

**AN ORDINANCE TO AMEND
CHAPTER 27 OF THE CODE OF DEKALB COUNTY, GEORGIA, AND FOR
OTHER PURPOSES.**

WHEREAS, the Board of Commissioners is authorized to exercise zoning powers to protect and promote the County's health, safety, and general welfare; and;

WHEREAS, the Greater Hidden Hills Overlay District was established in 2011 for the purpose of attracting mixed-use development; and

WHEREAS, the overlay was signed into law in order to encourage economic development, attract preferred types of businesses, conserve greenspace, institute design standards, and improve connectivity on foot, bike, and transit.

WHEREAS, the residents of the Hidden Hills community and surrounding neighborhoods have not seen the form of development originally intended with the original Overlay; and

WHEREAS, updating the Greater Hidden Hills Overlay District development standards to accommodate current development patterns may be more effective in attaining the mixed-use, economically resilient, and walkable vision from the original 2011 Overlay; and

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 of the Code of DeKalb County, as revised 1988, is hereby amended as follows.

PART I. ENACTMENT

By amending Section 3.37.5, Section 3.37.6, Section 3.37.8, Section 3.37.9, Section 3.37.11, Section 3.37.13; and Section 3.37.23 of Chapter 27, of the Code of DeKalb County, as revised 1988, as follows:

Sec. 3.37.5. District boundaries and maps.

- A. The boundaries of the district are delineated in the Greater Hidden Hills Overlay District Map, dated October 28, 2011, a copy of which is attached hereto as Exhibit A and adopted with Ordinance No. 11-21 as a map amendment to the official zoning map of DeKalb County. The original of the Greater Hidden Hills Overlay District Map and all its amendments will be maintained by the planning director. Any changes to the Greater Hidden Hills Overlay District Map dated October 28, 2011, will require a map amendment and a text amendment revising this section to reflect the revised map for the district.
- B. The district shall be divided into five (5) tiers and one residential area to guide future development and redevelopment. The tiers and the residential area are based on the future land use recommendations. The tier structure is as follows:
 1. *Tier 1.* Tier 1 is a medium-intensity area focused around the activity center at the intersection of Covington Highway and South Hairston Road and the commercial corridor along both sides of Covington Highway between South Hairston Road and the boundary of the I-20 Overlay District at the Panola Road and Covington Highway intersection. The purpose of this tier is to allow more intense mixed-use development along Covington Highway, a major thoroughfare. The goal is to redevelop oversized parking areas with new buildings including retail, office, and residential uses within mixed-use developments to decrease the need for vehicular trips. The maximum height shall

be up to five (5) stories with a maximum density of forty (40) dwelling units/acre on parcels with a Future Land Use designation of Neighborhood Center. For Tier 1 parcels with other underlying FLU designations, the maximum height shall be up to five (5) stories with a maximum density of thirty (30) dwelling units/acre.

2. *Tier 2.* Tier 2 is a low-intensity area located at the neighborhood center on Redan Road at its intersection with South Hairston Road and Panola Road, and the neighborhood center at the intersection of Panola Road and Young Road. The purpose of this tier is to allow lower-density development in a mixed-use context more compatible with the adjacent single-family neighborhoods. The maximum height shall be up to four (4) stories with a maximum density of thirty (30) dwelling units per acre with a Future Land Use designation of Neighborhood Center. For Tier 2 parcels with other underlying FLU designations, the maximum height shall be up to three (3) stories with a maximum density of thirty (24) dwelling units/acre.
 3. *Tier 3.* Tier 3 is a preservation open space area comprised of properties designated as flood hazard areas by the Federal Emergency Management Agency and the county. Such properties are limited to passive recreation areas, pathways, trails and a golf course.
 4. *Tier 4.* Tier 4 is a conservation open space area comprised of properties which are of such size, configuration and topography which would cause undue impacts on adjoining properties if developed. The properties are to be used for active and passive recreation areas and associated accessory structures.
 5. *Tier 5.* Tier 5 is a neighborhood mixed-use area which allows for increased density, increased building heights, and additional permitted uses within a mixed-use environment. The purpose of Tier 5 is to allow increased development in an area where it is needed while preserving/conserving property within Tiers 3 and 4.
 6. *Residential AREA.* The residential area is primarily composed of homes and will not be required to comply with any of the regulations for the district set forth in this division or the district design guidelines. The principal uses of land and structures in the residential area shall be as provided by the applicable underlying zoning district classification. The residential area shall be subject to the requirements and regulations of the applicable underlying zoning district classification.
- C. The planning director shall be the final authority to determine whether any property is located within the boundaries of this district.

Sec. 3.37.6. Tier 1 principal uses and structures.

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

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

G. Communications and utility uses as follows:

1. Production studio.
2. Radio and television broadcasting station.
3. Telephone business office.

H. Community facilities as follows:

1. Community center.
2. Cultural facility.
3. Noncommercial club or lodge.

I. Educational uses as follows:

1. Private elementary, middle or high school.
2. Specialized nondegree school focusing on fine arts and culture, to include the ballet, music, martial arts, and sports.
3. Vocational school.

J. Fitness center and health center.

K. Hotel (interior access to guest rooms only).

L. Mixed-use development, but such development shall include residential in combination with any of the other allowed principal uses. Residential use in mixed-use development shall not exceed eighty (80) percent of the total development floor area.

M. Movie theater, performing arts theater, bowling alley, and other recreational and/or cultural arts facility where such activities are wholly enclosed within a building.

N. Nursing/convalescent home and assisted living facility.

O. Personal care home and child caring institution.

P. Restaurant and late night establishment.

Q. Retail and wholesale building supplies as follows:

1. Electrical supply store.
2. Hardware and other building materials establishment.
3. Paint, glass and wallpaper store.

R. Retail sales and wholesale establishment.

S. Services, medical and health as follows:

1. Health service clinic.
2. Offices of health service practitioner.
3. Medical and dental laboratory.
4. Pharmacy and drugstore.

T. Services, personal, as follows:

1. Barber shop, beauty shop, day spa, and similar personal service establishment.
 2. Linen and diaper service, garment pressing, alteration and repair.
 3. Quick copy, photographic studio.
 4. Self service laundry and dry-cleaning pick up establishment.
- U. Services, repair, as follows:
1. Home appliance repair and service.
 2. Furniture upholstery and repair shop.
 3. Jewelry repair service.
 4. Radio, computer, television and similar repair service.
 5. Shoe repair store.
- V. Single-family and multifamily dwelling, but only if such dwelling is contained within a mixed-use development.
- W. Cottage development in accordance with the Single Family, Cottage Development standards in Chapter 27-5.7.9. The mixed-use development requirements shall not apply to cottage home developments.
- X. Taxi dispatching office.
- Y. Tennis center, club and facility.

Sec. 3.37.8. - Special permits in Tier 1.

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

- A. Special administrative permit from the planning director:
1. Art show, carnival ride, festival or a special event of community interest.
 2. Telecommunications antenna subject to all applicable requirements of section 4.2.51.
 3. Temporary Christmas tree and pumpkin sale.
 4. Temporary and/or seasonal outdoor sale accessory to the on-site principal use.
 5. Temporary outdoor social, religious, entertainment or recreation activity where the time period does not exceed fourteen (14) days in duration so long as adequate parking is provided on the site.
 6. Utility structure necessary for the transmission or distribution of service.
- B. Special land use permit from the board of commissioners:
1. Automotive repair, major or minor.
 2. Automotive body and paint shop.
 3. Convenience store with or without fuel pumps.
 4. Child day care facility and center.
 5. To exceed the building height limitations for structures in Tier 1.

6. Heliport.
7. Place of worship.
8. Liquor store.
9. Telecommunications tower.
10. Transitional housing and similar housing facility not otherwise addressed in this section.
11. Restaurants with a drive-thru configuration in Activity Center character areas.

Sec. 3.37.9. Tier 2 principal uses and structures.

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

- A. Animal hospital, veterinary clinic, boarding, pet supply store, and animal grooming shop, but indoor runs only are allowed in such establishments.
- B. Art gallery and art supply store.
- C. Bank, credit union and other financial institution.
- D. Business and professional office.
- E. Business service establishment.
- F. Communications and utility uses as follows:
 1. Production studio.
 2. Radio and television broadcasting station.
 3. Telephone, retail and business office.
- G. Community facilities as follows:
 1. Noncommercial club or lodge.
 2. Community center.
 3. Cultural facility.
- H. Educational uses as follows:
 1. Child daycare center or facility.
 2. Specialized nondegree school focusing on fine arts and culture, to include ballet, music, martial arts, and sports.
- I. Fitness center and health center.
- J. Hotel (interior access to guest rooms only).
- K. Mixed-use development, but such development shall include residential in combination with any of the other allowed principal uses. Residential use in a mixed-use development shall not exceed **eighty (80)** percent of the total development floor area.

- L. Movie theater, performing arts theater, bowling alley, and other recreational and/or cultural arts facility where such activities are wholly enclosed within a building.
- M. Assisted living facility.
- N. Restaurant.
- O. Retail building supplies as follows:
 - 1. Electrical supply store.
 - 2. Hardware and other building materials establishment.
 - 3. Paint, glass and wallpaper store.
- P. Retail sales and wholesale establishment.
- Q. Services, medical and health as follows:
 - 1. Health service clinic.
 - 2. Medical and dental laboratory.
 - 3. Offices of health service practitioner.
 - 4. Pharmacy and drugstore.
- R. Services, personal, as follows:
 - 1. Barbershop, beauty shop, day spa, and similar personal service establishment.
 - 2. Garment pressing, alteration and repair shop.
 - 3. Quick copy, video and photographic studio.
 - 4. Self-service laundry and dry-cleaning pick up establishment.
- S. Services, repair, as follows:
 - 1. Jewelry repair service.
 - 2. Radio, computer, television and similar small electronic repair service.
 - 3. Shoe repair store.
- T. Single-family and multifamily dwelling, but only if such dwelling is contained within a mixed-use development.
- U. Cottage development in accordance with the Single Family, Cottage Development standards in Chapter 27-5.7.9. The mixed-use development requirements shall not apply to cottage home developments.
- V. Tennis center, club and facility.

Sec. 3.37.11. - Special permits in Tier 2.

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

- A. Special administrative permit from the planning director:
 - 1. Art show, carnival ride, festival or a special event of community interest.
 - 2. Telecommunications antenna subject to all applicable requirements of section 4.2.51.

3. Temporary Christmas tree and pumpkin sale.
 4. Temporary and/or seasonal outdoor sale accessory to the on-site principal use.
 5. Temporary outdoor social, religious, entertainment or recreation activity where the time period does not exceed fourteen (14) days in duration so long as adequate parking is provided on the site.
 6. Utility structure necessary for the transmission or distribution of service.
- B. Special land use permit from the board of commissioners:
1. Automotive repair, major or minor.
 2. Automotive body and paint shop.
 3. Convenience store with or without fuel pumps.
 4. Child day care facility and center.
 5. To exceed the building height limitations for structures in Tier 1.
 6. Heliport.
 7. Place of worship.
 8. Liquor store.
 9. Telecommunications tower.
 10. Transitional housing and similar housing facility not otherwise addressed in this section.
 11. Restaurants with a drive-thru configuration in Activity Center character areas.

Sec. 3.37.13. - Development standards in Tiers 1 and 2.

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

A. *Site design requirements.*

1. Building orientation along an adjacent street frontage shall be located toward the front of each lot not more than twenty (20) feet from the public right-of-way. If a lot is bound by more than one (1) public street, the front of the lot shall be considered the lot line adjacent to the street with the highest classification as follows: Primary: Covington Highway, Redan Road; South Hairston Road, Young Road, Panola Road; Secondary: all other new and existing streets. If the building is contained on a lot at the intersection of two (2) primary streets, the building's entrance shall be oriented toward one (1) or both primary streets. For nonresidential uses, the primary ground floor entrance to all buildings shall be clearly visible from the street, internal private drive, or public sidewalk.
2. All loading and service areas shall be screened from view from the street and residential uses with buildings, landscaping, or decorative fencing.

3. Fencing that is visible from any public plaza, open space, ground level or sidewalk level outdoor dining area, internal main private drive or public street or right-of-way shall be made only of brick, stone, hard-coat stucco, wrought iron, or wood. Fencing in the front yard of any property along a public right-of-way shall not be higher than four (4) feet. Fencing to the rear or side of a building shall not be higher than six (6) feet.
 4. No barbed wire, razor wire, chain-link fence or similar elements shall be visible from any public plaza, open space, ground level or sidewalk level outdoor dining area, internal main private drive or public street or right-of-way. Fencing materials for a detention area must be approved prior to installation by the planning director.
- B. *[Building setback.]* Buildings adjacent to a property line shall be setback as follows:
1. *Minimum front setback.* Zero (0) feet to twenty (20) feet from the property line.
 2. *Minimum interior side setback.* Minimum setback from property line may be zero (0) feet, but if the property is adjacent to an existing building with windows facing the property line, the setback shall be a minimum of twenty (20) feet from the face of the existing building. In mixed-use developments, there shall be a minimum of ten (10) feet between buildings less than three (3) stories in height and a minimum of fifteen (15) feet between buildings when one (1) of them is three (3) stories or greater in height.
 3. *Minimum rear setback.* Ten (10) feet.
- C. *Height of building and structures.* Buildings in Tier 1 shall not exceed five (5) stories or seventy (70) feet in height. Buildings in Tier 2 shall not exceed **four (4)** stories or **sixty (60) feet** in height. A building in Tier 1 or Tier 2 may exceed the height limitations specified in this section by obtaining a special land use permit from the board of commissioners. Parking decks in Tiers 1 and Tier 2 shall not exceed the height of the tallest adjacent building within the development.
- D. *Density.*
1. *Tier 1.* No development in Tier 1 shall exceed a floor-area ratio (FAR) of **three (3)**, unless it also provides additional publicly accessible open space or other amenities singly or in combination, as provided in the portion of subsection E. applicable to Tier 1 directly below and entitled "density bonus."
 2. *Tier 2.* No development in Tier 2 shall exceed a floor-area ratio (FAR) of **two (2)**, unless it also provides additional publicly accessible open space or other amenities singly or in combination, as provided in the portion of subsection E. applicable to Tier 2 directly below and entitled "density bonus."

E. *Density bonus.*

1. The maximum allowable FAR of a building or development in Tier 1 shall be increased to a FAR not to exceed a total of four (4.0) in exchange for one (1) or more of the additional amenities provided in the table below:
2. The maximum allowable FAR of a building or development in Tier 2 shall be increased to a FAR not to exceed a total of **three (3)** in exchange for one (1) or more of the additional amenities provided in the table below:

Additional Amenity—Tier 1	Increased FAR
Increase publicly accessible open space to 15 percent while providing connectivity	0.5
Increase publicly accessible open space to 30 percent while providing connectivity	1
The nonresidential component of mixed-use developments shall constitute not less than 30 percent of the gross floor area of the development	0.25
Mixed-use building that includes multifamily residential units constituting at least 20 units per acre of land constructed in the same building with office-institutional, commercial and/or retail uses	0.5
Mixed-used development that includes a restaurant or café.	.5
Mixed-use development that includes outdoor seating.	.25
Mixed-use development that includes grocery.	.5
Mixed-use development that includes medical office.	.25
Mixed-use development that includes retail.	.25

Additional Amenity—Tier 2	Increased FAR
Increase publicly accessible open space to 15 percent while providing connectivity	0.5
Increase publicly accessible open space to 30 percent while providing connectivity	1
The nonresidential component of mixed-use developments shall constitute not less than 30 percent of the gross floor area of the development	0.25
Mixed-use building that includes multifamily residential units constituting at least 20 units per acre of land constructed in the same building with office-institutional, commercial and/or retail uses	0.5
Mixed-used development that includes a restaurant or café.	.5
Mixed-use development that includes outdoor seating.	.25
Mixed-use development that includes grocery.	.5
Mixed-use development that includes medical office.	.25
Mixed-use development that includes retail.	.25

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

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

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

1. Ground-floor commercial and retail uses shall have entrances at grade opening directly onto a public sidewalk or publicly accessible open space adjacent to the public sidewalk.
2. Canopies over retail and commercial entrances and/or windows shall be mounted at a single consistent height for each building and shall comply with the district design guideline requirements for canopies.
3. A minimum of seventy-five (75) percent of the ground-floor façade of nonresidential windows shall be clear or tinted so that at least seventy (70) percent of light filters through the window. Single-tenant developments are not required to comply with this requirement.
4. Pedestrian access shall be provided from any parking area directly to a public sidewalk through the ground floor of the building or via sidewalks between buildings.

H. *Development standards for residential buildings.*

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

Sec. 3.37.23. - Publicly accessible open space requirements in Tiers 1, 2 and 5.

- A. A minimum of **ten (10)** percent publicly accessible open space shall be provided for each new multifamily or new mixed-use development. Publicly accessible open space areas may be transferred from one (1) parcel to another within overall developments that remain under unified control of a single property owner or group of owners, but must demonstrate inter-connectedness of public areas. **This shall apply to new developments larger than 5 acres or 36 units.**

- B. Publicly accessible open spaces shall be at grade, and directly accessible from a public sidewalk and building entrances.
- C. Publicly accessible open space that is provided as part of a new development shall include connectivity to any existing or planned nearby public amenity including, but not limited to, trail networks, greenspace or park facility.
- D. Publicly accessible open spaces may include any combination of the following: planted areas, fountains, parks, plazas, trails and paths, hardscape elements related to sidewalks and plazas, and similar features which are located on private property and accessible to the general public; stream buffers shall be permitted to be counted toward the **ten (10)** percent publicly accessible open space requirement.
- E. Private courtyards and other private outdoor areas and amenities may be located at the interior of the development, behind buildings or on rooftops. Private courtyards, and outdoor areas and amenities shall not be counted toward the **ten (10)** percent publicly accessible open space requirement.
- F. All open space including buffers, setbacks, sidewalk clear zones, sidewalk zones and open spaces shall be fully implemented prior to issuance of a certificate of occupancy for the primary development.
- G. As a part of the application for a building permit within the district, each applicant shall present a legal mechanism under which all land to be used for publicly accessible open space purposes shall be maintained and protected. Such legal mechanism may include deed restrictions, property owner associations, common areas held in common ownership or control, maintenance easements, or other legal mechanisms, provided that said legal mechanism shall be approved by the county attorney to ensure compliance with each of the following mandatory requirements:
 - 1. All subsequent property owners within said district shall be placed on notice of this development restriction through the deed records of DeKalb County Superior Court;
 - 2. All publicly accessible open space held in common will be properly maintained and insured with no liability or maintenance responsibilities accruing to the county;
 - 3. A legal mechanism must be provided for notice of deficiencies in maintenance of the publicly accessible open space held in common, correction of these deficiencies, and assessment and liens against the properties for the cost of the correction of these deficiencies by a third party or the county;
 - 4. The property owners association shall provide the following:
 - a. Mandatory and automatic membership in the property owners' association as a requirement of property ownership;
 - b. A fair and uniform method of assessment for dues, maintenance and related costs;

- c. Where appropriate, party wall maintenance and restoration in the event of damage or destruction; and
- d. Continued maintenance of publicly accessible open space held in common and liability through the use of liens or other means in the case of default.

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