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**PROPOSED: Division 8. Emory Village Overlay District**

**Section 27-722.1 Scope of regulations and applicability.**

- (a) This division establishes the standards and procedures of the Emory Village Overlay District that apply to all lots lying in whole or in part within the District boundary and to all land uses, buildings and structures lying on those lots.
- (b) The requirements of this division shall apply: to all permits for new structures; to permits for alterations to existing structures; and to all permits for new or altered parking lots, outdoor seating, and landscaping. Any existing building or structure with nonconforming characteristics, which is occupied by a conforming use, shall not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.
- (c) In order to achieve the purposes and intent of the Emory Village Overlay District, the Board of Commissioners finds that it is necessary and desirable to place additional regulations on the lots, buildings, structures, and land uses within this overlay district. Where there are conflicts between the overlay district regulations and other regulations, the overlay district shall govern.

**Section 27-722.2 Statement of purpose and intent.**

The purpose and intent of the Board of Commissioners in establishing the Emory Village Overlay District is to protect and promote the health, safety and welfare of the citizens of DeKalb County as follows:

- (a) Preserve and promote a commercial district in a limited area known as Emory Village that is appropriate in size, scale and density to serve adjacent residential neighborhoods and the adjacent Emory University campus.
- (b) Ensure a compatible and diverse mix of residential, commercial, civic, cultural and recreational uses.
- (c) Protect, conserve and enhance environmental resources including streams and floodplains.
- (d) Promote a coherent architectural identity for the district.
- (e) Promote pedestrian safety and convenience, the safe management of traffic, and public transit by reducing required off-street parking, promoting shared parking facilities, adding bicycle lanes, and implementing traffic calming techniques and improved

- pedestrian use and accessibility.
- (f) Protect established residential areas from encroachment of land uses that are incompatible or that would adversely impact them.
  - (g) Complement the DeKalb Historic Preservation Ordinance and the Druid Hills Historic District Design Standards.
  - (h) Implement the *Emory Village Revitalization Plan* and related policies of the DeKalb Comprehensive Plan.
  - (i) Encourage appropriate new infill development in accordance with the Emory Village Revitalization Plan, the DeKalb Comprehensive Plan, and the United States Secretary of the Interior’s Standards for the Treatment of Historic Properties.
  - (j) Help implement the 2003 Regional Development Plan and help actualize relevant portions of the Livable Centers Initiative of the Atlanta Regional Commission.

**Section 27-722.3 District boundary.**

The provisions of the district are intended to apply strictly to those properties within the district boundary. This boundary is intended to prevent incompatible land uses from encroaching along North Decatur Road and Oxford Road into existing residential areas. The boundaries of the Emory Village Overlay District shall be as established by the zoning map amendment adopted pursuant to this chapter, which amendment shall be incorporated herein and made a part of this Chapter 27.

**Section 27-722.4 Definitions**

As used in this Section, unless specifically stated otherwise, the following terms shall be defined as indicated, and where any definition herein conflicts with another definition in the zoning ordinance, the definition contained herein shall prevail.

- (a) **Build-to line**: The line generally parallel to the front lot line described herein and shown in the Emory Village Revitalization Plan to which the front façade of buildings shall enfront to the extent identified in this Section. It is a requirement, not a permissive minimum. For the purposes of this Article, the build-to line shall exist even when not enfronted by a building.
- (b) **Enfront**: To place an element such as a building along a build-to line.
- (c) **Emory Village Regulating Plan**: The document entitled “Emory Village Regulating

Plan” prepared for the Alliance to Improve Emory Village by Tunnell-Spangler-Walsh & Associates and dated October 10, 2006.

- (d) **Emory Village Revitalization Plan**: The document prepared for the Alliance to Improve Emory Village by Peter Drey + Company and dated September 25, 2002.

**Section 27-722.5 Principal uses and principal structures.**

- (a) All uses not authorized in the base zoning district but authorized in Table A shall be authorized. All uses authorized in the base zoning district that are not addressed in Table A shall be authorized. All prohibitions and restrictions addressed in Table A shall be followed regardless of the base zoning district’s stipulations.
- (b) Any building may contain one or more of the authorized principal uses. However, no building is required to contain more than one of the authorized principal uses, subject to the location requirements contained in Section 27-722.5(c).

**Table A: Overlay District Uses**

<b><u>Use</u></b>	<b>Permitted</b>	<b>Prohibited</b>
Adult day care center		<b>X</b>
All education uses as listed in 27-578 (j)		<b>X</b>
Animal boarding and breeding kennel		<b>X</b>
Art shows, carnival rides and special events of community interest less than 14 days duration and only once per year per parcel	<b>X</b>	
Automobile service station, gasoline sales, repair, etc.		<b>X</b>
Automobile and truck sales		<b>X</b>
Automobile, truck, and trailer lease and rentals		<b>X</b>
Bed and breakfast inn	<b>X</b>	
Boat sales		<b>X</b>
Child day care center		<b>X</b>
Colleges and universities		<b>X</b>
Commercial parking garages and parking lots *1		<b>X</b>
Detached single-family dwelling		<b>X</b>
Drive-through facilities		<b>X</b>
Education uses		<b>X</b>
Fraternity house or sorority house		<b>X</b>
Funeral home		<b>X</b>
Home health care service		<b>X</b>
Home occupation	<b>X</b>	
Hospice		<b>X</b>
Hospital including general medical, surgical, psychiatric		<b>X</b>
Hotel (special land use permit)		<b>X</b>
Kindergarten		<b>X</b>
Liquor store		<b>X</b>
Medical and dental laboratory		<b>X</b>
Motel		<b>X</b>
Multi-family dwelling units	<b>X</b>	
Nursing or convalescent home		<b>X</b>
Personal care home, congregate		<b>X</b>

continued

<u>Use</u>	Permitted	Prohibited
Place of assembly/worship		<b>X</b>
Private ambulance and emergency medical services		<b>X</b>
Research and training facility associated with a college or university		<b>X</b>
Retail automobile parts and tire stores		<b>X</b>
Rooming or Boarding house		<b>X</b>
Shelter for homeless persons		<b>X</b>
Single-family homes		<b>X</b>
Taxi stand and taxi dispatching offices		<b>X</b>
Telecommunications antenna (if less than 6' high and totally screened from view by parapet or opaque wall)	<b>X</b>	
Telecommunications tower		<b>X</b>
Temporary outdoor sales of merchandise	<b>X</b>	
Temporary outdoor social, religious or recreation activity *1	<b>X</b>	
Trailer salesroom and sales lot		<b>X</b>
Transitional housing facility		<b>X</b>
Wine store (note, not a defined use in DeKalb Zoning Code)	<b>X</b>	

\*1 Except as provided in (d) Accessory Uses

- (c) Within the Village Center, uses shall be configured within all buildings according to the following requirements.
- (1) First stories along all public street frontages shall be restricted to authorized retail (including restaurants) and service uses.
  - (2) Second stories may contain authorized retail and office uses.
  - (3) Parking shall be permitted in any basement.
  - (4) Parking shall be permitted on any first story or upper story, provided that said parking is greater than 30 feet in distance from the front façade.

- (5) Residential, office, and commercial uses shall, at a minimum, occupy the first 30 feet in depth from the front façade of buildings as shown in

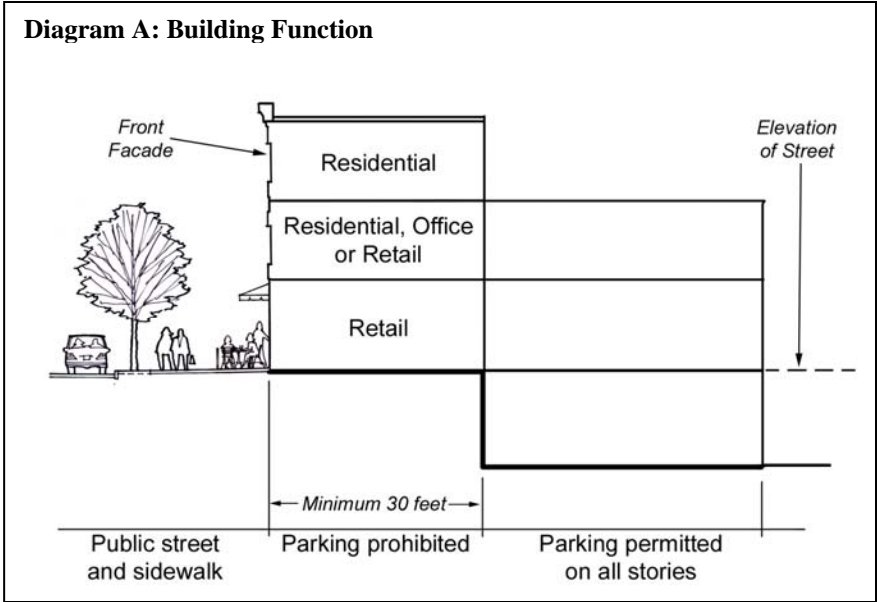


Diagram A: Building Function.

- (d) Drive-through facilities are not allowed. However, drive-through facilities existing at the time of the adoption of this overlay shall be allowed. Should the building/site that the drive-through(s) are currently located be redeveloped, then they may be replaced so long as they follow the Design Guidelines.

**Section 27-722.6 Accessory uses, buildings and structures.**

Accessory uses, buildings, and structures incidental to any authorized principal use as defined in Section 27-731 shall be permitted.

- (a) Parking lots and parking garages are permitted if these facilities are accessory uses to principal uses and structures otherwise authorized and permitted in the Emory Village District.

**Section 27-722.7 Lot setbacks.**

Setback requirements shall be as follows:

- (a) Front yard:
  - (1) Front yards shall be determined based on the build-to-lines established in Table B: Build-to-Lines and shown on the Emory Village Regulating Plan.
  - (2) At least 75% of the length of the front façade shall enfront the build-to-line or be within 5 horizontal feet of it.

**Table B: Build-To-Lines**

<b><u>Location</u></b>	<b><u>Build-To-Lines</u></b>
Adjacent to contributing historic commercial structures and superseding other requirements of this table	Historic front façade location
N. Decatur Road (west of Oxford Rd)	20 feet from property line.
N. Decatur Road (east of Oxford Rd)	25 feet from curb line.**
1485 Oxford Road	15 feet from curb line.*
Oxford Road (east side south of North Decatur Road)	25 feet from front lot line.**
Oxford Road (west side south of North Decatur Rd)	25 feet from curb line.***
Oxford Road (all other areas)	Front lot line
<p>*Curb lines shall be based on the locations established by the Emory Village streetscape and roundabout project.</p> <p>** Curb line shall be based on the location established by the Emory Village streetscape and roundabout project. Where on-street parallel parking is created, the required build-to-line shall be reduced by an amount equal to the depth of said space.</p> <p>*** Curb line shall be based on the location established by the Emory Village streetscape and roundabout project. Where on-street parallel parking is created, the required build-to-line shall be measured from the curb line adjacent to said space. Furthermore, where the Built-to-Line falls within the public right-of-way, said Built-to-Line shall only be required after said right-of-way has been conveyed to the adjoining property owner. In the absence of such conveyance, the Built-to-Line shall be the front lot line.</p>	

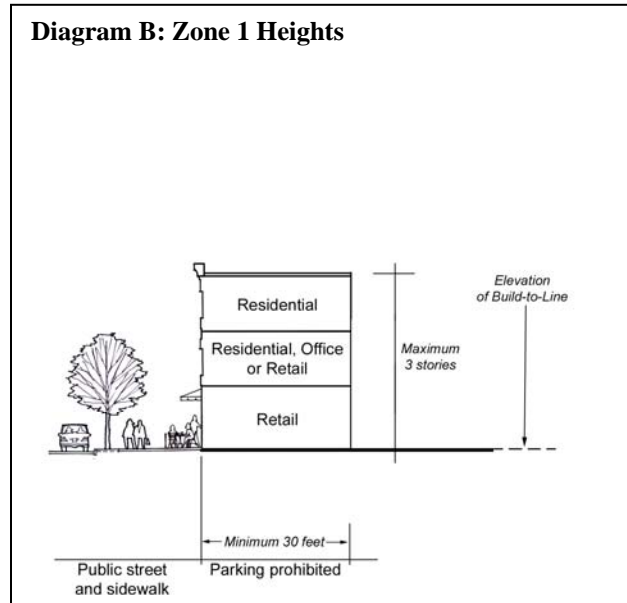
- (b) Side yard:
  - (1) Along sides lot line adjoining an R-75 district: minimum 7 feet.
  - (2) Along all other side lot lines: zero (0) feet or minimum separation between adjoining buildings of 7 feet.
- (c) Rear yard: minimum of zero (0) or 7 feet.
- (d) Items a, b and c notwithstanding, new buildings shall not be located between an existing contributing historic single-family structure and the street. Additionally, within a minimum distance of 15 feet from said structure (as measured from exterior wall) no new structure shall have a front setback less than or equal to the setback of said historic structure.

**Section 27-722.8 Height of buildings.**

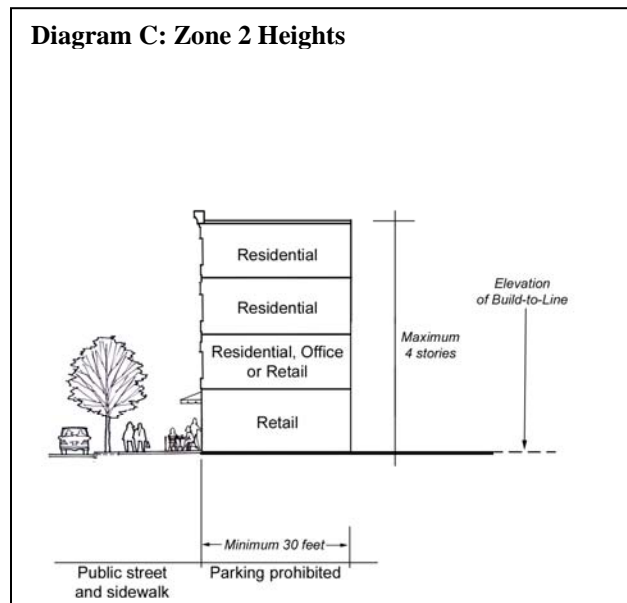
- (a) The maximum height of buildings shall be based upon the zones shown on the Emory Village Regulating Plan.
- (b) The maximum permitted building height in feet shall be both the number of stories and the total building height based on the numeric sum of individual above ground stories. For the purposes of this section, a story is defined as an above-ground habitable or parking area on a single level having the following finished floor elevation to finished floor elevation heights:

- (1) First story facing the public right-of-way and within Zones 2 and 5: 12 to 18 feet.
  - (2) All other zones and stories: 9 to 12 feet, except as authorized in Zone 3 for parking levels.
- (c) The maximum height of buildings shall be as follows:

- (1) Zone 1:
  - i. 3 stories or less as measured at the adjacent build-to-line.
  - ii. 36 feet or less as measured at the adjacent build-to-line, which shall include all roof structures except parapet walls having a maximum height of 30 inches.
  - iii. See Diagram B for illustration.



- (2) Zone 2:
  - i. 4 stories or less as measured at the adjacent built-to-line.
  - ii. 54 feet or less as measured at the adjacent build-to-line, which shall not include unoccupied roof structures nor parapet walls having a maximum height of 30 inches.
  - iii. See Diagram C for illustration.

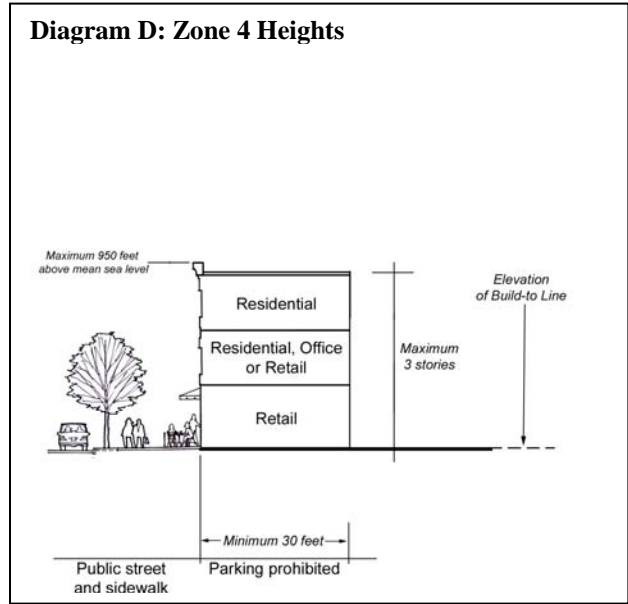


- (3) Zone 3:

- i. 4 stories or less as measured at the adjacent Build-to-line. For the purpose of calculating the number of stories in this zone, parking levels shall be treated as being 2/3 of a story.
- ii. 54 feet or less as measured from grade, which shall not include parapet walls, which shall not exceed 30 inches in height.

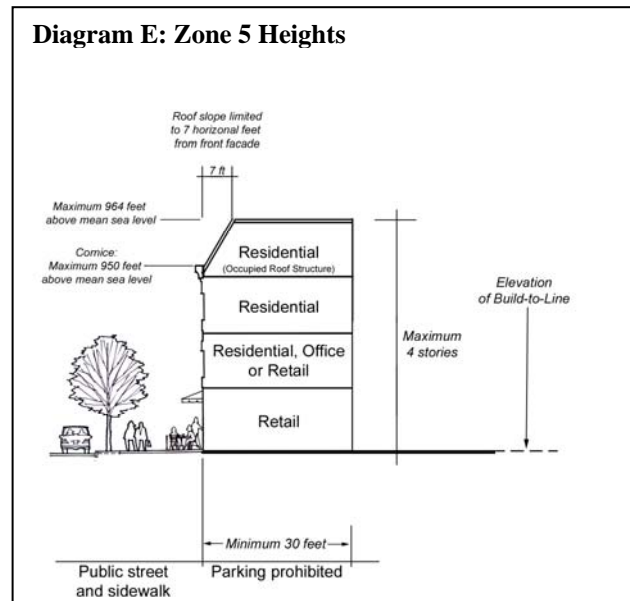
(4) Zone 4:

- i. 3 stories or less as measured at the adjacent build-to-line and subject to item ii below.
- ii. In no case shall any structure, including authorized parapet walls, extend beyond 950 feet above mean sea level.
- iii. See Diagram D for illustration.



(5) Zone 5:

- i. 4 stories or less as measured at the adjacent built-to-line and subject to item iii below.
- ii. In no case shall any structure have a street-facing cornice located higher than 950 feet above mean sea level. Additionally, no structure, including authorized parapet walls, shall extend beyond 964 feet above mean sea level.



- iii. Roofs shall be sloped for a maximum horizontal distance of 7 feet behind the front building façade.
  - iv. See Diagram E for illustration.
- (d) Within Zones 1, 2, 4 and 5, and unless otherwise limited by a fixed elevation above mean sea level, the maximum building height in feet shall be the measured at the finished grade's highest elevation along the closest adjacent built-to-line adjoining said parcel. Parcels with more than 120 feet of frontage along a Built-to-Line shall establish the finished grade's maximum elevation and accompanying building height limit not less than once for every 120 linear feet of frontage.
- (e) No building shall be less than 2 stories in height.
- (f) Basements and below-grade parking levels shall not count towards the minimum and maximum numbers of stories.

**Section 27-722.9 Floor area of dwellings and buildings.**

- (a) The minimum floor area of each dwelling in a multi-family configuration shall be as follows.
- (1) One bedroom unit: 750 square feet.
  - (2) Two-bedroom unit: 1,000 square feet.
  - (3) Three or more bedroom unit: 1,200 square feet.
- (b) Retail and service establishment size shall be subject to the following size limits.
- (1) With the exception of retail establishments with at least 70% of floor area dedicated to the sale of edible food items, no individual retail or service establishment shall occupy a horizontal area greater than 6,000 square feet or a total floor area of 12,000 square feet.
  - (2) Retail establishments with at least 70% of their floor area dedicated to the sale of edible food items and non-alcoholic beverages may occupy a maximum horizontal area of 12,000 square feet.
- (c) No office suites may exceed 1,500 square feet, and all offices must be located on the second floor of buildings, except when they are an accessory to a first-story retail or restaurant use.

**Section 27-722.10 Lot coverage.**

The maximum lot coverage of each lot shall be 100%.

**Section 27-722.11 Transitional buffer zones.**

Wherever any proposed non-residential use adjoins a single family dwelling lot, a continuous evergreen landscape hedge, no less than 6 feet in height and 4 feet in depth, at maturity, shall be required as a buffer along the adjoining boundary line to a point within 12 feet of the public right-of-way. No building may be placed within 7 feet of the boundary line between such lots.

**Section 27-722.12 Architectural design standards.**

- (a) All buildings, structures and land within the overlay district shall be regulated by and comply with the *Emory Village Design Standards*, hereby adopted by reference. These standards provide design specifications for architecture, parking, landscaping, signs, fences, lighting, street furniture and utilities. All improvements to existing buildings requiring a building permit, all new buildings, all improvements to parking lots or garages, any subdivision of land, and all improvements made within a public right-of-way shall comply with the *Emory Village Design Standards*.
- (b) The DeKalb County planning director is authorized to administer the *Emory Village Design Standards*. These guidelines shall apply to the overlay district and shall be the criteria used by the planning director to evaluate compliance of all applications for building permits, development permits, or subdivisions, including but not limited to these Division 8 regulations and the base zoning designations, in addition to all other applicable ordinances and regulations of DeKalb County.

**Section 27-722.13 Public improvements.**

- (a) All improvements to public infrastructure including but not limited to streets, curbs, sidewalks, pedestrian crosswalks, street trees, street lighting, storm water management and drainage, shall comply with the requirements of Chapter 14 of this code and, in addition, to all other standards in the *Emory Village Design Standards*.
- (b) Unless previously built pursuant to the plan, new sidewalks along all street frontages shall be required for permits for new structures. Said sidewalks shall be as identified herein and further described in the *Emory Village Design Standards*. Sidewalks shall be

of the widths indicated below and shall consist of two zones: a furniture zone and a clear zone.

- (1) The furniture zone shall have a minimum width of:
  - i. 10 feet on the south side of North Decatur Road east of Oxford Road,
  - ii. 10 feet on the west side of Oxford Road south of North Decatur Road, and
  - iii. 5 feet everywhere else.

Said widths shall be in addition to any newly created on-street parking.
- (2) The sidewalk clear zone shall have a minimum width of:
  - i. 15 feet on the south side of North Decatur Road east of Oxford Road,
  - ii. 15 feet on the west side of Oxford Road south of North Decatur Road, and
  - iii. 10 feet everywhere else.
- (3) Where property within this district abuts another zoning district without an intervening street, the sidewalk area within 20 feet of such district shall taper where feasible to provide a smooth transition to the existing adjacent sidewalk. In the event that the abutting district has no existing sidewalk, the sidewalk shall taper to a width of 6 feet, measured from the street curb.
- (c) Priority Open Space as identified on the Emory Village Regulating Plan is encouraged through the parking credits contained in Section 27-772.14(e).
- (d) On-street parallel parking may be created along public streets provided that all sidewalk requirements of this section are met.

**Section 27-722.14 Parking requirements and design.**

- (a) All land uses shall provide off-street parking spaces in the amounts defined in Table C *Standards for Off-Street Parking – Emory Village District*. These amounts are predicated upon the proximity to the university and upon the pedestrian-oriented design required by this code section within the Emory Village Overlay district.

**Table C: Standards for Off-Street Parking – Emory Village District**

<u>Use</u>	<u>Minimum Off-Street Parking</u>
Commercial: Office and general retail	3 spaces/1,000 SF
Movie theaters	No minimum requirement
Food service	8 spaces/1,000 SF

Food service with on-premises alcohol	8 spaces/1,000 SF
Residential	1 per unit plus ½ per bedroom that exceeds 1 bedroom (e.g., 2 spaces for a 3 bedroom)

(b) Section 27-790 notwithstanding, to satisfy these parking requirements, parking may be located on the businesses/restaurants/residences lots and/or on other lots within the overlay district. Shared parking between land uses is encouraged and may result in permitted reductions of off-street parking requirements. Parking facilities within the Emory Village district may be shared if the uses generate parking demands primarily at different times of the day or if a use has excess off-street parking capacity. Applicants may submit a plan for shared parking to the DeKalb County development director for authorization of shared parking. Such plans shall include:

- (1) A scaled map indicating location of all proposed parking spaces;
- (2) A parking demand study by a licensed professional traffic engineer that documents the hours of business operation(s) for the land uses sharing the parking during all times of operation or occupancy and during all seasons of the year. Such study shall also provide sufficient data to document the actual or projected demand for parking and indicate the actual number of spaces that must be provided to satisfy such demonstrated demand.
- (3) Written consent of all property owners agreeing to the shared or off-site parking arrangement.

The development director shall review the above documents and, based on the certified results of the study, may permit the reduction of the total required parking for the uses by no more than 20% of the total. Such shared parking arrangements shall remain in force for the duration of the written consent agreement in (3) above. A renewed consent agreement shall be provided to the development director to ensure adequate parking capacity before a certificate of occupancy shall be granted for a new use subject to the terms of the agreement. Lack of a current lease shall automatically terminate the authorization and place the applicants in violation of the zoning ordinance.

(c) Owners of parking lots that provide excess spaces beyond the minimum required to serve all on-site business/residence uses may enter into written agreements to supply required parking for other land uses within the Village Center.

- (d) Any change in use of a building or shop shall require compliance with the parking standards in this section to obtain a certificate of occupancy.
- (e) Parking Credits:
  - (1) Priority Open Space Parking Credit. The requirements of Section 27-722.14(a) may be reduced by constructing Priority Open Space contained within the Regulating Plan, subject to the following:
    - i. Priority Open Space shall be in a natural state, landscaped, improved for outdoor living space, outdoor dining, or aesthetic appeal. Such space shall not be used for vehicles, except for incidental service, maintenance or emergency actions.
    - ii. A parking credit of 1 space for every 200 square feet of Priority Open Space may be applied to the requirements of Section 27-722.14(a).
    - iii. Parking credits may not be transferred off-site.
  - (2) Sidewalk Credit. The requirements of Section 27-722.14(a) may be reduced to account for portions of private property utilized to provide the publicly accessible sidewalks identified in Section 27-722.13, subject to the following:
    - i. A parking credit of 1 space for every 200 square feet of new sidewalk, when located on private property, shall be applied to the requirements of Section 27-722.14(a).
    - ii. Parking credits shall apply to publicly or privately funded sidewalks.
    - iii. Parking credits shall apply retroactively to existing publicly accessible sidewalks located on private property and shall remain in effect for the duration thereof. This credit shall only cease when the publicly accessible sidewalk is purchased as public right-of-way. Public access easements through private property shall not constitute a cessation of this credit.
    - iv. Parking credits may not be transferred off-site.

**Section 27-722.15 Sign regulations.**

All signs within the Emory Village Overlay District shall be regulated by and comply with Chapter 21 and the *Emory Village Design Standards*.

**Section 27-722.16 Application procedure; plans required; certificates of appropriateness.**

- (a) Pre-Application Review. To minimize development planning costs, avoid error and misinterpretation, and increase compliance, a pre-application review conference between an applicant and the planning staff and planning officials shall be required. The conference may include representatives from county agencies, commissions and/or community groups. The developer shall submit to the planning director an architectural building plan and a site plan for the pre-application review and may submit any other information the developer believes necessary to obtain the informal comments of the planning staff as to the proposed development's compliance. After said conference is held, the planning director shall issue a written statement to the developer stating that the preliminary review meeting for the proposed development has taken place.
- (b) Application and Plans Required. An applicant for any development permit, building permit, sign permit or other permit required for construction or alteration of structures or sites in the district shall submit an application for certificate of compliance on an approved form to the planning director. The planning director is authorized to administer the *Emory Village Design Standards*. These guidelines shall apply to the overlay district and shall be the criteria used by the planning director to evaluate compliance of any application for a building permit, development permit, or subdivision, including but not limited to these Division 8 regulations and the base zoning designations, in addition to all other applicable ordinances and regulations of DeKalb County.
- (c) Historic Preservation Review. Any material change in a building, structure, site or work of art within the Emory Village Overlay District shall require a Certificate of Appropriateness (COA) approved by the Preservation Commission. The planning director shall administer the *Emory Village Design Standards* and facilitate the review of projects by the Historic Preservation Commission. The planning director shall review the application for compliance with all requirements of DeKalb County code Chapter 13.5 Historic Preservation as well as those in the *Emory Village Design Standards* and shall consolidate all plan reviews and comments and submit these to the preservation commission. The planning director shall also submit his/her department's analysis and conclusions regarding compliance and recommendations for denial, modifications, or approval prior to the public hearing. Review of the appropriateness of proposed changes

shall be governed by the *Secretary of the Interior's Standards for Historic Preservation Projects* as stated in DeKalb County code Sec. 13.5-8 (3). The decision of the Historic Preservation Commission and any appeal shall be as provided pursuant to DeKalb County code Section 13.5 Historic Preservation.

- (d) Variances. Requests for variances shall be as provided in applicable zoning ordinances and subdivision regulations. A request for variance shall not require a Certificate of Appropriateness. However, no request for a zoning variance to the Board of Appeals and no request for a subdivision variance to the Planning Commission shall be granted by either body respectively without review by the Historic Preservation Commission. The Historic Preservation Commission's recommendation shall be submitted to the body considering the variance for its consideration. A recommendation for approval or denial of a variance by the Preservation Commission shall not be binding on the Board of Appeals or on the Planning Commission.