

## EMORY VILLAGE OVERLAY DISTRICT ORDINANCE

Changes made by BOC and PC since the January draft came before these bodies.

1. Legal Dept has made changes as to form
  - Added whereas'
  - Renumbered sections
  - Moved definitions to correct section
2. New definitions added for
  - Boutique hotel
  - Upper stories
  - Sidewalk level
  - Priority open space
  - Wine storeDeleted definition of "enfront"
3. Height measurement was refined to prevent "height creep" from raised basements (or foundations) as seen in residential infill.
4. Telecommunications tower and antenna are an authorized use"as of right" so are added as a SLUP. Boutique Hotel also a SLUP per agreement of DHCA and AIEV.
5. Added movie theater as a principal use.
- \*6. All sides of parking structures will be subject to the Design Standards
7. A parking credit clarification was added.
8. A 4 story zone (was zone #5) across from Glenn Church was deleted to address DHCA concern related to height across from the church.
9. Set back was increased on corner of what is now the BP property to increase the unobstructed view of Glenn Church and allow for more plaza/open space.
10. Process for HPC to review and give recommendation on variances (to ZBA) and on subdivisions (to the Planning Commission) was clarified. Recommendations are not binding.
11. Stories above the 2<sup>nd</sup> story were allowing for balconies to extend 5 feet and this was removed at request of DHCA.

May 7, 2007

**AN ORDINANCE**

**AN ORDINANCE TO AMEND  
THE CODE OF DEKALB COUNTY, GEORGIA,  
CHAPTER 27, ARTICLE I, DEFINITIONS AND ARTICLE III, FOR THE CREATION  
OF THE EMORY VILLAGE OVERLAY DISTRICT AND FOR OTHER PURPOSES.**

**WHEREAS**, the governing authority of DeKalb County is tasked with the protection of the county's public health, safety, and general welfare; and

**WHEREAS**, DeKalb County's public health, safety, and general welfare require harmonious, orderly, and progressive planning and development, redevelopment; and

**WHEREAS**, the DeKalb County Board of Commissioners have determined to preserve and promote a commercial district in a limited area known as Emory Village, appropriate in size, scale and density to serve adjacent residential neighborhoods and the Emory University campus; and

**WHEREAS**, the DeKalb County Board of Commissioners want to ensure a compatible and diverse mix of residential, commercial, civic, cultural and recreational uses in Emory Village; and

**WHEREAS**, the DeKalb County Board of Commissioners have resolved to protect, conserve and enhance environmental resources, including streams and floodplains; and

**WHEREAS**, the DeKalb County Board of Commissioners desires to protect established residential areas from encroachment of land uses that are incompatible or that would adversely impact them, and prevent incompatible land uses from encroaching along North Decatur Road into existing residential areas; and

**WHEREAS**, the DeKalb County Board of Commissioners believe it is essential to promote pedestrian safety and convenience and accessibility, the safe management of traffic,

public transit by reducing off-street parking, shared parking between property owners, and to implement traffic calming measures that improve pedestrian use and accessibility.

**NOW THEREFORE**, be it ordained by the Board of Commissioners of DeKalb County, Georgia, and it is hereby ordained by the authority of same, that Chapter 27 of the Code of DeKalb County, Article I, section 27-31 and Article III, section 27-728.11 are hereby amended as follows:

### **PART I. ENACTMENT**

*By amending section 27-31 to add the following definitions in alphabetical order to read as follows:*

#### **Sec. 27-31. Definitions.**

*Boutique Hotel* in the Emory Village Overlay District means a hotel having a maximum of 16 guest rooms and with no guest rooms located on the Sidewalk Level.

*Build-to-Line* in the Emory Village Overlay District means the line generally parallel to the front lot line as established in Table A: build-to-lines to which buildings shall front.

*Emory Village Regulating Plan* in the Emory Village Overlay District means the document entitled "Emory Village Regulating Plan" prepared for the Alliance to Improve Emory Village by Tunnell, Spangler, Walsh & Associates dated March 23, 2007, and incorporated herein by this reference.

*Emory Village Revitalization Plan* in the Emory Village Overlay District means the plan prepared for the Alliance to Improve Emory Village by Peter Drey & Company dated September 25, 2002.

*Office use* in the Emory Village Overlay District means all uses currently authorized in section 27-578(m) and (s) that are not expressly prohibited in that district.

*Priority Open Space* in the Emory Village Overlay District means those areas indicated as "Priority Open Space Parking Credit Zone" on the Emory Village Regulating Plan.

*Retail use* in the Emory Village Overlay District means all uses currently authorized in section 27-578 (p), (q) and (r) that are not expressly prohibited in that district.

*Sidewalk-level* in the Emory Village Overlay District means a building story having a finished floor within one (1) vertical foot above or below the adjacent Build-to-Line and a minimum depth of 30 feet, excluding parking levels.

*Service use* in the Emory Village Overlay District means all uses currently authorized in section 27-578(t) that are not expressly prohibited in that district.

*Upper stories* in the Emory Village Overlay District means all stories located above the sidewalk level.

*Village open space* means that portion of the Emory Village Overlay District, whether on public or private property, which is open and unobstructed from ground level to the sky, with the exception of natural foliage or accessory recreational facilities or walkways, which is accessible to all persons occupying a building on the lot and is not a part of the roof of any portion of any building. Specifically excluding areas for vehicular use, including, but not limited to driveways and parking lots. Priority Village Open Space that appears on the Emory Village Regulating Plan dated March 23, 2007 is included within this definition.

*Wine store* in the Emory Village Overlay District means a specialty store selling fortified and fermented wine, malt beverages and related paraphernalia, including food and related reading material.

\* \* \*

*By adding a new section 27-728-11 set forth below in its entirety;*

#### DIVISION 24. EMORY VILLAGE OVERLAY DISTRICT

##### **Sec. 27-728.11. 1. Scope of regulations and applicability.**

- (a) This division establishes the standards and procedures that apply to any development, use, alteration, structure, or natural growth on any lot or portion thereof which is in whole or in part contained within the boundaries of the Emory Village Overlay District.
- (b) 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. Both the underlying zoning district regulations and these Overlay District regulations shall apply. Authorized uses and structures shall be as set forth in Section 27-728.11.4. Where there are conflicts between the Emory Village Overlay District regulations and other regulations, said overlay district regulations shall govern.

##### **Sec. 27-728.11.2. 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) Support public access to stream corridors;
- (e) Promote a coherent architectural identity for the district;
- (f) Promote pedestrian safety and convenience, the safe management of traffic, and public transit by reducing of required off-street parking, promoting shared parking facilities, adding bicycle lanes, and implementing traffic calming techniques and improved pedestrian use and accessibility;
- (g) Protect established residential areas from encroachment of land uses that are incompatible or that would adversely impact them, and prevent incompatible land uses from encroaching along North Decatur Road and Oxford Road into existing residential areas;
- (h) Complement the DeKalb Historic Preservation Ordinance, and the Druid Hills Historic District Design Standards.
- (i) Implement the Emory Village Revitalization Plan and related policies of the DeKalb Comprehensive Plan;
- (j) Encourage appropriate new infill development in accordance with the Emory Village Revitalization Plan, the DeKalb Comprehensive Plan, the DeKalb Historic Preservation Ordinance, and in accordance with the United States Secretary of the Interior's Standards for the Treatment of Historic Properties; and
- (k) Support the implementation of the 2003 Regional Development Plan and the relevant portions of the Livable Centers Initiative of the Atlanta Regional Commission.

**Sec. 27-728.11.3. District boundary.**

The boundaries of the Emory Village Overlay District shall be as established by the zoning map amendment adopted pursuant to this chapter, which amendment, together with the Emory Village Regulating Plan is hereby incorporated herein and made a part of this Chapter 27 and adopted as if fully set forth herein.

**Sec. 27-728.11.4. Principal uses and structures**

- (a) The following principal uses of land and structures are prohibited:
- (i) Adult day care center or facility.
  - (ii) Agricultural uses, including keeping of pigeons, livestock and riding stable.
  - (iii) Animal boarding and breeding kennel.
  - (iv) Assembly hall.
  - (v) Automobile service station, gasoline sales and other uses set forth in section 27-578 (c).
  - (vi) Any buildings exceeding the height restrictions set forth herein.
  - (vii) Cemetery, columbarium, and mausoleum.
  - (viii) Child day care center and kindergarten.
  - (ix) College and university.
  - (x) Commercial parking garage and commercial parking lot where such uses are not accessory uses as set forth in section 27-728.11.5 below.
  - (xi) Commercial vocational school.
  - (xii) Convent and monastery.
  - (xiii) Detached single-family dwelling.
  - (xiv) Drive-through restaurant.
  - (xv) Fraternity house, sorority house and residence hall.
  - (xvi) Funeral home and mortuary.
  - (xvii) Private golf course and clubhouse.
  - (xviii) Heliport.
  - (xix) Home health care service.
  - (xx) High-rise apartment.
  - (xxi) Hospice.
  - (xxii) Hospital, including any general medical, surgical, psychiatric and specialty hospital.
  - (xxiii) Kindergarten.

- (xxiv) Medical and dental laboratory.
- (xxv) Motel.
- (xxvi) Neighborhood recreation center or swimming pool.
- (xxvii) Nursing or convalescent home.
- (xxviii) Private ambulance and emergency medical services.
- (xxix) Private elementary, middle and high school.
- (xxx) Research and training facility associated with a college or university.
- (xxxi) Retail automobile parts and tire store.
- (xxxii) Retail liquor store.
- (xxxiii) Shelter for homeless persons.
- (xxxiv) Single-family home.
- (xxxv) Specialized non-degree school.
- (xxxvi) Stations and terminals for bus and rail passenger service.
- (xxxvii) Taxi stand and taxi dispatch office.
- (xxxviii) Temporary outdoor social, religious or recreational activity where such use does not relate to a principal authorized or accessory use.
- (xxxix) Tennis center, club and facility.
- (xl) Trailer salesroom and sales lot.
- (xli) Transitional housing facility.
- (xlii) Vocational school.

(b) The following uses of land and structures shall be authorized within the Emory Village Overlay District.

- (i) Multi-family dwelling units.
- (ii) Movie theaters.
- (iii) Places of worship.
- (iv) Bed and breakfast inns.
- (v) Temporary outdoor sales of merchandise.
- (vi) Art shows, carnival rides and special events of community interest, for a period of less than fourteen (14) days duration and only once per year per parcel.
- (vii) Wine store

- (c) All uses of land and structures authorized in the base zoning district shall be authorized, unless expressly prohibited by subsection (a).
- (d) Any use not expressly authorized is prohibited.
- (e) Buildings may contain one or more of the authorized principal uses.
- (f) No building is required to contain more than one of the authorized principal uses except as required by Section 27-728.11.4(e).
- (g) Uses within all buildings shall be required to comply with all of the following requirements:
  - (1) Uses at the sidewalk levels along all public street frontages shall be restricted to the following permitted uses: movie theaters; places of worship; boutique hotel, retail uses; and service uses.
  - (2) Second stories shall only contain the following uses: authorized retail uses, movie theaters, boutique hotel, and office uses.
  - (3) Above the second story uses shall be restricted to the following: residential uses, authorized home occupation, or boutique hotel uses.
  - (4) Basement parking shall be permitted.
  - (5) Parking shall be permitted on any sidewalk level or upper story, provided that said parking is greater than thirty (30) feet in from the front façade.
  - (6) No parking shall occupy space within the first thirty (30) feet of the front façade of buildings along any story.

**Sec. 27-728.11.5. Accessory uses, buildings and structures.**

Accessory uses, buildings, and structures incidental to any authorized principal use as defined in Section 27-31 shall be permitted, except as established below.

- (a) Parking lots and parking garages are permitted only if these facilities are accessory uses to principal uses and structures otherwise authorized and permitted in the Emory Village District.
- (b) Drive-through facilities or drive-through service windows are not authorized, however, drive-through facilities existing at the time of the adoption of this overlay district shall be allowed to continue operation. If the building/site where

the drive-through(s) are currently located are redeveloped, then said drive-through(s) may be replaced so long as they follow the Design Guidelines.

- (c) Retail liquor stores, where accessory to any principal use, are prohibited.

**Sec. 27-728.11.6. Special Permits.**

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

- (a) Boutique hotels and telecommunications tower and antenna may be permitted by the issuance of a special land use permit from the board of commissioners.
- (b) Home occupation involving no customer contact and no employee other than a person residing on the premises may be permitted by a special administrative permit from the director of planning and development.

**Section 27-728.11.7 Lot setbacks, build-to-lines.**

- (a) Setback and build-to-line requirements shall be as follows:
  - (1) Build-to-Lines shall be as established in Table A and as shown on the Emory Village Regulating Plan.
  - (2) At least seventy five percent (75 %) of the length of the front sidewalk level and second story façade shall front the build-to-line or be within five (5) horizontal feet of it. This requirement shall not be intended to restrict recessed sidewalk level doors.
  - (3) Nothing in this section shall prevent sidewalk level movie theater storefronts from being recessed behind the enfronting façade.
  - (4) There shall be no build-to-line requirement for stories above the second story.

**Table A: Build-to-Lines**

<u>Location</u>	<u>Build-To-Lines</u>
Adjacent to contributing historic commercial structures and superseding other requirements of this table	Historic front façade location
N. Decatur Road (west of Oxford Rd)	Twenty (20) feet from property line
N. Decatur Road (east of Oxford Rd, unless specified)	Twenty five (25) feet from curb line**

1485 Oxford Road	Fifteen (15) feet from curb line*
Oxford Road (east side south of N. Decatur Rd, unless specified)	Twenty five (25) feet from front lot line**
Oxford Road (west side south of N. Decatur Rd)	Twenty five (25) feet from curb line***
Oxford Road at North Decatur Road (east corner)	As shown on Regulating Plan
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 build-to-line falls within the public right-of-way, said build-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 build-to-line shall be the front lot line.</p>	

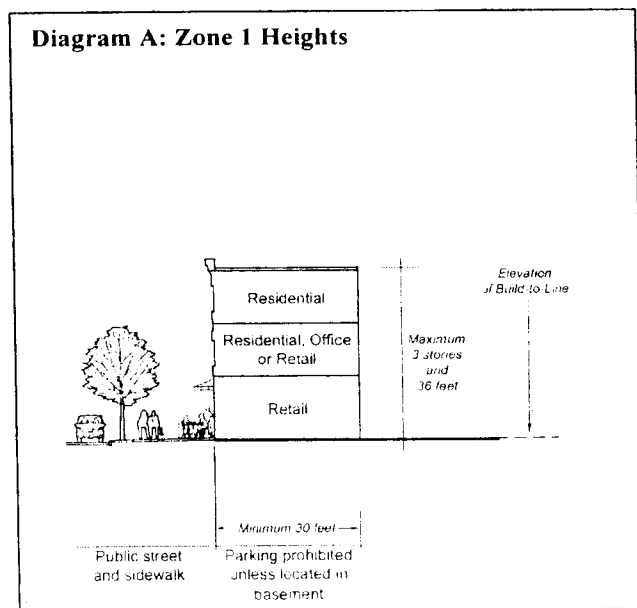
- (b) Side yard:
  - (1) Along side lot line adjoining a R-75 district: minimum seven (7) feet and subject to Section 27-728.11.11.
  - (2) Along all other side lot lines: zero (0) feet or minimum separation between adjoining buildings of seven (7) feet.
- (c) Rear yard: Zero (0) feet or minimum separation between buildings of seven (7) feet and subject to Section 27-728.11.11.
- (d) Notwithstanding subsections (a), (b) (c) and (d) above, new buildings shall not be located between an existing contributing historic structure currently or former single-family home and the street. Additionally, within a minimum distance of fifteen (15) feet from said structure (as measured from the exterior wall) no new structure shall have a front setback less than or equal to the setback of said historic structure.

**Section 27-728.11.8 Height of buildings.**

- (a) The maximum height of buildings shall be based upon the zones shown on the zoning map amendment adopted pursuant to section 728.11.3 which zoning map amendment shall incorporate the zone designations reflected in the Emory Village Regulating Plan dated March 23, 2007 adopted by the board of commissioners as part of the official zoning map amendment previously incorporated herein by reference.

- (b) All buildings shall contain a story meeting the definition of sidewalk level, subject to the requirements of Section 27-728.11.7(a).
- (c) The maximum permitted building height shall be regulated by both the number of stories and the total building height, subject to the following restrictions:
  - (1) Buildings at sidewalk level in zones 2, 3, and 4 shall have a minimum height of twelve (12) and a maximum height of eighteen (18) feet above the closest build-to-line except as authorized in zone 3 for parking levels.
  - (2) Buildings at sidewalk level in zone 1 shall have a minimum height of nine (9) feet and a maximum height of twelve (12) feet above the closest build-to-line.
  - (3) All other stories shall have a minimum height of nine (9) and a maximum height of twelve (12) feet; and
  - (4) Stories of buildings not meeting the parameters of (c)(1) through (c)(3) of this section are prohibited.
- (d) Within zones 1, 2, and 4 and unless otherwise limited by a fixed elevation above mean sea level, the maximum height of sidewalk levels and buildings in feet shall be measured from a horizontal plane established at the finished grade's highest elevation along the closest adjacent build-to-line adjoining said parcel. Parcels with more than one hundred and twenty (120) feet of frontage along a build-to-line shall establish the finished grade's maximum elevation and accompanying building height limit not less than once for every one hundred (120) linear feet of frontage.
- (e) No building shall be less than two (2) stories in height along the build-to-line.
- (e) The maximum height of buildings shall meet each requirement below within each zone:

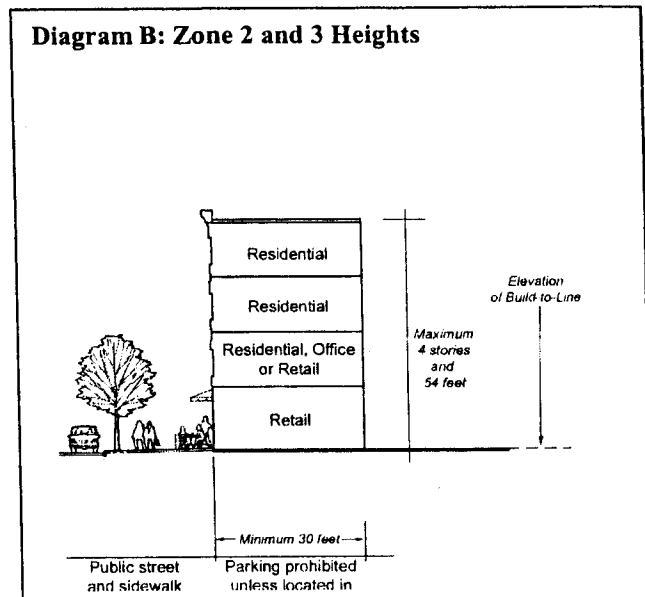
- (1) Zone 1:
  - i. 3 stories or less above the adjacent build-to-line.
  - ii. 36 feet or less above the adjacent build-to-line, which shall include all roof structures except parapet walls having a maximum height of 30 inches.



iii. See Diagram A for illustration.

(2) Zone 2:

- i. 4 stories or less above the adjacent build-to-line.
- ii. 54 feet or less as measured from grade which shall not include unoccupied roof structures nor parapet walls having a maximum height of 30 inches.
- iii. See Diagram B for illustration.

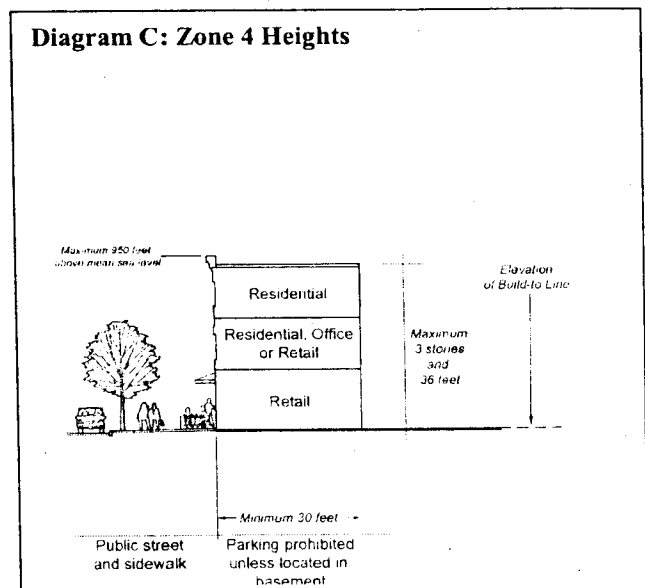


(3) Zone 3:

- i. Four (4) stories or less above the adjacent Build-to-line. For the purpose of calculating the number of stories in this zone, parking levels shall be treated as being two thirds (2/3) of a story.
- ii. Fifty four (54) feet or less above grade, which shall not include parapet walls, which shall not exceed thirty (30) inches in height.
- iii. See Diagram B for illustration.

(4) Zone 4:

- i. Three (3) stories or thirty-six (36) or less above 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 C for illustration.



(f) Basements and below-grade parking levels shall not count towards the minimum and maximum numbers of stories.

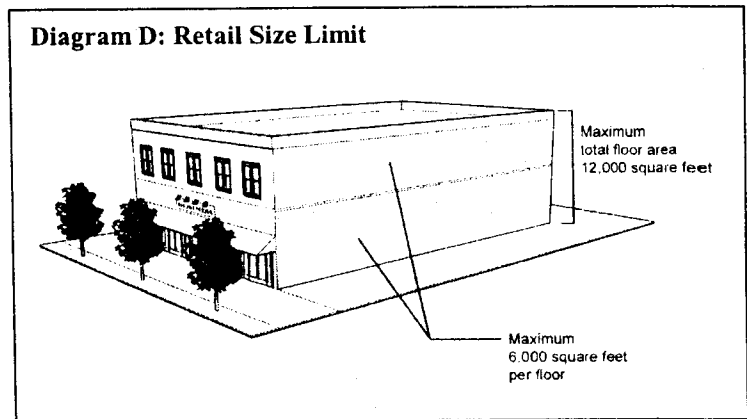
- (g) The foundation of the building fronting the build-to-line shall not extend higher than one (1) foot above the build-to-line.

**Section 27-728.11.9. Floor area of dwellings and buildings.**

- (a) The minimum floor area of each dwelling in a multi-family configuration shall be as follows.
- (1) A one-bedroom unit: seven hundred and fifty (750) square feet.
  - (2) A two-bedroom unit: one thousand (1,000) square feet.
  - (3) A unit with three or more bedrooms: one thousand two hundred (1,200) square feet.

- (b) Retail use and service use establishments shall be subject to the following size limits.

- (1) With the exception of Retail Use with at least seventy (70%) percent of floor area dedicated to the sale of food items, no individual retail use or service use shall occupy a horizontal area greater than 6,000 square feet or a total floor area of 12,000 square feet.



- (2) Retail uses with at least seventy percent (70 %) of the floor area dedicated to the sale of food items and non-alcoholic beverages may occupy a maximum horizontal area of twelve thousand (12,000) square feet.

- (c) No office suites may exceed one thousand five hundred (1,500) square feet. All offices must be located on the second floor of buildings except when located on the first story and accessory to a first story retail or restaurant use.

**Sec. 27-728.11.10. Village Open Space**

- (a) Village open space shall include:
- (1) Public rights-of-way or other publicly owned lands.
  - (2) The portion of property between the build-to-line and the public-right-of way.

- (3) The portion of property within the seventy-five (75) foot stream buffer imposed by Chapter 14 of the Code.
- (4) The portion of property within established 100-year flood zone established by FEMA.
- (b) Buildings shall not be constructed in areas identified in (a)(2) and (a)(3) of this section.
- (c) The maximum lot coverage on lots not impacted by (a)(2), (a)(3) and (a)(4) of this section may be one hundred percent (100%).
- (d) Covenants or other legal arrangements shall specify ownership of all open spaces, the method of, and responsibility for maintenance, applicable taxes and insurance and assessment shall be incorporated into legal instruments to ensure that open space within the Emory Village Overlay District is maintained.

**Sec. 27-728.11.11 Transitional buffer zones.**

Wherever any proposed non-residential use adjoins a single-family residential use, a continuous evergreen landscape hedge no less than six (6) feet tall, and four (4) feet deep, at planting, shall be required as a buffer along the adjoining lot line, except within twelve (12) feet of the public right-of-way. No building may be placed within seven (7) feet of the boundary line between such lots.

**Sec. 27-728.11.12. 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 and as may be adopted and amended by the Historic Preservation Commission, hereby adopted by reference as if fully set forth herein and hereinafter referred to as the "Emory Village Design Standards". 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) All sides of parking structures shall either be enclosed by occupied space or the building shall comply with the Emory Village Design Standards.
- (c) The Planning and development director or designee is hereby authorized and directed to administer the Emory Village Design Standards. These standards as well as the regulations set forth in this division and base zoning regulations shall be the criteria used by the planning director or designee to evaluate compliance of

all applications for building permits, development permits, or subdivisions, including but not limited to these, in addition to all other applicable ordinances and regulations of the County.

**Sec. 27-728.11.13. 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 this division and the Emory Village Design Standards. In the event of conflicts between this division and the Emory Village Design Standards, the Emory Village Design Standards shall govern.
- (b) Unless sidewalks meeting the conditions established below exist, new sidewalks along all street frontages shall be required for permits for new structures. Said sidewalks shall meet the regulations set forth herein and 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. Ten (10) feet on the south side of North Decatur Road, east of Oxford Road,
    - ii. Ten (10) feet on the west side of Oxford Road, south of North Decatur Road, and
    - iii. five (5) feet at all other locations, and
    - iv. Said widths shall be in addition to any existing or newly created on-street parking.
  - (2) The sidewalk clear zone shall have a minimum width of:
    - i. Fifteen (15) feet on the south side of North Decatur Road, east of Oxford Road.
    - ii. Fifteen (15) feet on the west side of Oxford Road, south of North Decatur Road, and
    - iii. Ten (10) feet at all other locations.
  - (3) Where property within this district abuts another zoning district without an intervening street, the sidewalk area within twenty (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 six (6) feet.

- (c) Priority Village Open Space as identified on the Emory Village Regulating Plan is encouraged through the parking credits contained in Section 27-728.14(e).
- (d) On-street parallel parking may be created along public streets provided that all sidewalks requirements of this section are met.

**Sec. 27-728.11.14 Parking requirements and design.**

- (a) All land uses indicated shall provide off-street parking spaces in the amounts defined in Table B “Standards for Off-Street Parking – Emory Village District”. These parking requirements consider the proximity to the university and the pedestrian-oriented design within the Emory Village Overlay district. All uses not listed shall meet the parking requirements of the underlying zoning district.

**Table B: Standards for Off-Street Parking**

Use	Minimum Off-Street Parking requirements
Offices uses, service uses, and retail uses	3 spaces per one thousand (1,000) square feet of floor area
Movie theaters and places of worship	3 spaces per one thousand (1,000) square feet of floor area
Food service	8 spaces per one thousand (1,000) square feet of floor area
Food service with on-premises alcohol	8 spaces per one thousand (1,000) square feet of floor area
Residential uses	1 space per dwelling unit plus ½ space for each dwelling unit that has more than one bedroom (e.g., 2 spaces for a 3 bedroom)

- (b) To satisfy these parking requirements, parking may be located on the businesses/restaurants/residences lots and/or on other lots within the district. Shared parking between land uses within the district is encouraged and may result in permitted reductions of off-street parking requirements. Parking facilities within the 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 director of planning and development 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 to the shared or off-site parking arrangement.
- (c) The planning and development director or designee shall review the above documents and, based on the results of the study, may permit the reduction of the total required parking for the uses by no more than twenty (20) percent of the total. Such shared parking arrangements shall remain in force for the duration of the written consent agreement set forth in subsection (3) above. A renewed consent agreement shall be provided to the planning and 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.
- (d) Owners of accessory parking facilities that provide excess spaces beyond the minimum required to serve all on-site uses may enter into written agreements to allow said excess spaces to supply required parking for other land uses within the Village Center.
- (e) Any change in use of a building, shop or leased area shall require compliance with the parking standards in this section to obtain a certificate of occupancy.
- (f) Parking Credits:
  - (1) *Priority Open Space Parking Credit.* The requirements of Section 27-728.11.13(a) shall 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 or landscaped. Such space shall not be used for vehicles, except for incidental service, maintenance or emergency actions.
    - ii. A parking credit of one (1) space for every two hundred (200) square feet of Priority Open Space may be applied to the requirements of Section 27-728.11.14(a).
    - iii. Parking credits shall not be transferred off-site.
    - iv. In no event shall the application of parking credits accrued by the provisions of this section, in combination with shared parking or any other provision of this division or other county ordinances, result in fewer parking spaces being provided than the minimum number required to satisfy projected peak parking demand for both residential and non-residential uses as documented in the shared

parking analysis and subject to approval by the Planning Director pursuant to section 27-728.11.14(b)(2).

- (2) *Sidewalk Credit.* The requirements of Section 27-728.11.13(a) may be reduced to account for portions of private property utilized to provide the publicly accessible sidewalks identified in Section 27-728.11.12, subject to the following:
- i. A parking credit of one (1) space for every two hundred (200) square feet of new sidewalk, when located on private property, shall be applied to the requirements of Section 27-728.11.14(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 cause a cessation of this credit.
  - iv. Parking credits shall not be transferred off-site.

**Sec. 27-728.11.14. Sign regulations.**

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

**Sec. 27-728.11.15. Application procedure; plans required; certificates of appropriateness.**

- (a) *Pre-Application Review.* Prior to application, and to minimize development-planning costs, avoid error and misinterpretation, and increase compliance, a pre-application conference between an applicant and the planning staff, including the historic preservation planner, shall be required. The applicant shall submit to the planning and development director an architectural building plan and a site plan for the pre-application review and may submit any other information helpful to a preliminary review of the proposed development and its compliance with the regulations applicable to the District. After said conference is held, the planning and development 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 with the overlay zoning code on an approved form to the planning and development director.

- (c) *Historic Preservation Review.* New construction or any material change in a building, structure, site or work of art within the Emory Village Overlay District shall also require a Certificate of Appropriateness (COA) approved by the Historic Preservation Commission pursuant to Chapter 13.5 of this Code. Following determination of compliance, the planning and development director or designee shall forward the project to the Historic Preservation Commission for review of the application for compliance with all requirements of Chapter 13.5 as well as those in the Emory Village Design Standards. The Planning Director or designee shall consolidate all plan reviews and comments in a written submission to the historic preservation commission.
- (d) *Variances.* Applications for variance shall not require a certificate of appropriateness. The planning and development director or designee shall provide all variance applications arising under chapter 14 or 27 of this code to the historic preservation commission for study and investigation within five (5) business days of receipt of the application that complies with all applicable requirements set forth in this Code. The historic preservation commission shall issue its recommendation within forty-five days (45) days of receipt of the variance application. No application for a variance under chapter 14 or 27 shall be considered complete until such time as the historic preservation commission has had an opportunity to provide its recommendation in writing. If no written recommendation is issued within the applicable time frame, then the planning commission and the zoning board of appeals shall construe the recommendation to have been for approval. A recommendation for approval or denial of a variance by the preservation commission shall not be binding on the zoning board of appeals or the planning commission.
- (e) *Subdivision sketch plat approval.* Sketch plat approval from the planning commission shall not require a certificate of appropriateness. The planning and development director or designee shall provide all sketch plats arising under chapter 14 of this code to the historic preservation commission for study and investigation within five (5) business days of receipt of the application and sketch plat. The historic preservation commission shall issue its recommendation within thirty-five (35) days of the official acceptance of the application and sketch plat. No application for sketch plat approval shall be considered by the planning commission until such time as the historic preservation commission has had an opportunity to provide its recommendation in writing. If no written recommendation is issued within the applicable time frame, then the planning commission shall construe the recommendation to have been for approval. A recommendation for approval or denial of a sketch plat by the preservation commission shall not be binding on the planning commission.

Sec. 27-728.11.16 Parking Management Plan.

Reserved.

**PART II. EFFECTIVE DATE**

This ordinance shall become effective upon adoption by the Board of Commissioners and approval by the Chief Executive Officer.

**PART III. SEVERABILITY**

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole nor any part thereof other than the part so declared to be invalid or unconstitutional. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are repealed.

**ADOPTED** by the DeKalb County Board of Commissioners, this \_\_\_\_ day of \_\_\_\_\_, 2007.

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**BURRELL ELLIS**  
Presiding Officer  
Board of Commissioners  
DeKalb County, Georgia

**APPROVED** by the Chief Executive Officer of DeKalb County, this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
**VERNON JONES**  
Chief Executive Officer  
DeKalb County, Georgia

**ATTEST:**

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MICHAEL J. BELL  
Ex-Officio Clerk  
Board of Commissioners and  
Chief Executive Officer  
DeKalb County, Georgia

**APPROVED AS TO FORM:**

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WILLIAM J. LINKOUS, III  
County Attorney  
DeKalb County, Georgia

**APPROVED AS TO SUBSTANCE:**

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PATRICK O. EJIKE,  
Director, Planning and Development  
DeKalb County, Georgia

