



- O. *Subdivision*: The subdivision of property within any mixed-use development is allowed. Newly-created property lines created by the subdivision of property are not required to satisfy setback, buffer or other requirements, provided that the layout for the project as a whole complies with those regulations.

(Ord. No. 13-11 , Pt. I, 5-28-13)

FOOTNOTE(S):

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**Editor's note**— Ord. No. 08-20, Pt. I, adopted Oct. 14, 2008, added material pertaining to the Scottsdale Area Compatible Use Overlay District but did not assign a numerical designation to the new division. The provisions have been designated to as Div. 39 to maintain the numerical sequence and continuity of the Code.

## **27-3.37 DIVISION 37. GREATER HIDDEN HILLS OVERLAY DISTRICT**

### **3.37.1 Scope of regulations.**

This division establishes standards and procedures that apply to any development, use, alteration, height, density, parking, open space, publicly accessible open space, and building on any lot or portion thereof which is in whole or in part contained within the boundaries of the Greater Hidden Hills Overlay District, hereinafter referred to as the "District."

(Ord. No. 11-21, Pt. I, 11-15-11)

### **3.37.2 Applicability of regulations.**

This division applies to each application for a business license, land disturbance permit, building permit or a sign permit which involves the development, use, alteration, or modification of any structure where the subject property is in whole or in part contained within the boundaries of the District. The procedures, standards, and criteria herein apply only to that portion of the subject property located within the boundaries of the District.

(Ord. No. 11-21, Pt. I, 11-15-11)

### **3.37.3 District design guidelines.**

The Design Guidelines for the Greater Hidden Hills Overlay District dated October 28, 2011, hereinafter referred to as the "District Design Guidelines," shall be used to promote proper design criteria for the District and shall guide the planning director in deciding whether a proposed design complies with the requirements of this division. The District Design Guidelines provide acceptable architectural design controls, landscaping, detailed drawings, signage, fencing, lighting, street and site furniture and grating for developments in the District. The District Design Guidelines, the original of which are maintained by the planning director, may be amended in writing by the planning director and the official copy of the District Design Guidelines shall be maintained in the office of the planning director.

(Ord. No. 11-21, Pt. I, 11-15-11)

### **3.37.4 Statement of purpose and intent.**

The purpose and intent of the board of commissioners in establishing the District is as follows:

- A. To encourage development and redevelopment of properties in the District in order to achieve a variety of mixed-use communities;
- B. To provide for the development of sidewalks and walkways in order to promote safe and convenient pedestrian access and to reduce dependence on automobiles and other motorized means of transportation;



- C. To promote physically attractive, environmentally safe and economically sound mixed-use communities;
- D. To encourage mixed-use developments containing both commercial and residential uses so as to create a pedestrian-oriented community where people can live, work and play;
- E. To improve the visual appearance and increase property values within the Greater Hidden Hills community;
- F. To enhance the longterm economic viability of the District by encouraging new commercial and residential developments that increase the tax base and provide employment opportunities to the citizens of DeKalb County;
- G. To implement the policies and objectives of the DeKalb County Comprehensive Plan 2005;
- H. To establish and implement the policies and objectives of the District Design Guidelines in the District;
- I. To encourage the inclusion of publicly accessible open spaces in all new developments in the District;
- J. To establish and maintain a balanced relationship between industrial, commercial, and residential growth to ensure a stable and healthy tax base in DeKalb County;
- K. To provide a balanced distribution of regional and community commercial and mixed-use office centers in the District;
- L. To support high-density housing in office and mixed-use centers which have the appropriate location, access, and infrastructure to support such development;
- M. To encourage mixed-use developments that meet smart growth goals and objectives;
- N. To allow flexibility in development standards to encourage the design of innovative development projects that set high standards for landscaping, green space, urban design, and public amenities;
- O. To encourage efficient land use and development plans that offer employees and residents the opportunity to fulfill their daily activities with minimal use of single-occupant automobiles;
- P. To allow and encourage development densities and land use intensities that are capable of making productive use of alternative transportation modes such as bus transit, rail transit, ridesharing, bicycling and walking;
- Q. To encourage the formation of well designed, pedestrian-friendly activity centers with high-density commercial and residential development that increases vitality and choices in living environments for the citizens of DeKalb County;
- R. To protect established residential areas from encroachment of uses which are either incompatible or unduly cause adverse impacts on such communities, and to protect the health, safety and welfare of the citizens of DeKalb County; and
- S. To promote uniform and visually aesthetic architectural features which serve to unify the distinctive visual quality of the Greater Hidden Hills Area and preserve the character of the Greater Hidden Hills community.

(Ord. No. 11-21, Pt. I, 11-15-11)

### **3.37.5 District boundaries and maps.**

- A. The boundaries of the District are delineated in the Greater Hidden Hills Overlay District Map, dated October 28, 2011, a copy of which is attached hereto as Exhibit A and adopted with Ordinance No. 11-21 as a map amendment to the official zoning map of DeKalb County. The original of the Greater Hidden Hills Overlay District Map and all its amendments will be maintained by the planning director. Any changes to the Greater Hidden Hills Overlay District Map dated October 28, 2011, will require a map amendment and a text amendment revising this section to reflect the revised map for the District.



- B. The District shall be divided into five (5) tiers and one Residential Area to guide future development and redevelopment. The tiers and the Residential Area are based on the future land use recommendations. The tier structure is as follows:
1. *Tier 1.* Tier 1 is a medium-intensity area focused around the activity center at the intersection of Covington Highway and South Hairston Road and the commercial corridor along both sides of Covington Highway between South Hairston Road and the boundary of the I-20 Overlay District at the Panola Road and Covington Highway intersection. The purpose of this tier is to allow more intense mixed-use development along Covington Highway, a major thoroughfare. The goal is to redevelop oversized parking areas with new buildings including retail, office, and residential uses within mixed-use developments to decrease the need for vehicular trips. The maximum height shall be up to five (5) stories with a maximum density of thirty (30) dwelling units/acre.
  2. *Tier 2.* Tier 2 is a low-intensity area located at the neighborhood center on Redan Road at its intersection with South Hairston Road and Panola Road, and the neighborhood center at the intersection of Panola Road and Young Road. The purpose of this tier is to allow lower-density development in a mixed-use context more compatible with the adjacent single-family neighborhoods. The maximum height shall be up to three (3) stories with a maximum density of twenty-four (24) dwelling units per acre.
  3. *Tier 3.* Tier 3 is a preservation open space area comprised of properties designated as flood hazard areas by the Federal Emergency Management Agency and the county. Such properties are limited to passive recreation areas, pathways, trails and a golf course.
  4. *Tier 4.* Tier 4 is a conservation open space area comprised of properties which are of such size, configuration and topography which would cause undue impacts on adjoining properties if developed. The properties are to be used for active and passive recreation areas and associated accessory structures.
  5. *Tier 5.* Tier 5 is a neighborhood mixed-use area which allows for increased density, increased building heights, and additional permitted uses within a mixed-use environment. The purpose of Tier 5 is to allow increased development in an area where it is needed while preserving/conserving property within Tiers 3 and 4.
  6. *Residential Area.* The Residential Area is primarily composed of homes and will not be required to comply with any of the regulations for the District set forth in this division or the District Design Guidelines. The principal uses of land and structures in the Residential Area shall be as provided by the applicable underlying zoning district classification. The Residential Area shall be subject to the requirements and regulations of the applicable underlying zoning district classification.
- C. The planning director shall be the final authority to determine whether any property is located within the boundaries of this District.

(Ord. No. 11-21, Pt. I, 11-15-11)

### **3.37.6 Tier 1 principal uses and structures.**

The principal uses of land and structures allowed in Tier 1 are provided below subject to the standards and limitations contained within this division. If a use or structure is not listed in this section or is not expressly allowed by special permit, then the principal use or structure is prohibited in Tier 1:

- A. Animal hospital, veterinary clinic, animal boarding, pet supply store, and animal grooming shop.
- B. Art gallery and art supply store.
- C. Bank, credit union and other similar financial institution.
- D. Building and landscape contractor.
- E. Business and professional office use.



- F. Business service establishment.
- G. Communications and utility uses as follows:
  - 1. Production studio.
  - 2. Radio and television broadcasting station.
  - 3. Telephone business office.
- H. Community facilities as follows:
  - 1. Community center.
  - 2. Cultural facility.
  - 3. Noncommercial club or lodge.
- I. Educational uses as follows:
  - 1. Private elementary, middle or high school.
  - 2. Specialized nondegree school focusing on fine arts and culture, to include the ballet, music, martial arts, and sports.
  - 3. Vocational school.
- J. Fitness center and health center.
- K. Hotel (interior access to guest rooms only).
- L. Mixed-use development, but such development shall include residential in combination with any of the other allowed principal uses. Residential use in mixed-use development shall not exceed seventy (70) percent of the total development floor area.
- M. Movie theater, performing arts theater, bowling alley, and other recreational and/or cultural arts facility where such activities are wholly enclosed within a building.
- N. Nursing/convalescent home and assisted living facility.
- O. Personal care home and child caring institution.
- P. Restaurant and late night establishment.
- Q. Retail and wholesale building supplies as follows:
  - 1. Electrical supply store.
  - 2. Hardware and other building materials establishment.
  - 3. Paint, glass and wallpaper store.
- R. Retail sales and wholesale establishment.
- S. Services, medical and health as follows:
  - 1. Health service clinic.
  - 2. Offices of health service practitioner.
  - 3. Medical and dental laboratory.
  - 4. Pharmacy and drugstore.
- T. Services, personal, as follows:
  - 1. Barber shop, beauty shop, day spa, and similar personal service establishment.



2. Linen and diaper service, garment pressing, alteration and repair.
  3. Quick copy, photographic studio.
  4. Self service laundry and dry-cleaning pick up establishment.
- U. Services, repair, as follows:
1. Home appliance repair and service.
  2. Furniture upholstery and repair shop.
  3. Jewelry repair service.
  4. Radio, computer, television and similar repair service.
  5. Shoe repair store.
- V. Single-family and multifamily dwelling, but only if such dwelling is contained within a mixed-use development.
- W. Taxi dispatching office.
- X. Tennis center, club and facility.

(Ord. No. 11-21, Pt. I, 11-15-11)

### **3.37.7 Prohibited uses in Tier 1.**

The following principal uses of land and structures shall be prohibited in Tier 1:

- A. Adult entertainment establishment.
- B. Adult service facility.
- C. Blood collection center.
- D. Breeding kennel.
- E. Check cashing establishment to include automobile title loan and pay day loan establishment.
- F. Gold-buying establishment.
- G. Heavy truck and equipment and materials storage.
- H. Reserved.
- I. Motel.
- J. Night club.
- K. Outdoor equipment and materials storage.
- L. Outdoor open flea market.
- M. Pawn shop.
- N. Self-storage facility.
- O. Storage/salvage and junk yard.
- P. Storage yard for damaged or confiscated vehicles.
- Q. Truck stop and terminal.
- R. Automobiles, boats and trailers new and used sales.
- S. Funeral home and crematory.
- T. Self-service car wash and detailing.



- U. Temporary and/or outdoor sales unless authorized by special administrative permit from the planning director in accordance with the requirements of this division.

(Ord. No. 11-21, Pt. I, 11-15-11)

### **3.37.8 Special permits in Tier 1.**

The following uses and structures in Tier 1 shall be authorized only by permits of the type indicated:

A. *Special administrative permit from the planning director:*

1. Art show, carnival ride, festival or a special event of community interest.
2. Telecommunications antenna subject to all applicable requirements of section 4.2.50.
3. Temporary Christmas tree and pumpkin sale.
4. Temporary and/or seasonal outdoor sale accessory to the on-site principal use.
5. Temporary outdoor social, religious, entertainment or recreation activity where the time period does not exceed fourteen (14) days in duration so long as adequate parking is provided on the site.
6. Utility structure necessary for the transmission or distribution of service.

B. *Special land use permit from the Board of Commissioners:*

1. Automotive repair, major or minor.
2. Automotive body and paint shop.
3. Convenience store with or without fuel pumps.
4. Child day care facility and center.
5. To exceed the building height limitations for structures in Tier 1.
6. Heliport.
7. Place of worship.
8. Liquor store.
9. Telecommunications Tower.
10. Transitional housing and similar housing facility not otherwise addressed in this section.

(Ord. No. 11-21, Pt. I, 11-15-11)

### **3.37.9 Tier 2 principal uses and structures.**

The principal uses of land and structures allowed in Tier 2 are provided below subject to the standards and limitations contained within this division. If a use or structure is not listed in this section or is not expressly allowed by special permit, then the principal use or structure is prohibited in Tier 2:

- A. Animal hospital, veterinary clinic, boarding, pet supply store, and animal grooming shop, but indoor runs only are allowed in such establishments.
- B. Art gallery and art supply store.
- C. Bank, credit union and other financial institution.
- D. Business and professional office.
- E. Business service establishment.
- F. Communications and utility uses as follows:
  1. Production studio.



2. Radio and television broadcasting station.
3. Telephone, retail and business office.
- G. Community facilities as follows:
  1. Noncommercial club or lodge.
  2. Community center.
  3. Cultural facility.
- H. Educational uses as follows:
  1. Child daycare center or facility.
  2. Specialized nondegree school focusing on fine arts and culture, to include ballet, music, martial arts, and sports.
- I. Fitness center and health center.
- J. Hotel (interior access to guest rooms only).
- K. Mixed-use development, but such development shall include residential in combination with any of the other allowed principal uses. Residential use in a mixed-use development shall not exceed seventy (70) percent of the total development floor area.
- L. Movie theater, performing arts theater, bowling alley, and other recreational and/or cultural arts facility where such activities are wholly enclosed within a building.
- M. Assisted living facility.
- N. Restaurant and late night establishment.
- O. Retail building supplies as follows:
  1. Electrical supply store.
  2. Hardware and other building materials establishment.
  3. Paint, glass and wallpaper store.
- P. Retail sales and wholesale establishment.
- Q. Services, medical and health as follows:
  1. Health service clinic.
  2. Medical and dental laboratory.
  3. Offices of health service practitioner.
  4. Pharmacy and drugstore.
- R. Services, personal, as follows:
  1. Barbershop, beauty shop, day spa, and similar personal service establishment.
  2. Garment pressing, alteration and repair shop.
  3. Quick copy, video and photographic studio.
  4. Self-service laundry and dry-cleaning pick up establishment.
- S. Services, repair, as follows:
  1. Jewelry repair service.



- 2. Radio, computer, television and similar small electronic repair service.
- 3. Shoe repair store.
- T. Tennis center, club and facility.

(Ord. No. 11-21, Pt. I, 11-15-11)

### **3.37.10 Prohibited uses in Tier 2.**

The following principal uses of land and structures shall be prohibited in Tier 2:

- A. Adult entertainment establishment.
- B. Adult service facility.
- C. Automotive parts store.
- D. Automotive repair, major or minor, and body and paint shop.
- E. Blood collection center.
- F. Breeding kennel.
- G. Check cashing establishment to include automobile title loan and pay day loan establishment.
- H. Tire store where the majority of the tires offered for sale are used tires.
- I. Funeral home and crematory.
- J. Gold-buying establishment.
- K. Heavy truck and equipment repair and trade shop.
- L. Reserved.
- M. Motel.
- N. New and used automotive, truck, boat and trailer sales.
- O. Night club.
- P. Outdoor amusement and recreation facility.
- Q. Outdoor equipment and materials storage.
- R. Outdoor open sales and flea market.
- S. Pawn shop.
- T. Personal care home/child caring institution.
- U. Self storage facility.
- V. Car wash and detailing.
- W. Storage yard for damaged or confiscated vehicles.
- X. Storage/salvage and junk yard.
- Y. Tattoo establishment.
- Z. Thrift and consignment store, which is an establishment selling pre-owned merchandise.
- AA. Transitional housing and boarding house.
- BB. Truck stop and terminal.
- CC. Funeral home.





DD. Temporary and/or outdoor sale unless authorized by special administrative permit from the planning director in accordance with the requirements of this division.

(Ord. No. 11-21, Pt. I, 11-15-11)

### **3.37.11 Special permits in Tier 2.**

The following uses and structures in Tier 2 shall be authorized only by permits of the type indicated:

- A. Special administrative permit from the planning director:
  - 1. Art show, carnival ride, festival or special event of community interest.
  - 2. Temporary outdoor social, religious, entertainment or recreation activity where the time period does not exceed fourteen (14) days in duration as long as adequate parking is provided on the site.
  - 3. Telecommunications antenna but must be designed as architectural features and comply with the requirements of section 4.2.50.
  - 4. Temporary and/or seasonal outdoor sales accessory to the on-site principal use.
  - 5. Temporary Christmas tree and pumpkin sales.
  - 6. Utility structure necessary for the transmission or distribution of service.
- B. Special land use permit from the board of commissioners:
  - 1. Heliport.
  - 2. Child day care facility and center.
  - 3. Liquor stores.
  - 4. Place of worship.
  - 5. Telecommunications Tower.
  - 6. To exceed the maximum building height requirements for structures in Tier 2.
  - 7. Convenience store with or without fuel pumps.

(Ord. No. 11-21, Pt. I, 11-15-11)

### **3.37.12 Accessory uses and structures in Tier 1 and Tier 2.**

The following accessory uses of land and structures shall be authorized in Tiers 1 and 2:

- A. Accessory use(s) and structure(s) incidental to any authorized use.
- B. Parking lot and parking garage.
- C. Club house, including meeting room or recreation room accessory to a residential use.
- D. Swimming pool, tennis court, and other recreation area with similar amenities.
- E. Sign(s) that comply with applicable provisions of this Code and the District Design Guidelines.

(Ord. No. 11-21, Pt. I, 11-15-11)

### **3.37.13 Development standards in Tiers 1 and 2.**

The following requirements shall apply to buildings and structures in Tier 1 and Tier 2:

- A. *Site design requirements.*
  - 1. Building orientation along an adjacent street frontage shall be located toward the front of each lot not more than twenty (20) feet from the public right-of-way. If a lot is bound by more than one (1) public street, the front of the lot shall be considered the lot line adjacent to the street with the



highest classification as follows: Primary: Covington Highway, Redan Road; South Hairston Road, Young Road, Panola Road; Secondary: all other new and existing streets. If the building is contained on a lot at the intersection of two (2) primary streets, the building's entrance shall be oriented toward one (1) or both primary streets. For nonresidential uses, the primary ground floor entrance to all buildings shall be clearly visible from the street, internal private drive, or public sidewalk.

2. All loading and service areas shall be screened from view from the street and residential uses with buildings, landscaping, or decorative fencing.
  3. Fencing that is visible from any public plaza, open space, ground level or sidewalk level outdoor dining area, internal main private drive or public street or right-of-way shall be made only of brick, stone, hard-coat stucco, wrought iron, or wood. Fencing in the front yard of any property along a public right-of-way shall not be higher than four (4) feet. Fencing to the rear or side of a building shall not be higher than six (6) feet.
  4. No barbed wire, razor wire, chain-link fence or similar elements shall be visible from any public plaza, open space, ground level or sidewalk level outdoor dining area, internal main private drive or public street or right-of-way. Fencing materials for a detention area must be approved prior to installation by the planning director.
- B. *Buildings adjacent to a property line shall be setback as follows:*
1. *Minimum front setback.* Zero (0) feet to twenty (20) feet from the property line.
  2. *Minimum interior side setback.* Minimum setback from property line may be zero (0) feet, but if the property is adjacent to an existing building with windows facing the property line, the setback shall be a minimum of twenty (20) feet from the face of the existing building. In mixed-use developments, there shall be a minimum of ten (10) feet between buildings less than three (3) stories in height and a minimum of fifteen (15) feet between buildings when one (1) of them is three (3) stories or greater in height.
  3. *Minimum rear setback.* Ten (10) feet.
- C. *Height of building and structures.* Buildings in Tier 1 shall not exceed five (5) stories or seventy (70) feet in height. Buildings in Tier 2 shall not exceed three (3) stories or fifty (50) feet in height. A building in Tier 1 or Tier 2 may exceed the height limitations specified in this section by obtaining a special land use permit from the Board of Commissioners. Parking decks in Tiers 1 and Tier 2 shall not exceed the height of the tallest adjacent building within the development.
- D. *Density.*
1. *Tier 1.* No development in Tier 1 shall exceed a floor-area ratio (FAR) of two and one-half (2.5), unless it also provides additional publicly accessible open space or other amenities singly or in combination, as provided in the portion of subsection (e) applicable to Tier 1 directly below and entitled "Density bonus."
  2. *Tier 2.* No development in Tier 2 shall exceed a floor-area ratio (FAR) of one (1), unless it also provides additional publicly accessible open space or other amenities singly or in combination, as provided in the portion of subsection (e) applicable to Tier 2 directly below and entitled "Density bonus."
- E. *Density bonus.*
1. The maximum allowable FAR of a building or development in Tier 1 shall be increased to a FAR not to exceed a total of four (4.0) in exchange for one (1) or more of the additional amenities provided in the table below:



2. The maximum allowable FAR of a building or development in Tier 2 shall be increased to a FAR not to exceed a total of two (2.0) in exchange for one (1) or more of the additional amenities provided in the table below:

Additional Amenity—Tier 1	Increased FAR
Increase publicly accessible open space to 25 percent while providing connectivity	0.75
Increase publicly accessible open space to 30 percent while providing connectivity	1.50
The nonresidential component of mixed-use developments shall constitute not less than 30 percent of the gross floor area of the development	0.25
Mixed-use building that includes multifamily residential units constituting at least 20 units per acre of land constructed in the same building with office-institutional, commercial and/or retail uses	0.5

Additional Amenity—Tier 2	Increased FAR
Increase publicly accessible open space to 25 percent while providing connectivity	0.50
Increase publicly accessible open space to 30 percent while providing connectivity	1.00
The nonresidential component of mixed-use developments shall constitute not less than 30 percent of the gross floor area of the development	0.25
Mixed-use building that includes multifamily residential units constituting at least 15 units per acre of land constructed in the same building with office-institutional, commercial and/or retail uses	0.5

*F. Development standards for live-work units.*

1. All off-street parking shall be behind or within individual units. Individual garages for units may not face a primary street.
2. The front entrance to each unit shall be open directly onto the public sidewalk or a publicly accessible open space.

*G. Development standards for commercial and mixed-use buildings.*

1. Ground-floor commercial and retail uses shall have entrances at grade opening directly onto a public sidewalk or publicly accessible open space adjacent to the public sidewalk.
2. Canopies over retail and commercial entrances and/or windows shall be mounted at a single consistent height for each building and shall comply with the District Design Guideline requirements for canopies.
3. A minimum of seventy-five (75) percent of the ground-floor facade of nonresidential windows shall be clear or tinted so that at least seventy (70) percent of light filters through the window. Single-tenant developments are not required to comply with this requirement.



4. Pedestrian access shall be provided from any parking area directly to a public sidewalk through the ground floor of the building or via sidewalks between buildings.

H. *Development standards for residential buildings.*

1. Ground-floor residential units that adjoin a street shall have entrances with a stoop or porch between the sidewalk and the building facade no less than two (2) feet above grade. A sidewalk shall connect the ground floor front entrance to the public sidewalk.
2. Residential buildings shall be set back between five (5) and fifteen (15) feet from the property line along primary and secondary streets. The area between the public sidewalk and the building facade shall contain only steps, front porches or stoops, balconies, or landscaping. Mechanical equipment and other building service items located within the setback area between the public sidewalk and the building facade must be screened from public view.

(Ord. No. 11-21, Pt. I, 11-15-11)

**3.37.14 Transitional buffer zone and transitional height requirements in Tiers 1 and 2.**

- A. Where a mixed-use, nonresidential or multifamily developed lot within the District adjoins the boundary of any property outside the District that is zoned for any R zoning classification, RM zoning classification, MHP zoning classification, or TND zoning classification, a transitional buffer of not less than thirty (30) feet in width shall be provided and maintained in a natural state or landscaped with trees and shrubs so as to maintain an effective visual screen. Said transitional buffer zone shall not be paved or otherwise covered with impervious surfaces and shall not be used for parking, loading, storage or any other use, except that portions of the transitional buffer zone may be utilized for installation of utilities when necessitated by the development, and when the applicant shows that the utilities cannot be located outside of the transitional buffer zone. Detention ponds shall not be located within a transitional buffer zone. No trees, other than dead or diseased trees, shall be removed from said transitional buffer zone, but additional trees and plant material may be added to the transitional buffer zone subject to the approval of the DeKalb County Arborist.
- B. Where a lot within the district adjoins the boundary of any property outside the District that is zoned for any R zoning classification, RM zoning classification, MHP zoning classification, or TND zoning classification, a transitional height plane of forty-five (45) degrees shall apply. The planning director may require an applicant to use staggered heights, greater setbacks, and enhanced buffers, when his/her project is adjacent to residentially-zoned properties. Building heights in excess of thirty-five (35) feet shall increase setbacks from the buffer line at a ratio of one to one.

(Ord. No. 11-21, Pt. I, 11-15-11)

**3.37.15 Tier 3 principal uses and structures, and accessory uses and structures.**

- A. *[Restrictions.]* No construction activity shall be permitted in Tier 3 except those that comply with applicable requirements of the Code and any applicable state or federal flood hazard area laws or regulations.
- B. *Principal uses and structures.* The principal uses of land and structures allowed in Tier 3 are provided below subject to the standards and limitations contained within this division. If a use or structure is not listed in this section, then the principal use or structure is prohibited in Tier 3:
  1. Passive recreation area.
  2. Pathway(s) and trail(s).
  3. Golf course.
  4. Community garden.
  5. Historic use or structure.



- C. *Accessory uses and structures.* Only those accessory uses and structures which are essential to the above-described principal uses shall be permitted. Such accessory uses may include the following:
1. Restroom facility.
  2. Bicycle rack.
  3. Bench(es).
  4. Exercise equipment.
  5. Playground equipment.

(Ord. No. 11-21, Pt. I, 11-15-11)

**3.37.16 Tier 4 principal uses and structures, accessory uses and structures, and special permits.**

- A. *Principal uses and structures.* The principal uses of land and structures allowed in Tier 4 are provided below subject to the standards and limitations contained within this division. If a use or structure is not listed in this section or is not expressly allowed by special permit, then the principal use or structure is prohibited in Tier 4:
1. Passive and active recreation area.
  2. Recreational/sport fields and courts.
  3. Golf course.
  4. Community Garden.
- B. *Accessory uses and structures.* Only those accessory uses and structures which are essential to the above-described principal uses shall be permitted. Such accessory uses may include the following:
1. Restroom facility.
  2. Bicycle rack.
  3. Bench(es).
  4. Exercise equipment.
  5. Playground equipment.
  6. Storage/service facility not to exceed two hundred (200) square feet in area.
- C. *Special permits.*
1. The following uses and structures shall be allowed by a Special administrative permit from the planning director:
    - a. Administration office, stand and booth(s) in support of permitted use.
    - b. Art show, festival, and special event of community interest with approved parking plan for a time period not to exceed seven (7) days.
  2. The following uses shall be allowed by Special exception permit from the zoning board of appeals:
    - a. Utility structure necessary for the transmission or distribution of service.
  3. The following uses shall be allowed by Special land use permit from the board of commissioners:
    - a. Outdoor amphitheater.

(Ord. No. 11-21, Pt. I, 11-15-11)



### **3.37.17 Tier 5 principal uses and structures.**

The principal uses of land and structures allowed in Tier 5 are provided below subject to the standards and limitations contained within this division. If a use or structure is not listed in this section or is not expressly allowed by special permit, then the principal use or structure is prohibited in Tier 5:

- A. Mixed-use development, but the development shall include residential in combination with any of the other allowed principal uses. Residential use in a mixed-use development shall not exceed seventy (70) percent of the total development floor area:
  - 1. Animal hospital, veterinary clinic, pet supply store, and animal grooming shop.
  - 2. Art gallery and art supply store.
  - 3. Bank, credit union and other similar financial institution.
  - 4. Business service establishment.
  - 5. Community facilities as follows:
    - a. Cultural facility.
    - b. Community recreational center.
    - c. Noncommercial club or lodge.
    - d. Specialized nondegree school focusing on fine arts and culture, to include ballet, music, martial arts, and sports.
  - 6. Restaurant and late night establishment.
  - 7. Retail sales establishment.
  - 8. Business and professional office.
  - 9. Medical services as follows:
    - a. Office of health service practitioner.
    - b. Pharmacy and drugstore.
  - 10. Services, personal, as follows:
    - a. Barber shop, beauty shop, day spa, and similar personal service establishment.
    - b. Self-service laundry and dry-cleaning pick up establishment.
    - c. Garment pressing, alteration and repair.
    - d. Quick copy, video and photographic studio.
  - 11. Services, repair, as follows:
    - a. Jewelry repair service.
    - b. Shoe repair store.
  - 12. Fitness center and health center.
  - 13. Hotel (interior access to guest rooms only).

(Ord. No. 11-21, Pt. I, 11-15-11)

### **3.37.18 Prohibited uses and structures in Tier 5.**

The following principal uses of land and structures shall be prohibited in Tier 5:

- A. Adult entertainment establishment and adult service facility.



- B. Automobile gas station.
- C. Automobile, boat, trailer and truck sales, new or used.
- D. Automotive parts store.
- E. Automobile repair, major or minor.
- F. Automobile body and paint shop.
- G. Automobile upholstery shop.
- H. Automobile car wash service.
- I. Automobile, truck, boat and trailer sales, lease and rentals.
- J. Movie theater, performing arts theater, bowling alley, and other recreational and/or cultural arts facility where such activities are wholly enclosed within a building.
- K. Boarding and breeding kennel.
- L. Cemetery, columbarium, or mausoleum.
- M. Check cashing establishment to include automobile title loan and pay day loan establishment.
- N. Drive-in theater.
- O. Hotel and motel.
- P. Fraternity house, sorority house and residence hall.
- Q. Fuel dealer, manufacturer and wholesaler.
- R. General building contractor.
- S. Gift, novelty or souvenir store selling adult novelties.
- T. Go-cart/dirt-bike concession.
- U. Heavy construction contractor.
- V. Heavy repair service and trade shop.
- W. Hospital.
- X. Motel.
- Y. Night Club.
- Z. Outdoor equipment and materials storage.
- AA. Pawn shop.
- BB. Radio and television broadcasting station with outdoor tower.
- CC. Self storage.
- DD. Storage yard/junk yard for damaged or confiscated automobiles.
- EE. Thrift store which is an establishment selling pre-owned merchandise.
- FF. Tire retreading/recapping and tire discount sales.
- GG. Trailer salesroom and sales lot.
- HH. Transitional housing.
- II. Truck stop and terminal.



JJ. Gold-buying establishment.

KK. Convenience store, with or without fuel pumps.

(Ord. No. 11-21, Pt. I, 11-15-11)

### **3.37.19 Special permits in Tier 5.**

The following uses and structures shall be authorized only by permits of the type indicated:

A. *Special administrative permit from planning director:*

1. Home occupation involving no customer contact and no employee other than a person residing on the premises.

B. *Special exception permit from the zoning board of appeals:*

1. Utility structure necessary for the transmission or distribution of service.

C. *Special land use permit from the Board of Commissioners:*

1. Adult day care facility/center.
2. Child day care facility/center.
3. Convent or monastery.
4. Home occupation involving any customer contact.
5. Home stay bed and breakfast residence.
6. Neighborhood recreation club.
7. Personal care home, group.
8. Personal care home, community.
9. Place of worship.
10. Heliport.
11. Liquor store.
12. Telecommunications tower.

(Ord. No. 11-21, Pt. I, 11-15-11)

### **3.37.20 Accessory uses and structures in Tier 5.**

The following accessory uses of land and structures shall be authorized in Tier 5:

- A. Accessory use(s) and structure(s) incidental to any authorized use.
- B. Parking lots and parking decks which are accessory to any authorized use.
- C. Banquet/special event facility.
- D. Community center, including meeting room and/or recreation facilities.
- E. Swimming pools, tennis courts, and other recreation areas and similar amenities.
- F. Sign(s) in accordance with the applicable provisions of this Code and the District Design Guidelines.

(Ord. No. 11-21, Pt. I, 11-15-11)

### **3.37.21 Tier 5 development standards.**

- A. *Building Setbacks and Separations.* The following requirements shall apply to all structures within Tier 5:





1. Front yard setback: Minimum of ten (10) feet and a maximum of twenty-five (25) feet.
  2. Minimum interior side yard setback: ten (10) feet.
  3. There shall be a minimum of fifteen (15) feet between buildings two (2) stories or less in height and a minimum of twenty (20) feet between buildings and structures when one (1) of them is greater than two (2) stories in height.
  4. Minimum rear yard setback: fifteen (15) feet.
- B. *Height of buildings.* No building in Tier 5 shall exceed five (5) stories or seventy-five (75) feet in height, except as allowed by the density bonuses set forth in this section.
- C. *Density.*
1. The maximum allowable density shall be twelve (12) units per acre, except density shall be increased to twenty-four (24) units per acre if an applicant dedicates all of Tier 4 in perpetuity to be used solely as open space or one or more of the authorized uses in Tier 4. Such dedication/restrictive covenant must be recorded in the DeKalb County Superior Court Clerk's office in a form approved by the county attorney. An applicant must provide the planning director with a file-stamped copy of the filed deed restriction/restrictive covenant prior to an applicant being approved for any increased density bonus as allowed by this subsection. The maximum allowable density shall be increased to forty (40) units per acre if in addition to the Tier 4 open space dedication, an applicant agrees to construct publicly accessible community recreation facilities, or a publicly accessible community clubhouse in Tier 5 in a location and form to be approved by the planning director.
  2. No development shall exceed a floor-area ratio (FAR) of three and one-half (3.5) unless it also provides additional publicly accessible open space or other amenities singly or in combination, as provided in paragraph (d) below.
- D. *Density Bonus.* The maximum allowable FAR of a building or development in Tier 5 shall be increased to a FAR not to exceed a total of five and one-half (5.5) in exchange for one (1) or more of the additional amenities provided in the table below:

Additional Amenity	Increased FAR
Increase publicly accessible open space to 25 percent while providing connectivity	0.75
Increase publicly accessible open space to 30 percent while providing connectivity	1.50
The nonresidential component of mixed-use developments shall constitute not less than thirty percent of the gross floor area of the development	0.25
Mixed-use building that includes multifamily residential units constituting at least 40 units per acre of land constructed in the same building with office-institutional, commercial and/or retail uses	0.5

(Ord. No. 11-21, Pt. I, 11-15-11)

### **3.37.22 Transitional buffer zone and transitional height requirements in Tier 5.**

- A. Where a mixed-use or multifamily developed lot adjoins the boundary of any property zoned for any R zoning classification, MHP zoning classification, or TND zoning classification, a transitional buffer of not less than thirty (30) feet in width shall be provided and maintained in a natural state or so as to maintain an effective visual screen. Said transitional buffer zone shall not be paved or otherwise covered with



impervious surfaces and shall not be used for parking, loading, storage or any other use, except that portions of the transitional buffer zone may be utilized for installation of utilities when necessitated by the development, and when the applicant shows that the utilities cannot be located outside of the transitional buffer zone. Water detention ponds shall not be located within the transitional buffer zones. No trees, other than dead or diseased trees, shall be removed from said transitional buffer zone, but additional trees and plant materials may be added to the transitional buffer zone.

- B. Where a lot on the external boundary of Tier 5 adjoins the boundary of any property outside the Tier that is zoned for any R zoning classification, or TND zoning classification, a transitional height plane of forty-five (45) degrees shall apply. The planning director may require an applicant to use staggered heights, greater setbacks, and enhanced buffers, when his/her project is adjacent to residentially-zoned properties. Building heights in excess of 35 feet shall increase setbacks from the buffer line at a ratio of one-to-one.

(Ord. No. 11-21, Pt. I, 11-15-11)

### **3.37.23 Publicly accessible open space requirements in Tiers 1, 2 and 5.**

- A. A minimum of twenty (20) percent publicly accessible open space shall be provided for each new multifamily or new mixed-use development. Publicly accessible open space areas may be transferred from one parcel to another within overall developments that remain under unified control of a single property owner or group of owners, but must demonstrate inter-connectedness of public areas.
- B. Publicly accessible open spaces shall be at grade, and directly accessible from a public sidewalk and building entrances.
- C. Publicly accessible open space that is provided as part of a new development shall include connectivity to any existing or planned nearby public amenity including, but not limited to, trail networks, greenspace or park facility.
- D. Publicly accessible open spaces may include any combination of the following: planted areas, fountains, parks, plazas, trails and paths, hardscape elements related to sidewalks and plazas, and similar features which are located on private property and accessible to the general public; stream buffers shall be permitted to be counted toward the twenty (20) percent publicly accessible open space requirement.
- E. Private courtyards and other private outdoor areas and amenities may be located at the interior of the development, behind buildings or on rooftops. Private courtyards, and outdoor areas and amenities shall not be counted toward the twenty (20) percent publicly accessible open space requirement.
- F. All open space including buffers, setbacks, sidewalk clear zones, sidewalk zones and open spaces shall be fully implemented prior to issuance of a certificate of occupancy for the primary development.
- G. As a part of the application for a building permit within the District, each applicant shall present a legal mechanism under which all land to be used for publicly accessible open space purposes shall be maintained and protected. Such legal mechanism may include deed restrictions, property owner associations, common areas held in common ownership or control, maintenance easements, or other legal mechanisms, provided that said legal mechanism shall be approved by the county attorney to ensure compliance with each of the following mandatory requirements:
  - 1. All subsequent property owners within said District shall be placed on notice of this development restriction through the deed records of DeKalb County Superior Court;
  - 2. All publicly accessible open space held in common will be properly maintained and insured with no liability or maintenance responsibilities accruing to the county;
  - 3. A legal mechanism must be provided for notice of deficiencies in maintenance of the publicly accessible open space held in common, correction of these deficiencies, and assessment and liens against the properties for the cost of the correction of these deficiencies by a third party or the county;



4. The property owners association shall provide the following:
  - a. Mandatory and automatic membership in the property owners' association as a requirement of property ownership;
  - b. A fair and uniform method of assessment for dues, maintenance and related costs;
  - c. Where appropriate, party wall maintenance and restoration in the event of damage or destruction; and
  - d. Continued maintenance of publicly accessible open space held in common and liability through the use of liens or other means in the case of default.

(Ord. No. 11-21, Pt. I, 11-15-11)

#### **3.37.24 Architectural regulations applicable to all Tiers.**

The following architectural regulations shall apply to all structures within the District and the architectural style within the District shall be consistent with the District Design Guidelines:

- A. All building facades visible from a public street shall consist of eighty (80) percent brick, stone, glass, finished masonry materials or hard-coat stucco or a combination thereof.
- B. Architectural accents, where utilized, shall consist of metal, vinyl, nonreflective glass, glass block, natural stone, precast concrete, brick, terra cotta, stucco, hardi-plank or wood.
- C. Walls visible from roadways or parking areas shall incorporate changes in building material/color or varying design details such as trellises, false windows, landscaping, or store fronts every one hundred fifty (150) linear feet.
- D. Mixed-use developments with ground floor nonresidential uses shall provide fenestration that is comprised of seventy-five (75) percent of the width of the front facade of the building at the ground level.
- E. Roof materials shall not consist of any reflective surface.
- F. All exterior painted surfaces, where visible from a public street, shall be painted in earth tones. Accent colors may be primary colors including darker and cooler shades of green, red, such as brick; yellow, including beige, and lighter shades of brown, including tan. No neon colors are allowed.
- G. Burglar bars and steel roll-down doors or curtains shall not be visible from any public street.
- H. Service bays for automobiles, car washes, emission stations, service and repair uses shall be designed so that the openings of service bays do not face a public street.
- I. Chain-link fences shall not be located along a public right-of-way and shall be screened so as not to be visible from the public right-of-way or internal drives.
- J. Dumpsters shall not be visible from any public street and shall be fenced or screened so as not to be visible from any adjoining residential district.
- K. Fabric and canvas awnings and all other building materials must be of durable quality and shall be of compatible materials used in the development. Metal or temporary awnings are not permitted.
- L. Temporary structures such as tents, trailers, and mobile structures are prohibited, except for a permitted temporary use or as allowed in section 4.3.7.

#### **3.37.25 Reserved.**

#### **3.37.26 Sign regulations applicable to all Tiers.**

All signs in the District shall comply with all applicable provisions of the Code and the following additional requirements:



- A. Signs shall be designed in compliance with the applicable requirements in the District Design Guidelines.
- B. All ground signs shall be a monument-style sign with a base and support members made of brick, stucco or stone as illustrated in the District Design Guidelines.
- C. Ground signs shall be single- or double-faced only and shall be set back a minimum of ten (10) feet from the street right-of-way line.
- D. All monument signs, and/or a building's front facade facing a public or private street or private drive shall have the address numbers visible from the street or drive, and the individual numbers shall not exceed eight (8) inches in height. Address numbers shall be excluded from the maximum allowed sign area.
- E. Each lot or out-parcel with a single tenant shall be permitted one (1) monument sign per public street frontage. The sign area (face) of the monument sign shall not exceed thirty-two (32) square feet and the sign structure shall not exceed eight (8) feet in height.
- F. Each nonresidential single tenant lot with a floor area greater than fifty thousand (50,000) square feet shall be permitted one (1) monument sign per public street frontage. The sign area (face) of the monument sign shall not exceed sixty-four (64) square feet and the sign structure shall not exceed ten (10) feet in height.
- G. Each lot or development with multitenants/shopping center shall be permitted one (1) monument sign per public street frontage. The sign area of the monument sign shall not exceed sixty-four (64) square feet and the sign structure shall not exceed ten (10) feet in height.
- H. Mixed-use developments shall be permitted one (1) monument sign for each street frontage. One (1) additional monument sign may be allowed for each entrance from a street or drive that is internal to the mixed-use development. The monument sign area shall not exceed thirty-two (32) square feet and a maximum height of six (6) feet, except for one (1) of the monument signs along the primary entrance may be a maximum of sixty-four (64) square feet and fifteen (15) feet in height.
- I. Each single-family residential or multifamily development shall be permitted to have one (1) monument sign per subdivision entrance from a primary or secondary street as classified in this section, not to exceed a sign area of thirty-two (32) square feet and six (6) feet in height from a primary street and sixteen (16) square feet and six (6) feet in height from a secondary street. If a monument sign is to be located on both sides of the entrance, the size may be divided for not more than sixteen (16) square feet in sign area and six (6) feet in height for an allowable thirty-two (32) square foot sign and eight (8) square feet in sign area at a maximum height of six (6) feet for a sixteen (16) square foot allowable sign.
- J. Each separate business front facade with an external public entrance may have a maximum of one (1) wall sign which shall not exceed an area of five (5) percent of the area of the facade of the ground floor of the building or seventy-five (75) square feet, whichever is less. Interior tenant space within a business of at least fifty thousand (50,000) square feet may have an additional wall sign area not to exceed a total of five (5) percent of the area of the facade of the ground floor of the building or one hundred (100) square feet, whichever is less.
- K. Signs may be externally or internally illuminated. In Tiers 3, 4, and 5, monument signs shall be only externally illuminated with ground lights at the base of the monument sign.
- L. Window signs shall be limited to not more than ten (10) percent of the aggregate window area per applicable wall and shall not require a sign permit unless it is the primary identification sign.
- M. Temporary decals, placards, posters and advertisements are prohibited from being placed on the face of exterior walls or windows except as permitted in this section.



- N. Each multitenant or single-tenant building shall be permitted one (1) building-mounted wall sign per tenant facade along a public right-of-way or private drive frontage similar to that shown in Exhibits 12 and 13 of the District Design Guidelines.
- O. Wall-mounted sign shall be channel cut letters applied directly to the building facade. Wall signs shall not have changeable copy.
- P. Attached Canopy and Awning sign area shall be deducted from the permitted wall sign area.
- Q. Freestanding drive-through menu board and walk-up and drive-through ATM structures with signage shall not be considered a sign.
- R. Sign placement, lettering and massing shall be limited as follows:
  - 1. Monument sign structures shall not be two and one-half (2½) times the size of the sign copy area unless incorporated into a perimeter wall/fence structure.
  - 2. Sign lettering shall be opaque and consist of block lettering in which individual letters are proportional in size to the overall size of the store wall or distance from the right-of-way, but in no event shall individual letters and/or logo copy area exceed the heights below depending on the distance from the street right-of-way:

Building Setback	Copy Area	Letter Height
50 feet	50 sq. ft.	24"
75 feet	120 sq. ft.	30"
100 feet	240 sq. ft.	36"
125 feet	300 sq. ft.	42"
150 feet or greater	360 sq. ft.	48"

Building setback is measured from the edge of the public right-of-way or private street, or the back of the curb of a private drive.

- S. The following types of signs are prohibited in the District:
  - 1. Motorist distractions. Signs that incorporate flashing lights or beacons, highly reflective materials, rotating graphics, motion, smoke or visible matter, noise or changeable copy, that is copy that changes at intervals of more than once every six (6) seconds, are prohibited.
  - 2. Roof signs. Signs that are placed on or above roofs, penthouses, mechanical equipment screens, and other like structures and any signs that extend above the building parapet or roof fascia line.
  - 3. Signs that are placed on vehicles or trailers that are not in regular use and are visible from a public right-of-way or major internal private drive.
  - 4. Pole signs and other signs with exposed structural supports that are more than three (3) feet in height and have post supports larger than two (2) inches in diameter or a total of four (4) square inches in cross-section area.
  - 5. Vacuum-molded or premanufactured signs.



6. Temporary signs. Banners, streamers, pennants, flags, wind banners, air/gas filled balloons, portable signs, string lights, laser lights and search lights except as approved as a part of a permitted temporary festival or event.
7. Flashing, animated, marquee, sound-emitting, fluorescent, rotating or otherwise moving signs are prohibited.

(Ord. No. 11-21, Pt. I, 11-15-11)

**3.37.27 Sidewalks, street tree planting zone, landscaping and ground cover requirements, and curb cuts for all Tiers.**

- A. *Sidewalk requirement.* There shall be a public sidewalk constructed along all public street frontages within Tiers 1, 2, and 5 of the District subject to the following standards:
  1. *Covington Highway, Panola Road, Redan Road and South Hairston Road.* Provide sidewalks at a minimum width of ten (10) feet in compliance with applicable Americans with Disabilities Act ("ADA") requirements; tapering of sidewalks may be required when connecting to existing sidewalks. A planting strip for street trees a minimum width of ten (10) feet shall be provided between the back of the curb and the sidewalk. In blocks where there are overhead utility lines, the planning director may authorize a two-foot extension of the planting zone from the curb with the street tree-planting zone to be located adjacent to the sidewalk.
  2. *All other new streets in the District.* Provide sidewalks at a minimum width of ten (10) feet in compliance with applicable ADA requirements. A planting strip for street trees a minimum width of five (5) feet shall be provided between the back of the curb and the sidewalk. In blocks where there are overhead utility lines, the planning director may authorize a two-foot extension of the planting zone from the curb with the street tree-planting zone to be located adjacent to the sidewalk. In blocks of residential-only properties, a minimum sidewalk width of five (5) feet shall apply.
- B. *Street tree planting.*
  1. Street trees of a caliper not less than three (3) inches shall be planted no less than thirty (30) feet on center along properties within the District having street frontage. Trees of the following type or equals approved by the DeKalb County Arborist shall be used:
    - a. October glory red maple.
    - b. Sunset maple.
    - c. Nuttall oak (*Quercus nuttalli*).
    - d. Shumard oak (*Quercus shumardii*).
    - e. Willow oak.
    - f. Zelkova serrata.
    - g. Ginkgo (*Ginkgo biloba*).
    - h. Trident maple (*Acer buergerianum*).
    - i. Allee lacebark elm (*Ulmus parvifolia* emer (II)).
    - j. Chalkbark Maple (*Acer Leucoderme*).
    - k. Georgia Oak (*Quercus Falcata*).
  2. Street trees shall have a minimum planting area of four (4) feet by eight (8) feet. Tree-planting areas shall provide porous drainage systems that allow for drainage of the planting area.
  3. Benches, trash receptacles, and bike racks shall be placed within the sidewalk zone on all streets and shall comply with all applicable District Design Guidelines.



- C. *Maintenance of trees and ground cover.* All trees and all ground cover required by this chapter or by Chapter 14 of the Code shall be maintained in a healthy condition, and any trees or ground cover which die shall be replaced at the next earliest possible planting season.
- D. *Curb cuts.* There shall be a minimum distance of twenty-five (25) feet between curb cuts. Curb cuts shall not be permitted within one hundred (100) feet of the intersection of any two (2) public streets and shall not be more than twenty-four (24) feet wide.
- E. *Pedestrian zone.* Safe and convenient pedestrian pathways shall be provided from sidewalks along streets to each structure entrance, including pedestrian access routes to parking decks and through parking lots and between adjacent buildings within the same development. All such pathways shall be concrete, brick or stone at a minimum width of five (5) feet except in Tiers 3 and 4, paths and trails may be constructed of natural materials.
- F. *Landscaping requirements and plans.* The following landscaping requirements shall apply to all uses in the District. Any new development or redevelopment applying for a land development permit shall include in the application a written landscape plan, which shall include the following elements:
  - 1. *Landscape strips.* A landscape strip shall be provided along all primary and secondary street frontages with a minimum width of ten (10) feet and shall be planted with a row of street trees selected from the list of street tree species identified in the District Design Guidelines of at least three and one-half (3½) inches in caliper and planted not less than thirty (30) feet on center.
  - 2. *Ground cover.* Ground cover shall also be provided in accordance with the District Design Guidelines in order to protect tree roots and to prevent erosion. Ground cover shall consist of evergreen shrubs or groundcover plant material mulched with pine bark mulch, or other similar landscaping material, to include mulch made from recycled materials.
  - 3. *New trees.* Newly planted trees shall conform to the District Design Guidelines.
  - 4. *Tree spacing.* No tree shall be planted closer than two (2) feet to the street or sidewalk, and no closer than five (5) feet to a fire hydrant, sign post, streetlight standard, utility pole, or similar structure.
- G. *Parking lot landscaping requirements.* All parking lots within the District shall be landscaped in conformity with the requirements of section 5.4.4.

(Ord. No. 11-21, Pt. I, 11-15-11)

### **3.37.28 Underground utilities for all Tiers.**

All new utilities in the District, except for major electric transmission lines and substations, are required to be placed underground except where the development director determines that underground utilities are not feasible due to preexisting physical conditions, such as conflicting underground structures or utilities, shallow rock, high water table, or other similar geologic or hydrologic conditions.

(Ord. No. 11-21, Pt. I, 11-15-11)

### **3.37.29 Streetlights and street furnishings for all Tiers.**

Streetlights and furnishings are required for all streets in the District and shall conform to the District Design Guidelines and the following requirements:

- A. Street and pedestrian lighting shall be alternated along roadways.
- B. Street lights along all public rights of way and new streets within the District shall be located within the street tree-planting zone spaced at a maximum distance of ninety (90) feet on center.
- C. Pedestrian lights along all public rights of way and new streets within the District shall be located within the street tree-planting zone spaced at a maximum distance of thirty (30) feet on center.

(Ord. No. 11-21, Pt. I, 11-15-11)



### **3.37.30 Street and inter-parcel access for all Tiers.**

- A. *Streets.* Streets within the District may be either private drives, public or private streets. Private streets shall comply with the requirements of public streets found in Chapter 14 and all other applicable provisions of the Code.
- B. *Inter-parcel access.* Sidewalks and parking lots serving properties shall be interconnected to provide continuous driveway connections and pedestrian connections between adjoining uses, lots and streets, but this requirement shall not apply to lots zoned for single-family residential development. Where necessary, DeKalb County may require access easements be provided to ensure continuous access and egress routes connecting commercial, office and multifamily lots.

(Ord. No. 11-21, Pt. I, 11-15-11)

### **3.37.31 Multimodal access plans required for all Tiers.**

Each new application for a land development permit in the District shall be accompanied by a multimodal access plan prepared at a scale not greater than one (1) inch equals one hundred (100) feet. The multimodal access plan shall cover the full extent of the proposed development along with public rights-of-way of adjoining streets and any other property lying between the subject property and the nearest public streets on all sides. The purpose of the multimodal access plan is to demonstrate a unified plan of continuous access to and between all buildings in the proposed development and adjacent properties. Connections to available transportation modes, such as driveways, sidewalks, and bike paths shall be shown along adjacent streets and those entering adjoining properties. Safe and convenient pedestrian ways shall be provided from sidewalks along streets to each building entrance, including pedestrian access routes across parking lots and between adjacent buildings within the same development. Where an existing or planned public transportation station or stop is within one thousand two hundred fifty (1,250) feet along travel routes from any boundary of the subject property, the access plan shall show how pedestrians and bicycle access may safely travel from such station or stop to the subject property.

(Ord. No. 11-21, Pt. I, 11-15-11)

### **3.37.32 Parking requirements for all Tiers.**

- A. Required parking may be provided through a combination of off-street, on-street, or shared parking provided that all required parking is located with seven hundred (700) feet of the principal entrance of the building which it is intended to serve. The minimum number of required parking spaces shall be as required by the underlying zoning district classification regulations, except as follows:
  - 1. *Retail uses, personal service uses, and other commercial and general business uses including food stores.* Minimum of four (4.0) spaces per one thousand (1,000) square feet of gross floor area.
  - 2. *Office and clinic uses.* Minimum of three (3.0) spaces per one thousand (1,000) square feet of gross floor area.
  - 3. *Hotel and motel uses.* Minimum of one (1.00) space per unit.
  - 4. *Multifamily residential uses.* Minimum of one and one-quarter (1.25) spaces per dwelling unit.
  - 5. *Single-family.* Minimum of four (4) spaces per single-family detached dwelling. Minimum of two (2) spaces per single-family attached dwelling or units in a mixed-use development.
- B. Required residential parking shall be segregated from parking for all other uses with the exception of additional parking provided for live/work units.
- C. Each development which provides automobile parking facilities shall provide bicycle parking facilities in on-site parking structures, parking lots, or within a designated area of the landscape zones adjoining the sidewalk. Nonresidential developments shall provide bicycle parking at a ratio of one (1) bicycle parking space for every twenty (20) vehicular spaces. Multifamily residential developments shall provide bicycle parking facilities at a minimum ratio of one (1) bicycle parking space for every five (5) multifamily units.





No nonresidential or multifamily development shall have fewer than three (3) bicycle parking spaces nor exceed a maximum of fifty (50) bicycle parking spaces.

- D. All off-street parking including surface lots and parking decks shall be located in the side or rear yards.
- E. Off-street parking shall be screened from view from any public street by buildings, decorative walls/fences, and/or landscaping. Off-street parking may not be located between the public street and the building's front facade. If a lot is bound by more than one (1) public street, the front of the lot shall be considered the yard adjacent to the street with the highest classification as follows: Primary: Covington Highway, Redan Road, South Hairston Road, Young Road, Panola Road; Secondary: all other new and existing streets.
- F. Any portion of a parking deck that is adjacent to a public street shall have the ground level developed with retail, office or other permitted uses on and ground floor entrances oriented toward the street frontage. Any upper stories of a parking deck that face a public street shall be finished to resemble office or residential buildings with fenestration compliant with materials permitted in this division. Landscaping may be appropriate as an alternative, subject to prior approval of the planning director.
- G. No parking or yard area may be used for the repair, dismantling, service, car wash or storage of any equipment or disabled vehicle.
- H. Shared parking is encouraged and may be authorized by the planning director. Parking facilities within any parcel may be shared if multiple uses cooperatively establish and operate parking facilities and if these uses generate parking demands primarily when the remaining uses are not in operation, so that the off-street parking requirements for each use are met or exceeded during said use's operational hours. Applicants may make an application to the planning director for a special exception for shared parking. Said applications shall be considered and decided by the planning director pursuant to the standards and procedures set forth in Section 7.6.5(A)(3) and (4).

(Ord. No. 11-21, Pt. I, 11-15-11)

### **3.37.33 Plans required; certificates of compliance for all Tiers.**

- A. *Plans required.* Prior to the issuance of any land development permit, building permit, or sign permit, the applicant shall submit a conceptual design package and final design package to the planning director. The planning director shall provide a copy of the submittals to the related district commissioner(s) and super district commissioner for review and comment. The final design package must include full architectural and landscape architectural plans and specifications. The submitted plans must include a site plan, architectural elevations and sections; renderings depicting the building design including elevations and architectural details of proposed buildings, exterior materials and colors, landscape plans and any shared parking agreements, all of which shall demonstrate that the proposed design is in compliance with all the requirements of this division and the underlying zoning classification.
- B. *Fees.* The conceptual design package shall be accompanied by an application and payment of a fee in an amount determined by the DeKalb County Board of Commissioners.

(Ord. No. 11-21, Pt. I, 11-15-11)

### **3.37.34 Conceptual plan package review.**

- A. The conceptual plan package shall be composed of the following:
  - 1. A narrative addressing the proposed development explaining how it meets the purpose, intent, and standards of this division of the Code. The narrative shall include a tabulation of the approximate number of acres in each land use, the approximate number of dwelling units by type, the approximate gross residential density, the approximate commercial density, the approximate publicly accessible open space acreage, the anticipated number, type and size of recreational facilities and other public amenities; the legal mechanism for protecting and maintaining publicly accessible open space, as required by the applicable provisions of this Code.



2. A site location map showing the proposed development, abutting property, the relationship of the proposed development to surrounding and existing development, and transitional buffer zones, if required.
  3. A multimodal access plan meeting the requirements of this division.
- B. The conceptual plan package shall contain a site plan that contains all of the following information:
1. Ten (10) copies of the site plan drawn to a designated scale of not less than one (1) inch equals one hundred (100) feet, certified by a professional engineer or land surveyor licensed by the state, presented on a sheet having a maximum size of twenty-four (24) inches by thirty-six (36) inches, and one (1) eight-and one-half-inch reduction of the plan. If presented on more than one (1) sheet, match lines shall clearly indicate where the sheets join. The plan shall contain the following information:
    - a. Boundaries of the entire property proposed to be included in the development with bearings and distances of the perimeter property lines.
    - b. Scale and north arrow with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
    - c. Location and approximate dimensions in length and width for landscape strips and required transitional buffers, if any.
    - d. Existing topography with a maximum contour interval of five (5) feet and a statement indicating whether it is an air survey or field run.
    - e. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or DeKalb County.
    - f. The delineation of any jurisdictional wetlands as defined by section 404 of the Federal Clean Water Act.
    - g. Approximate delineation of any significant historic or archaeological feature, grave, object or structure marking a place of burial, if known, and a statement indicating how the proposed development will impact it.
    - h. A delineation of all existing structures and whether they will be retained or demolished.
    - i. General location, in conceptual form, of proposed uses, lots, buildings, building types and building entrances.
    - j. Height and setback of all buildings and structures.
    - k. Approximate areas and development density for each type of proposed use.
    - l. Location, size and number of all on-street and off-street parking spaces, including a shared parking analysis, if shared parking is proposed.
    - m. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets.
    - n. Conceptual plans for drainage with approximate location and estimated size of all proposed storm water management facilities and a statement as to the type of facility proposed.
    - o. Development density and lot sizes for each type of use.
    - p. Areas to be held in joint ownership, common ownership or control.
    - q. Location of proposed sidewalks and bicycle facilities, trails, recreation areas, parks, and other public or community uses, facilities, or structures on the site.



- r. Conceptual layout of utilities and location of all existing or proposed utility easements having a width of twenty-five (25) feet or more.
- s. Standard details of signs, sidewalks, streetlights, driveways, medians, curbs and gutters, landscaped areas, fencing, grating, street furniture, bicycle lanes, streets, alleys, and other public improvements demonstrating compliance with the District Design Guidelines.
- t. Conceptual layout of building designs including elevations showing architectural details of proposed buildings, exterior materials, all of which shall demonstrate that the proposed design is in compliance with all of the requirements of this division.
- u. Seal and signature of professional preparing the site plan.

(Ord. No. 11-21, Pt. I, 11-15-11)

### **3.37.35 Final design package review and approval process.**

- A. *Review and approval of final design package.* Upon receiving comments on the conceptual design package, the applicant will submit the final design package for review and approval. The final design package must include full architectural and landscape architectural plans and specifications. The submitted plans must include a site plan, architectural elevations and sections; renderings depicting the building design including elevations and architectural details of proposed buildings, exterior materials and colors, plans and elevations of all hardscape, landscape and signage and any shared parking agreements, all of which shall demonstrate that the proposed design is in compliance with all requirements of this division and the underlying zoning classification. The final design package must be signed and sealed by a professional engineer/architect. The final design package must contain all plans, elevations, sections and specifications necessary for obtaining development and building permits. The applicant may submit the final design package simultaneously with the submission for permitting.
- B. *Review.* The planning director shall review each application for compliance with all requirements of the District and the underlying zoning classification. Prior to approval by the planning director and issuance of any land development or building permit, the conceptual design package and final design package shall be submitted to and approved by the planning director after consultation with the district commissioner(s) and super district commissioner(s), consistent with the requirements of this division. Where the director determines that said plans comply with the requirements of the District, a certificate of compliance shall be issued in the form of the director signing the plans and drawings after which the applicant shall then apply for land disturbance, building or signs permits. Where the director determines that said plans do not comply with the requirements of this Code, then the director shall provide the applicant with comments and redlined plans and drawings identifying where said applicant fails to comply with such requirements. All applications shall be considered and decided by the planning director within thirty (30) days of receipt of a complete application. Any appeal of the planning director's decision in this regard shall be to the zoning board of appeals pursuant to Section 7.5.2.
- C. *Innovative design.* By enacting this division, the board of commissioners authorizes the planning director to approve proposed developments that provide for unique site features and innovative designs that comply with the District Design Guidelines and comply with the requirements and standards set forth in this division.

(Ord. No. 11-21, Pt. I, 11-15-11)