public Frontage (Table 4A: Public Frontages – General) and Private Frontage (Table 8: Private Frontages) be coordinated as a single, coherent landscape and paving design.
- e. A cross Block Passage designation requires that a minimum 8 foot wide pedestrian access be reserved between buildings.

#### **4.4 BUILDING PLACEMENT**

##### **4.4.1 Specific to zones T3, T4, T5, T6**

- a. Newly platted Lots shall be dimensioned according to Table 11: Code Summary, item e Lot Occupation.
- b. Building Placement types shall be as shown in Table 7: Building Placement and Table 11: Code Summary, item h Building Placement.
- c. Buildings shall be placed in relation to the boundaries of their lots according to Table 11: Code Summary and Table 14: Definitions Illustrated subject to the following:
  - i. Front Setbacks shall be measured from the Frontage Line.
  - ii. Side and Rear Setbacks shall be measured from the Lot Line.
- d. At least One Principal Building at the Frontage, and one Outbuilding to the rear of the Principal Building, may be built on each Lot as shown in Table 14: Definitions Illustrated.
- e. Lot coverage by building shall not exceed that recorded in Table 11: Code Summary, item e Lot Occupation.
- f. Facades shall be built parallel to a straight Principal Frontage Line or to the tangent of a curved Principal Frontage Line, and along the A-Grid to a minimum percentage of the Frontage width at the Setback, as specified as Frontage buildout on Table 11: Code Summary, item f Setbacks – Principal Building, provided that where a master planned site in Zone T5 or T6 is planned for subdivision into lots, compliance with this requirement may be calculated prior to subdivision.
- g. Rear Setbacks for Outbuildings shall be a minimum of 12 feet measured from the centerline of a Rear Alley or Rear Lane easement. In the absence of Rear Alley or Rear Lane, the rear Setback shall be as shown in Table 11: Code Summary.

##### **4.4.2 Specific to zones T5 and T6**

- a. The Principal Entrance to all Enfronting buildings shall be on a Frontage Line.

#### **4.5 BUILDING FORM**

##### **4.5.1 General to zones T3, T4, T5, T6**

- a. The Private Frontage of buildings shall conform to Table 8: Private Frontages and Table 11: Code Summary.
- b. Buildings on corner Lots shall have two Private Frontages as shown in Table 14: Definitions Illustrated. Prescriptions for the Second and Third Layers pertain only to the Principal Frontage. Prescriptions for the First Layer pertain to both Frontages.

- c. Building heights and Stepbacks shall conform to Table 6: Building Form - Height except that:
  - i. Lesser building heights shall be as required by Article X: Airport Zoning Provisions of the zoning ordinance, and
  - ii. Where the district adjoins an R-1 or R-2 district, height within the district shall be further limited as follows: No portion of any structure shall protrude through a height limiting plane beginning 35 feet above the average grade of the buildable area boundary nearest to the common R-1 or R-2 district boundary and extending inward over the Livable Community Code district at an angle of 45 degrees. For the purpose of this requirement, the average grade of the buildable area boundary shall be the average elevation of the ground surface, prior to construction, recalculated every 10 linear feet along said boundary.
- d. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial or Civic Function, which shall be a minimum of 11 feet with a maximum of 25 feet. A single floor level exceeding 14 feet, or 25 feet at ground level, shall be counted as two stories. Mezzanines extending beyond 33% of the floor area shall be counted as an additional Story.
- e. A first level Residential Function may be raised a maximum of 6 feet from average Sidewalk grade unless a greater height is approved by Variance.
- f. In a Parking Structure or garage, each above-ground level counts as a single Story regardless of its relationship to habitable Stories.
- g. Building height limits do not apply to Attics or raised basements, masts, belfries, clock towers, chimney flues, water tanks, or elevator bulkheads. Attics shall not exceed 14 feet in height.
- h. The habitable area of an Accessory Unit within a Principal Building or an Outbuilding shall not exceed 440 square feet, excluding the parking area.

#### 4.5.2 Specific to zone T3

- a. No portion of the Private Frontage may Encroach the Sidewalk.
- b. Open porches may Encroach the First Layer for 50% of the layer's depth.
- c. Balconies and bay windows may Encroach the First Layer for 25% of the layer's depth except that balconies on porch roofs may Encroach as does the porch.

#### 4.5.3 Specific to zone T4

- a. Balconies, open porches and bay windows may Encroach the First Layer for 50% of the layer's depth.

#### 4.5.4 Specific to zones T5, T6

- a. Except where prohibited, Awnings, Arcades, and Galleries may Encroach the Sidewalk to within 2 feet of the Curb but must clear the Sidewalk vertically by at least 8 feet.
- b. Stoops, Lightwells, balconies, bay windows, and terraces may Encroach the First Layer for 100% of the layer's depth.
- c. A walkway with a minimum width of 4 feet shall connect rear buildings to the public Sidewalk.
- d. A first level Residential or Lodging Function shall be raised a minimum of 2 feet from average Sidewalk grade unless a lesser height is necessary to allow wheelchair access.

### **4.6 BUILDING FUNCTION**

- 4.6.1 Nothing in this code shall be construed to provide relief from the provision of Chapter 6 Businesses and Business Regulations of the Doraville Code or Ordinances, which shall remain in full effect.
- 4.6.2 Table 10: Specific Function and Use lists the uses that are permitted by Transect Zone. If a particular use is not listed but the Director of Community Development can equate the proposed use to a similar use that is

listed, then the use that is not listed may be allowed to locate in the Transect Zone where the equated use is permitted. The uses allowed are those that will benefit from close proximity of uses and foster a pedestrian-oriented environment.

**4.6.3 General to zones T3, T4, T5, T6**

- a. Buildings in each Transect Zone shall conform to the Functions on Table 9: Building Function, Table 10: Specific Function & Use and Table 11: Code Summary.

**4.6.4 Specific to zone T3**

- a. Accessory Functions of Restricted Lodging or Restricted Office shall be permitted within an Accessory Building. See Table 9: Building Function.

**4.6.5 Specific to zones T4, T5**

- a. Accessory Functions of Limited Lodging or Limited Office shall be permitted within an Accessory Building. See Table 9: Building Function.

**4.7 SCREENING AND FENCING**

**4.7.1 Fences, walls and hedges shall be subject to the following:**

- a. General to zones T3, T4, T5, T6
  - i. Electrical and barbed wire fencing are prohibited.
  - ii. Chainlink fencing is prohibited from view from a public Thoroughfare and shall be black or hunter green vinyl clad.
  - iii. Retaining walls shall be faced with or constructed of stone, brick, or decorative concrete modular block. Retaining walls above three feet high shall have a continuous planting of evergreens in front of them.
- b. Specific to zones T3, T4
  - i. Where permitted within the First Layer, fences, walls and hedges shall not exceed 48 inches in height. Retaining walls are excluded from this requirement.
  - ii. Fences shall be a maximum of 50% opaque in the First Layer.
  - iii. In all other locations fences and walls shall not exceed 6 feet in height and shall be at maximum of 50% opaque above 48 inches in height. This requirement shall not apply to fences and walls screening refuse areas or loading docks.
- c. Specific to zones T5, T6
  - i. Within the first Layer, fences, walls and hedges shall not exceed 54 inches in height. Retaining walls are excluded from this requirement.
  - ii. Fences shall be a maximum of 50% opaque in the First Layer.
  - iii. In all other locations fences and walls shall not exceed 6 feet in height and may be 100% opaque.

**4.7.2 The following elements shall be screened from view of any A-Grid or Civic Space as set forth below. To comply with the maximum height requirements above, any screening that exceeds the maximum requirements for the First Layer shall not be located within it.**

- a. Loading docks and service areas shall be screened by either:
  - i. A minimum 6 foot high 100% opaque fence matching the material of the building; or
  - ii. A 15 foot wide landscape strip planted with a continuous hedge of evergreen shrubs. Shrubs shall be moderately growing, be a minimum height of 42 inches at time of planting, reach a minimum height of 6 feet within two years of planting, and all plant materials shall be equal to or surpass specifications as defined in the current issue of "American Standards for Nursery Stock," published



by the American Association of Nurserymen, Inc.

- b. Open Parking or gas fueling bays shall be screened by a continuous screen of evergreen plantings. Said screen shall be 3 feet in height at planting and 4 feet minimum height at maturity and 3 to 8 feet in width at maturity.
- 4.7.3 Refuse areas (dumpsters) shall be placed in the least visible location from Thoroughfares, and shall be enclosed in accordance with Article VI of Chapter 15 of the City of Doraville Code of Ordinances. Where fence or wall enclosures are provided they shall be faced in a material compatible with the exterior wall material of the Principal Building.
- 4.7.4 Customer shopping cart storage areas adjacent to a building shall be screened by a wall a minimum of 4 feet in height. Enclosures shall be faced in a material compatible with the exterior wall material of the Principal Building.
- 4.7.5 Mechanical features such as HVAC condensers, electrical transformers, heat pumps, and similar features shall not be placed in the First Layer and shall be screened from view of any Thoroughfare, Civic Space, or any property zoned, used, or developed for Residential Functions, by one of the following means:
  - a. Placement behind the building;
  - b. 100% opaque fencing which shall be constructed of the same type of exterior material used for the Principal Building; or
  - c. By a berm or vegetative screening. The screening shall consist of evergreen shrubs, be a minimum of 42 inches in height at time of planting, and reach a minimum height of 6 feet within two years or planting.

#### **4.8 OFF-STREET PARKING AND LOADING**

- 4.8.1 Off-street parking and loading shall be provided in accordance with Article XII: Parking and Loading of this zoning ordinance except where alternate standards have been approved by the Mayor and City Council within a Regulating Plan or Special Area Plan, or as set forth below for shared parking.
- 4.8.2 The parking requirements of Article XII may be satisfied off-site subject to the following:
  - a. Said off-site parking shall be located within 600 feet of the Principal Entrance of the use it serves, as measured along the pedestrian walkway;
  - b. Said off site parking shall be located within this zoning district;
  - c. Applicants shall submit an executed and court recorded parking agreement from the off-site parking property owner granting the applicant the right of sole use of the specific number of parking spaces to be utilized; and
  - d. All off-site parking spaces shall be clearly marked and signed.
- 4.8.3 A reduction of the parking requirements of Article XII may be permitted subject to the following:
  - a. Applicants for shared parking shall submit the following to the Director of Community Development:
    - i. A shared parking analysis using the Urban Land Institute (ULI) Shared Parking Model (latest edition);
    - ii. A to-scale map indicating location of proposed shared parking spaces; and
    - iii. Written consent of property owners and businesses agreeing to the shared parking arrangement, including copies of executed and court recorded agreements for off-site parking, as applicable.
  - b. Uses providing shared parking must have either mutually exclusive or compatibly overlapping normal hours of operations.

- c. Reductions in the total number of required spaces for shared parking are not permitted unless the Director of Community Development determines a reduction is appropriate on a case-by-case basis through use of the ULI Shared Parking Model.
  - d. Renewed parking agreements shall be filed with the Director of Community Development. Lapse of a required lease agreement shall terminate the shared parking reduction.
  - e. All shared parking spaces shall be clearly marked and signed as reserved during specified hours.
  - f. Off-site shared parking shall also comply with the requirements of Section 4.8.2.
- 4.8.4 On-street parking along the parking lane corresponding to the Lot Frontage shall be used to satisfy parking requirements.
- 4.8.5 All Office, Lodging, Retail, Civic, and education Functions, and multiple family dwellings shall provide a minimum of one bicycle or scooter rack to accommodate a minimum of one bicycle or scooter space for every ten off-street vehicular parking spaces. Said rack(s) shall be located either:
- a. Within the Public or Private Frontage, or
  - b. Closer than the closest off-street vehicular parking space provided.

#### **4.9 PARKING LOCATION STANDARDS**

- 4.9.1 General to zones T3, T4, T5, T6
- a. Parking shall be accessed by Rear Alleys or Rear Lanes, when such are available or required.
  - b. Rear Alleys, Rear Lanes, and Driveways on adjacent sites shall connect to provide inter-parcel access to minimize curb cuts and improve street traffic flow.
- 4.9.2 Specific to zones T3
- a. Open Parking areas shall be located at the Second and Third Layers, except that Driveways, drop-offs and unpaved parking areas may be located at the First Layer.
  - b. Garages shall be located at the Third Layer.
- 4.9.3 Specific to zones T3, T4
- a. Driveways at Frontages shall be no wider than 10 feet in the First Layer. (Table 3B: Vehicular Lane/Parking Assemblies, item f Parking Access)
- 4.9.4 Specific to zone T4
- a. All parking areas and garages shall be located at the Second or Third Layer.
- 4.9.5 Specific to zones T5, T6
- a. All Open Parking and Parking Structures shall be located at the Second or Third Layer.
  - b. Vehicular entrances to Open Parking, drive-throughs, and Parking Structures shall be no wider than 12 feet for one-way access and 24 feet for two-way access at the Frontage.
  - c. Pedestrian exits from all Open Parking and Parking Structures shall be directly to a Frontage Line (i.e., not directly into a building) except underground levels which may exit directly into a building.
  - d. Parking Structures on the A-Grid shall have Liner Buildings lining the first and second Stories.

#### **4.10 LANDSCAPE STANDARDS**

- 4.10.1 General to zones T3, T4, T5, T6
- a. Impervious surface shall be confined to the ratio of Lot coverage specified in Table 11: Code Summary, item e Lot Occupation.
- 4.10.2 Specific to zones T3, T4
- a. The First Layer shall be landscaped with live grass, trees, shrubs, hedges and other landscaping

materials approved by Director of Community Development and shall not be paved, with the exception of Driveways as specified in Section 4.9.2 and Section 4.9.3.

**4.10.3 Specific to zone T3**

- a. A minimum of two trees shall be planted within the First Layer for each 30 feet of Frontage Line or portion thereof.
- b. Trees shall be naturalistically clustered.

**4.10.4 Specific to zone T4**

- a. A minimum of one tree shall be planted within the first Layer for each 30 feet of Frontage Line or portion thereof.
- b. Trees shall be a single species to match the species of Street Trees on the Public Frontage.

**4.10.5 Specific to zone T5, T6**

- a. Adjacent to Open Parking
  - i. The First Layer shall be landscaped with live grass, shrubs, hedges, and other landscaping materials approved by Director of Community Development.
  - ii. The First Layer shall be planted with trees spaced a minimum of 30 and a maximum of 60 feet on-center. The spacing may be adjusted to accommodate specific site conditions.
  - iii. The First Layer shall not be paved, with the exception of walkways and Driveways as specified in Section 4.9.2 and Section 4.9.3, the sum of which shall not occupy more than 50% of the area of the First Layer.
- b. Not adjacent to Open Parking:
  - i. Trees and landscaping shall not be required in the First Layer.
  - ii. The First Layer may be paved to match the pavement of the Public Frontage.

**4.10.6 Permitted tree species and caliper within the Private Frontage shall be as established in Table 12A: Landscaping – Trees. Trees in the Private Frontage shall also comply with the following:**

- a. No more than 33 percent of the trees shall be the same species, and
- b. At least 70 percent of the trees shall be overstory trees.

**4.10.7 The non-native invasive species identified in Table 12B: Landscaping – Invasive Species are prohibited from outdoor planting, but not sale or indoor planting.**

**4.10.8 The property owner is responsible for maintaining all required landscaping in good health and condition. Any dead, unhealthy, damaged or missing landscaping and screening shall be replaced with landscaping that conforms to this code within 90 days, or within 180 days where weather concerns would jeopardize the health of plant materials.**

**4.11 DRIVE THROUGH STANDARDS**

**4.11.1 General to Zones T5, T6, and Special Districts**

- a. Drive-through service canopies shall be pitched at an angle and use materials matching the roof of the Principal Building.

**4.11.2. Specific to Zones T5, T6**

- a. Drive-through facilities and all associated vehicular queuing shall be located at the rear of the Principal Building if feasible, but shall be located at the side if not feasible.
- b. Vehicular access to a drive-through should be from mid-block or from a Rear Alley to avoid disrupting pedestrian traffic. If a Driveway is necessary it shall be no more than 24 feet wide.
- c. Drive-through facilities shall be considered accessory structures to a building.

**4.12 AUTOMOBILE FUEL STATION STANDARDS**

**4.12.1 General to Zones T5, T6, and Special Districts**

- a. Lighting shall be shielded to direct light and glare onto the lot where the gas/fueling station is located.

**4.12.1. Specific to Zones T5, T6**

- a. Gasoline station canopies and pumps:
  - i. Shall be located to the side, or rear of the Principal Building.
  - ii. Pump canopies shall be located at least 50 feet from any interior side or rear property line that adjoins a Residential Function.
  - iii. Shall be buffered from adjoining Residential Functions with an opaque wall between 3.5 and 8 feet in height. Said wall shall be faced in a material compatible with the same exterior wall material of the Principal Building .
- b. A conforming Principal Building is required and shall be a minimum floor area of 1,600 square feet.

**4.13 LIGHTING STANDARDS**

**4.13.1** The following lighting standards shall apply in areas regulated by this code except where alternate standards have been approved by the Mayor and City Council within a Special Area Plan.

**4.13.2** Lighting levels measured at the building Frontage Line shall not exceed the following amounts:

- a. Zones T3, T4: 1.0 foot candle.
- b. Zones T5, T6: 5.0 foot candles.
- c. Special Districts: No requirement

**4.13.3** Any lighting fixture shall be a cutoff luminary whose source is completely concealed with an opaque housing. Fixtures shall be recessed in the opaque housing. Drop dish refractors are prohibited. The wattage shall not exceed 420 watts/480 V per light fixture or equivalent. This provision includes lights on mounted poles as well as architectural display and decorative lighting visible from a Thoroughfare or Civic Space. Wall pack lighting shall be cut-off down directional a maximum of 250 watts or equivalent. Canopy lighting shall be cut-off down directional a maximum of 250 watts or equivalent. Canopy lighting shall be cut-off luminaries with a maximum lamp wattage of 400 watts or equivalent.

**4.13.4** Mounting fixtures must be modified in such a manner that the cone of the light is not directed at any property line. The minimum mounting height for a pole is 12 feet. The maximum mounting for a pole is 28 feet. Any fixture and pole located within 20 feet of an R-1 or R-2 district, T3 Zone, or a T4 Zone shall be a Type Four (enclosures that are intended for outdoor use primarily to provide a degree of protection against windblown dust and rain., splashing water, and hose directed water; undamaged by the formation of ice on the enclosure) and forward throw distribution.

**4.14 SIGN STANDARDS**

**4.14.1** The provisions of Chapter 14 Signs shall apply in areas regulated by this code except where alternate standards have been approved by the Mayor and City Council within a Special Area Plan.

**4.15 ARCHITECTURAL STANDARDS**


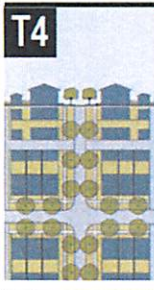
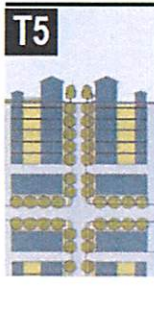
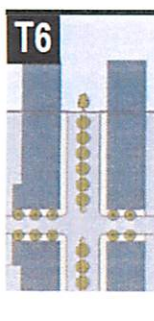
**4.15.1** The following architectural standards shall apply to all buildings in areas regulated by this code except where alternate standards have been approved by the Mayor and City Council within a Special Area Plan.

**4.15.2** General to Zones T3, T4, T5, T6, and Special Districts

- a. The design of Commercial and Mixed-Use buildings shall conform to Section 23-1705 Building Design.

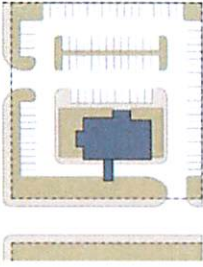
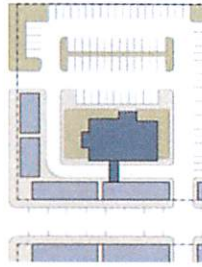
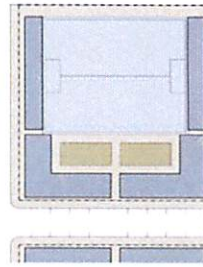
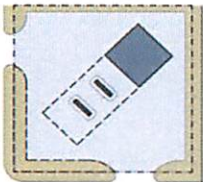
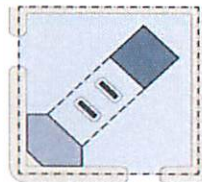
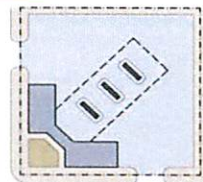
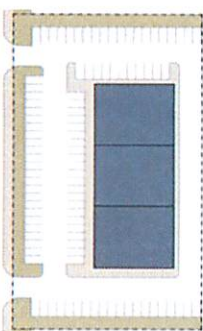
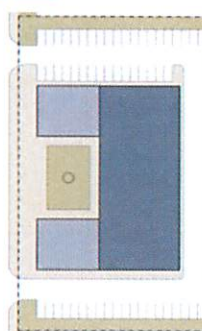
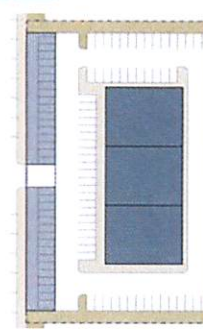
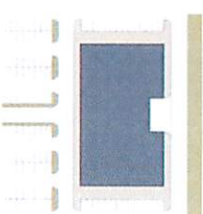
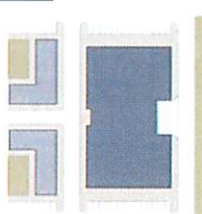
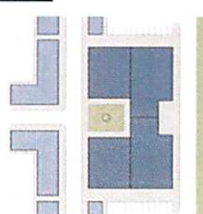

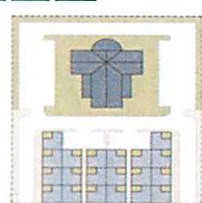
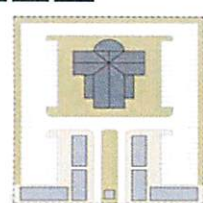
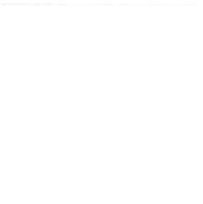


- b. The design of Residential buildings shall conform to
    - i. The requirements of the Section 23-1705 Building Design, or
    - ii. The requirements of Section 4.15.3.
  - c. Exterior materials for all buildings may be combined only horizontally, with the heavier below the lighter.
- 4.15.3 Residential buildings
- a. Materials
    - i. The exterior finish material on all Facades shall be limited to brick, manufactured stone, natural stone, wood siding, cementitious siding and/or true hard coat stucco.
    - ii. Foundations shall be constructed as a distinct building element that contrasts with Facade materials. Exposed above-ground foundations shall be coated or faced in cement, true hard coat stucco, brick, manufactured stone, or natural stone to contrast with façade materials.
    - iii. Synthetic stucco exterior insulation finishing systems are prohibited.
  - b. Windows and Doors along Frontages
    - i. The combined area of windows above the first Story shall not be less than 15% nor greater than 50% of the total building wall area, with each Facade being calculated independently by story.
    - ii. Where used, shutters shall match one half the width of the window opening to which they are adjacent.
    - iii. Windows shall provide glass that is clear, unpainted, and not tinted so as to obstruct views into the building.
    - iv. Doors and windows that operate as sliders are prohibited
    - v. Windows shall be vertically shaped with a height greater than width. The top of said windows shall generally be in alignment with the top of the adjacent door frame.
    - vi. Windows shall have True or Simulated Divided Lights or be one-over-one lights.
    - vii. Windows shall include sills of wood, masonry, stone, cast stone, or terra cotta.
    - viii. Window frames shall be recessed a minimum of 1.5 inches from the exterior façade.
  - c. Roofs
    - i. Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12.
    - ii. Flat roofs shall be enclosed by parapets a minimum of 42 inches high, or as required to conceal mechanical equipment.
    - iii. Flat roofs are prohibited in T3. In all other Zones and Special Districts, no more than three adjacent detached or attached single-family dwellings shall have flat roofs.
    - iv. All roofs shall have a minimum 25-year roof life and no visible roll roofing.
    - v. Chimneys, where provided, shall extend to the ground and shall be faced in brick or stacked stone. Chimneys shall extend between 3 and 6 feet above the roof line.
  - d. No more than three adjacent row house units shall have the same façade design. Differentiation between adjacent façades may be accomplished by a change in materials, building height, color, roof form or setbacks, provided that the appearance of a separate building is achieved.
  - e. Stoops and porches:
    - i. Porches and stoops along a Frontage shall not be enclosed with screen wire or glass.
    - ii. Entry steps leading to porches and stoops along a Frontage shall have enclosed risers.
    - iii. Porch columns shall be a minimum width of 8 inches.

Table 1: Transect Zone Descriptions. This tables provides descriptions of the character of each Transect Zone.

	<p><b>T-3 SUB-URBAN</b> T-3 Sub-Urban Zone consists of low density residential areas, adjacent to higher zones that have some mixed use. Home occupations and outbuildings are allowed. Planting is naturalistic and setbacks are relatively deep. Blocks may be large and the roads irregular to accommodate natural conditions.</p>	<p><b>General Character:</b> Lawns and landscaped yards surrounding detached single-family houses; pedestrians occasionally</p> <p><b>Building Placement:</b> Large and variable front and side yard Setbacks</p> <p><b>Frontage Types:</b> Porches, fences, naturalistic tree planting</p> <p><b>Typical Building Height:</b> 1- to 2-Story with some 3-Story</p> <p><b>Type of Civic Space:</b> Parks, Greenways</p>
	<p><b>T-4 GENERAL URBAN</b> T-4 General Urban Zone consists of a mixed use but primarily residential urban fabric. It may have a wide range of building types: single, Sideyard, and Rowhouses. Setbacks and landscaping are variable. Streets with curbs and side-walks define medium-sized Blocks.</p>	<p><b>General Character:</b> Mix of Houses and Townhouses with scattered Commercial activity; balance between landscape and buildings; presence of pedestrians</p> <p><b>Building Placement:</b> Shallow to medium front and side yard Setbacks</p> <p><b>Frontage Types:</b> Porches, fences, Dooryards</p> <p><b>Typical Building Height:</b> 1- to 4-Story</p> <p><b>Type of Civic Space:</b> Squares, Greens</p>
	<p><b>T-5 URBAN CENTER</b> T-5 Urban Center Zone consists of higher density mixed use building that accommodate Retail, Offices, Row- houses and Apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks.</p>	<p><b>General Character:</b> Shops mixed with Townhouses, larger Apartment houses, Offices, work place and Civic buildings; predominantly attached buildings; trees within the public right-of-way; substantial pedestrian activity</p> <p><b>Building Placement:</b> Shallow Setbacks or none; buildings oriented to street defining a street wall</p> <p><b>Frontage Types:</b> Stoops, Dooryards, Forecourts, Shopfronts, Galleries and Arcades</p> <p><b>Typical Building Height:</b> 1- to 6-Story</p> <p><b>Type of Civic Space:</b> Parks, Plazas, and Squares, median landscaping</p>
	<p><b>T-6 URBAN CORE</b> T-6 Urban Core Zone consists of the highest density and height, with the greatest variety of uses. It may have larger Blocks; streets have steady street tree planting and buildings are set close to wide sidewalks.</p>	<p><b>General Character:</b> Medium to high-Density Mixed Use buildings, entertainment, Civic and cultural uses. Attached buildings forming a continuous street wall; trees within the public right-of-way; highest pedestrian and transit activity</p> <p><b>Building Placement:</b> Shallow Setbacks or none; buildings oriented toward the street, defining a street wall</p> <p><b>Frontage Types:</b> Stoops, Dooryards, Forecourts, Shopfronts, Galleries and Arcades</p> <p><b>Typical Building Height:</b> 4-plus Story with a few shorter buildings</p> <p><b>Type of Civic Space:</b> Parks, Plazas and Squares; median landscaping</p>



**TABLE 2: Modification to Non-Conforming Properties.** This table provides descriptions of changes to non-conforming properties that result in conformance with the specifications of this code. Other changes to decrease the degree of non-conformity are also possible.

NON-CONFORMING PROPERTY		POSSIBLE TECHNIQUES	CONFORMING MODIFICATION	
DRIVE-THRU		<ul style="list-style-type: none"> <li>Keep existing building and drive-thru and add Liner Buildings in front of building to engage the Thoroughfare, or</li> <li>Replace building</li> </ul>	T5   T6 	T5   T6 
			T5   T6 	T5   T6 
STRIP CENTER		<ul style="list-style-type: none"> <li>Keep existing building and add Liner Buildings in front of it to engage the Thoroughfare</li> <li>Convert frontal parking into Forecourt and add on-street parking to existing the Thoroughfare</li> </ul>	T5   T6 	T5   T6 
			T5   T6 	T5   T6 
RELIGIOUS BUILDING		<ul style="list-style-type: none"> <li>Infill the frontal parking with new Liner Buildings and streets terminating on the existing building; retain current building use or convert to new use</li> <li>Infill the frontal parking with new Liner Buildings and streets terminating on the existing building; reconfigure existing buildings for new use</li> </ul>	T4   T5   T6 	T4   T5   T6 
			T4   T5   T6 	T4   T5   T6 



# LIVABLE COMMUNITY CODE - V4

City of Doraville

**TABLE 3A: Vehicular Lane Dimensions.** This table assigns lane widths to Transect Zones. The Design ADT (Average Daily Traffic) is the determinant for each of these sections. The most typical assemblies are shown in Table 3B: Vehicular Lane/Parking Assemblies. Specific requirements for truck and transit bus routes and truck loading shall be decided by by the City of Doraville Public Works Director or other official as designated by the City Manager.

DESIGN SPEED	TRAVEL LANE WIDTH	T3	T4	T5	T6	
25-35 mph	10 feet	■	■	■	■	■ BY RIGHT
25-35 mph	11 feet			■	■	
Above 35 mph	11 feet			■	■	


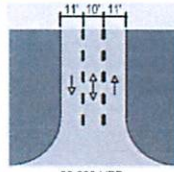
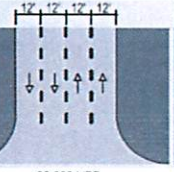
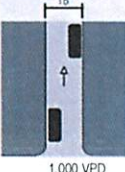
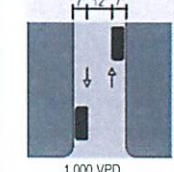
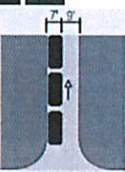
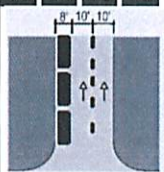
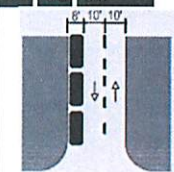
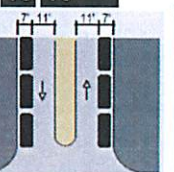
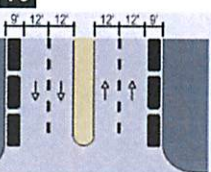
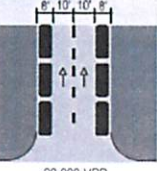
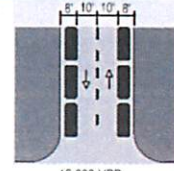
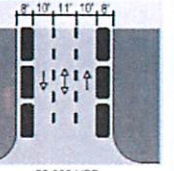
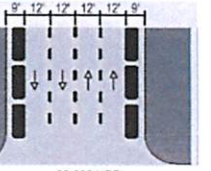
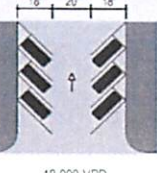
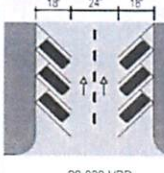
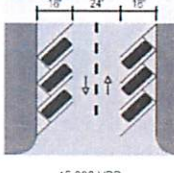
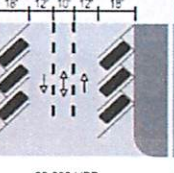
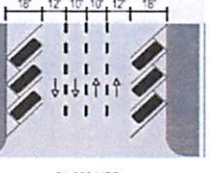
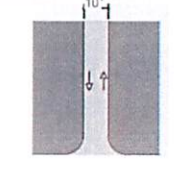
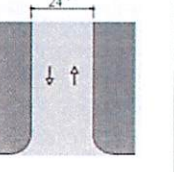
  

DESIGN SPEED	PARKING LANE WIDTH				
25 mph	(Angle 18 feet)			■	■
25 mph	(Parallel) 7 feet		■		
25-35 mph	(Parallel) 8 feet	■	■	■	■
Above 35 mph	(Parallel) 9 feet			■	■

DESIGN SPEED	EFFECTIVE TURNING RADIUS					(See Table 12)
20-25 mph	10-15 feet	■	■	■	■	
25-35 mph	15-20 feet	■	■	■	■	
Above 35 mph	20-30 feet			■	■	

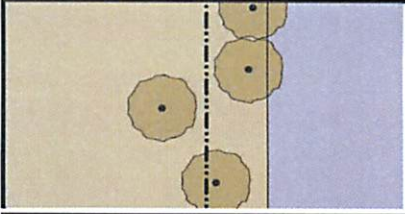
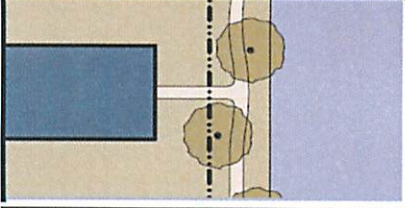
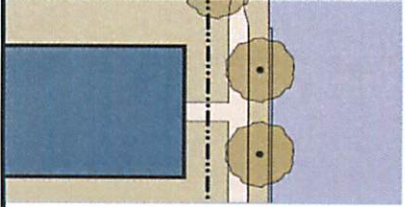
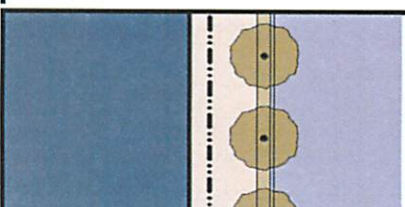
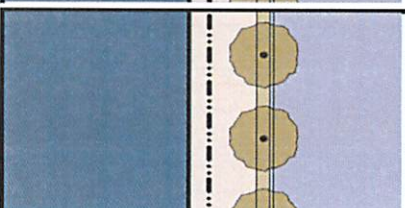
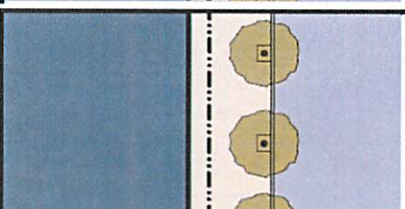
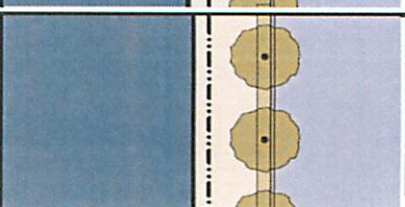
**TABLE 3B: Vehicular Lane/Parking Assemblies.** The projected design speeds determine the dimensions of the vehicular lanes and Turning Radii assembled for Thoroughfares. Use of standards in this table are subject to approval by the City of Doraville Public Works Director or other official as designated by the City Manager. Where on-street Bicycle Lanes or similar bicycle facilities are provided, the paved width shall be increased a corresponding amount

	ONE WAY MOVEMENT		TWO WAY MOVEMENT			
	T3		T3 T4 T5 T6	T3 T4 T5 T6		
<b>a. NO PARKING</b>						
Design ADT	300 VPD		22,000 VPD	35,000 VPD		
Pedestrian Crossing	3 Seconds		9 Seconds	13 Seconds		
Design Speed	25 - 30 MPH		25 MPH	35 MPH or above		
<b>b. YIELD PARKING</b>						
Design ADT	1,000 VPD		1,000 VPD			
Pedestrian Crossing	5 Seconds		7 Seconds			
Design Speed						
<b>c. PARKING ONE SIDE PARALLEL</b>						
Design ADT	5,000 VPD	18,000 VPD	16,000 VPD	15,000 VPD	32,000 VPD	
Pedestrian Crossing	5 Seconds	8 Seconds	8 Seconds	11 Seconds	13 Seconds	
Design Speed	25 - 30 MPH	25 - 30 MPH	25 - 30 MPH	25 - 30 MPH	35 MPH or above	
<b>d. PARKING BOTH SIDES PARALLEL</b>						
Design ADT	20,000 VPD		15,000 VPD	22,000 VPD	32,000 VPD	
Pedestrian Crossing	10 Seconds		10 Seconds	13 Seconds	15 Seconds	
Design Speed	25 - 30 MPH		25 - 30 MPH	25 - 30 MPH	35 MPH and above	
<b>e. PARKING BOTH SIDES DIAGONAL</b>						
(Drive-in or back-in parking permitted. Parking may be limited to one side in assemblies suitable for a Slip Road)						
Design ADT	18,000 VPD	20,000 VPD	15,000 VPD	22,000 VPD	31,000 VPD	
Pedestrian Crossing	15 Seconds	17 Second	17 Seconds	20 Seconds	23 Seconds	
Design Speed	Below 20 MPH	25 MPH	25 MPH	25 - 30 MPH	25 - 30 MPH	
<b>f. PARKING ACCESS</b>						
Design ADT						
Pedestrian Crossing			3 Seconds	6 Seconds		
Design Speed						

\*Indicates assembly suitable for a Slip Road in any Transect Zone



**TABLE 4A: Public Frontages - General:** The Public Frontage is the area between the private Lot Line and the edge of the vehicular lanes. Dimensions are given in Table 4B: Public Frontages - Specific.

PLAN	
LOT	R.O.W.
PRIVATE FRONTAGE	PUBLIC FRONTAGE
<p>a. (HW) For Highway: This Frontage has open Swales drained by percolation, Bicycle Trails and no parking. The landscaping consists of the natural condition or multiple species arrayed in naturalistic clusters. Buildings are buffered by distance or berms</p>	 <p>T3</p>
<p>b. (RD) For Road: This Frontage has open Swales drained by percolation and a walking Path or Bicycle Trail along one or both sides Yield parking. The landscaping consists of the multiple species arrayed in naturalistic clusters.</p>	 <p>T3</p>
<p>c. (ST) For Street: This Frontage has raised Curbs drained by inlets and Sidewalks separated from the vehicular lanes by individual or continuous Planters, with parking on one or both sides. The landscaping consists of street trees of a single or alternating species aligned in a regularly spaced Allee.</p>	 <p>T3 T4 T5 T6</p>
<p>d. (DR) For Drive: This Frontage has raised Curbs drained by inlets and a wide Sidewalk or paved path along one side, related to a Greenway or waterfront. It is separated from the vehicular lanes by individual or continuous Planters. The landscaping consists of street trees of a single species or alternating species aligned in a regularly spaced Allee.</p>	 <p>T3 T4 T5 T6</p>
<p>e. (AV) For Avenue: This Frontage has raised Curbs drained by inlets and wide Sidewalks separated from the vehicular lanes by a narrow continuous Planter with parking on both sides. The landscaping consists of a single tree species aligned in a regularly spaced Allee.</p>	 <p>T3 T4 T5 T6</p>
<p>f. (CS) (AV) For Commercial Street or Avenue: This Frontage has raised Curbs drained by inlets and very wide Sidewalks along both sides separated from the vehicular lanes by separate tree wells with grates and parking on both sides. The landscaping consists of a single tree species aligned with regular spacing where possible but clears the storefront entrances.</p>	 <p>T5 T6</p>
<p>g. (BV) For Boulevard: this Frontage has slip Roads on both sides. It consists of raised Curbs drained by inlets and Sidewalks along both sides, separated from the vehicular lanes by Planters. The landscaping consists of double rows of a single tree species aligned in a regularly spaced Allee.</p>	 <p>T3 T4 T5 T6</p>

City of Doraville

**TABLE 4B: Public Frontages - Specific.** This table assembles prescriptions and dimensions for the Public Frontage elements - Curbs, walkways and Planters - relative to specific Thoroughfare types within Transect Zones.

		RURAL		TRANSECT						URBAN	
TRANSECT ZONE Public Frontage Type		T3	T3	T3   T4   T5   T6	T4   T5   T6	T5   T6	T5   T6	T5   T6	T5   T6		
		HW & RD	RD & ST	ST-DR-AV	ST-DR-AV-BV	CS-DR-AV-BV	CS-DR-AV-BV	CS-DR-AV-BV	CS-DR-AV-BV		
<b>a. Assembly:</b> The principal variables are the type and dimension of Curbs, walkways, Planters and landscape.											
Total Width		16-24 feet	12-24 feet	12-18 feet	12-18 feet	18-24 feet	18-30 feet	18-30 feet	18-30 feet		
<b>b. Curb.</b> The detailing of the edge of the vehicular pavement incorporating drainage.											
Type		Open Swale	Open Swale	Raised Curb	Raised Curb	Raised Curb	Raised Curb	Raised Curb	Raised Curb		
Radius		10-30 feet	10-30 feet	5-20 feet	5-20 feet	5-20 feet	5-20 feet	5-20 feet	5-20 feet		
<b>c. Walkway.</b> The hard surface dedicated exclusively to pedestrian activity and maintained clear and unobstructed to a minimum height of 8 feet.											
Type		Path Optional	Path	Sidewalk	Sidewalk	Sidewalk	Sidewalk	Sidewalk	Sidewalk		
Width		n/a	4-8 feet	5-8 feet	5-8 feet	12-20 feet	12-20 feet	12-30 feet	12-30 feet		
<b>d. Planter:</b> The layer which accommodates street trees and other landscape materials.											
Arrangement		Clustered	Clustered	Regular	Regular	Regular	Regular	Regular	Opportunistic		
Species		Clustered	Clustered	Alternating	Single	Single	Single	Single	Single		
Planter Type		Continuous Swale	Continuous Swale	Continuous Planter	Continuous Planter	Continuous Planter	Continuous Planter	Continuous Planter	Tree Well		
Planter Width		8 feet - 16 feet	8 feet - 16 feet	6 feet - 12 feet	5 feet - 12 feet	4 feet - 6 feet	4 feet - 6 feet	4 feet - 6 feet	4 feet - 6 feet		

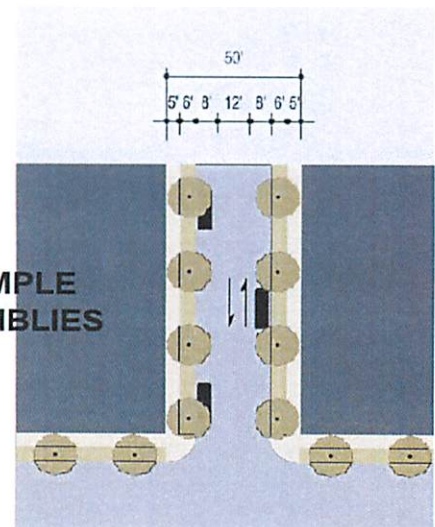
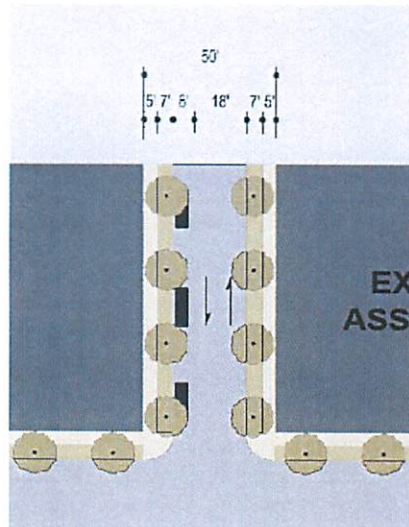


**TABLE 4C: Thoroughfare Assemblies:** These Thoroughfares are assembled from the elements that appear in Tables 3A: Vehicular Lane Dimensions and 3B: Vehicular Lane/Parking Assemblies and incorporate the Public Frontages of table 4A: Public Frontages - General. The key gives the Thoroughfare type followed by the right-of-way width, followed by the pavement width, and in some instances followed by specialized transportation capability.

KEY	ST-57-20-BL
Thoroughfare Type	
Right-of-Way Width	
Pavement Width	
Transportation	

#### THOROUGHFARE TYPES

Highway	HW
Boulevard	BV
Avenue	AV
Commercial Street	CS
Drive	DR
Street	ST
Road	RD
Rear Alley	RA
Rear Lane	RL
Multi-Use Trail	MT
Equestrian Trail	ET
Bicycle Lane	BL
Bicycle Route	BR
Path	PT
Passage	PS



#### EXAMPLE ASSEMBLIES

ST-50-26

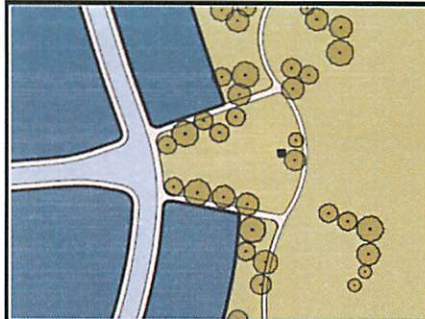
Thoroughfare Type	Street
Transect Zone Assignment	T4, T5
Right-of-Way Width	50 feet
Pavement Width	26 feet
Movement	Slow Movement
Design Speed	25 MPH
Pedestrian Crossing Time	7.4 seconds
Traffic Lanes	2 lanes
Parking Lanes	One side @ 8 feet marked
Curb Radius	10 feet
Walkway Type	5 foot Sidewalk
Planer Type	7 foot continuous Planter
Curb type	Curb
Landscape Type	Trees @ 30' o.c. Avg.
Transportation Provision	BR

ST-50-28

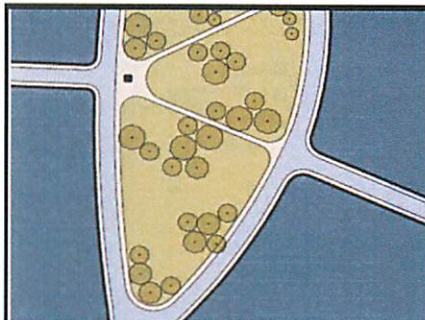
Thoroughfare Type	Street
Transect Zone Assignment	T4, T5
Right-of-Way Width	50 feet
Pavement Width	28 feet
Movement	Yield Movement
Design Speed	25 MPH
Pedestrian Crossing Time	7.6 seconds
Traffic Lanes	2 lanes
Parking Lanes	Both sides @ 8 feet unmarked
Curb Radius	10 feet
Walkway Type	5 foot Sidewalk
Planer Type	6 foot continuous Planter
Curb type	Curb
Landscape Type	Trees @ 30' o.c. Avg.
Transportation Provision	BR

TABLE 5: Civic Space

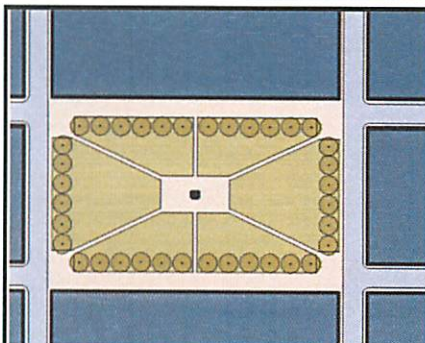
a. **Park:** A natural preserve available for structured or unstructured recreation. A park may be independent of surrounding building Frontages. Its landscape shall consist of Paths and trails, meadows, water bodies, woodland and open shelters, all naturalistically disposed. Sports and recreation courts and fields are also permitted, but sports stadiums are prohibited. Parks may be lineal, following the trajectories of natural corridors. The minimum size shall be 5 acres.


T3  
T4  
T5  
T6

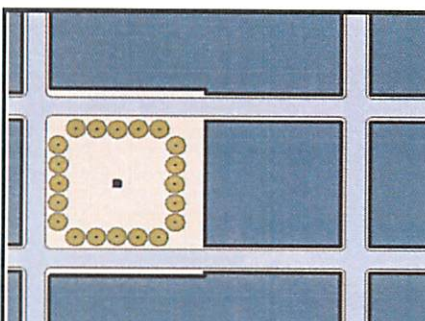
b. **Green:** An Open Space, available for structured or unstructured recreation. A Green may be spatially defined by landscaping rather than building Frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. Sports courts are also permitted, but sports and recreation fields and stadiums are prohibited. The minimum size shall be 1/2 acre and the maximum shall be 5 acres.


T3  
T4  
T5  
T6

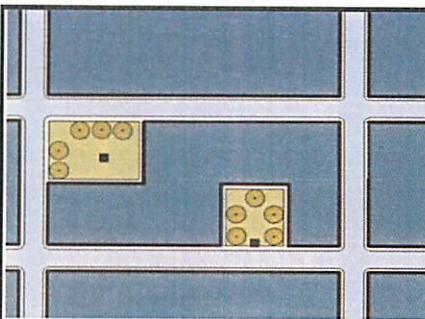
c. **Square:** An Open Space available for unstructured recreation and Civic purposes. A Square is spatially defined by building Frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important Thoroughfares. The minimum size shall be 1/2 acre and the maximum shall be 5 acres.


T4  
T5  
T6

d. **Plaza:** An Open Space available for Civic purposes and Commercial activities. A Plaza shall be spatially defined by building Frontages. Its landscape shall consist primarily of pavement. Trees are optional. Plazas should be located at the intersection of important streets. The minimum size shall be 1/2 acre and the maximum shall be 2 acres.

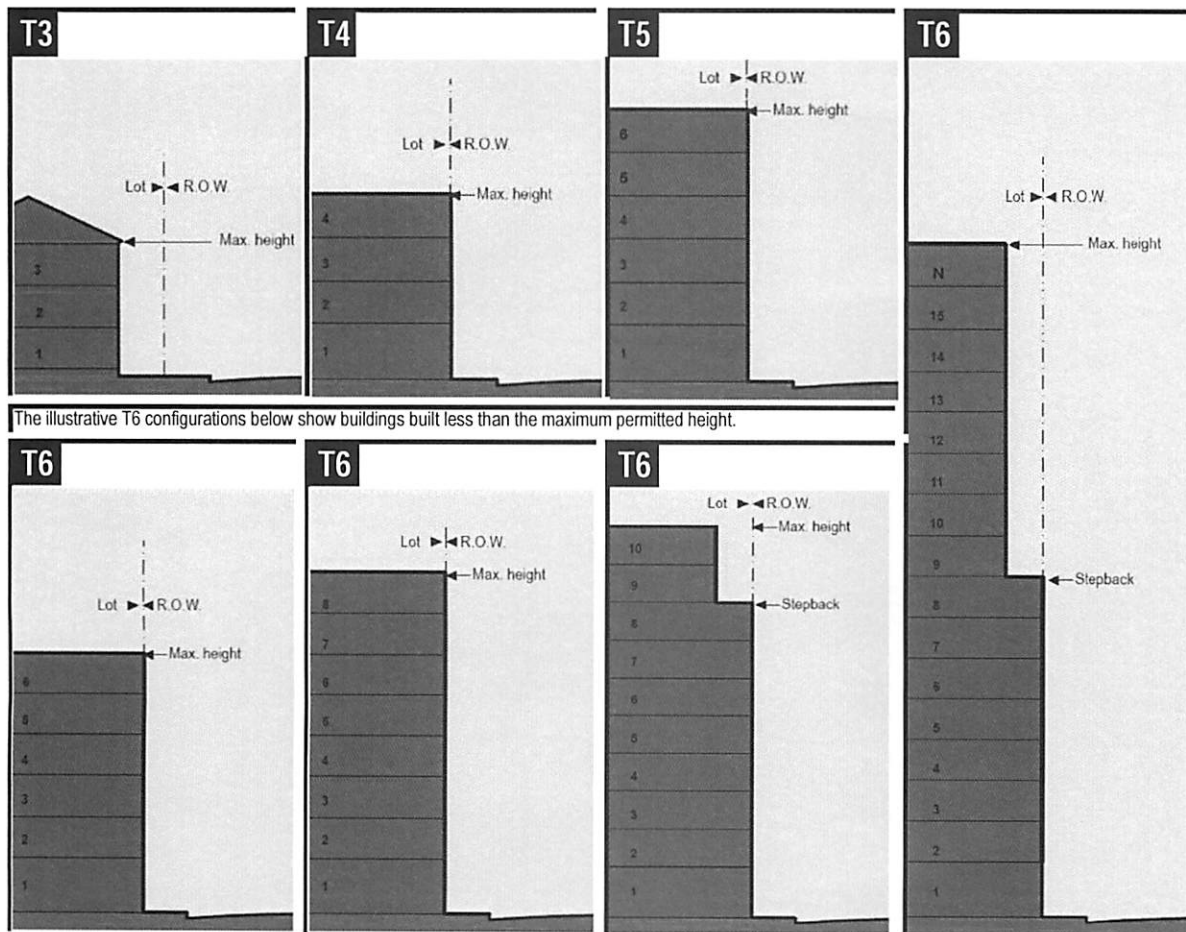

T5  
T6

e. **Playground:** An Open Space designed and equipped for the recreation of children. A Playground should be fenced and may include an open shelter. Playgrounds shall be interspersed within Residential areas and may be placed within a Block. Playgrounds may be included within parks and greens. The maximum size of playground shall be 2 acres, provided that playgrounds may also be located within another approved Civic Space identified above.


T2  
T3  
T4  
T5  
T6



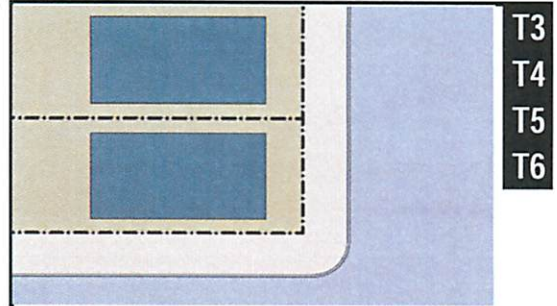
**TABLE 6: Building Form - Height.** This table shows the configurations for different building heights for each Transect Zone. Recess Lines shall occur on higher buildings in Zone T6 as shown. N = maximum height in stories as specified in Table 11: Code Summary.





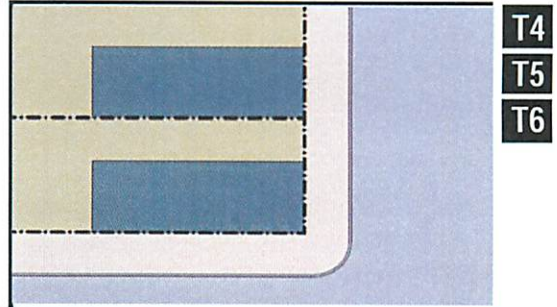
**TABLE 7: Building Placement.** This table approximates the location of the structure relative to the boundaries of each individual Lot, establishing suitable basic building types for each Transect Zone.

**a. Edgeyard:** A building that occupies the center of its lot with Setbacks on all sides. This is the least urban of types as the front yard sets it back from the Frontage, while the side yards weaken the spatial definition of the public Thoroughfare space. The front yard is intended to be visually continuous with the yards of adjacent buildings. The rear yard can be secured for privacy by fences and a Backbuilding and/or Outbuilding.



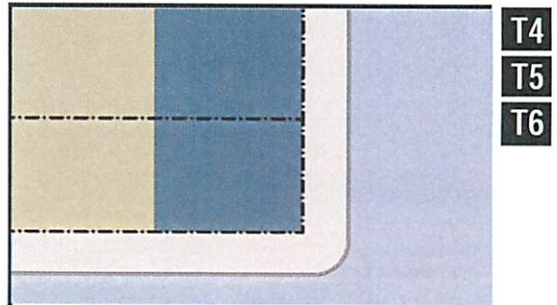
T3  
T4  
T5  
T6

**b. Sideyard:** A building that occupies one side of the lot with the Setback to the other side. A shallow Frontage Setback defines a more urban condition. If the adjacent building is similar with a blank side wall, the yard can be quite private. This type permits systematic climatic orientation in response to the sun or the breeze. If a Sideyard House abuts a neighboring Sideyard House, the type is known as a Twin or double house. Energy costs, and sometimes noise, are reduced by sharing a party wall in this disposition.



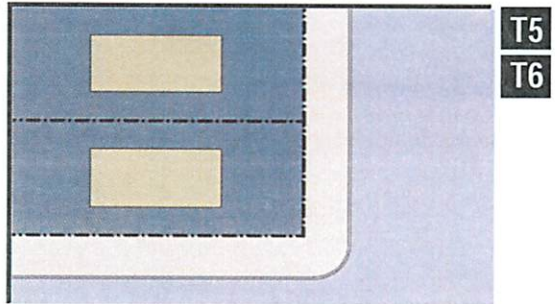
T4  
T5  
T6

**c. Rearyard:** A building that occupies the full Frontage, leaving the rear of the lot as the sole yard. This is a very urban type as the continuous Facade steadily defines the public Thoroughfare. The rear Elevations may be articulated for functional purposes. In its Residential form, this type is the Rowhouse. For its Commercial form, the rear yard can accommodate substantial parking.



T4  
T5  
T6

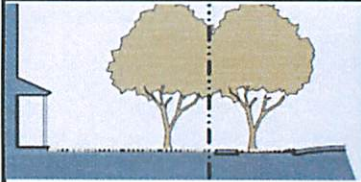
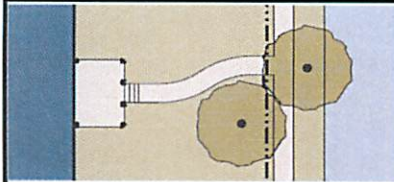
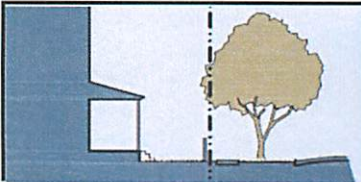
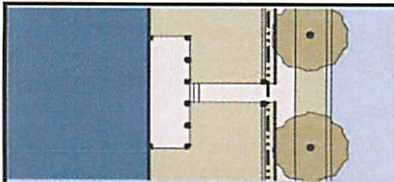
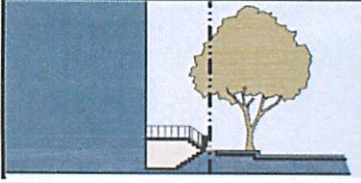
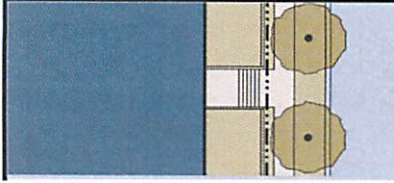
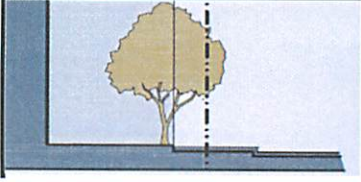
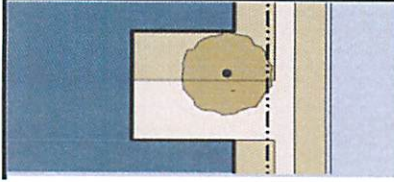
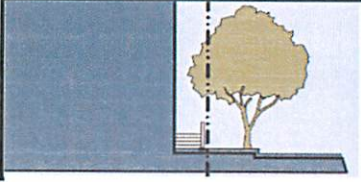
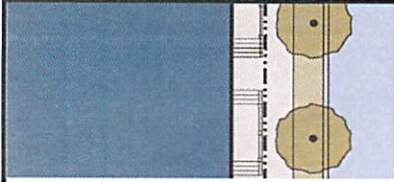
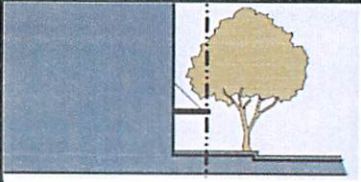
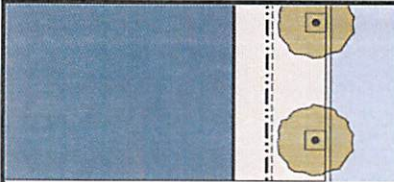
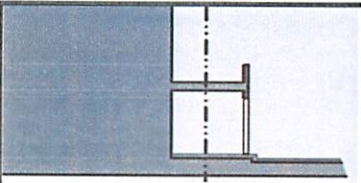
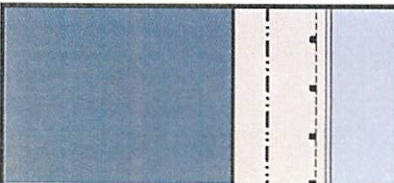
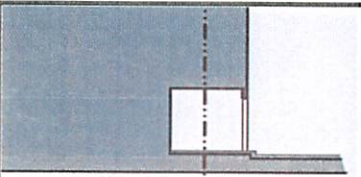
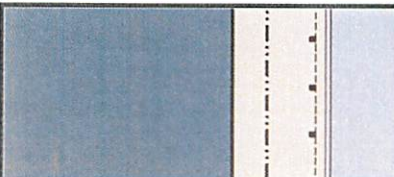
**d. Courtyard:** A building that occupies the boundaries of its lot while internally defining one or more private patios. This is the most urban of types, as it is able to shield the private realm from all sides while strongly defining the public Thoroughfare. Because of its ability to accommodate incompatible activities, masking them from all sides, it is recommended for workshops, Lodging and schools. The high security provided by the continuous enclosure is useful for crime-prone areas.



T5  
T6



**TABLE 8: Private Frontages.** The Private Frontage is the areas between the building Facades and the lot lines.

	SECTION	PLAN	
	<div> <div>LOT</div> <div>PRIVATE FRONTAGE</div> <div>R.O.W.</div> <div>PUBLIC FRONTAGE</div> </div>	<div> <div>LOT</div> <div>PRIVATE FRONTAGE</div> <div>R.O.W.</div> <div>PUBLIC FRONTAGE</div> </div>	
<b>a. Common Yard:</b> a planted Frontage wherein the Façade is set back substantially from the Frontage Line. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape. The deep Setback provides a buffer from the higher speed Thoroughfares.			<b>T3</b>
<b>b. Porch &amp; Fence:</b> a planted Frontage where the Façade is set back from the Frontage Line with an attached porch permitted to Encroach. A fence, wall, or hedge at the Frontage Line maintains street spatial definition. Porches shall be no less than 8 feet deep.			<b>T3</b> <b>T4</b>
<b>c. Terrace or Lightwell:</b> a frontage wherein the Façade is setback back from the Frontage Line by an elevated terrace or sunken Lightwell. This type buffers Residential use from urban Sidewalks and removes the private yard from public encroachment. Terraces are suitable for conversion to outdoor cafes. Syn: Dooryard.			<b>T4</b> <b>T5</b> <b>T6</b>
<b>d. Forecourt:</b> a Frontage wherein the Façade is close to the Frontage Line and the central portion is set back. The forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other Frontage types. Large trees within the Forecourts may overhang the Sidewalks.			<b>T4</b> <b>T5</b> <b>T6</b>
<b>e. Stoop:</b> a Frontage wherein the Façade is aligned close to the Frontage Line with the first Story elevated from the Sidewalk sufficiently to ensure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground-floor Residential use. Stoops shall be no less than 30 inches deep.			<b>T4</b> <b>T5</b> <b>T6</b>
<b>f. Shopfront:</b> a Frontage wherein the Façade is aligned close to the Frontage Line with the building entrance at Sidewalk grade. This type is conventional for Retail use. It has glazing on the Sidewalk level and an awning that may overlap the sidewalk. Syn: Retail Frontage.			<b>T4</b> <b>T5</b> <b>T6</b>
<b>g. Gallery:</b> a Frontage wherein the Façade is aligned with the Frontage Line with an attached cantilevered shed or lightweight colonnade overlapping the Sidewalk. This type is conventional for Retail use. The Gallery should be no less than 10 feet wide and should overlap the sidewalk to within 2 feet of the Curb.			<b>T5</b> <b>T6</b>
<b>h. Arcade:</b> a colonnade supporting habitable space that overlaps the Sidewalk, while the Façade at Sidewalk level remains at or behind the Frontage Line. This type is conventional for Retail use. The Arcade shall be no less than 12 feet wide and should overlap the Sidewalk to within 2 feet of the Curb.			<b>T5</b> <b>T6</b>

# LIVABLE COMMUNITY CODE - V4

City of Doraville

**TABLE 9: Building Function.** This table categorizes Building functions within Transect Zones. For Specific Function and Use permitted By Right or by Conditional Use Permit, see Table 10: Specific Function and Use.

	T3	T4	T5   T6
<b>a. RESIDENTIAL</b>	<b>Restricted Residential:</b> The number of dwellings on each Lot is restricted to one within a Principal Building.	<b>Limited Residential:</b> The number of dwellings on each Lot is unlimited within One Principle Building except by form-based standards elsewhere in this Code, and limited to one unit within an Accessory Building. All dwelling units shall be under single ownership. The habitable area of the Accessory Unit shall not exceed 440 sf, excluding the parking area.	<b>Open Residential:</b> The number of dwelling units and buildings on each lot is unlimited except by standards elsewhere in this Code.
<b>b. LODGING</b>	<b>Prohibited Lodging:</b> Lodging is not permitted on any lot.	<b>Limited Lodging:</b> Up to three bedrooms for lodging is permitted on each lot, restricted to two bedrooms in an Accessory Building. The lot must be owner occupied. Food service may be provided in the a.m. The maximum length of stay shall not exceed ten days.	<b>Open Lodging:</b> Unlimited bedrooms for lodging is permitted on each lot. Food service may be provided at all times.
<b>c. OFFICE</b>	<b>Restricted Office:</b> Office functions are restricted to home occupations by the owner.	<b>Limited Office:</b> The building area available for Office functions on each Lot is limited to the first Story of the Principal Building and/or the Accessory Building.	<b>Open Office:</b> The building area available for Office functions is unlimited.
<b>d. RETAIL AND SERVICES</b>	<b>Prohibited Retail and Services:</b> Retail and Service functions are not permitted.	<b>Limited Retail and Services:</b> The building area available for Retail and Service functions is limited to the first story of buildings at corner locations, not more than one per block. The specific use shall be further limited to a maximum floor area of 1,500 square feet.	<b>Open Retail and Services:</b> The building area available for Retail and Service functions is unlimited.
<b>e. CIVIC</b>	See Table 10	See Table 10	See Table 10
<b>f. OTHER</b>	See Table 10	See Table 10	See Table 10

# LIVABLE COMMUNITY CODE - V4

City of Doraville

**TABLE 10: Specific Function and Use.** Specific Function and Use. This table expands the categories of Table 9: Building Function to delegate specific uses within Functions categories by Transect Zone. Uses that are not included or left blank are prohibited.

**R: ALLOWED BY RIGHT**

**C: ALLOWED BY CONDITIONAL USE PERMIT**

a. RESIDENTIAL	T3	T4	T5	T6
Attached Single-Family Dwelling (limited to two units per building)	R*	R	R	
Detached Single-Family Dwelling	R	R	R	
Fraternity or Sorority House		C	C	C
Group or Congregate Personal Care Centers, Assisted Living, and Nursing Home		C	C	C
Live-Work	R	R	R	R
Multiple Family Dwelling		R	R	R
Mobile, Modular, and Manufactured Single-Family Detached Dwelling				
Moved-in Single Family Detached Structure				
Row House		R	R	R
Accessory Unit	R	R	R	
b. LODGING				
Hotel			C	C
Student Dormitory		C	C	C
c. OFFICE				
Offices			R	R
Live/Work Unit		R	R	R
d. RETAIL				
Retail		R	R	R
Display Gallery		R	R	R
Restaurant		R	R	R
Kiosk		R	R	R
Drive-Through Facility**			R	R
Push Cart			R	R
Liquor Selling Establishment			C	C
Adult Entertainment				
e. CIVIC				
Bus Shelter	R	R	R	R
Church and Other Places of Worship	C	C	C	C
Convention Center			R	R
Conference Center			R	R
Exhibition Center			R	R
Fountain or Public Art	R	R	R	R
Live Theater			C	C
Monastery or Convent	C	C	C	C
Movie Theater			C	C
Museum			R	R
Outdoor Auditorium, Amphitheater	C	C	C	C
Parking Structure			R	R
Passenger Terminal			R	R
Playground	R	R	R	R
Sports Stadium				

f. OTHER: AUTOMOTIVE	T3	T4	T5	T6
Automobile Fuel Station and Convenience Store			R	R
Automobile Sale			C	C
Automotive, Passenger Truck, and Sport Utility Vehicle Rental			C	C
Automobile Wrecking, Automobile Junkyard, or Salvage Yard				
Car Wash (automatic or coin operated)			C	C
Drive-Through Facility**			C	C
Emission Inspection and Testing Facility			C	C
Tax Service and Dispatch Agency			C	C
Vehicular Service			C	C
g. OTHER: CIVIL SUPPORT				
Cemetery	C	C	C	C
Correctional and Detention Facility				
Government and Public Building	C	C	C	C
Funeral Home, Mortuary			C	C
Hospital			C	C
Medical or Veterinary Clinic			C	C
h. OTHER: EDUCATION				
College			C	C
Day Care Center (licenses)	C	C	C	C
Pre-School, Kindergartens	R	R	R	R
School - Public or Private (Grades 1 through 12)	C	C	R	R
Special Training and Schooling Service			C	C
i. OTHER: INDUSTRIAL				
Courier or Messenger Service			R	R
Cremation Facility				
Electric Substation			C	C
Electronic Manufacturing and Assembly			C	C
Greenhouse and Growing Operation			C	C
Limited Manufacturing Activity			R	R
Manufacturing			C	C
Moving and Storage Company			C	C
Processing and Compounding of Nonexplosive Materials			C	C
Scientific or Research Laboratory or Testing Facility			R	R
Self-Service/Mini-Storage Warehouse Facility			C	C
Warehouse			C	C
Wholesale			C	C
Wireless Transmitter	C	C	C	C


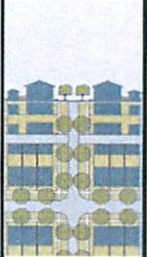
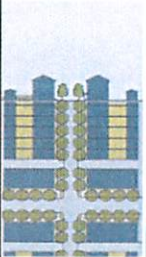

\*In T3, no two unit attached single-family dwelling may be created by conversion of an existing detached single-family dwelling.



# LIVABLE COMMUNITY CODE - V4

City of Doraville

TABLE 11: Code Summary

	 T3 SUB-URBAN ZONE	 T4 GENERAL URBAN ZONE	 T5 URBAN CENTER ZONE	 T6 URBAN CORE ZONE	
<b>a. RESIDENTIAL DENSITY (See Section 1.6)</b>					
By Right	6 unit / ac.	12 unit / ac.	50 units / ac.	80 units / ac.	
<b>b. BLOCK SIZE</b>					
Block Perimeter	3,000 ft. max.	2,400 ft. max.	3,200 ft. max.	3,200 ft. max.	
<b>c. THOROUGHFARES (See Table 3 and Table 4)</b>					
HW	permitted	not permitted	not permitted	not permitted	
BV	permitted	permitted	permitted	permitted	
AV	permitted	permitted	permitted	permitted	
CS	not permitted	not permitted	permitted	permitted	
DR	permitted	permitted	permitted	permitted	
ST	permitted	permitted	permitted	permitted	
RD	permitted	not permitted	not permitted	not permitted	
Rear Lane	permitted	required, or Alley	not permitted	not permitted	
Rear Alley	permitted	required, or Lane	required	required	
Path	permitted	permitted	not permitted	not permitted	
Passage	permitted	permitted	permitted	permitted	
Multi-Use Trail	permitted	permitted	permitted	permitted	
Equestrian Trail	permitted	permitted	permitted	permitted	
Bicycle Lane	permitted	permitted	permitted	permitted	
Bicycle Route	permitted	permitted	permitted	permitted	
<b>d. CIVIC SPACES (See Table 5)</b>					
Park	permitted	permitted	permitted	permitted	
Green	permitted	permitted	permitted	permitted	
Square	not permitted	permitted	permitted	permitted	
Plaza	not permitted	not permitted	permitted	permitted	
Playground	permitted	permitted	permitted	permitted	
<b>e. LOT OCCUPATION</b>					
Lot Width	70 ft. min 120 ft. max.	18 ft. min 96 ft. max.	18 ft. min no max.	18 ft. min no max.	
Lot Coverage	60% max.	70% max.	100% max.	100% max.	
<b>f. SETBACKS - PRINCIPAL BUILDING (See Table 14)</b>					
(f.1) Front Setback Principal	20 ft. min.	10 ft. min. 30 ft. max.	2 ft. min. 15 ft. max.	2 ft. min. 15 ft. max.	
(f.2) Front Setback Secondary	12 ft. min.	8 ft. min. 20 ft. max.	2 ft. min. 15 ft. max.	2 ft. min. 15 ft. max.	
(f.3) Side Setback	5 or 10 ft. min <sup>2</sup>	0 ft. min.	0 ft. min.	0 ft. min.	
(f.4) Rear Setback	12 ft. min.	3 ft. min.	3 ft. min.	3 ft. min.	
Frontage Buildout <sup>1</sup>	30% min.	50% min.	50% min.	50% min.	
<b>g. SETBACKS - OUTBUILDING (See Table 14)</b>					
Front Setback	20 ft. min. + bldg. setback	20 ft. min. + bldg. setback	40 ft. max. from rear prop	40 ft. max. from rear prop	
Side Setback	3 ft. or 6 ft. min <sup>3</sup>	0 ft. or 3 ft. min <sup>3</sup>	0 ft. min.	0 ft. min.	
Rear Setback	3 ft. min.	3 ft.	3 ft. max.	3 ft. max.	
<b>h. BUILDING PLACEMENT (See Table 7)</b>					
Edgeyard	permitted	permitted	permitted	permitted	
Sidyard	not permitted	permitted	permitted	permitted	
Rearyard	not permitted	permitted	permitted	permitted	
Courtyard	not permitted	not permitted	permitted	permitted	
<b>i. PRIVATE FRONTAGES (See Table 8)</b>					
Common Yard	permitted	not permitted	not permitted	not permitted	
Porch & Fence	permitted	permitted	not permitted	not permitted	
Terrace, Dooryard	not permitted	permitted	permitted	permitted	
Forecourt	not permitted	permitted	permitted	permitted	
Stoop	not permitted	permitted	permitted	permitted	
Shopfront	not permitted	permitted	permitted	permitted	
Gallery	not permitted	not permitted	permitted	permitted	
Arcade	not permitted	not permitted	permitted	permitted	
<b>j. BUILDING FORM-HEIGHT (See Table 6)</b>					
Principal Building	3 stories max.	4 stories max.	6 stories max.	20 stories max.	
Outbuilding	2 stories max.	2 stories max.	2 stories max.	2 stories max.	
<b>k. BUILDING FUNCTION (See Table 9 and Table 10)</b>					
Residential	restricted use	limited use	open use	open use	
Lodging	restricted use	limited use	open use	open use	
Office	restricted use	limited use	open use	open use	
Retail and Services	prohibited use	limited use	open use	open use	

## ARTICLE 4 ARTICLES 1, 2, 3

1. Minimum setbacks and building separations shall be subject to fire and building code
2. Transect Zone notwithstanding, along State Routes the minimum required frontage buildout shall be 50%

# LIVABLE COMMUNITY CODE - V4

City of Doraville

**TABLE 12A: Landscaping - Trees.** This table shows permitted tree and shrub species within the Public and the Private Frontages. All plant materials shall be equal to or surpass specifications as defined in the current issue of "American Standards for Nursery Stock," published by the American Association of Nurserymen, Inc. All overstory trees shall have a minimum caliper of 3 inches measured 18 inches above ground.

■ PERMITTED

OVERSTORY TREES	PUBLIC FRONTAGE	PRIVATE FRONTAGE
Scientific Name - Common Name		
Acer barbatum - Florida Maple, Southern Sugar Maple		■
Acer floridanum - Florida Maple, Southern Sugar Maple		■
Acer rubrum - Red Maple	■	■
Acer saccharum - Sugar Maple	■	■
Betula nigra - River Birch		■
Carya illinoensis - Pecan		■
Carya ovata - Shagbark Hickory	■	■
Castanea mollissima - Chinese Chestnut	■	■
Cunninghamia lanceolata - Common Chinafir		■
Fagus grandifolia - American Beech	■	■
Fraxinus pennsylvanica - Green Ash	■	■
Ginkgo biloba - Ginko	■	■
Halesia carolinia - Silverbell	■	■
Ilex opaca - American Holly	■	■
Juniperus virginiana - Eastern Red Cedar	■	■
Liquidambar styraciflua - Sweetgum <sup>1</sup>		■
Liriodendron tulipifera - Yellow-poplar	■	■
Magnolia grandiflora - Southern Magnolia		■
Magnolia virginiana - Sweetbay Magnolia		■
Metasequoia glyptostroboides - Dawn Redwood		■
Nyssa aquatica - Swamp Tupelo		■
Nyssa sylvatica - Black Gum		■
Oxydendrum aboreum - Sourwood		■
Pinus elliotii - Slash Pine		■
Pinus strobus - White Pine		■
Pinus taeda - Loblolly Pine		■
Pinus virginiana - Virginia Pine		■
Pitachia chinensis - Chinese Pistache		■
Platanus occidentalis - American Sycamore		■
Quercus accutissima - Sawtooth Oak	■	■
Quercus alba - White Oak	■	■
Quercus coccinea - Scarlet Oak	■	■
Quercus falcata - Southern Red Oak	■	■
Quercus nigra - Water Oak	■	■
Quercus phellos - Willow Oak	■	■
Quercus palustris - Pin Oak	■	■
Quercus prinus - Chestnut Oak	■	■
Quercus shumardi - Shumard Oak	■	■
Robinia pseudoacacia - Black Locust	■	■
Sassafras albidum - Sassafras		■
Sophora japonica - Japanese Pagodatree		■
Taxodium disticum - Bald Cypress		■
Ulmus americana cultivar - Princeton Elm	■	■
Ulmus parvifolia - True Chinese Elm	■	■
Zelkova serrata - Japanese Zelkova	■	■

UNDERSTORY TREES	PUBLIC FRONTAGE	PRIVATE FRONTAGE
Scientific Name - Common Name		
Acer buergerianum - Trident Maple	■	■
Acer leucoderme - Chalk Maple		■
Amelanchier arborea - Serviceberry		■
Carpinus caroliniana - American Hornbeam		■
Cercus canadensis - Eastern Redbud	■	■
Chionanthus virginicus - Fringe tree, Grancy Graybeard		■
Continus cogggyria - Common Smoketree		■
Cornus alternifolia - Alternate Leaf Dogwood		■
Cornus florida - Flowering Dogwood		■
Cornus kousa - Chinese Dogwood		■
Cotinus obovatus - American Smoketree		■
Crataegus phaenopyrum - Washington Hawthorne		■
Cupressocyparis leylandii - Leyland Cypress		■
Eriobotrya japonica - Loquat		■
Hamamelis virginiana - Witch-hazel		■
Ilex x attenuata - Savannah Holly		■
Ilex decidua - Decidious Holly		■
Ilex latifolia - Lusterleaf Holly		■
Ilex x Nellie R. Stevens - Nellie R. Stevens Holly		■
Ilex opaca - American Holly		■
Ilex verticellata - Winterberry		■
Ilex vomitoria - Yaupon Holly		■
Ilicium floridanum - Florida Anise-tree		■
Koelreuteria bipinnata - Golden Rain Tree		■
Koelreuteria paniculata - Goldenraintree		■
Lagerstroemia species - Crape myrtle species	■	■
Maclura pomifera - Osage-orange		■
Magnolia x soulangiana - Saucer Magnolia		■
Magnolia stellata - Star Magnolia		■
Malus species - Flowering Crab		■
Myrica cerifera - Waxmyrtle		■
Ostrya virginia - Ironwood		■
Prunus serrulata - Japanese Flowering Cherry		■
Prunus x yedoensis - Yoshino Cherry		■
Pyrus calleryana - Bradford Pear		■
Rhus species - Sumac		■
Vitex agnus-castus - Chastetree		■

1. Fruitless variety only.



City of Doraville

[illegible]

# LIVABLE COMMUNITY CODE - V4

City of Doraville

**TABLE 13: Special Districts.** The metrics for each column of this table (SD1, SD2, etc.) are to be filled in for each Special district as they are permitted pursuant to a Regulating Plan or Special Area Plan. More pages can be added. Special Districts that do not have provisions noted herein shall be governed by the standards of any other City of Doraville zoning district as set fourth in Sections 1.4.4 (c) or (d), as applicable.

	SD1	SD2	SD3	SD4	SD5	SD6	SD7	
<b>a. RESIDENTIAL DENSITY</b>								
By Right	X							
<b>b. BLOCK SIZE</b>								
Block Perimeter	X							
<b>c. THOROUGHFARES</b>								
HW	X							
BV	X							
AV	X							
CS	X							
DR	X							
ST	X							
RD	X							
Rear Lane	X							
Rear Alley	X							
Path	X							
Passage	X							
Bike Trail	X							
Bike Lane	X							
Bike Route	X							
<b>d. CIVIC SPACES</b>								
Park	X							
Green	X							
Square	X							
Plaza	X							
Playground	X							
<b>e. LOT OCCUPATION</b>								
Lot Width	X							
Lot Coverage	X							
<b>f. SETBACKS - PRINCIPAL BUILDING</b>								
Front Setback	X							
Side Setback	X							
Rear Setback	X							
<b>g. BUILDING PLACEMENT</b>								
Edgeward	X							
Sideward	X							
Rearward	X							
<b>h. PRIVATE FRONTAGES</b>								
Common Yard	X							
Porch & Fence	X							
Terrace, Dooryard	X							
Forecourt	X							
Stoop	X							
Shopfront	X							
Gallery	X							
Arcade	X							
Open Parking	X							
<b>i. BUILDING FORM - HEIGHT</b>								
Principal Building	X							
Outbuilding	X							
<b>j. BUILDING FUNCTION</b>								
Residential	X							
Lodging	X							
Office	X							
Retail	X							

BUILDING PLACEMENT

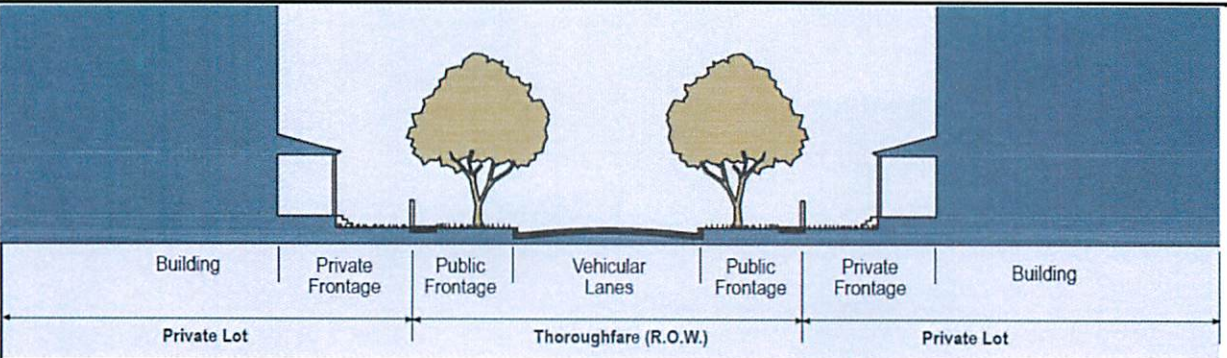
BUILDING FORM

FUNCTION

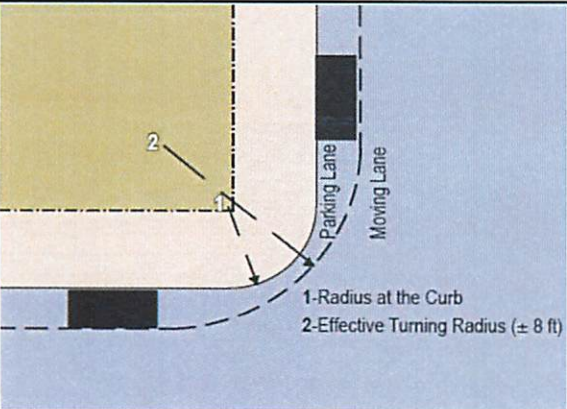


TABLE 14: Definitions Illustrated

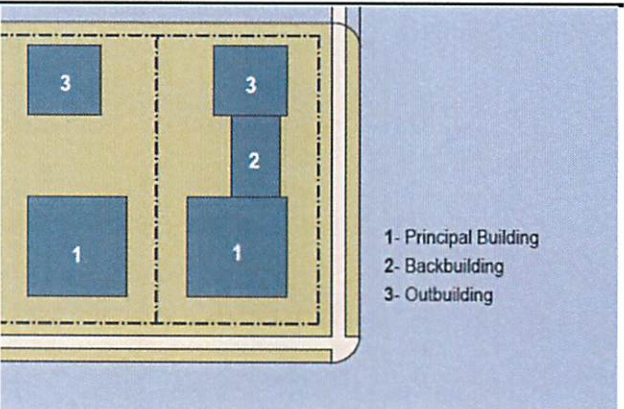
a. THOROUGHFARE & FRONTAGES



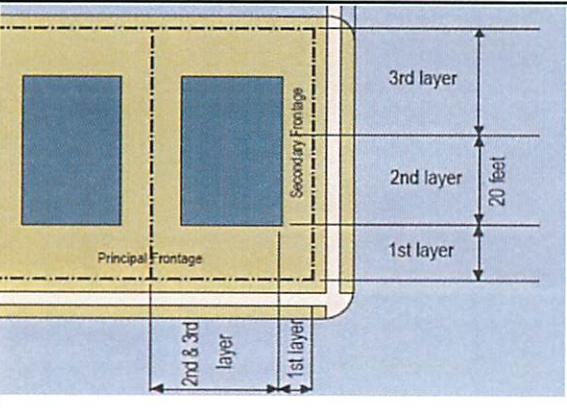
b. TURNING RADIUS



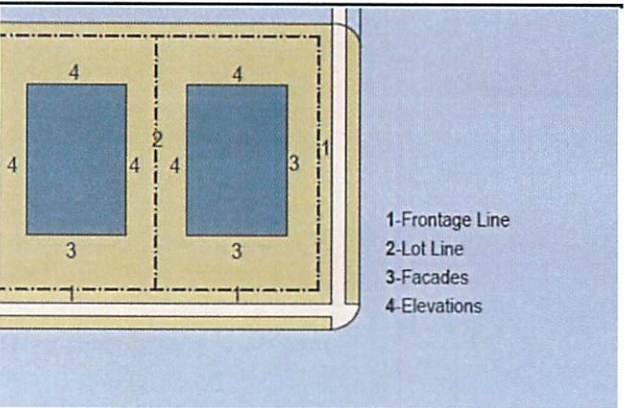
c. BUILDING DISPOSITION



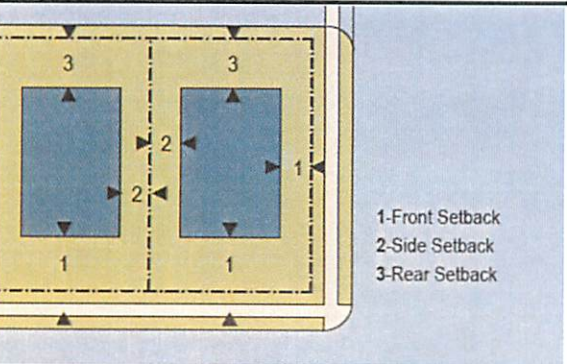
d. LOT LAYERS



e. FRONTAGE & LOT LINES



f. SETBACK DESIGNATIONS



## ARTICLE 6. DEFINITION OF TERMS

### DEFINITIONS

This Article provides definitions for terms in this code that are technical in nature or that otherwise may not reflect a common usage of the term. If a term is not defined in this Article or in Article IV of the zoning ordinance, then the Director of Community Development shall determine the correct definition. Items in italics refer to *Articles*, *Sections*, or *Tables* in the code.

**A-Grid:** cumulatively, those Thoroughfares that by virtue of their pre-existing pedestrian-supportive qualities, or their future importance to pedestrian connectivity, are held to the highest standards prescribed by this code. See B-Grid.

**Accessory Building:** an Outbuilding with an Accessory Unit.

**Accessory Unit:** a small apartment sharing ownership and utility connections with a Principal Building; it may or may not be within an Outbuilding. (Syn: ancillary unit)

**Allee:** a regularly spaced and aligned row of trees usually planted along both sides of a Thoroughfare or Path.

**Arcade:** a Private Frontage conventional for Retail use wherein the Facade is a colonnade supporting habitable space that overlaps the Sidewalk, while the Facade at Sidewalk level remains at the Frontage Line.

**Avenue (AV):** a Thoroughfare of high vehicular capacity and low to moderate speed, acting as a short distance connector between urban centers, and usually equipped with a landscaped median.

**B-Grid:** cumulatively, those Thoroughfares that by virtue of their use, location, or absence of pre-existing pedestrian-supportive qualities, may meet a standard lower than that of the A-Grid. B-Grid Thoroughfares are often privately-owned. See A-Grid.

**Backbuilding:** a single-Story structure connecting a Principal Building to an Outbuilding. See *Table 14: Definitions Illustrated*.

**Bicycle Lane (BL):** a dedicated lane for cycling within a moderate-speed vehicular Thoroughfare, demarcated by striping and having a minimum width of 5 feet.

**Bicycle Route (BR):** a Thoroughfare suitable for the shared use of bicycles and automobiles moving at low speeds.

**Block:** the aggregate of private Lots, Passages, Rear Alleys and Rear Lanes, circumscribed by Thoroughfares.

**Block Face:** the aggregate of all the building Facades on one side of a Block.

**Boulevard (BV):** a Thoroughfare designed for high vehicular capacity and moderate speed, traversing an Urbanized area. Boulevards are usually equipped with Slip Roads buffering Sidewalks and buildings.

**Building Form:** the shape of a building, based on its massing, Private Frontage, and height.

**Building Placement:** the arrangement of a building on its lot.

**By Right:** characterizing a proposal or component of a proposal for a Building Scale Plan (*Article 4*) that complies with the code and is permitted and processed administratively, without public hearing. See **Variance**.

**Civic:** the term defining not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking.

**Civic Building:** a building operated by a city, county, state, or federal government.

**Civic Building Sites:** a parcel containing a Civic Building.

**Civic Space:** an outdoor area dedicated for public use, but which may be under public or private ownership. Civic Space types are defined by the combination of certain physical constants including the relationships among their intended use, their size, their landscaping and their Enfronting buildings. See *Table 5: Civic Space*.

**Civic Zone:** designation for sites dedicated for Civic Building Sites and Civic Spaces.

**Commercial:** the term collectively defining workplace, Office, Retail, and Lodging Functions.

**Common Yard:** a planted Private Frontage wherein the Facade is set back from the Frontage line. It is visually continuous with adjacent yards. *See Table 8: Private Frontages.*

**Cottage:** an Edgeyard building type. A single-family dwelling, on a regular Lot, often shared with an Accessory Building in the back yard.

**Courtyard Building:** a building that occupies the boundaries of its Lot while internally defining one or more private patios. *See Table 8: Private Frontages.*

**Curb:** the edge of the vehicular pavement that may be raised or flush to a swale. It usually incorporates the drainage system. *See Table 4A: Public Frontages - General and Table 4B: Public Frontages - Specific.*

**Design Speed:** is the velocity at which a Thoroughfare tends to be driven without the constraints of signage or enforcement. There are three ranges of speed: Low: (25 MPH); Moderate: (25-35 MPH); High: (above 35 MPH). Lane width is determined by desired Design Speed. *See Table 3A: Vehicular Lane Dimensions.*

**Dooryard:** a Private Frontage type with a shallow Setback and front garden or patio, usually with a low wall at the Frontage Line. *See Table 8: Private Frontages.* (Variant: **Lightwell**)

**Drive:** a Thoroughfare along the boundary between an Urbanized and a natural condition, usually along a waterfront, Park, or promontory. One side has the urban character of a Thoroughfare, with Sidewalk and building, while the other has the qualities of a Road or parkway, with naturalistic planting and rural details.

**Edgeyard Building:** a building that occupies the center of its Lot with Setbacks on all sides. *See Table 7: Building Placement.*

**Effective Turning Radius:** the measurement of the inside Turning Radius taking parked cars into account. *See Table 14: Definitions Illustrated.*

**Elevation:** an exterior wall of a building not along a Frontage Line. *See Table 14: Definitions Illustrated.* *See: Facade.*

**First Layer:** the privately held Layer between the Frontage Line and the Principal Building front Setback shown in Table 11: Code Summary. Where both a minimum and maximum Setback exists, the First Layer shall extend to the maximum. *See Table 14: Definitions Illustrated.*

**Encroach:** to break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a Setback, into the Public Frontage, or above a height limit.

**Encroachment:** any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a Setback, into the Public Frontage, or above a height limit.

**Enfront:** to place an element along a Frontage, as in "porches Enfront the street."

**Facade:** the exterior wall of a building that is set along a Frontage Line. *See Elevation.*

**Forecourt:** a Private Frontage wherein a portion of the Facade is close to the Frontage Line and the central portion is set back. *See Table 8: Private Frontages.*

**Frontage:** the area between a building Facade and the vehicular lanes, inclusive of its built and planted components. Frontage is divided into **Private Frontage** and **Public Frontage**. *See Table 4A: Public Frontages - General and Table 8: Private Frontages.*

**Frontage Line:** a line bordering a Public Frontage that may or not be congruent with the Lot Line. Facades facing Frontage Lines define the public realm and are therefore more regulated than the Elevations facing other Lot Lines. *See Table 14: Definitions Illustrated.*

**Function:** the use or uses accommodated by a building and its Lot, categorized as *Restricted*, *Limited*, or *Open*, according to the intensity of the use. *See Table 9: Building Function and Table 10: Specific Function and Use.*

**Gallery:** a Private Frontage conventional for Retail use wherein the Facade is aligned close to the Frontage Line with an attached cantilevered shed or lightweight colonnade overlapping the Sidewalk. *See Table 8: Private Frontages.*

**Green:** a Civic Space type for unstructured recreation, spatially defined by landscaping rather than building Frontages. *See Table 5.*

**Greenway:** an open space corridor which includes a continuous Multi-Use Trail.

**Gross Site Area:** all land within a site's boundaries.

**Highway:** a rural and suburban Thoroughfare of high vehicular speed and capacity. This type is allocated to the more rural Transect Zones (T-2, and T-3).

**Home Occupation:** non-Retail Commercial enterprises. The work quarters should be invisible from the Frontage, located either within the house or in an Outbuilding. Permitted activities are defined by the Restricted Office category. *See Table 9: Building Function.*

**House:** an Edgeyard building type, usually a single-family dwelling on a large Lot, often shared with an Accessory Building in the back yard. (Syn: single.)

**Layer:** a range of depth of a Lot within which certain elements are permitted. *See Table 14: Definitions Illustrated.*

**Lightwell:** A Private Frontage type that is a below-grade entrance or recess designed to allow light into basements. *See Table 8: Private Frontages.* **Liner Building:** a building specifically designed to mask a parking lot or a Parking Structure from a Frontage.

**Live-Work:** a Mixed Use unit consisting of a Commercial and Residential Function. The Commercial Function may be anywhere in the unit. It is intended to be occupied by a business operator who lives in the same structure that contains the Commercial activity. . **Lodging:** premises available for daily renting of guest rooms. *See Table 9: Building Function and Table 10: Specific Function and Use.*

**Lot Line:** the boundary that legally and geometrically demarcates a lot.

**Lot Width:** the length of the Principal Frontage Line of a lot.

**Manufacturing:** premises available for the creation, assemblage and/or repair of objects, using table-mounted electrical machinery or artisanal equipment, and including their Retail sale.

**Mixed Use:** multiple Functions within the same building through superimposition or adjacency, or in multiple buildings by adjacency.

**Multi-Use Trail (MT):** a shared paved pedestrian and bicycle way running independent of a vehicular Thoroughfare and having a minimum width of 12 feet and a maximum width of 20 feet.

**Office:** premises available for the transaction of general business but excluding Retail, Service, and Industrial Functions.

**Open Parking:** an uncovered parking area not within a Parking Structure. (Syn: parking lot)

**Outbuilding:** an Accessory Building, usually located toward the rear of the same Lot as a Principal Building, and sometimes connected to the Principal Building by a Backbuilding. *See Table 14: Definitions Illustrated.*

**Park:** a Civic Space type that is a natural preserve available for unstructured recreation. *See Table 5.*

**Parking Structure:** a building containing one or more Stories of parking above grade.

**Passage (PS):** a pedestrian connector, open or roofed, that passes between buildings to provide shortcuts through long Blocks and connect rear parking areas to Frontages.

**Path (PT):** a pedestrian way traversing a Park or rural area, with landscape matching the contiguous open space, ideally connecting directly with the urban Sidewalk network.

**Planter:** the element of the Public Frontage which usually accommodates street trees, whether continuous or individual. The Planter shall be located between the Sidewalk and the Curb.

**Plaza:** a Civic Space type designed for Civic purposes and Commercial activities in the more urban Transect Zones, generally paved and spatially defined by building Frontages.

**Principal Building:** the main building on a Lot, usually located toward the Frontage. A Lot may contain more than one Principal Building. *See Table 14: Definitions Illustrated.*

**Principal Entrance:** the main point of access for pedestrians into a building.

**Principal Frontage:** On corner Lots, the Private Frontage designated to bear the address and Principal Entrance to the building, and the measure of minimum Lot width. Prescriptions for the parking Layers pertain only to the Principal Frontage. Prescriptions for the First Layer pertain to both Frontages of a corner Lot. *See Frontage.*

**Private Frontage:** the privately held Layer between the Frontage Line and the Principal Building Facade that bears the Principal Entrance to the building. *See Table 8: Private Frontages and Table 14: Definitions Illustrated.*

**Public Frontage:** the area between the Curb of the vehicular lanes and the Frontage Line. *See Table 4A: Public Frontages - General and Table 4B: Public Frontages - Specific.*

**Rear Alley (RA):** a privately owned and maintained vehicular way located to the rear of Lots providing access to service areas, parking, and Outbuildings and containing utility easements. Rear Alleys should be paved from building face to building face, with drainage by inverted crown at the center or with roll Curbs at the edges.

**Rear Lane (RL):** a privately owned and maintained vehicular way located to the rear of Lots providing access to service areas, parking, and Outbuildings and containing utility easements. Rear Lanes may be paved lightly to Driveway standards. The streetscape consists of gravel or landscaped edges, has no raised Curb, and is drained by percolation.

**Rearyard Building:** a building that occupies the full Frontage Line, leaving the rear of the Lot as the sole yard. *See Table 7: Building Placement.* (Var: Rowhouse, Townhouse line prescribed for the full width of a Facade, above which there is a Stepback of a minimum distance, such that the height to this line (not the overall building height) effectively defines the enclosure of the Enfronting public space. *See Table 6: Building Form - Height.*

**Regulating Plan:** a Zoning Map or set of maps that shows the Transect Zones, Civic Zones, Special Districts if any, Thoroughfares, and Special Requirements if any, of areas subject to regulation by this code.

**Residential:** characterizing premises available for long-term human dwelling.

**Retail:** characterizing premises available for the sale of merchandise and food service. *See Table 10: Specific Function & Use and Table 11: Code Summary.*

**Retail Frontage:** Frontage designated on a Regulating Plan that requires or recommends the provision of a Shopfront, encouraging the ground level to be available for Retail use. *See Special Requirements.*

**Road (RD):** a local, rural and suburban Thoroughfare of low-to-moderate vehicular speed and capacity. This type is allocated to the more rural Transect Zones (T2-T3).

**Rowhouse:** a single-family dwelling that shares a party wall with another of the same type and occupies the full Frontage Line. *See Rearyard Building.* (Syn: **Townhouse**)

**Secondary Frontage:** on corner Lots, the Private Frontage that is not the Principal Frontage. As it affects the public realm, its First Layer is regulated. *See Table 14: Definitions Illustrated.*

**Setback:** the area of a Lot measured from the Frontage Line or, in the absence of Frontage Line, the Lot line, to a building Facade or Elevation that is maintained clear of permanent structures, with the exception of Encroachments listed in *Section 4.5.* *See Table 11: Code Summary, item f.*

**Shopfront:** a Private Frontage conventional for Retail use, with substantial glazing and an awning, wherein the Facade is aligned close to the Frontage Line with the building entrance at Sidewalk grade. *See Table 8: Private Frontages.*



**Sidewalk:** the paved section of the Public Frontage dedicated exclusively to pedestrian activity.

**Sideyard Building:** a building that occupies one side of the Lot with a Setback on the other side. This type can be a Single or Twin depending on whether it abuts the neighboring house. *See Table 7: Building Placement.*

**Simulated Divided Lights:** a method of constructing windows in which muntins are affixed to the inside and outside of a panel of insulating glass to simulate the look of true divided light.

**Slip Road:** an outer vehicular lane or lanes of a Thoroughfare, designed for slow speeds while inner lanes carry higher speed traffic, and separated from them by a planted median. (Syn: access lane, service lane)

**Special Area Plan:** an area of 30 acres or more of contiguous lots within an area subject to a Regulating Plan which, because of its size, may establish unique requirements upon approval of the Mayor and City Council.

**Special District (SD):** an area that, by its intrinsic Function, Building Placement, or Building Form, cannot or should not conform to one or more of the Transect Zones specified by this code.

**Specialized Building:** a building that is not subject to Residential, Commercial, or Lodging classification. *See Table 6: Building Form - Height.*

**Special Requirements:** provisions of Section 4.3 of this code and/or the associated designations on a Regulating Plan.

**Square:** a Civic Space type designed for unstructured recreation and Civic purposes, spatially defined by building Frontages and consisting of Paths, lawns and trees, formally disposed. *See Table 5.*

**State Route:** a Thoroughfare under the jurisdiction of the Georgia Department of Transportation.

**Stepback:** a building Setback of at least 10 feet that occurs at a prescribed number of Stories above the ground. *See Table 6: Building Form - Height.*

**Stoop:** a Private Frontage wherein the Facade is aligned close to the Frontage Line with the first Story elevated from the Sidewalk for privacy, with an exterior stair and landing at the entrance. *See Table 7: Building Placement.*

**Story:** a habitable level within a building, excluding an Attic or raised basement. *See Table 6: Building Form - Height.*

**Street (ST):** a local urban Thoroughfare of low speed and capacity.

**Substantial Modification:** alteration to an existing building that is valued at more than 60% of the replacement cost of the entire building, if built new according to current standards.

**Swale:** a low or slightly depressed natural area for drainage.

**T-zone: Transect Zone.**

**Thoroughfare:** a public or private way for use by vehicular, bicycle, and pedestrian traffic and to provide access to Lots and Open Spaces, consisting of Vehicular Lanes and the Public Frontage. *See Table 3A: Vehicular Lane Dimensions, Table 3B: Vehicular Lane/Parking Assemblies, and Table 14: Definitions Illustrated, item a.*

**Townhouse:** *See Rearyard Building.* (Syn: Rowhouse)

**Transect:** a cross-section of the environment showing a range of different habitats. The rural-urban Transect of the human environment is divided into six Transect Zones. These zones describe the physical form and character of a place, according to the Density and intensity of its land use and Urbanism.

**Transect Zone (T-zone):** one of several geographic areas regulated by this code. Transect Zones are administratively similar to the land use zones in conventional codes, except that in addition to the usual building use, Density, height, and Setback requirements, other elements of the intended habitat are integrated, including those of the private Lot and building and Public Frontage. *See Table 1.*

**True Divided Lights:** A term that refers to windows in which multiple individual panes of glass or lights are assembled in the sash using muntins.

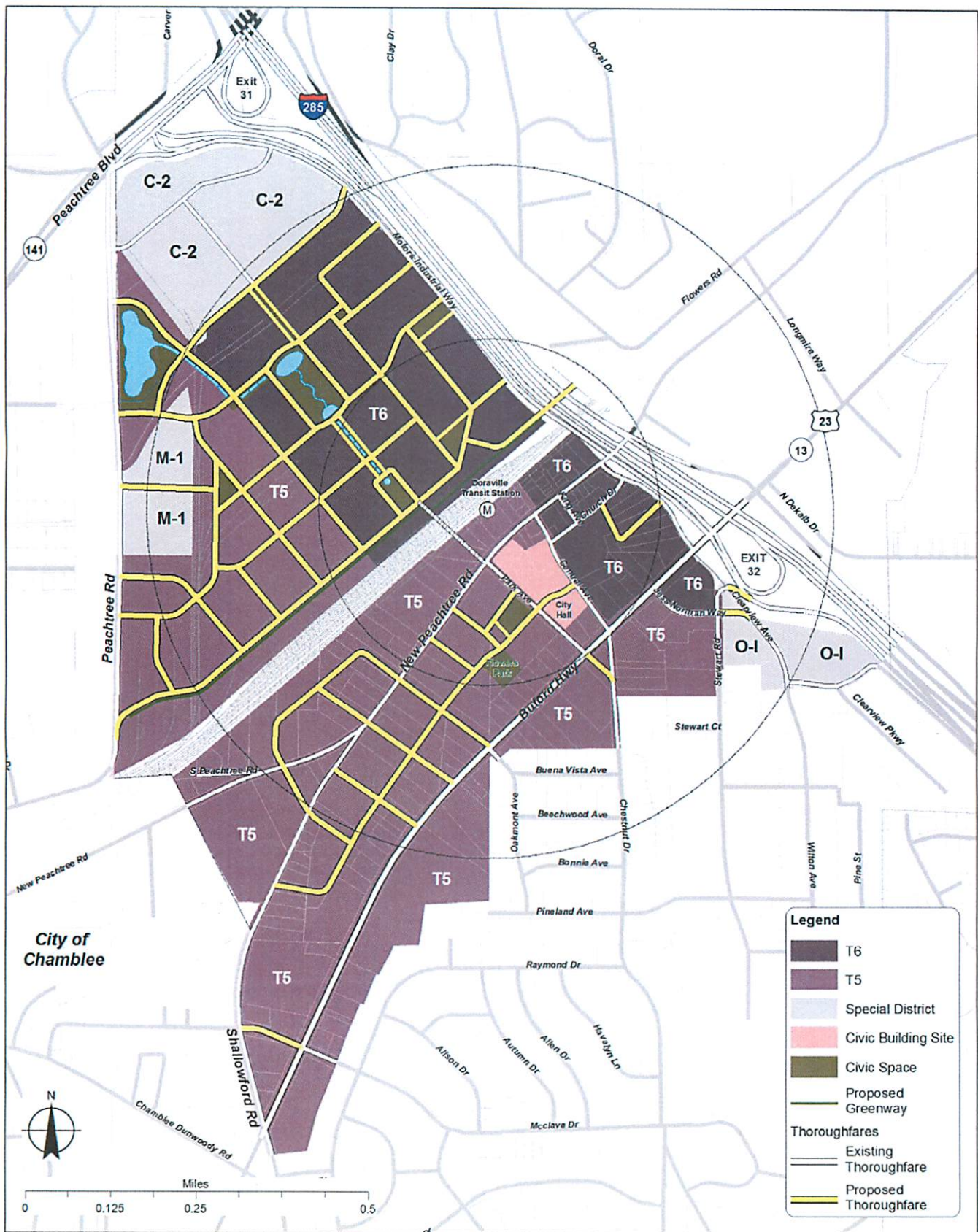
**Turning Radius:** the curved edge of a Thoroughfare at an intersection, measured at the inside edge of the vehicular tracking. The smaller the Turning Radius, the smaller the pedestrian crossing distance, and the more slowly the vehicle is forced to make the turn. See *Table 3B: Vehicular Lane/Parking Assemblies* and *Table 14: Definitions Illustrated*.

**Urbanism:** collective term for the condition of a compact, Mixed Use settlement, including the physical form of its development and its environmental, functional, economic, and sociocultural aspects.

**Urbanized:** generally, developed. Specific to this code, developed at T3 (Sub-Urban) Density or higher.

**Vehicular Service:** the repair, servicing, alteration, restoration, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. Specifically excluded are automobile service and repair that is part of an automotive sales dealership on the same site, automobile wrecking, automobile junkyards, or salvage yards.

**Yield:** characterizing a Thoroughfare that has two-way traffic but only one effective travel lane because of parked cars, necessitating slow movement and driver negotiation. Also, characterizing parking on such a Thoroughfare.



This map produced using data provided by the City of Doraville or accessed through the DeKalb County Property Appraisal Department Website. Data are not guaranteed. Please contact DeKalb County or the City of Doraville to confirm designations.

# Regulating Plan - V4

Prepared for:  
The City of Doraville  
and the Atlanta Regional Commission

Prepared by:  
Tunnell-Spangler-Walsh & Associates



October 15, 2013





## AGENDA ITEM REQUEST SHEET

**Subject:** First Read on Proposed Amendment to FY 2013 Budget

**Date of Meeting:** October 21, 2013

**Budget Impact:** ☐ Yes ☐ N/A

**Budget Impact Amount:** \$ \_\_\_\_\_

**Funding Source:**

- ☐ Annual
- ☐ Capital
- ☐ Grant(s)/ Technical Assistance
- ☐ N/A

- Regular ☒
- Work Session ☐
- Recommendation ☐
- Policy/Discussion ☐
- Report ☐
- Ceremonial ☐
- Other ☐

**Department:** Finance

**Department Head:** Lisa Ferguson

**Purpose:**

The purpose of this ordinance is to amend the prior year fiscal year budget for the year ending June 30, 2013. It is necessary to make this amendment in order to remain in compliance with state laws regarding business and occupational taxes, hotel motel taxes and budgeting. In addition, we are amending the budget at this time in order to address repeat audit findings related to budget variances that we have received in our annual audit for the past several years.

We are not amending every item that could be amended, only making the adjustments that are necessary to align the budgets to the extent needed to comply with state regulations and to address the audit finding issues.

We are making adjustments to the following line items, departmental budgets and fund budgets:

**1 Revenues**

- a. Business and Occupational Taxes - increase due to increase in gross receipts of tankers due to rising gasoline prices.
- b. Motor Vehicle Operators - increase to match current receipts
- c. Federal Grants - Decrease due to having one COPS position vacant for the fiscal year.
- d. Interest Revenues - Increase to match current receipts
- e. Miscellaneous - increase due to refund on prior years' workers comp premium
- f. Transfers from Hotel Motel - increase due to increase in Hotel Motel receipts for the fiscal year.

**2 Expenditures**

- a. Legal - Increase due to increased litigation costs
- b. Pool - increase due to a leak at the pool causing larger than expected water bills.
- c. Tree bank Fund- increase due to more right of way cutting by Georgia Power than expected.
- d. Hotel Motel Fund - Increase in both revenue and expenditure budget caused by increase in Hotel Motel receipts for the year.
- e. Sanitation - Increase in operating transfers. This was caused by an adjusting entry made by the auditor last year to account for the portion of the sanitation that was unbilled at the end of the fiscal year.

**Recommendation:**

The Finance Department recommends approval of the Budget Amendment ordinance as presented.

**Attachments:**

Proposed Budget Amendment  
Ordinance to Amend the FYE2013 Budget

**ORDINANCE 2013-\_\_**

**ORDINANCE TO PROVIDE FOR THE ADOPTION OF AN AMENDED BUDGET, ITS EXECUTION  
AND EFFECT FOR THE FISCAL YEAR BEGINNING JULY 1, 2012  
AND ENDING JUNE 30, 2013**

**BE IT ORDAINED** by the Mayor and City Council of the City of Doraville, Georgia:

**Section I.** The City previously adopted a Budget for fiscal year July 1, 2012 through June 30, 2013. There is hereby adopted for the fiscal year July 1, 2012 through June 30, 2013, an amendment for the City of Doraville, Georgia, as detailed herein. Amounts in this budget may be re-allocated within funds by approval of the Mayor as long as the total budgeted amounts do not exceed these appropriations by fund.

**Section II. General Fund.** The General Fund for the City of Doraville shall have an appropriation of \$9,139,188, for the general obligations and legal obligations in FY 2013.

General Fund revenues for the fiscal year are estimated as follows:

Taxes	\$6,243,686
Licenses and Permits	286,000
Intergovernmental Revenues	96,100
Charges for Services	137,802
Fines and Forfeitures	2,200,000
Investment Income	15,600
Contributions & Donations from Private Sources	2,500
Miscellaneous	123,000
Operating Transfers In	34,500
<b>Total Estimated General Fund Revenues</b>	<b>\$9,139,188</b>

Should the total estimated revenues received exceed the amount estimated, the City Council shall allocate such excess to the General Fund subject to further action.

**Section III.** There is appropriated for the general operation and payment of certain legal obligations of the City of Doraville for the fiscal year 2013 a total of \$9,139,188, or as much as may be deemed necessary, not to exceed this amount and such sums shall be disbursed from the following:

City Council	\$139,485
Mayor's Office	199,771
City Administrator	90,846
City Clerk General Administration	258,848
Finance	269,501
Legal	245,000
Information Technology	94,200
Government Buildings	27,220
Municipal Court	424,976
Police and Jail	4,452,399
Animal Control	87,829
Public Works	684,112
Street Lighting	180,000
Recreation	385,899
Swimming Pool	70,850
Parks	32,000
Library	307,878
Planning and Zoning	290,802
Quality of Life	120,795
Transfers to Other Funds-E911	422,181
Transfers to Other Funds-Sanitation	118,100
Contingency	171,081
<b>Total Estimated General Fund Expenditures</b>	<b>\$9,139,188</b>

**Section IV. Confiscated Assets Fund.** There is hereby established a Confiscated Assets Fund for the City of Doraville with an appropriation of \$697,186.

Revenues for the Confiscated Assets Fund shall be from the following sources:

Fund Balance – Confiscated Assets Fund	697,186
<b>Total Confiscated Asset Fund Revenues</b>	<b>\$ 697,186</b>

The following disbursements are authorized for the fiscal year 2013:

Public Safety	697,186
<b>Total Confiscated Asset Fund Expenditures</b>	<b>\$ 697,186</b>

**Section V. E911 Special Revenue Fund.** There is hereby established an E-911 Fund for the City of Doraville with an appropriation of \$572,181.

Revenues for the E911 Fund shall be from the following sources:

Transfer in from General Fund	422,181
E911 Charges	150,000
<b>Total Fund Revenues – E911</b>	<b>\$ 572,181</b>

The following disbursements are authorized for the fiscal year 2013:

Operations	\$ 572,181
<b>Total E-911 Fund Expenditures</b>	<b>\$ 572,181</b>

**Section VI. Tree Fund.** There is hereby established a Tree Fund for the City of Doraville with an appropriation of \$16,500.

Revenues for the Tree Fund shall be from the following sources:

Fund Balance – Tree Fund	16,500
<b>Total Tree Fund Revenues</b>	<b>\$ 16,500</b>

The following disbursements are authorized for the fiscal year 2013:

Tree Fund Expenditures	16,500
<b>Total Tree Fund Expenditures</b>	<b>\$ 16,500</b>

**Section VII. Multiple Grants Fund.** There is hereby established a Multiple Grants Fund for the City of Doraville with an appropriation of \$25,000.

Revenues for the Multiple Grants Fund shall be from the following sources:

Halpern Park Grant – Multiple Grants Fund	25,000
<b>Total Multiple Grants Fund Revenues</b>	<b>\$ 25,000</b>

The following disbursements are authorized for the fiscal year 2013:

Purchased/Contracted Services	25,000
<b>Total Multiple Grants Fund Expenditures</b>	<b>\$ 25,000</b>

**Section VIII. Hotel/Motel Tax Fund.** There is hereby established a Hotel/Motel Tax Fund for the City of Doraville with an appropriation of \$57,500.

Revenues for the Hotel/Motel Tax Fund shall be from the following sources:

Taxes-Hotel/Motel	57,500
<b>Total Hotel/Motel Tax Fund Revenues</b>	<b>\$ 57,500</b>

The following disbursements are authorized for the fiscal year 2013:

Payments to Other Agencies	23,000
Transfer out to General Fund	34,500
<b>Total Hotel/Motel Tax Fund Expenditures</b>	<b>\$ 57,500</b>

**Section IX. Rental Motor Vehicle Excise Tax Fund.** There is hereby established a Rental Motor Vehicle Excise Tax Fund for the City of Doraville with an appropriation of \$24,850.

Revenues for the Rental Motor Vehicle Excise Tax Fund shall be from the following sources:

Taxes-RMVE	24,850
<b>Total Rental Motor Vehicle Excise Tax Fund Revenues</b>	<b>\$ 24,850</b>

The following disbursements are authorized for the fiscal year 2013:

Professional Services	24,850
<b>Total Rental Motor Vehicle Excise Tax Fund Expenditures</b>	<b>\$ 24,850</b>

**Section X. Capital Projects Fund.** There is hereby established a Capital Projects Fund for the City of Doraville with an appropriation of \$144,097.

Revenues for the Capital Projects Fund shall be from the following sources:

HOST Tax	144,097
<b>Total Capital Projects Fund Revenue</b>	<b>\$ 144,097</b>

The following disbursements are authorized for the fiscal year 2013:

Capital Outlay	144,097
<b>Total Capital Projects Fund Expenditures</b>	<b>\$ 144,097</b>

**Section XI. Stormwater Management Fund.** There is hereby established a Stormwater Management Fund for the City of Doraville with an appropriation of \$474,001.

Revenues for the Stormwater Management Fund shall be from the following sources:

Charges for Services – Stormwater	474,001
<b>Total Stormwater Management Fund Revenue</b>	<b>\$ 474,001</b>

The following disbursements are authorized for the fiscal year 2013:

Public Works-Stormwater	474,001
<b>Total Stormwater Management Fund Expenditures</b>	<b>\$ 474,001</b>

**Section XII. Solid Waste Fund.** There is hereby established a Solid Waste Fund for the City of Doraville with an appropriation of \$490,904.

Revenues for the Solid Waste Fund shall be from the following sources:

Sanitation Fees	490,904
<b>Total Solid Waste Fund Revenues</b>	<b>\$ 490,904</b>

The following disbursements are authorized for the fiscal year 2013:

Purchased/Contracted Services	490,904
<b>Total Solid Waste Fund Expenditures</b>	<b>\$ 490,904</b>

**SO RATIFIED AND ADOPTED** by the Mayor and City Council of the City of Doraville, Georgia, in regular session assembled this \_\_\_\_ day of \_\_\_\_\_, 2013.

**CITY OF DORAVILLE, GEORGIA**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
First Reading

\_\_\_\_\_  
Second Reading

ATTEST:

\_\_\_\_\_  
Sandra Bryant, Assistant City Clerk (SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
Cecil G. McLendon, Jr., City Attorney

	Yea	Nay
Maria Alexander	<input type="checkbox"/>	<input type="checkbox"/>
Brian Bates	<input type="checkbox"/>	<input type="checkbox"/>
Pam Fleming	<input type="checkbox"/>	<input type="checkbox"/>
Karen Pachuta	<input type="checkbox"/>	<input type="checkbox"/>
Robert Patrick	<input type="checkbox"/>	<input type="checkbox"/>
Trudy Jones Dean	<input type="checkbox"/>	<input type="checkbox"/>

***City of Doraville***  
***FY2013 Proposed Budget***  
***June 30, 2013***

**Proposed Changes to the FY 2013 Budget**

<b>1</b>	<b>Revenues</b> <ul style="list-style-type: none"><li>a. Business and Occupational Taxes - increase due to increase in gross receipts of tankers due to rising gasoline prices.</li><li>b. Motor Vehicle Operators - increase to match current receipts</li><li>c. Federal Grants - Decrease due to having one COPS position vacant for the fiscal year.</li><li>d. Interest Revenues - Increase to match current receipts</li><li>e. Miscellaneous - increase due to refund on prior years' workers comp premium</li><li>f. Transfers from Hotel Motel - increase due to increase in Hotel Motel receipts for the fiscal year.</li></ul>
<b>2</b>	<b>Expenditures</b> <ul style="list-style-type: none"><li>a. Legal - Increase due to increased litigation costs</li><li>b. Pool - increase due to a leak at the pool causing larger than expected water bills.</li><li>c. Tree bank Fund- increase due to more right of way cutting by Ga Power than expected.</li><li>d. Hotel Motel Fund - Increase in both revenue and expenditure budget caused by increase in Hotel Motel receipts for the year.</li><li>e. Sanitation - Increase in operating transfers. This was caused by an adjusting entry made by the auditor last year to account for the portion of the sanitation that was unbilled at the end of the fiscal year.</li></ul>

**City of Doraville**  
**FY2013 Proposed Budget**  
**June 30, 2013**

	<b>2013 Approved Budget</b>	<b>2013 Proposed Budget</b>	<b>Increase/ (Decrease)</b>
<b><i>Fund 100 - General Fund</i></b>			
Taxes	5,998,686	6,243,686	245,000
Licenses and Permits	234,000	286,000	52,000
Intergovernmental Revenues	113,469	113,469	-
Charges for Services	137,802	137,802	-
Fines and Forfeitures	2,200,000	2,200,000	-
Investment Income	2,725	15,600	12,875
Contributions and Donations from Private Sources	2,500	2,500	-
Miscellaneous	76,000	123,000	47,000
Operating Transfers In	28,800	34,500	5,700
<b>Total General Fund Revenues</b>	<b>8,793,982</b>	<b>9,156,557</b>	<b>362,575</b>

	<b>2013 Approved Budget</b>	<b>2013 Proposed Budget</b>	<b>Increase/ (Decrease)</b>
<b><i>General Fund Departmental Budgets</i></b>			
City Council	139,485	139,485	-
Mayor	199,771	199,771	-
City Administrator	90,846	90,846	-
Elections	-	-	-
General Administration	258,848	258,848	-
Finance	269,501	269,501	-
Legal	205,000	245,000	40,000
Information Technology	94,200	94,200	-
Facilities & Buildings	27,220	27,220	-
Municipal Court	424,976	424,976	-
Police	4,452,399	4,452,399	-
Animal Control	87,829	87,829	-
Public Works	684,112	684,112	-
Street Lights	180,000	180,000	-
Recreation	385,899	385,899	-
Swimming Pool	54,825	70,850	16,025
Parks	32,000	32,000	-
Library Administration	307,878	307,878	-
Planning and Zoning	290,802	290,802	-
Code Enforcement	120,795	120,795	-
		-	-
Interfund Transfers		-	-
To E911	422,181	422,181	-
To Sanitation		118,100	118,100
Contingency	65,416	253,866	188,450
	<b>8,793,983</b>	<b>9,156,557</b>	<b>362,575</b>



**City of Doraville**  
**FY2013 Proposed Budget**  
**June 30, 2013**

	<b>2013 Approved Budget</b>	<b>2013 Proposed Budget</b>	<b>Increase/ (Decrease)</b>
<b><i>Fund 210 - Confiscated Assets Fund</i></b>			
Revenues	385,285	385,285	-
Expenditures	385,285	385,285	-
Surplus/(Deficit)	-	-	-
<b><i>Fund 215 - Emergency 911 Fund</i></b>			
Revenues	572,181	572,181	-
Expenditures	572,181	572,181	-
Surplus/(Deficit)	-	-	-
<b><i>Fund 230 - Tree Bank</i></b>			
Revenues	15,000	16,500	1,500
Expenditures	15,000	16,500	1,500
Surplus/(Deficit)	-	-	-
<b><i>Fund 250 - Multiple Grants Fund</i></b>			
Revenues	25,000	25,000	-
Expenditures	25,000	25,000	-
Surplus/(Deficit)	-	-	-
<b><i>Fund 275 - Hotel/Motel Tax fund</i></b>			
Revenues	48,000	57,500	9,500
Expenditures	48,000	57,500	9,500
Surplus/(Deficit)	-	-	-
<b><i>Fund 280 Rental Motor Vehicle Excise Tax</i></b>			
Revenues	-	24,850	24,850
Expenditures	-	24,850	24,850
Surplus/(Deficit)	-	-	-
<b><i>Fund 330 - Homestead Option Sales Tax (HOST) Fund</i></b>			
Revenues	144,097	144,097	-
Expenditures	144,097	144,097	-
Surplus/(Deficit)	-	-	-
<b><i>Fund 505 - Water and Sewer Fund</i></b>			
Revenues	474,001	474,001	-
Expenditures	474,001	474,001	-
Surplus/(Deficit)	-	-	-
<b><i>Fund 540 - Solid Waste Fund</i></b>			
Revenues	362,000	490,904	128,904
Expenditures	362,000	490,904	128,904
Surplus/(Deficit)	-	-	-

**City of Doraville**  
**FY2013 Proposed Budget**  
**June 30, 2013**

**Revenues**

**Fund 100 - General Fund**

Account Description	2013 Approved Budget	Unaudited - As of 6/30/2013	2013 Proposed Budget	Increase/ (Decrease)
Real property tax-current year	1,779,427	1,790,238	1,779,427	-
Public utility tax-current year	62,742	53,264	62,742	-
Real property tax-prior year	-	103,616	-	-
Personal property tax-current year	939,511	903,029	939,511	-
Motor vehicle	135,506	147,833	135,506	-
MV Title Ad Valorem		11,113		-
Public utility tax-prior year		27,537	-	-
Personal property-prior year	3,000	30,846	3,000	-
Real estate transfer (intangible)	1,500	5,151	1,500	-
Franchise taxes	600,000	603,018	600,000	-
Alcoholic beverage excise	80,000	92,647	80,000	-
Local option mixed drink	4,500	8,053	4,500	-
Business and occupation taxes	2,000,000	2,243,345	2,245,000	245,000
Insurance premium taxes	390,000	415,001	390,000	-
Penalties and interest on delinquent taxes	2,500	8,031	2,500	-
Alcoholic beverages	18,000	20,980	18,000	-
Building and signs	165,000	166,716	165,000	-
Motor vehicle operators	40,000	91,730	92,000	52,000
Regulatory fees	11,000	2,750	11,000	-
Entertainment-SOB		300		-
Federal government grants	113,469	96,009	96,100	(17,369)
Accident reports	15,000	15,522	15,000	-
Warrant contract	-	18,200	-	-
Background check fees	2,000	3,204	2,000	-
Activity fees	63,387	52,920	63,387	-
Event admission fees	-	500	-	-
Spec Ev Receipts	-	1,158	-	-
Program fees	57,415	23,894	57,415	-
Bad check fees		150	-	-
Municipal	2,200,000	2,145,930	2,200,000	-
Interest revenues	2,725	15,584	15,600	12,875
Contributions and Donations from Private Sources	2,500	1,034	2,500	-
Rents and royalties	30,000	33,526	30,000	-
Miscellaneous	46,000	92,598	93,000	47,000
Transfers from Hotel Motel	28,800	28,538	34,500	5,700
	<u>8,793,982</u>	<u>9,253,964</u>	<u>9,139,188</u>	<u>345,206</u>

***City of Doraville***  
***FY2013 Proposed Budget***  
***June 30, 2013***

***Dept. 1530***  
***Legal***

<b>Account Description</b>	<b>2013 Approved Budget</b>	<b>Unaudited - As of 6/30/2013</b>	<b>2013 Proposed Budget</b>	<b>Increase/ (Decrease)</b>
Professional	205,000	244,131	245,000	40,000
	<u>205,000</u>	<u>244,131</u>	<u>245,000</u>	<u>40,000</u>

**City of Doraville**  
**FY2013 Proposed Budget**  
**June 30, 2013**

**Dept. 6124**  
**Swimming Pool**

<b>Account Description</b>	<b>2013 Approved Budget</b>	<b>Unaudited - As of 6/30/2013</b>	<b>2013 Proposed Budget</b>	<b>Increase/ (Decrease)</b>
Professional	35,000	28,458	35,000	-
Technical		65		
Repairs and maintenance	3,000	7,406	7,500	4,500
Communications	1,000	386	1,000	-
Contract labor		800	-	-
General supplies and materials	2,000	1,120	2,000	-
Water/sewerage	9,000	16,159	16,200	7,200
Electricity	4,575	3,814	4,575	-
Small equipment	250		250	-
Machinery & Equipment	-	4,325	4,325	4,325
	-		-	
	<u>54,825</u>	<u>62,534</u>	<u>70,850</u>	<u>16,025</u>

***City of Doraville***  
***FY2013 Proposed Budget***  
***June 30, 2013***

***Fund 230 Tree Bank Fund***

<b>Account Description</b>	<b>2013 Approved Budget</b>	<b>Unaudited - As of 6/30/2013</b>	<b>2013 Proposed Budget</b>	<b>Increase/ (Decrease)</b>
Fund balance - Tree Bank Fund	15,000	31,591	16,500	1,500
Tree Bank Revenue		4,720		
Total Revenues	15,000	36,311	16,500	1,500
Professional	7,500	15,275	15,500	8,000
General supplies and materials	7,500	780	1,000	(6,500)
Total Expenditures	15,000	16,055	16,500	1,500



***City of Doraville***  
***FY2013 Proposed Budget***  
***June 30, 2013***

***Fund 275 Hotel Motel***

<b>Account Description</b>	<b>2013 Approved Budget</b>	<b>Unaudited - As of 6/30/2013</b>	<b>2013 Proposed Budget</b>	<b>Increase/ (Decrease)</b>
Hotel/motel	48,000	57,455	57,500	9,500
Total Revenues	<u>48,000</u>	<u>57,455</u>	<u>57,500</u>	<u>9,500</u>
Payments to other agencies	19,200	25,336	23,000	3,800
Operating transfers-To General Fund	28,800	28,538	34,500	5,700
Total Expenditures	<u>48,000</u>	<u>53,875</u>	<u>57,500</u>	<u>9,500</u>

***City of Doraville***  
***FY2013 Proposed Budget***  
***June 30, 2013***

***Fund 280 Rental Motor Vehicle Excise Tax***

<b>Account Description</b>	<b>2013 Approved Budget</b>	<b>Unaudited - As of 6/30/2013</b>	<b>2013 Proposed Budget</b>	<b>Increase/ (Decrease)</b>
Excise Tax on Rental Motor Vehicles	-	24,850	24,850	24,850
Total Revenues	-	24,850	24,850	24,850
Professional Services	-	24,850	24,850	24,850
Total Expenditures	-	24,850	24,850	24,850

**City of Doraville**  
**FY2013 Proposed Budget**  
**June 30, 2013**

**Dept. 4500**  
**Fund 540 Solid Waste**

Account Description	2013 Approved Budget	Unaudited - As of 6/30/2013	2013 Proposed Budget	Increase/ (Decrease)
Fi Fa	-	1,430	1,500	1,500
Sanitation	350,800	368,874	368,874	18,074
Bulk Waste Chgs	11,200	2,430	2,430	(8,770)
Operating Transfers from General Fund	-	118,017	118,100	118,100
	-			-
Total Revenues	362,000	490,751	490,904	128,904
Disposal (e.g., garbage pickup)	362,000	344,518	362,000	-
Other	-	111		-
Intergovernmental	-	20		-
Operating transfers	-		128,904	128,904
Total Expenditures	362,000	344,648	490,904	128,904



*Diversity. Vitality. Community*

THE CITY OF DORAVILLE  
AGENDA ITEM SHEET and REPORT

Subject: Application for Rezoning of Parcel # 18 311 02 014 located at 5407 Buford Hwy from C-2 Commercial to M-1 Light Manufacturing

Date of Meeting: 10/21/13

Budget Impact: ☐ Yes ☒ No

Budget Impact Amount: \$ n/a

Funding Source:

- ☐ Annual  
☐ Capital  
☒ N/A

**CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE  
CITYOFDORAVILLE**

Action Requested: Rezoning of property from C-2 to M-1

Current Zoning: C-2 General Commercial

Future Land Use Character Area: Major Highway Corridor (see attached map).

**History, Facts, Issues:** This is the site of the former United Auto Workers Union Hall on Buford Highway (see attached aerial photo and vicinity map on the attached site plan). The former UAW building is approximately 20,583 square feet. The lot is approximately 2.65 acres. The site plan shows 81.2% of the site is covered in impervious surface. C-2 zoning allows a maximum of 85% impervious surface so the property is compliant as per current C-2 zoning regulations. M-1, however, allows a maximum of 70% impervious lot coverage. Rezoning to M-1 would create a non-conformity of the property in regards to maximum impervious surface area. The property has approximately 274 feet of frontage on Buford Highway and approximately 250 feet on Chestnut Drive. The main ingress/egress to the site is on Buford Highway. A smaller gated entrance is on Chestnut Drive. The property has been vacant since the relocation of the UAW. The Applicant is the current owner of the property.

Adjacent and surrounding properties are currently zoned as follows: northeast – C-2 General Commercial; southwest - C-2 General Commercial; northwest across Buford Hwy - C-2 General Commercial; southwest for approximately 104 feet - C-2 General



Commercial; southwest for approximately 250 feet directly across Chestnut Drive – R-3 Multifamily Residential.

The City's future development map identifies the property as being in a Highway Commercial Corridor. Recommended uses as per the Community Development Agenda – Future Development Narrative, pg. 13 includes commercial, limited office/professional, and public/institutional uses (2006).

The property is within the Livable Communities Initiative (LCI) study area which has been adopted by the City. The Framework Plan of the LCI identifies the section of Buford Highway in which the subject property is located as General Mixed Use. Typical uses within the General Mixed Use area are described as "housing, offices, hotels and retail". (Section 4.2 - Land Use Recommendations – Land Use Policies, Table 4.1 Description of Typical Framework Plan Land Uses, General Mixed Use, pg. 82 (2010)).

### **Zoning Review Standards for Consideration with Staff Notes:**

(1) The existing uses and zoning nearby (see attached zoning maps).

- Southwest - C-2 General Commercial;
- Northwest across Buford Hwy - C-2 General Commercial;
- Southwest for approximately 104 feet - C-2 General Commercial;
- Southwest for approximately 250 feet directly across Chestnut Drive – R-3 Multifamily Residential.

(2) The extent to which property values are diminished by their particular zoning restriction:

The C-2 zoning district allows an extensive number of uses either as permitted or allowed by conditional use permit. Redevelopment along Buford Highway in Doraville is increasing. There has been recent interest in adaptive reuse of the existing building by an interested buyer.

(3) The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public;

The Applicant is seeking to change the types of uses allowed on the subject property to uses not consistent with the current development pattern, surrounding zoning, or comprehensive plan vision for the area. As such it is Staff's opinion that the proposed change does not promote the health, safety and welfare of the public.

(4) The relative harm to the public as compared to the hardship imposed upon the individual property owner:

The proposed inconsistency with the City's comprehensive plan and surrounding land uses and associated negative impacts to the City's vision for Buford Highway impose a harm to the public and citizens of Doraville relatively greater than the hardship imposed on the property owner by denying the owner's request for a non-compatible zoning district and use. The property is currently in a viable C-2 zoning district with uses consistent with the Comprehensive Plan and LCI.

(5) The suitability of the subject property for zoning proposed:

The proposed zoning and use of the subject property is inconsistent with the surrounding land uses and zoning districts of C-2 and R-3; contrary to recommended uses within the City's Comprehensive Plan for Highway Commercial Corridor as well as the Future Development Map and Character Area Map; and contrary to the LCI Framework Plan and typical uses identified for the General Mixed Use area in which the subject property is located.



(6) The length of time the property has been vacant as zoned, considered in the context of land development of adjacent and nearby property;

*The subject property has been vacant since the UAW moved out, but there has been recent credible interest in the purchase and adaptive reuse of the property.*

(7) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

*The proposed zoning and use of the subject property is inconsistent with the surrounding land uses of commercial and residential uses.*

(8) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

*Rezoning a C-2 General Commercial to M-1 Light Manufacturing is inconsistent with the city's comprehensive plan and LCI. Adjoining properties are either C-2 General Commercial or R-3 Multi-family Residential. Heavy truck traffic and activities associated with many permitted uses within the M-1 district are not compatible with current adjacent uses.*

(9) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

*The property is currently zoned C-2 General Commercial as the majority of Buford Highway within the City of Doraville. While the recession and closing of the General Motors assembly plant have had a significant negative impact on commercial properties in the City and elsewhere there has been a noticeable increase in new businesses along the Buford Highway corridor in the City. The subject property is approximately 2.65 acres and has sufficient parking for uses allowed in the C-2 zoning district. There has been recent interest in the property and offers to purchase for an adaptive reuse of the building and site for a use allowed within the C-2 district.*

(10) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools;

*Increase of heavy truck traffic associated with uses allowed in the M-1 zoning district will likely have a greater impact than that of uses allowed in the C-2 zoning district. Tractor/trailer trucks entering off Buford Highway is problematic given the current ingress/egress configuration of the site and lack of deceleration lanes for trucks to exit Buford Highway. Ingress and egress off of trucks from Chestnut Drive and impacts on the adjacent R-3 property and R-1 properties in the vicinity are of concern.*

(11) Whether the zoning proposal is in conformity with the policy and intent of the land use plan;

*M-1 zoning is not consistent with the city's vision for the corridor as defined by the City's Comprehensive Plan and the LCI study.*

(12) Whether there are other existing or changing conditions affecting the use and development of property which gives supporting grounds for either approval or disapproval of the zoning proposal;

*The Buford Highway corridor is seeing an increase in commercial and professional use with improvement in the national and regional economy. The subject property is within the LCI area which encourages general mixed use of properties in this area.*

(13) The possible effects of the change in the regulations or map on the character of a zoning district, a particular piece of property, neighborhood, a particular area or the community; and

*The proposed zoning and use is not compatible with recommended uses within the LCI Study and Framework Plan.*

(14) The impact of the proposed zoning change upon pedestrian and vehicular circulation and traffic and thoroughfare capacities and capabilities.

*See Item (10) above.*

**Planning Commission Recommendation:** The Planning Commission unanimously recommended denial of the application for rezoning.

**Staff Recommendation:** Based upon the analysis stated above, Staff recommends denial of the application for rezoning.

**Options:** Council may approve the application as submitted, approve the application with conditions, or deny the application.

**Department:** Community Development

**Department Head:** Joe Cooley





5407 Buford Hwy, Doraville, GA 30340, USA

Google earth

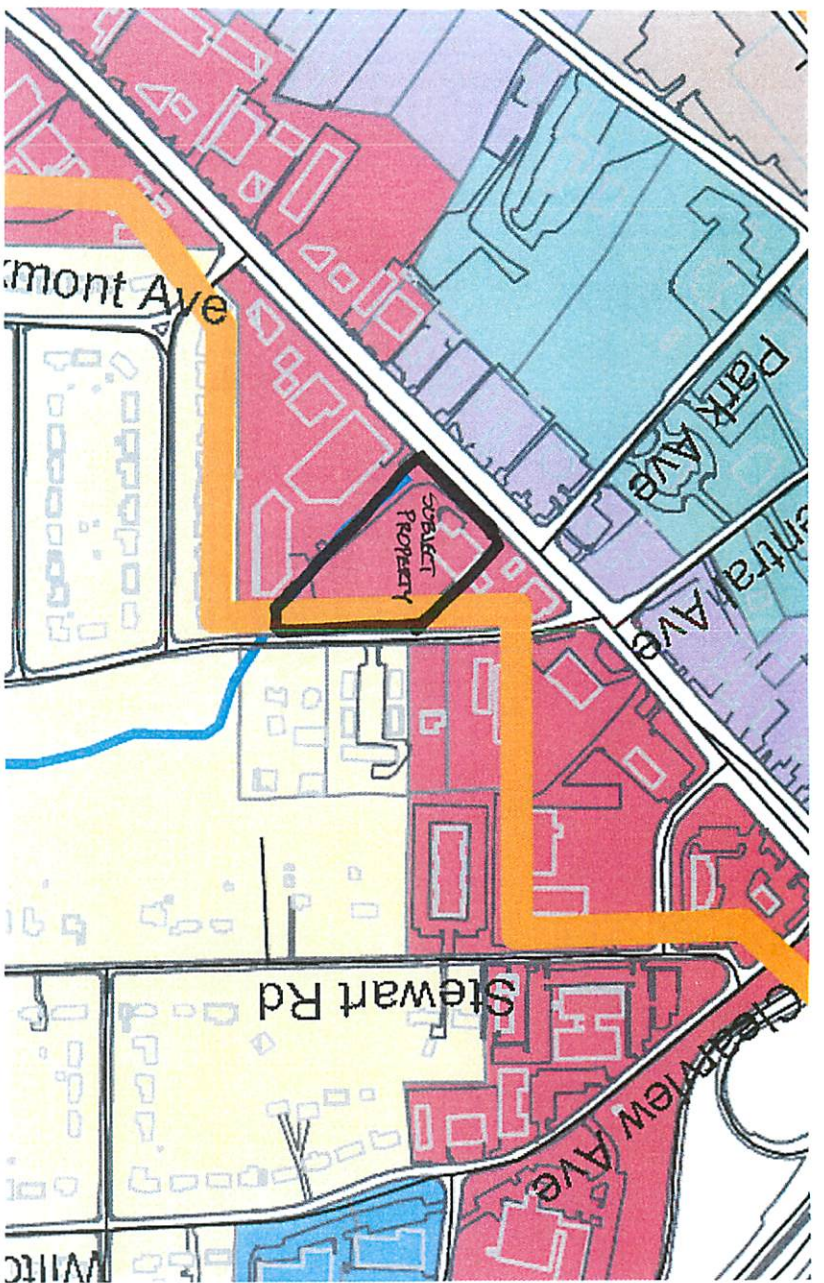
feet  
meters  
1000  
300











#### Future Development Areas

- Neighborhood Preservation District
- Doraville Town Center
- Multimodal Transit Gateway
- Mixed Use Redevelopment Opportunity
- Highway Commercial Corridor
- Professional Employment Center
- Tank Farm Industries
- Potential Annexation Area
- LCI Study Area
- Doraville City Limits
- Proposed Roads

5407 Buford Highway



### Legend

..... Proposed Streetscape

—●— Light Rail w/Stop

### Bicycle Facility

- - - On-Street

— Multi-Use Trail

### Streets

— Existing

— New Publicly-Built\*

— New Privately-Built\*\*

### Proposed Land Use

Single-Family

Highway Commercial

Office/Commercial

Technology Park

General Mixed-Use

High-Rise Mixed-Use

Excerpt from Figure 4.2 LCI Study - Framework Plan (pg. 83)

Table 4.1: Description of Typical Framework Plan Land Uses

Land Use	Primary Uses	Max. Building Height*	Max. Housing Density**
Single-Family	Existing single-family lots	3 floors/35 ft	4 DUA
Highway Commercial	Hotels, auto-oriented retail	6 floors/80 ft	50 DUA
Office Commercial	Offices, hotels	20 floors/250 ft	-
Technology Park	Office, warehouses, research	6 floors/80 ft	-
General Mixed-Use	Housing, offices, hotels, retail	6 floors/80 ft	50 DUA
High-Rise Mixed-Use	Housing, offices, hotels, retail	20 stories/250 ft	80 DUA
Open Space	Public/private parks or open spaces	-	-

Table 4.1 LCI Study – Land Use Policies (pg. 82)



June 25, 2013

City of Doraville  
Community Development Department  
3725 Park Ave Doraville, GA 30340  
(770) 451-8745  
Letter of Intent: 5407 Buford Hwy

To Whom It May Concern:

The Taeun Corporation is submitting this Letter of Intent. 5407 Buford Hwy (otherwise known as Lot 311 of block 02 in district 44) is a 2.65 acre lot with a 20,583 square foot building. The property is currently vacant but well maintained by it's owner Jae Bea.. Our intent is to use this building, as is, for a wholesale clothing business. It will maintain the hours of 9am-7pm Monday through Friday, 9am-6pm Saturday and Sunday 9am-6pm. The business will have a showroom, open to the public and will have 2 employees.

We respectfully request a change in zoning from C-2 to M-1, so the Taeun Corporation may operate it's wholesale business at this address, know as Moon Lingerie.

This property is located inside the LCI area for the City of Doraville and the property owner is dedicated to maintaining this property in full compliance with any and all LCI requirements. Currently, there are two properties inside the LCI area which are zoned industrial. Those properties are located near the intersection of Shallowford Rd and New Peachtree Rd and are near the heart of what the city is planning to be their "Town Center."

According to the "preferred land use plan" set out in the LCI, **this property is recommended to be zoned Office-Industrial** and should be bordered on its north side by green space. This zoning would allow businesses such as office parks, dentist offices, asylums and abortion clinics. The intended use of this facility as a wholesale showroom would be much more in keeping with the LCI than any of those other businesses as it requires no on site advertising and has more than ample parking to keep from having its customers parking on other properties associated with green space or any neighboring property. This business does not use any delivery trucks or heavy equipment and distributes its product either directly from its import origin of San Francisco or uses UPS to deliver its parcels.

As a good civic neighbor in the City of Doraville, the property owner will agree to shoulder the expense of landscaping the right of way and sidewalk to the specifications of the LCI and match any improvements that occur on the block. The property owner further agrees to remove all of the parking for this building from the frontage on Buford Highway and maintain the area as green space and should the LCI vision for a green space area come to fruition, the property owner will donate to the city the strip of land directly in front of the building and will pay to landscape it in keeping with the adjacent green space.

In conclusion, should the City Council of Doraville agree to grant this zoning of M1 to the applicant – this property will immediately comply with the preferred use of land

recommended by the LCI study. The appearance and intended use of this property is in keeping with the vision of the LCI set out on page 53, Figure 6.7. (Attached as Exhibit 1).

As part of the rezoning, The Taeun Corporation will comply with any code requirements and will maintain a well landscaped street presence.

The Zoning Ordinance of the City of Doraville, Georgia lacks adequate standards for the City Council to exercise its power to zone and rezone. In essence, the standards are not sufficient to contain the discretion of the Board of County Commissioners and to provide the Courts with a reasonable basis for judicial review. Because the stated standards (individually and collectively) are too vague and uncertain to provide reasonable guidance to the Board of County Commissioners, the Zoning Ordinance violates the Fifth and Fourteenth Amendments of the Constitution of the United States in matters of zoning. The Zoning Resolution also violates Article I, Section III, Paragraph 1; and Article I, Paragraphs 1 and 2 of the Constitution of State of Georgia, 1983.

The City Council is granted the power to zone pursuant to Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia, 1983. It is a power which must be fairly exercised. Based on this element of fairness, the Zoning Ordinance of the City of Doraville, Georgia violates Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia, 1983. There is no rational basis to prohibit whole sale uses in the City's C-2 zoning district.

The Zoning Ordinance presently in effect is contrary to the best interest of the health and welfare of the citizens of Doraville, Georgia, and constitutes an arbitrary and capricious act. As a result, the Zoning Ordinance is in violation of Article I, Section I, Paragraphs 1 and 2 of the Constitution of the State of Georgia 1983; Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia; and Article I, Section II, Paragraph 3 of the Constitution of the State of Georgia, 1983. Furthermore, the Zoning Ordinance violates the due process clause and equal protection clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America.

In addition, the Zoning Ordinance presently in effect is unconstitutional in that it renders this property unusable and destroys its marketability. Therefore, the Zoning Ordinance constitutes a taking of applicant's property without just and adequate compensation and without due process of law in violation of the Fifth and Fourteenth Amendments to the United States Constitutional and in violation of Article I, Section I, Paragraph 1 and Article I, Section III, Paragraph 1(a) of the Constitution of Georgia.

The failure to rezone the subject property as requested, would constitute the taking of property without due process and without the payment of adequate compensation in violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia, 1983; and the Fifth and Fourteenth Amendments of the Constitution of the United States.

Failure to grant the application for rezoning or to zone the property to any other classification including other intervening classifications, would be contrary to the best interest of the health and welfare of the citizens of the City of Doraville, and would further constitute an arbitrary and capricious act. As such, failure to grant the application would constitute a Violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia, 1983; and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia; and Article I, Section II, Paragraph 3 of the Constitution of the State of Georgia, 1983, together with the due process clause and equal protection clauses of Fifth and Fourteenth Amendments to the Constitution of the United States of America.

The Zoning Ordinance of the City of Doraville is unlawful, null and void in that its adoption and map adoption/maintenance did not comply with the requirements of its predecessor ordinance and/or the Zoning Procedures Law, O.C.G.A. § 36-66-1, et seq.

The restrictions which prohibit use of this property for wholesale uses was enacted in whole or in part based upon the City's desire to reduce or eliminate persons of foreign ethnicity or origin from operating such businesses in the City.

If you have any questions about this project you can contact Mr Jae Bae at (678-780-1475)

Sincerely,

John Garst on Behalf of Jae Bae

Jae Bae

A handwritten signature in black ink, appearing to read 'John Garst', with a long horizontal line extending to the right.



# City of Doraville Planning & Development Department

## APPLICATION FOR REZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP OF THE CITY OF DORAVILLE, GEORGIA

Date Received: 7- (incomplete applications shall not be accepted) ZONING # \_\_\_\_\_

### APPLICANT

Name: Jae Bae  
Mailing Address: 5277 Buford Hwy  
E-mail: moon8949enaver.com Daytime Phone: 678-780-1475 Fax: \_\_\_\_\_

### OWNER

Name: spore John G Garst - 404-819-3041  
Mailing Address: yrinfo@aol.com  
E-mail: ~~18 311 02 014~~ Daytime Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

### SUBJECT PROPERTY

Street Address: 5407 Buford Hwy Doraville GA 30340  
Tax ID Parcel No.: 18 311 02 014 District(s) 44 LL 311 Block 02 Council District: 3  
Current Zoning Category: C-2 Requested Zoning Category: M-1 Acreage: 2.65  
Future Land Use Character Area: Highway Commercial Corridor Within LCI Study Area: Yes ☒ No \_\_\_\_\_

### Application process:

- (1) Meet with City staff. Prior to submitting for a conditional use permit, the applicant shall meet with the planning department to discuss the process, zoning, conditional use permits, and development of the property.
- (2) Submittal of the application. The applicant or property owner should submit all items as listed on the zoning amendment application.
- (3) Review by City staff. The planning department will process the application. Staff may contact the applicant or owner for additional information during the review period.
- (4) Presentation to Planning Commission. The Planning Commission shall review the application and hear any presentation which the Applicant may wish to make. The Planning Commission shall make a recommendation to the City Council for approval, denial, or approval with conditions to the City Council.
- (5) Notification of public hearing. Staff will notify the applicant of the date of the public hearing. A legal notice is also sent to the local newspaper for publication.
- (6) Posting of signs on property for zoning notification. As required by ordinance, the applicant will be responsible for the cost of posting the zoning notification signs on the property for which the change in zoning has been requested prior to the public hearing in accordance with the Georgia Zoning Procedures Law.
- (7) City Council public hearing. A public hearing is required for a zoning amendment application. During the public hearing, staff will present a summary of the proposed development to the Mayor and Council. Persons in support of the proposed request and persons in opposition to the proposed request may speak during the public hearing. The applicant, property owner, and/or

their representative, may be present at the meeting and should be prepared to discuss the conditional use permit and answer any questions that arise.

(8) **City Council decision.** After hearing the evidence and reviewing the application as well as any staff comments, the City Council considers the proposed zoning amendment.

(9) **Conditions.** The City Council may require such modifications in the proposed use and attach such conditions to the zoning amendment as they deem necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of the ordinance. Conditions and modifications may include, but are not limited to: limitation of building size or height, increased open space, limitations on impervious surfaces, enhanced loading and parking requirements, additional landscaping, curbing, sidewalk, vehicular access and parking improvements, placement or orientation of buildings and entryways, buffer yards, landscaping and screening, signage restrictions and design, maintenance of buildings and outdoor areas, duration of the permit, and hours of operation.

### **STANDARDS**

The Mayor, City Council, staff and appointed bodies shall, in deciding any rezoning application, consider the below listed standards governing the exercise of the zoning power whenever deliberating over any zoning proposal pursuant to this section:

- (1) The existing uses and zoning nearby;
- (2) The extent to which property values are diminished by their particular zoning restriction;
- (3) The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public;
- (4) The relative harm to the public as compared to the hardship imposed upon the individual property owner;
- (5) The suitability of the subject property for zoning proposed;
- (6) The length of time the property has been vacant as zoned, considered in the context of land development of adjacent and nearby property;
- (7) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;
- (8) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (9) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
- (10) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools;
- (11) Whether the zoning proposal is in conformity with the policy and intent of the land use plan;
- (12) Whether there are other existing or changing conditions affecting the use and development of property which gives supporting grounds for either approval or disapproval of the zoning proposal;
- (13) The possible effects of the change in the regulations or map on the character of a zoning district, a particular piece of property, neighborhood, a particular area or the community; and
- (14) The impact of the proposed zoning change upon pedestrian and vehicular circulation and traffic and thoroughfare capacities and capabilities.

**REQUIRED DOCUMENTS:**

- ☒ Letter of Intent / Description of the Project: describing the requested conditional use, adjacent land uses, zoning districts and businesses; justification of how the requested use meets the Standards (listed above) and any information the Applicant would like to include in the information package (photos, renderings, etc.);
- ☒ Site plan (see site plan requirements)
- ☒ Any additional information required by the City based upon the initial application meeting with staff;
- ☒ Completed application (incomplete applications will not be accepted);
- ☒ Owner's Authorization of Agent (if Applicant is not the owner).

**APPLICATION FEE:** See current City Fee Schedule: Sec. 2-261. - Zoning processing fees

**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

In accordance with the Conflict of Interest in Zoning Act, O.C.G.A. Ch 36-67A, the following questions must be answered: Have you the applicant made \$250 or more in campaign contributions to a local government official within two years immediately preceding the filing of this application? Yes \_\_\_\_\_ No ☒

If the answer is Yes, you must file a disclosure report with the governing authority of the City of Doraville showing:

1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and date of each such contribution.

NOTARY Andrew Shim DATE 7/23/13 SIGNATURE OF APPLICANT [Signature] DATE 7-23-13

EXPIRATION DATE / SEAL 12/06/14 **ANDREW SHIM**  
**NOTARY PUBLIC**  
**Gwinnett County - State of Georgia**  
**My Comm. Expires December 06, 2014** Check One: Owner ☒ Agent ☐





## City of Doraville Planning & Development Department

### APPLICATION FOR REZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP OF THE CITY OF DORAVILLE, GEORGIA

#### SITE PLAN REQUIREMENTS:

The site plan shall be clearly drawn at a scale of not less than 100 feet per inch on a sheet size not to exceed 24" x 36". The Director may approve other sheet sizes as deemed appropriate.

The following information shall be depicted on the site plan if applicable:

**NO CHANGES TO PHYSICAL - SEE ATTACHED PLANS**

- \_\_\_\_\_ Project name;
- \_\_\_\_\_ Project owner and address (both local and permanent if different), telephone numbers and e-mail address;
- \_\_\_\_\_ Date, scale and north arrow;
- \_\_\_\_\_ Site location / vicinity map;
- \_\_\_\_\_ Proposed use and development of the property;
- \_\_\_\_\_ Required yard setbacks;
- \_\_\_\_\_ Project acreage including breakdown of pervious / impervious area, and/or dedicated greenspace;
- \_\_\_\_\_ Total number of lots and minimum lot sizes (if applicable);
- \_\_\_\_\_ Names, locations, and right-of-way widths of adjoining existing streets or access drives and proposed right-of-ways and roadways;
- \_\_\_\_\_ The present zoning classification and ownership of all adjacent parcels;
- \_\_\_\_\_ Topography with contour interval no greater than 10 feet;
- \_\_\_\_\_ Sewage disposal method (note);
- \_\_\_\_\_ Property lines with bearings and distances; location of utility and private easements, ;
- \_\_\_\_\_ All proposed development features and layout;
- \_\_\_\_\_ Location of floodplains, lakes, ponds, water courses, conservation areas, and environmental areas of concern;
- \_\_\_\_\_ Building heights and gross square footage;
- \_\_\_\_\_ Proposed buffers, landscape development, sidewalks and other hardscape;
- \_\_\_\_\_ Land lot and district;
- \_\_\_\_\_ General development data in tabular form;
- \_\_\_\_\_ Name of person or company preparing the site plan;
- \_\_\_\_\_ Any other data requested by the Planning Director necessary for an understanding and evaluation of the project.

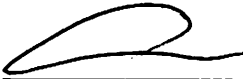
**APPLICATION FOR REZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP**

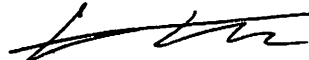
\*\*\*\*\*  
NOTE: 12 COPIES OF THE COMPLETED PACKAGE ARE REQUIRED FOR SUBMITTAL FOR REVIEW BY STAFF, PLANNING COMMISSION AND CITY COUNCIL. ALL APPLICATIONS SHALL BE COLATED AND SUBMITTED AS 12 SEPERATE PACKAGES INCLUDING ALL PLANS WHICH ARE TO BE FOLDED TO APPROXIMATELY 9" X 12" SIZE.

PLEASE READ THE FOLLOWING BEFORE SIGNING

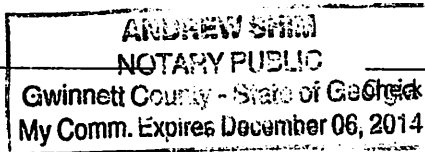
This form must be completed in its entirety before it will be accepted. It must include all required attachments and filing fees.

An application which lacks any of the required attachments or information shall be deemed incomplete and shall not be accepted.

  
NOTARY Andrew Shim 7/23/13  
DATE

  
SIGNATURE OF APPLICANT 7-23-13  
DATE

12/06/14  
EXPIRATION DATE / SEAL



One: Owner ☒ Agent ☐



## City of Doraville Planning & Development Department

### OWNER'S AGENT AUTHORIZATION

Date: 7-23-2013

#### TYPE OF APPLICATION

- ( ) Land Use Plan  
(☒) Rezone  
( ) Conditional Use Permit  
( ) Minor Modification  
( ) Other \_\_\_\_\_

#### SUBJECT PROPERTY ADDRESS

5407 Buford Hwy Suite/Unit # \_\_\_\_\_

Doraville, GA 30340

Tax Parcels # \_\_\_\_\_

#### TO WHOM IT MAY CONCERN:

(I) (WE), Jae Bae  
(NAME OF OWNER(S)) (print or type)

being (owner)/(owners) of the property described above or as attached hereby delegate authority to

5407 Buford Hwy Doraville GA 30340 John Garst  
(PRINTED NAME OF APPLICANT OR AGENT REPRESENTING OWNER(S)) (print or type)

to file an application on (my)/(our) behalf.

ANDREW SHIM

NOTARY PUBLIC

Gwinnett County - State of Georgia

My Comm. Expires December 06, 2014

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

June 25, 2013

City of Doraville  
Community Development Department  
3725 Park Ave Doraville, GA 30340  
(770) 451-8745  
Letter of Intent: 5407 Buford Hwy

To Whom It May Concern:

The Taeun Corporation is submitting this Letter of Intent. 5407 Buford Hwy (otherwise known as Lot 311 of block 02 in district 44) is a 2.65 acre lot with a 20,583 square foot building. The property is currently vacant but well maintained by it's owner Jae Bea.. Our intent is to use this building, as is, for a wholesale clothing business. It will maintain the hours of 9am-7pm Monday through Friday, 9am-6pm Saturday and Sunday 9am-6pm. The business will have a showroom, open to the public and will have 2 employees.

We respectfully request a change in zoning from C-2 to M-1, so the Taeun Corporation may operate it's wholesale business at this address, know as Moon Lingerie.

This property is located inside the LCI area for the City of Doraville and the property owner is dedicated to maintaining this property in full compliance with any and all LCI requirements. Currently, there are two properties inside the LCI area which are zoned industrial. Those properties are located near the intersection of Shallowford Rd and New Peachtree Rd and are near the heart of what the city is planning to be their "Town Center."

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In conclusion, should the City Council of Doraville agree to grant this zoning of M1 to the applicant – this property will immediately comply with the preferred use of land

recommended by the LCI study. The appearance and intended use of this property is in keeping with the vision of the LCI set out on page 53, Figure 6.7. (Attached as Exhibit 1).

As part of the rezoning, The Taeun Corporation will comply with any code requirements and will maintain a well landscaped street presence.

If you have any questions about this project you can contact Mr Jae Bae at (608) 310-7401

Sincerely,

A handwritten signature in black ink, appearing to be 'Jae Bae', with a long horizontal line extending to the right.

Jae Bae



Figure 6.6 Buford Highway "before"

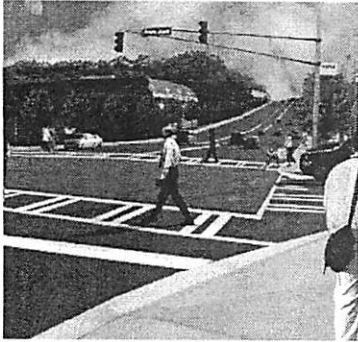


Figure 6.7 Buford Highway "after"

## 6.7 Planning Commission

The idea and role of a planning commission has been discussed in Doraville in recent months. A citizen-based, qualified planning commission can be a helpful tool in guiding development that is compatible with the city's vision.

Planning commissions generally review development proposals in accordance with legally specified criteria. They may be able to vote on approving or denying a development proposal according to its suitability to the vision and urban design guidelines of the community. Planning commissions are a valuable tool for giving citizens a voice in reviewing development proposals, and helping a community stay true to its planning vision. Also, development review by planning commissions are an educational tool for developers, helping them understand community requirements and desires.

Ultimate authority for development approval generally remains with the City Council. Denied developments may be appealed and reviewed by the Council. However the City Council will generally be better informed because of the hearings conducted by the planning commission. Therefore, even though authority is retained by the City Council, citizen input is increased and developers are better informed of community requirements.





## THE CITY OF DORAVILLE AGENDA ITEM SHEET

Subject: Commercial Transitional (CT) Zoning

Regular Meeting (X)

Date of Meeting: October 7, 2013

Work Session ( )

Budget Impact: Y X N

Recommendation ( )

Policy/Discussion ( )

Report ( )

Other ( )

Budget Impact Amount: \$ \_\_\_\_\_

Funding Source:

( ) Annual

( ) Capital

( ) N/A

**CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE**

Action Requested: Recommend staff and Planning Commission to review and remove Commercial Transitional (CT) Zoning from our Code. The Planning Commission has already recommended this action, and the City does not allow spot zoning. This is clearly spot zoning.

Department: City Council/Trudy Jones Dean

Administrative Comments and Recommendation:

Put this before the Planning Commission and staff with recommendation that Commercial Transitional (CT) Zoning be deleted from our Code.

Action Taken By Board: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_