



DeKalb County Department of Planning & Sustainability

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**Planning Commission Hearing Date: March 7, 2023
Board of Commissioners Hearing Date: March 30, 2023**

TEXT AMENDMENT ANALYSIS

AGENDA NO.: D5 **ZONING CASE NO.:** TA-22-1246100 **COMMISSION DISTRICTS:** 2 & 6
(2022-2269)

APPLICANT: Department of Planning & Sustainability

SECTIONS OF ZONING ORDINANCE AFFECTED BY AMENDMENTS: CHAPTER 27-ZONING ORDINANCE, SECTION 3.22 TO UPDATE PERMITTED AND PROHIBITED USES; REVISE MINIMUM PARKING REQUIREMENTS; AND TO ADDRESS BUILDING DESIGN AND OTHER OVERLAY DISTRICT ENHANCEMENTS.

REASON FOR REQUEST:

At the request of district commissioners, the Emory Village Alliance (EVA), affected property owners, and other stakeholders, Staff has been engaged in the process of considering significant updates to the overlay district. Approved by the Board of Commissioners in 2007, the Emory Village Overlay District was crafted to take advantage of the area’s unique, historic charm, proximity to Emory University and the surrounding residential community, and mixed-use potential to cultivate a thriving node for live, work, and play. Unfortunately, the district has not achieved the desired results. Thus, over the past year, the EVA has worked diligently with Staff to pursue modifications to the overlay district standards to update permitted and prohibited uses, revisit building design requirements, foster ideas to address parking/access challenges, and revitalize the district.

The proposed text amendments have been updated to a final draft form.

STAFF RECOMMENDATION: Deferral to allow final review of text changes.

**AN ORDINANCE TO AMEND PORTIONS OF CHAPTER 27 OF THE
CODE OF DEKALB COUNTY, GEORGIA, PERTAINING TO THE
EMORY VILLAGE ZONING OVERLAY**

WHEREAS, neighbors, Emory University, property and business owners, and other stakeholders want Emory Village to become a vibrant, sustainable, safe, and attractive pedestrian-oriented mixed-use community containing restaurants, shops, offices, residences, and recreational and gathering places;

WHEREAS, objectives of the 2007 Emory Village Zoning Overlay pertaining to desirable redevelopment have not been realized, and much has changed and been learned since the Overlay was developed that has been the impetus for this revision;

WHEREAS, Emory Village, adjacent to two of DeKalb County's largest and most prestigious employers and a historic neighborhood, has enormous potential that is more likely to be fulfilled by improving the Overlay Code;

NOW THEREFORE, BE IT ORDAINED by the Governing Authority of DeKalb County, Georgia, and be it hereby ordained by the Authority of same, that Chapter 27-3.22 DIVISION 22 of the Code of DeKalb County, as revised in 2015, is hereby amended as follows.

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PART I. ENACTMENT

27-3.22 DIVISION 22. - EMORY VILLAGE OVERLAY DISTRICT shall be amended as follows:

Sec. 3.22.1. - 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 add, delete, and/or modify some of the 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 3.22.4. Where there are conflicts between the Emory Village Overlay District regulations and other regulations, said overlay district regulations shall govern.

Sec. 3.22.2. - Statement of Purpose and Intent.

The purpose and intent of the Board of Commissioners in establishing and revising the Emory Village Overlay District is to accomplish the following:

- A. Preserve and promote a commercial district in the area known as Emory Village that is appropriate in size, scale, and density to serve adjacent residential neighborhoods, the Emory University campus, Emory hospitals and clinics, and the nearby Centers for Disease Control and Prevention.
- 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, yet not sterile or overly repetitious, architectural identity for the district.
- F. Promote pedestrian safety and convenience, the safe management of traffic, and public transit by reducing required off-street parking requirements, 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 residential areas.
- H. Complement the DeKalb Historic Preservation Ordinance and the Druid Hills Historic District Design Standards.

- I. Further implement the Emory Village revitalization plan and related policies of the DeKalb Comprehensive Plan.
- J. Encourage appropriate infill development in accordance with the Emory Village Revitalization Plan, the DeKalb County Comprehensive Plan, the DeKalb County Historic Preservation Ordinance, and in accordance with the United States Secretary of the Interior's Standards for the Treatment of Historic Properties.
- K. Support the implementation of the 2003 Regional Development Plan and the relevant portions of the Livable Centers Initiative of the Atlanta Regional Commission.
- L. Rehabilitate and preserve the urban fabric of the Village. New structures must continue the pattern and rhythm of the existing buildings, and must remain consistent with the historic development of the Village and supportive of the use of the environment by pedestrians.
- M. Encourage new building technologies and design approaches.
- N. Make improvements to the Village based on changing needs and desires, and with input from all stakeholder groups.

Sec. 3.22.3. **District Boundaries.**

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. 3.22.4. **Definitions.**

For the purposes of this overlay district, certain terms and words are hereby defined. Where words/terms are not herein defined, refer to Article 9.

Authorized: Allowed, allowable.

Bed and breakfast: Accessory use of a single-family detached dwelling by the homeowner who resides in the dwelling, to provide sleeping accommodations to customers. Breakfast may also be provided to the customers at no extra cost. For the purpose of this definition, the term "customer" means a person who pays for the sleeping accommodations for fewer than thirty (30) consecutive days.

Boutique hotel: A hotel having a maximum of 125 guest rooms and with no guest rooms located on the sidewalk level. Also referred to as "hotel."

Build-to-line: The line generally parallel to the front lot line as established in Table A: of the Emory Village Overlay District.

Building Story and Open-air Spaces: A porch, open-air patio or deck may be considered part of or an entire building story on any authorized level. They may be part of restaurants and bars and/or contain other authorized uses. When on the ground (first) level, porches and open-air patios shall be enclosed for at least 75% of the perimeter along the build-to-line by

either planting beds or planters that extend horizontally at least 24" from the build-to-line and/or by a code-compliant guardrail.

Emory Village Regulating Plan: 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: The plan prepared for the Alliance to Improve Emory Village by Peter Drey & Company, dated September 25, 2002.

Level: Same as floor or story.

Multifamily dwelling units. One (1) or more rooms with a private bath and kitchen facilities comprising an independent, self-contained residential unit in a building containing four (4) or more dwelling units.

Open-air patios, porches, and decks: See "Building Story and Open-air Spaces" above.

Package store (Liquor store). A store that sells alcoholic beverages in unbroken packages for off premises consumption.

Priority open space: Those areas indicated as "priority open space parking credit zone" on the Emory Village Regulating Plan.

"Rooftop patio restaurants and bars" means permitted restaurants and/or bars that may be fully or partially open to the sky and which may constitute all or part of any level above the first level and no higher than the uppermost permitted level or story of a building. As an example, where a building zone limits a structure to four stories, a rooftop patio restaurant and/or bar may be on the 2nd, 3rd, or 4th level, and it may be fully or partially open to the sky.

Sidewalk level: 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 thirty (30) feet, excluding parking levels.

Upper stories: All stories located above the sidewalk level.

Village open space: 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 excluding areas for vehicular use such as driveways and parking lots. Village open space that appears on the Emory Village Regulating Plan, dated March 23, 2007, is included within this definition.

Wine store: A specialty store selling fortified and fermented wine, beer, malt beverages and related paraphernalia, including food and related reading material.

Sec. 3.22.5. **Principal and Prohibited Uses.**

A. Principal Uses and Structures. The following principal uses of land and structures shall be authorized:

1. Multifamily dwelling units.
2. Single-family, attached townhouse type or stacked dwelling units with or without other uses on the ground level floor, and only in Zones 1 and 4 (see Emory Village Regulating Plan), and without garages, carports, or parking pads facing the street.
3. Restaurants without drive throughs.
4. Bars.
5. Catering services and shared commercial kitchens.
6. Offices including but not limited to attorneys, doctors, dentists, therapists, engineers, architects, realtors, researchers, and accountants.
7. Retail uses including but not limited to grocery stores, clothing stores, gift shops, and pharmacies.
8. Laundries, dry cleaners, and tailors.
9. Financial institutions including banks.
10. Wine store(s).
11. Liquor store(s) that is co-located with a larger store that sells groceries and food and is restricted in size to no more than 20 percent of the total gross square feet of the grocery store plus the liquor store, and is separated from the other uses by a wall.
12. Parcel services and mail centers.
13. Repair services, including for computers and other electronics.
14. Health clinics.
15. Home health care services.
16. Medical and dental laboratories.
17. Physical therapy treatment centers
18. Fitness centers, including but not limited to, exercise studios, yoga studios, karate studios, and small gyms.
19. Barber shops, beauty salons, nail salons and similar establishments.
20. Movie theaters, auditoriums, and places of assembly.
21. Places of worship.
22. Bed and breakfast establishments.
23. Boutique and other hotels with a maximum of 125 rooms.
24. Child day care centers and kindergartens.
25. Private elementary, middle, and high schools, or portions thereof.

26. Tutoring centers.
27. Colleges, universities, vocational schools, and non-degree schools, or portions thereof.
28. Research and training facilities associated with colleges and universities.
29. Stops for public transportation and ride-share vehicles.

Also see Sec. 3.22.6. **Accessory Uses.**

B. Prohibited Uses. The following principal uses of land and structures are prohibited:-

1. Adult day care centers or facilities.
2. Nursing, convalescent, personal care homes and community living arrangements.
3. Convents and monasteries.
4. Shelters for homeless persons.
5. Transitional housing facilities.
6. Dwellings, single-family detached.
7. Dwelling units (excepting hotels of less than 125 rooms and bed and breakfasts) that are rented on a daily basis.
8. Hotels/motels with more than 125 rooms.
9. Fraternity houses, sorority houses, and residence halls.
10. Hospitals, including any general medical, surgical, psychiatric and specialty hospitals.
11. Private ambulance and emergency medical services.
12. Funeral homes and mortuaries.
13. Hospices.
14. Cemeteries, columbariums and mausoleums.
15. Adult entertainment establishments and sex shops.
16. Self-storage facilities.
17. Smoke and vape shops and lounges; cigar bars and stores; hookah lounges; and uses that allow smoking of any kind.
18. Automobile parts and tire stores.
19. Automobile service stations, gasoline sales and minor and major vehicle repair services.
20. Drive-through restaurants, banks, laundries, or other businesses, except for a business with an existing drive-through prior to the enactment of this code.
21. Stations and terminals for bus and rail passenger service.
22. Heliports.

23. Trailer or RV salesrooms and sales lots.
24. Agricultural uses, including keeping of pigeons, livestock, and riding stables.
25. Tennis centers, clubs, and facilities.
26. Private golf courses and clubhouses.
27. Any buildings exceeding the height restrictions and/or number of levels restrictions set forth herein.

C. Unidentified Uses.

Uses not specifically identified in this Division allowed are prohibited. Changes to the uses may be made by text amendments to this code, with a process involving stakeholder input.

D. Multiple Uses.

1. Buildings may contain more than one authorized use.
2. No building is required to contain more than one (1) principal use except as required by other regulations herein (See Section 3.22.12 Height of Buildings).

E. Uses by Building Level

1. Basement Levels.

- (a) Levels largely or fully below ground may contain parking, building services, electrical and mechanical rooms, and storage.
- (b) Basement spaces that are partially or fully less than five feet below ground may contain any of the authorized uses stipulated for Sidewalk Levels.

2. Sidewalk Levels/First Floors.

- (a) Sidewalk levels may contain restaurants, bars, authorized retail establishments, theaters, services, offices, clinics, meeting spaces, worship spaces, performance spaces, portions of bed and breakfasts and hotels, financial institutions, hair and nail salons, schools, gyms, health and wellness day spas, and yoga studios (and similar).
- (b) Residential uses shall be prohibited at sidewalk levels except for Zones 1 and 4 on South Oxford near Burbanck Park and across from Glenn Memorial Church. In these Zones, townhouses, apartments, and condominiums are allowed providing that they do not have garages, carports, or parking pads on the front, that they have no more than three levels above grade, and that they comply with all other requirements in this code.
- (c) Sidewalk levels may include open-air spaces such as patios and porches that are contiguous to and part of a restaurant, bar, store, hotel, bed and breakfast, and/or used for outdoor dining and drinking, sitting, and/or sales. Also see Accessory Uses, section 3.22.6.

3. Second Levels.

(a) Second stories may contain the following uses: retail uses and restaurants that are part of the same businesses on the first level and are physically connected; schools (including portions thereof); health service clinics; hotels and bed & breakfasts that are on one or more adjoining levels, and office uses.

(b) Uses, including stores and restaurants, desiring occupancy on two connected levels shall be permitted with the main level and entry located on the first floor and internal vertical circulation.

(c) Second floors may contain apartments and condominiums.

(d) Home offices and live/work units are allowed providing there are no more than four non-resident clients, colleagues, and/or staff at any given time; and that the business hours are no earlier than 8 am and no later than 9 pm.

(e) Second floors may contain portions of bed and breakfasts and hotels that are also on adjoining floor(s).

(f) Rooftop restaurants, bars; open-air spaces such as patios and porches that are contiguous to and part of restaurants, bars, stores, hotels, or bed and breakfasts. Also see Accessory Uses, section 3.22.6.

4. Third Levels throughout the Village and Fourth Levels in Zones 2 and 3 (as fourth levels are not allowed in Zones 1 and 4)

(a) Offices provided that dwelling units are not immediately adjacent or are separated by a significant sound barrier.

(b) Apartments, and condominiums.

(c) Home offices or live/work units provided there are no more than four non-resident clients, colleagues, and/or staff at any given time; and that the business hours are no earlier than 8 am and no later than 9 pm.

(d) Bed and breakfasts and hotels that are also on adjoining floor(s).

(e) Rooftop patio restaurants, bars, and open-air spaces such as patios and porches that are contiguous to and part of a restaurant, bar, store, hotel, or bed and breakfast.

Sec. 3.22.6. Accessory Uses

A. Allowable accessory uses, buildings, and structures.

1. Pocket parks, playgrounds (fenced), dog parks (fenced), bocce and similar ball areas, food trucks in designated areas, and temporary farmers markets (see paragraph 3 for time restrictions).
2. Art shows, carnivals, and special events of community interest, for a period of less than four days duration up to four times per year and for one day up to 12 times a year upon the granting of Special Administrative Permits in accordance with Section 27-4.3 Temporary Use Regulations.

3. Temporary outdoor sales of food and merchandise, including farmers markets and pop-up shops and restaurants, are allowed, as often as twice weekly, upon the granting of Special Administrative Permits in accordance with Section 27-4.3 Temporary Use Regulations.
4. Ride share (including taxies) and bus/shuttle stops. See 3.22.19 (H) regarding short-term parking for these and other purposes.
5. Businesses with existing drive-throughs that relocate to a mixed-use development are permitted to include a drive-through provided the drive-through is not visible from the street and is accessed by driveway, alley, parking lot, or parking deck.
6. Pedestrian-oriented walk-up windows.
7. Existing porches, awnings, pavilions, pergolas, and open-air cafes shall be permitted to remain as non-conforming structures if they are accessory to a principal structure otherwise authorized and permitted in the Emory Village District.
8. Sidewalk levels may include open-air spaces such as patios and porches that are contiguous to and part of a restaurant, store, hotel, or bed and breakfast. These open-air spaces shall be enclosed for at least 75% of the perimeter along the build-to-line by planting beds or planters that extend horizontally at least 24" from the build-to-line and/or by code-compliant guardrails.

B. Prohibited accessory uses, buildings, and structures.

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

Sec. 3.22.7. **Alcohol / Package Stores within the Village**

A. Package Store's Primary Conditions:

1. Any package store shall be collocated with a larger store that sells groceries and may also sell wine, beer, coffee, sandwiches, and other food to eat on the premises and/or for takeout.
2. A wall must separate the liquor store from the adjacent business.
3. The area devoted to the sale and storage of alcohol shall not exceed twenty (20) percent of the total gross floor area occupied by the total of the adjacent store/restaurant and the liquor store.

C. Location of Package Stores.

No package stores or alcohol outlets within the Village shall be located:

1. Within six hundred (600) feet of any adult entertainment establishment, or any substance abuse treatment center owned, operated, or approved by the state or any county or municipal government.
2. Within three hundred (300) feet of any church or detached single-family residence.
3. For the purposes of this distance requirement, a package store collocated with a store that sells wine and beer shall only be considered one alcohol outlet.
4. Where there is any conflict between the distancing requirements herein and those contained in the Alcohol Ordinance at Section 4-101.1, the provisions of this Code section shall apply.

Sec. 3.22.8 Special Land Use Permits (SLUP).

A. Animal Boarding and Day Care.

Animal boarding and day care may be allowed providing it obtains a special land use permit and serves no more than seven animals at a time, with construction designed to limit noise penetrating to adjoining uses, and compliant with the DeKalb County noise ordinance.

B. Telecommunications Towers and Antennas.

Telecommunications towers and antennas are allowed with a Special Land Use Permit.

Sec. 3.22.9 Hours.

Restaurants, bars, and music/entertainment venues must be closed no later than 12:30 am seven days a week except for New Year's Eve and up to three other days per year (e.g., Emory commencements) in which closing time must be no later than 2:00 am.

Sec. 3.22.10 Noise.

Maximum decibel levels must not exceed what is stipulated in DeKalb County Code of Ordinances.

Sec. 3.22.11 Lot Setbacks and 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 (75) percent of the length of the front sidewalk level and second-story façade shall be set at the build-to-line or be within five (5) horizontal feet of it. This requirement does not apply to recessed sidewalk level doors or pedestrian access.
3. Nothing in this section shall prevent sidewalk level storefronts from being recessed behind the façade.

4. There shall be no build-to-line requirement for the third and fourth-stories.
5. Awnings and canopies and other architectural elements as permitted by the Design Standards are not considered in the building façade line determination. Permanent structures other than buildings, such as ATMs and similar elements, shall not be located closer to the street than the building façade lines.

Table A: Emory Village Build-to Line Requirements	
Location	Build-To-Lines
Adjacent to contributing historic commercial structures and superseding other requirements of this table	Historic front façade locations
N. Decatur Road (west of Oxford Road)	Twenty (20) feet from property line
N. Decatur Road (east of Oxford Road, 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 Road, unless specified)	Twenty-five (25) feet from front lot line **
Oxford Road (west side south of N. Decatur Road)	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

* Curb lines shall be based on the locations established by the Emory Village streetscape and roundabout project.

** Curb lines 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.

*** Curb lines shall be based on the location established by the Emory Village streetscape and roundabout. 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.

B. Side Yard Setbacks.

1. Along the side lot lines adjoining an R-75 district: minimum of seven (7) feet setback and subject to all other relevant codes.
2. Along all other side lot lines: zero (0) feet with minimum of seven (7) feet separation between buildings.

C. Rear Yard Setbacks.

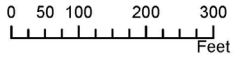
Zero (0) feet with a minimum of seven (7) feet separation.

D. Adjacencies to Commercial Historic Structures.

Notwithstanding subsections A, B, and C above, buildings shall not be located between an existing contributing commercial historic structure 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.

E. Emory Village Regulating Plan.

The map on the next page depicts the Emory Village Regulating Plan, first developed in 2007, updated in 2022. Updates were to correct lot lines and the location of structures within the parcels. The Plan was developed by Tunnell-Spangler-Walsh & Associates.



Emory Village Regulating Plan

Tunnell Spangler Walsh & Associates, Emory Village Regulating Plan [map], 1"=100'. 2007.
Updated October 2022



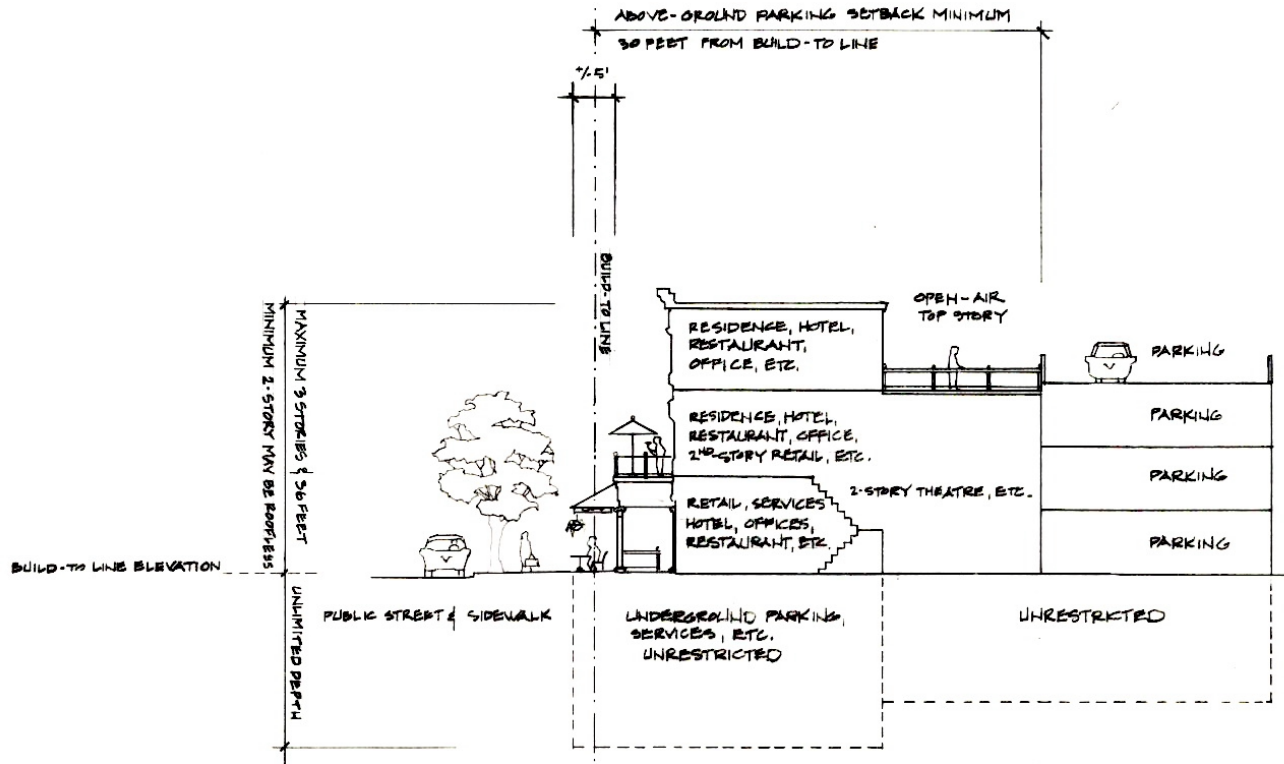
Sec. 3.22.12. Height of Buildings

- A. **Zones.** The maximum height of buildings shall be based upon the zones shown on 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, and updated in 2022.
- B. **Sidewalk Level.** All buildings shall contain a story meeting the definition of sidewalk level (see 3.22.4).
- C. **Maximum Height and Stories.** 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. The sidewalk level in Zones 2, 3, and 4 shall have a minimum height of twelve (12) feet and a maximum height of eighteen (18) feet above the closest build-to-line except as authorized in Zones 3 and 4 for parking levels.
 2. The 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. are prohibited.
- D. **Elevations.** 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 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 twenty (120) linear feet of frontage.
- E. **Minimum Number of Stories.** No building shall be less than two (2) stories in height along the build-to-line.
- F. **Zones.** The maximum height of buildings shall meet each requirement below within each zone, as described on the following pages.

1. Zone 1.

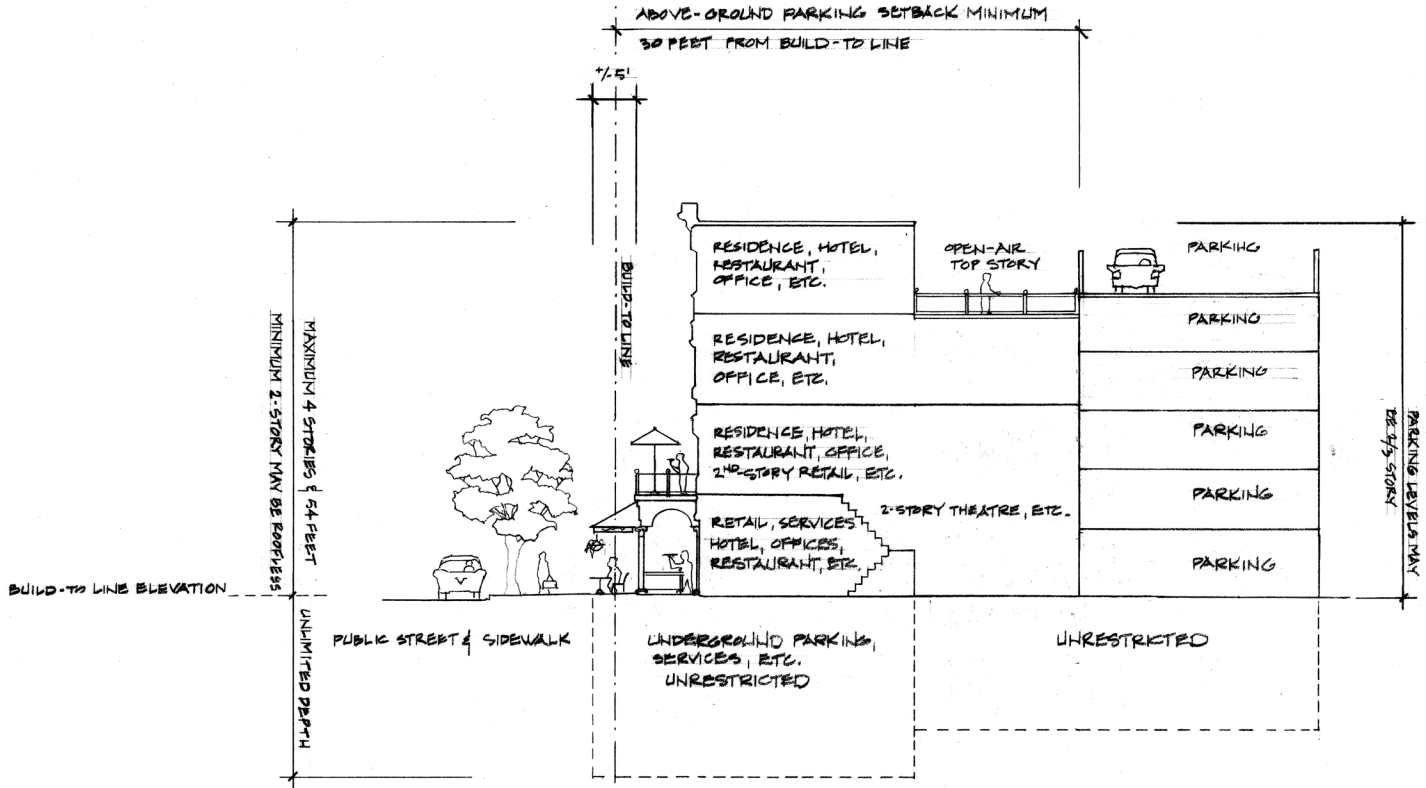
DIAGRAM A: ZONE 1 HEIGHTS



Maximum height of three stories or 36 feet, whichever is lower, above the adjacent build-to line. The height determination will not include unoccupiable roof structures nor parapet walls having a maximum height of thirty (30) inches.

12. Zone 2.

DIAGRAM B : ZONES 2 & 3 HEIGHTS



Maximum height of four stories or 54 feet, whichever is lower, above the adjacent build-to line. The height determination will not include unoccupiable roof structures nor parapet walls having a maximum height of thirty (30) inches.

3. **Zone 3.**

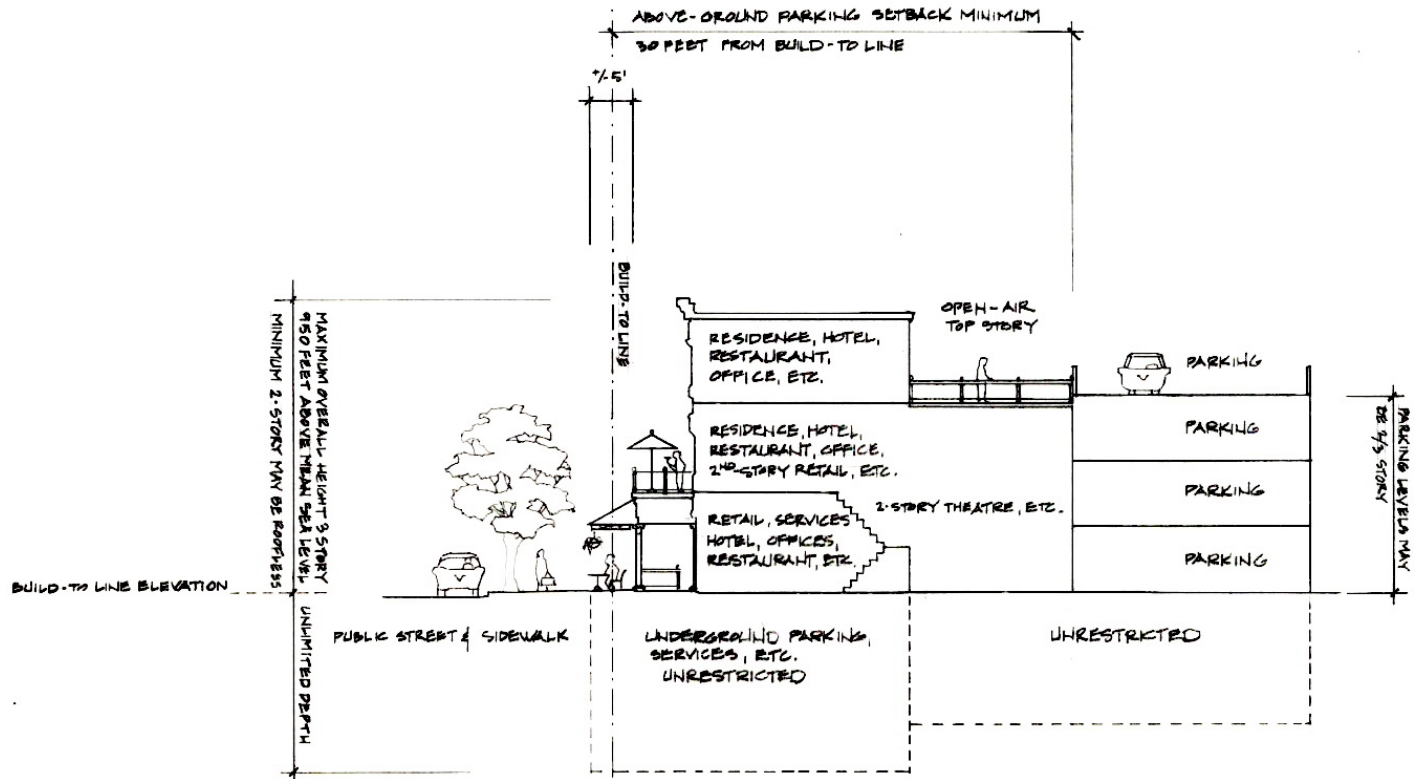
Maximum height of four stories or 54 feet, whichever is lower, above the adjacent build-to line. The height determination will not include unoccupiable roof structures nor parapet walls having a maximum height of thirty (30) inches.

4. **Zone 4.**

(a) Maximum height of three stories or 36 feet, whichever is lower, above the adjacent build-to line. The height determination will not include unoccupiable roof structures nor parapet walls having a maximum height of thirty (30) inches.

(b) In no case shall any structure, including authorized parapet walls, extend beyond nine hundred fifty (950) feet above mean sea level.

DIAGRAM C: ZONE 4 HEIGHTS



- G. Basements and below-grade parking levels** shall not count towards the minimum and maximum numbers of stories.
- H. The foundation of buildings** fronting build-to-lines shall not extend higher than one (1) foot above the build-to-lines.

Sec. 3.22.13. Square Footage Requirements

A. Housing.

There are no minimum or maximum square footage requirements for apartments, condominiums, or other housing within the Emory Village Overlay.

B. Retail, Restaurants, and Services.

Retail, restaurant, and service uses shall be subject to the following size limits.

1. Except for retail use with at least seventy (70) percent of floor area dedicated to the sale of food items, no individual retail, restaurant, or service use shall occupy a horizontal area greater than nine thousand (9,000) square feet on one level or a total floor area of twelve thousand (12,000) square feet if on two levels.

2. Retail uses with at least seventy (70) percent of the floor area dedicated to the sale of food items and nonalcoholic beverages may occupy a maximum horizontal area of twelve thousand (12,000) square feet regardless of number of levels.
3. Outside areas used for dining, retail, and other functions shall not count towards the square footage limits.

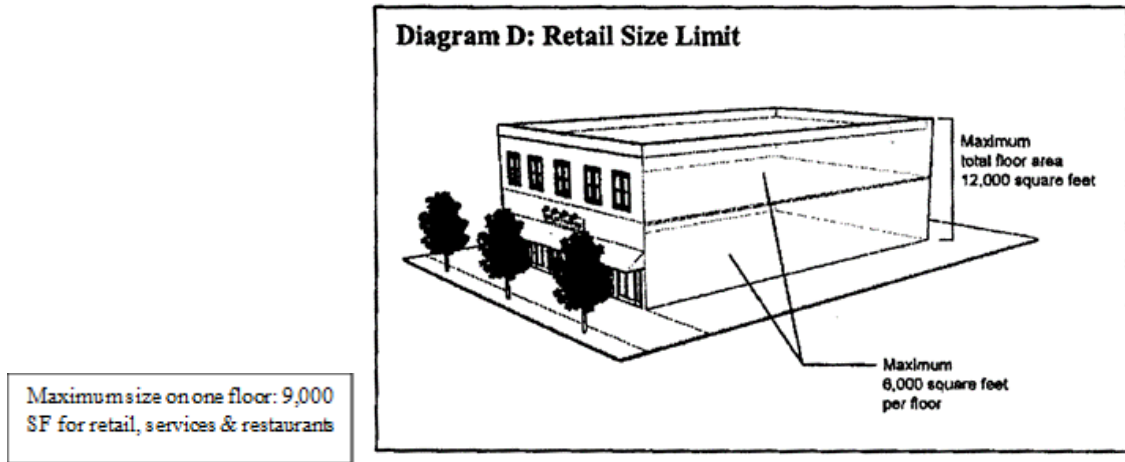


Diagram D: Size Limits for Food Stores, Other Retail, Restaurants, & Services

C. Offices

There are no minimum or maximum square footage requirements for offices.

Sec. 3.22.14. Open Space and Lot Coverage.

A. Village Open Space shall include:

1. Public rights-of-way and 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-foot stream buffer imposed by chapter 14 of the Code.
4. The portion of property within the established one-hundred-year flood zone established by FEMA.

B. No Buildings. Buildings shall not be constructed in areas identified in [subsections] A.2. and A.3.

C. Lot Coverage. The maximum lot coverage on lots not impacted by [subsections] A.2., A.3. and A.4. may be one hundred (100) percent.

D. Ownership. 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. 3.22.15. Transitional Buffer Zones.

Wherever any proposed nonresidential 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 a public right-of-way. No building may be placed within seven (7) feet of the boundary line between such lots.

Sec. 3.22.16. Architectural Design Standards.

A. Compliance.

1. All buildings, structures and land within the overlay district shall be regulated by and comply with the Emory Village Design Standards, and 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.
2. The Planning and Sustainability 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 Director of Planning and Sustainability or designee to evaluate compliance of all applications for, including but not limited to, building permits, development permits, and subdivisions.
3. By enacting the Emory Village Overlay District, the Board of Commissioners authorizes the planning and development director or designee to accept, review and determine the compliance of all proposed development that provides for unique site features and innovative design in concert with the design guidelines and all related requirements of this ordinance.
4. All improvements to public infrastructure including, but not limited to, streets, curbs, sidewalks, pedestrian crosswalks, street trees, street lighting, stormwater 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. Facades.

1. Street-facing building facades shall be horizontally divided by floors using architectural means such as string courses, recesses, reveals or the like. They shall also be vertically divided utilizing Major and Minor Articulations to create visual interest and avoid monotony.

2. Major articulations shall occur at least every sixty (60) feet of horizontal façade length and may be accomplished through: a change of façade materials extending from grade through the cornice; change in storefront systems; physical off-sets; and/or similar means intended to convey the impression of separate buildings.

3. Minor articulations shall occur approximately every thirty (30) feet of horizontal façade length and may be accomplished by: the use of pilasters; the use of offsets; or similar means intended to create the appearance of structural bays.

C. Entrances.

All first story uses adjacent to a sidewalk shall have a primary pedestrian entrance, which faces, is visible from, and is directly accessible from said sidewalk. Entrance doors shall remain unlocked and operable during normal business hours. All first story businesses with more than sixty (60) feet of frontage along sidewalks shall provide one (1) pedestrian entrance for every sixty (60) linear feet of frontage or fraction thereof.

D. Storefront Canopies and Awnings.

1. Storefront canopies at least five feet in depth extending over the sidewalk are recommended at all retail frontage in the Village for relief from inclement weather and for shade. These should be roofed with glass, metal, or fabric wholly supported by brackets or cables attached to the building façade. Columns to support canopies are not permitted in the public right of way (hereafter called “R.O.W.”).

2. Awnings and canopies shall not include signage on them, except when such signage is located within an apron that is less than twelve inches in height and is subject to all other applicable sign requirements of this document.

3. Awnings shall be of canvas and similar fabrics, fixed metal, or similar materials. Internally lit awnings and canopies that emit light through the awning or canopy material are prohibited.

4. Other structures and plant materials may be permitted in the Village if included as part of a building system or assembly designed to improve building energy and/or environmental performance or to limit adverse impacts of the building on the environment, or to limit airborne pollutants from the building.

E. Building Finish Materials.

1. Each street-facing building facade shall have an exterior finish skin of one or a combination of no more than three of the following primary materials: exterior brick, cementitious stucco, rustic or cut stone, architectural cast concrete, decorative terracotta, and glass panels.

2. Decorative embellishments shall be permanent in nature and shall be of the following materials: copper, brass, bronze, cast concrete, formed exterior plaster, solid plastic, porcelain tile, terracotta, formed metals, glass, wood, and artificial materials having the appearance of wood, and/or stone.

3. Window and storefront systems shall be painted wood or painted metal, and all glazing shall be clear glass; no tinted glass will be accepted. Materials that match those

used historically in the Village, such as black reflective glass tile, red terracotta roof tile, stone, stucco, and brick are recommended. Non-street-facing building facades may be of any of the materials authorized for street-facing facades, plus wood siding. Architectural concrete masonry units (CMU), MDF plywood and Exterior Insulation Finish Systems (EIFS) are not permitted as building finishes.

4. Other building materials may be permitted in the Village if included as part of a building system or assembly designed to improve building energy and/or environmental performance or to limit adverse impacts of the building on the environment, or to limit airborne pollutants from the building.

5. Primary building façade materials shall be combined only horizontally, with the heavier appearing one(s) below the lighter appearing (ones). This shall not apply to embellishments, storefronts systems, or windows frames.

F. Fenestrations.

1. **First Story Fenestrations.** All street-fronting first stories shall have windows that meet the following requirements along the portion of the building fronting a public street or public sidewalk. They shall be of clear, unpainted, or similarly treated glass to allow views of store interior or display windows. Windows shall be located along a minimum of seventy five (75) percent of street frontage. They shall start a maximum of three feet above the sidewalks and shall have a minimum height of ten feet above the sidewalks. The maximum façade length without windows shall be ten feet. Glass doors may count towards fenestration requirements.

2. **Upper Story Fenestrations.** All building stories above the first story shall have windows and doors that equal a minimum of thirty (30) percent of the total facade area, with each story being calculated independently. Additionally, all street-facing upper story windows shall be taller than they are wide and shall be predominately arranged in a grid, subject to individual window variation.

Sec. 3.22.17 Sidewalks.

A. Requirement.

Unless sidewalks meeting the conditions established below exist, new sidewalks along all street frontages shall be required for permits for new structures. Sidewalks are required on all of the sides of a structure that border the public R.O.W. They shall be continuous with the sidewalks on adjoining properties.

B. Sidewalk Width.

Sidewalks shall be of the widths indicated below and shall consist of two (2) zones: a furniture zone and a clear zone.

C. Sidewalk Design.

Sidewalks shall be cast-in-place, broom finished concrete with troweled joints as illustrated in the *Emory Village Revitalization Plan*. Each sidewalk shall be subdivided into a furniture

zone and a clear zone as shown in Illustration #1. Where necessary due to topography, however, a horizontal approach zone (“seating area” or “storefront access zone” in section and plan illustrations) shall be provided within the pedestrian clear zone to permit pedestrian access to shops, and the pedestrian clear zone may be correspondingly reduced. The street furniture zone may also be reduced to four feet where shown in the *Emory Village Revitalization Plan*. Sidewalks must be located along all public streets. All commercial area sidewalks must taper into adjacent sidewalks in residential areas.

D. Furniture Zone Width. The furniture zone shall have a minimum width of:

1. Ten (10) feet on the south side of North Decatur Road, east of Oxford Road;
2. Ten (10) feet on the west side of Oxford Road, south of North Decatur Road; and
3. Five (5) feet at all other locations; and
4. Said widths shall be in addition to any existing or newly created on-street parking.

E. Other Furniture Zone Requirements.

Located adjacent to the on--street parking zone or curb where shown in the *Emory Village Revitalization Plan*. The furniture zone shall have a minimum width of ~~six~~ 5 (five) feet as measured from the outside edge of the travel lane, except where indicated differently in the *Emory Village Revitalization Plan*. This zone is provided to accommodate trees, street furniture, utility poles, waste receptacles, fire hydrants, traffic signs, bus shelters, bicycle racks, public information kiosks and other similar and necessary elements as approved by the County. The ~~street~~-furniture zone may contain outdoor dining.

F. Clear Zone Width.

The sidewalk clear zone shall have a minimum width of:

1. Fifteen (15) feet on the south side of North Decatur Road, east of Oxford Road;
2. Fifteen (15) feet on the west side of Oxford Road, south of North Decatur Road; and
3. Ten (10) feet at all other locations.

G. Other Clear Zone Requirements.

Areas designated as a Clear Zone shall be unobstructed by any permanent or nonpermanent element for a minimum clear height of eight feet, except that a horizontal approach zone is permitted within the Clear Zone that may contain railings, cheek walls, planters, or other devices to guide pedestrians to entry doors or to permit level outdoor planes abutting the retail space for dining or other purposes. This horizontal approach zone may not exceed fifty percent (50%) of the total clear zone width to allow sufficient area for continuous sidewalk circulation.

H. Sidewalk Transitions.

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.

Sec. 3.22.18 Streets.

A. Width for Vehicles and Bicycles.

Auto travel lanes shall be eleven feet wide. Bicycle lanes shall be at least four feet wide. Street sections shall conform to plans and sections shown.

B. Curb Cuts.

1. A maximum of one curb cut is permitted for each parcel with the exception of properties with frontage on more than one street, which may have one curb cut located on each frontage. Curb cuts shall not be placed within 100 feet of another existing curb cut on the same property. The total number of curb cuts should be minimized, and adjoining properties shall be encouraged to share curb cuts to reduce interruptions to the sidewalks.

2. Curb cuts shall be between 20 and 24 feet wide for two-way entrances. Curbs cuts shall be between ten and twelve feet wide for one-way entrances.

3. Curb cuts shall be constructed of porous unit pavers or cast-in-place porous pavements or cast-in-place concrete to match the concrete sidewalks.

4. Each permitted drive-through may have only one curb cut for access and egress, although a second access or egress may be provided through a curb cut shared with another use. Such drive-throughs must be located no less than fifty (50) feet from the public ROW and may only have one (1) lane and this must be on the rear of the building it serves. Note, however, that drive-throughs are not permitted except for drive-throughs that are existing at the time of the implementation of the zoning overlay (in 2007). In such cases, drive-throughs may remain or be relocated on the same property following requirements specified herein.

C. Pedestrian Crossings.

All pedestrian street crossings shall be marked by ten-foot-wide crosswalks. Those noted in the Emory Village Revitalization Plan shall be constructed of red and dark gray brick pavers with concrete edge bands, similar to those on Emory's campus at Dowman Drive; others should be "zebra" striped 24-inch parallel bands. All crosswalks shall terminate with ADA-compliant handicapped aprons.

D. Stops for Buses, Taxis and Ride Sharing Services.

Bus stops are shown at two locations in the Village and pull-offs are provided. These are intended to accommodate MARTA, the Emory Campus Shuttle, and ride share services as well as any future service.

E. Street Trees.

Trees shall be planted a minimum of 25 feet and a maximum of 40 feet apart on center within the street furniture zone, or as noted in the Emory Village Revitalization Plan. Trees shall have a minimum open planting area of 30 square feet that should be unpaved, planted and maintained throughout the year. All trees shall have a minimum three-inch caliper at the time of planting and a minimum mature height of 40 feet. All plantings, planting replacements and planting removal shall be reviewed by the County Arborist before approval. Tree species may be selected from the Druid Hills Recommended Plant Materials List in Section 9.3 Vegetation of the Design Manual for Druid Hills Historic District, or alternate species, such as Yoshino Cherry, American Elm (including hybrids and Princeton Elms), American Chestnut (including hybrids) may be proposed for approval by the DeKalb County Arborist.

Sec. 3.22.19 Parking Requirements.

A. Minimum Number of Parking Spaces.

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: Emory Village District	
Use	Minimum Off-Street Parking Requirements
Offices uses, service uses, and retail uses	Two (2) spaces per one thousand (1,000) square feet of floor area
Movie theaters, places of worship, & other places of entertainment, meetings, & gatherings	Two (2) spaces per one thousand (1,000) square feet of floor area
Food services with and without alcohol	Four (4) spaces per one thousand (1,000) square feet of floor area
Residential uses	One (1) space per dwelling unit regardless of the number of bedrooms

B. Parking Study.

The parking minimums in this Zoning Overlay may be revised following a parking demand study. The study would be conducted 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.

C. Shared Parking.

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. Written consent of all property owners to the shared or off-site parking arrangement.

D. Parking Reductions.

The Planning and Sustainability 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 (2) above. A renewed consent agreement shall be provided to the Director of Planning & Sustainability 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.

E. Excess Parking.

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.

F. Changes in Use.

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.

H. Parking Credits.

1. **Priority Open Space Parking Credit.** The requirements of subsection A. shall be reduced by constructing priority open space contained within the regulating plan, subject to the following:

- a. 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.
- b. 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 subsection A.
- c. Parking credits shall not be transferred outside of Emory Village.
- d. 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 actual peak projected parking demand for both residential and nonresidential uses as documented in the shared parking analysis and subject to approval by the Director of Planning & Sustainability pursuant to subsection B.(2).

2. **Sidewalk Credits.** The requirements of subsection A. may be reduced to account for portions of private property utilized to provide the publicly accessible sidewalks identified in [section] 3.22.12, subject to the following:

- a. 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 subsection A.
- b. Parking credits shall apply to publicly or privately funded sidewalks.
- c. 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.
- d. Parking credits shall not be transferred off site.

H. Parking Design.

1. In front of and/or close to restaurants, offices, other businesses, and residences, provide at least one designated very short-term (5 – 10 minutes) parking space for patrons, taxis, ride-sharing services, small moving trucks, and delivery services while they are picking up other people and meals, dropping off packages and laundry, moving household items, and so forth.

2. Parking shall not be located immediately between a building and the street. When adjacent to the street, authorized accessory parking shall be set back at least 5 feet from the Build-To Line and shall be screened with buffers.

3. Trees within the buffer shall be planted a maximum of 40 feet on center, and no buffer shall have less than one tree. If underground utilities do not allow in-ground planting, then containerized trees may be substituted. A brick or stone wall 30 inches tall, or shrubs maintained at a minimum mature height of 24 inches and a maximum height of 30 inches, shall be provided within the buffer.
4. All on-street parking shall be provided in parallel parking spaces at least eight feet by 22 feet. On-street parking spaces shall be constructed of porous unit pavers or cast-in-place porous pavement to match the color of concrete sidewalks, or cast-in-place concrete to match the sidewalks. Parallel parking shall be interrupted at pedestrian crossings. On-street parallel parking shall be adjacent to commercial properties.
5. Authorized accessory parking garages fronting public R.O.W. shall align with build-to lines and shall have ground level commercial uses on at least 75% of the length of the façades facing the public R.O.W.
6. Parking entries shall comply with required curb cut standards.
7. Parking structure facades shall be designed to resemble other buildings. All sides of parking structures shall be subject to the Design Standards. Sloping ramps shall be concealed from exterior view. Views from the public R.O.W.s and adjoining properties to the interior of structures shall be screened with architectural devices or evergreen plantings.
8. All newly proposed parking lots and parking spaces shall conform to the geometric Design Standards set forth in Chapter 27, Article 6, Table 6.1.
9. All newly proposed parking lots, garages, and parking spaces shall comply with the site design guidelines outlined in these Emory Village Overlay District regulations.
10. All newly created surface parking lots and parking decks shall have walkways or pedestrian passages with a minimum width of five feet. They shall connect the public sidewalks to the parking areas. Parking facilities shall be maintained in clean, safe, sanitary, and attractive condition. Clearly defined parking spaces and driving lanes must be demarcated.
11. One bicycle/moped/scooter parking space shall be provided for every 15 automobile parking spaces, with no fewer than three bicycle/moped parking spaces per parking facility and located within one hundred (100) feet of the facility entrance. Bicycle spaces shall include a metal anchor to secure the frame in conjunction with a cyclist-supplied lock.
12. In every parking structure, at least one electric vehicle charger or alternative clean fueling station shall be provided for every 10 vehicle parking spaces.
13. Parking lots and structures shall be evenly lit at an intensity equal to at least 0.2 footcandle of light. Cutoff luminaires shall be used to prevent light spillage and direct glare on to neighboring properties. Lights in parking areas shall be no taller than twenty feet.
14. All newly proposed parking lots and parking spaces shall comply with the requirements of the Americans with Disabilities Act (ADA) and any other applicable state or federal law see sec 6.1.7.

I. No Other Use. No parking space, driveway or parking lot shall be used for the sale, repair, dismantling, servicing, or long-term storage of any vehicle or equipment.

Sec. 3.22.20 Sign Regulations

A. Code Compliance.

1. 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.
2. Allowable signs shall include those documented to have existed in Emory Village prior to 1980 may be considered provided that they meet other criteria herein and are approved by the Historic Preservation Commission. Furthermore, the number of signs and metrics thereof shall be as established for non-residential zoning districts in Chapter 21, Section 21-20 of the Code of Ordinances of DeKalb County, subject to the modifications contained herein.

B. Allowed & Prohibited Signs.

1. The following signs are permitted in all cases: Canopy signs (apron only), wall signs, projecting signs, directional signs, entrance signs, and window signs.
2. The following signs are prohibited in all cases: Roof signs, internally lit signs other than neon, message signs, electronic signs, blinking, and other moving signs.
3. One (1) marquee sign may be provided within the district when associated with a theater, based on the Historic Preservation Commission indicating that said sign is consistent with historic precedents for marquee signs found in the City of Atlanta or DeKalb County between the 1920's and the 1940's.
4. One sandwich board type sign for each business located on the sidewalk level is allowed providing that it meets placement requirements (see below). These must be no larger than 24" wide by 54" high.
5. For events such as Open Streets, DHCA membership drives, community volunteer days, festivals, and concerts, banner signs and yard/median signs are allowable for up to ten days.

C. Placement of Signs.

1. All signs, except window signs, shall be located a minimum of eight (8) feet above the adjacent sidewalk.
2. Side walls of buildings may be painted with murals advertising a business contained within said building providing that such murals are approved by the Historic Preservation Commission.
3. Pylons or other free-standing business signs are permitted only when replacing other existing free-standing signs. Said signs shall not exceed forty (40) square feet, five (5) feet in height, and eight (8) feet in width. Furthermore, said signs shall be supported by brick or stone bases having a width at least as wide as the sign it supports.

4. Each business located on the sidewalk level may have one sandwich board type of sign providing that it is situated so that it does not create an obstacle or danger to pedestrians, including the visually impaired, bicyclists, or motorists.
5. Neon window signs may be only on first stories. Window signs on all stories may be painted or etched glass. Visibility into commercial establishments shall not be obscured by opaque signage or window advertisements.

D. Sign Design.

1. Signage shall be designed to complement the architectural features of the buildings it is on, and such signage shall be consistent with respect to size, scale, material, and design of such buildings. Signs may be lit by duck/gooseneck lamps, and back/silhouette lighting. Individual sign lettering shall be a maximum of 15 inches in height. Appropriate locations for signage within traditional storefronts include lintels which separate storefronts from the upper floors, the space above the transoms in the storefronts, and the windows.
2. Except for one (1) authorized marquee sign, all projecting signs shall have a maximum area of eight (8) square feet per side and a maximum width of three (3) feet. No projecting sign shall extend more than four (4) feet from the building façade.
3. It is recommended that proposed murals first receive input from the Emory Village Alliance, and they must be approved by the Historic Preservation Commission.
4. Pylons and other free-standing business signs are permitted only when replacing other existing free-standing signs. Said signs shall not exceed forty (40) square feet, five (5) feet in height, and eight (8) feet in width. Furthermore, said signs shall be supported by brick or stone bases having a width at least as wide as the sign it supports.

E. Parking & Directional Signs.

Parking and directional signage shall be unobtrusively located and there should be no more than necessary.

F. Building Numbering.

Building numbering shall be located above or beside primary entrances of buildings. Numbering shall be clearly visible from sidewalks. All numbering shall be 6 inches in height.

Sec. 3.22.21. Other Outdoor Requirements

A. Landscaping.

1. All areas in the Village not developed with buildings or prepared surfaces for parking, circulation, utilities, or the like, shall be landscaped and permanently maintained with ornamental plantings.
2. In surface parking lots, shade trees shall be planted at a minimum rate of one tree per ten cars. These shall be arranged so that at least 50% of the paved area is shaded at midday in midsummer in order to reduce the heat island effect.

3. Paved areas of the site shall be limited in size to the area required to accommodate the intended use.

B. Stormwater Management.

Because Emory Village currently lacks storm sewers, each new building or structure is responsible for capturing rainwater from roofs and paved areas and for retention and “first flush” filtration of this water before its release into Peavine Creek or its tributaries as required by the DeKalb County Department of Public Works. Acceptable management systems include, but are not limited to, the following: buried concrete retention tanks with sand-filtered inlets, porous pavers with 18” gravel underlay, ‘linear’ systems of perforated piping with sand-filtered inlets, and other filtration systems approved by DeKalb County.

C. Lighting.

1. Exterior lighting should be compatible with the Village’s luminaires.
2. Building facades facing a public R.O.W. shall be illuminated for safety and aesthetics.
3. Lighting shall be designed to avoid producing glare in the public R.O.W. Light spillage onto adjacent residential properties shall be minimized by cutoff luminaires.

D. Utility Service Lines.

All utility service lines must be underground. Overhead utility service is not permissible in the Village. New construction on existing sites within Emory Village must include replacement of all above-ground utility service lines with underground service or otherwise fully concealed utility service to buildings and sites.

E. Screening of Dumpsters, Loading Areas and Mechanical Electrical and Plumbing Equipment.

Dumpsters, loading areas, and mechanical, electrical, and plumbing equipment shall be screened so as not to be visible from any public plaza, outdoor dining area, public R.O.W., or residential area. All dumpsters shall be located behind buildings and shall be enclosed by opaque additions or walls made of stone, brick, wood, or stucco; and these enclosures shall have opaque gates.

F. Location of Rooftop Mechanical Equipment.

Rooftop Mechanical features shall be set at least ten (10) feet from the edges of roofs and screened vertically from view through use of parapet walls or similar features. Additionally, all such features greater than five (5) feet in height shall be set at least twenty (20) feet behind front building façades.

Sec. 3.22.22. Processes: Application procedures, plans required, Certificates of Appropriateness.

A. Conceptual Plan Review.

Prior to application for any development permit, building permit, sign permit or other permit required for construction or alteration of the exterior of structures or sites in the district, the applicant may meet with the Director of Planning & Sustainability or his designee. The applicant shall provide architectural plans, site plan and other information explaining how the proposal meets the purpose, intent, and standards of this division of the Code.

B. Required Applications and Plans.

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 Director of Planning & Sustainability.

C. Historic Preservation Review.

New construction or any material change in the exterior of 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. The Director of Planning & Sustainability 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 Director of Planning & Sustainability 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. The Historic Preservation Commission shall issue its recommendation within forty-five (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 the 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 be for approval. A recommendation for approval or denial of a variance by the Historic Preservation Commission shall not be binding on the Zoning Board of Appeals or the Planning Commission.

E. Sketch Plats.

Sketch plat approval from the Planning Commission shall not require a Certificate of Appropriateness. The Director of Planning & Sustainability 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. 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 be for approval. A recommendation for approval or denial of a sketch plat by the Historic Preservation Commission shall not be binding on the Planning Commission.

PART II. EFFECTIVE DATE

This ordinance shall become effective immediately on the date of 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 _____, 2023.

ROBERT J. PATRICK
Presiding Officer
Board of Commissioners DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this day of _____, 2023

MICHAEL L. THURMOND
Chief Executive Officer DeKalb County, Georgia

ATTEST:

BARBARA SANDERS-NORWOOD, CCC
Clerk to the Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:

Director of Planning and Sustainability

APPROVED AS TO FORM:

VIVIANE H. ERNSTES
County Attorney