

AN ORDINANCE TO AMEND CHAPTER 27 OF THE CODE OF DEKALB COUNTY, GEORGIA, PERTAINING TO THE EMORY VILLAGE OVERLAY DISTRICT.

WHEREAS, DeKalb County residents, Emory University, property owners, business owners, and other stakeholders want the Emory Village Overlay District to become a more vibrant, sustainable, safe, and attractive pedestrian-oriented mixed-use community containing restaurants, shops, offices, residences, parking, recreational facilities, and gathering places;

WHEREAS, objectives of the 2007 Emory Village Overlay District pertaining to desirable redevelopment have not been fully realized and much has changed and been learned since the Overlay was originally developed and enacted that serve as the impetus for this update;

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

WHEREAS, it is the intent of this initiative to produce conditions conducive to reinvigorating Emory Village as a Neighborhood Center activity center node per the *DeKalb County 2050 Unified Plan*; and

WHEREAS, these updates will promote a greater mixture of uses, greater clarity regarding design guidelines, and more neighborhood scale services to meet the needs and desires of a diverse set of stakeholders.

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

PART I. ENACTMENT

27-3.22 DIVISION 22. - EMORY VILLAGE OVERLAY DISTRICT

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 (“the 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. Where applicable, 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 in Chapter 27, 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 the Emory Village Overlay District is to protect and promote the health, safety, and welfare of the citizens of DeKalb County as follows:

- A. Preserve and promote the mixed-use 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 overlay district;
- F. Promote pedestrian safety and convenience, the safe management of traffic, and public transit by reducing 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 County Historic Preservation Ordinance (Chapter 13.5) and the Druid Hills Historic District Design Standards (the “Design Manual for Druid Hills Local Historic District”);
- I. Further implement the Emory Village Revitalization Plan and related policies of the DeKalb County 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 (Chapter 13.5) and the Druid Hills Historic District Design Standards (the "Design Manual for Druid Hills Local Historic District"), 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 overlay district. New structures must continue the pattern and rhythm of the existing buildings and must remain consistent with the historic development of the overlay district and supportive of the use of the environment by pedestrians;
- M. Encourage new building technologies and design approaches while preserving historic features and compliance with this overlay district's regulations, Chapter 13.5, and the Design Manual for Druid Hills Local Historic District; and
- N. Make improvements to the overlay district based on changing needs and desires, with input from all stakeholder groups.

Sec. 3.22.3. - District boundary.

The boundaries of the Emory Village Overlay District were established by the zoning map amendment adopted pursuant to this chapter, which amendment, together with the May 22, 2007, Emory Village Regulating Plan (Diagram E), 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 section 27-9.1.3.

Authorized: Allowed, allowable.

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 space: 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. 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 twenty-four (24) inches from the build-to-line and/or by a code-compliant guardrail.

Cigar bar: an establishment that is open to the public where cigars are sold for consumption on and off the premises, and space and seating are provided for patrons to sit and smoke cigars.

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.

Furniture zone: Furniture zones accommodate trees, street furniture (waste receptacles, benches, bike racks), utility poles, fire hydrants, traffic signs, bus shelters, public information kiosks, and similar and necessary elements as approved by the County. Furniture zones may also contain outdoor dining.

Home office: Home offices and live/work units as defined for the Emory Village Overlay have no more than four non-resident clients, colleagues, and/or staff at any given time, and only between the hours of 8 am and 9 pm.

Open-air patio, porch, and deck: See "Building story and open-air spaces" above.

Open-air restaurant and bar: 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.

Short-term rental: Transient occupancy of a residential dwelling, or a portion thereof, that is rented for the purpose of overnight lodging during a period of time not to exceed thirty (30) consecutive days.

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.

Smoke/tobacco/vape shop or store: Any business dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco products or paraphernalia, vape products, or any combination thereof. This definition excludes grocery stores; convenience stores; small-box, discount retail stores; or other similar retail establishments in which cigar, cigarette, vape, and tobacco product sales comprise no more than ten percent (10%) of total sales.

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.

Sec. 3.22.5. - Principal authorized and prohibited uses and structures

A. Principal uses and structures. The following principal uses of land and structures shall be authorized in the overlay district by-right. In all cases, buildings may contain more than one of these uses.

1. Alcohol outlet.
2. Package store (principal use)
3. Barber shops, beauty salons, and similar establishments.
4. Bed and breakfast.

5. Hotel/motel (limited to a maximum of 125 rooms and with no guest rooms located on the sidewalk level).
6. Catering establishment and/or shared commercial kitchen.
7. Child day care center (kindergarten) – 7 or more children.
8. College or university (and accessory research and training facilities)
9. Dry cleaning agencies, pressing establishments, and laundry pick-up stations
10. Finance office and banking.
11. Fitness center (including but not limited to, exercise studios, yoga studios, karate studios, and small gyms).
12. Health services clinic.
13. Home healthcare service.
14. Home office as defined in 3.22.4 (page 4).
15. Hospice
16. Medical and dental offices and laboratories.
17. Indoor recreation (bowling alleys, movie theaters, and similar activities conducted wholly indoors)
18. Theaters w/ live and recorded performances, assembly and concert halls, and similar entertainment within enclosed building (limited to a closing time of 12:30a.m.)
19. Multi-family dwelling.
20. Office (including but not limited to attorneys, doctors, dentists, therapists, engineers, architects, realtors, researchers, and accountants or similarly scaled uses).
21. Parcel services and mail centers.
22. Physical therapy treatment centers
23. Place of worship.
24. Private kindergarten, elementary, middle, and high schools.
25. Repair services for furniture, and home appliances, computers and other electronics.
26. Restaurant (non-drive-thru).
27. Retail use including but not limited to grocery stores, clothing stores, gift shops, and pharmacies. See Subsection D (below) for prohibited uses.
28. 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.
29. Specialized school
30. Tutoring center.

31. Vocational school

B. Special Land Use Permit uses. The following uses and structures shall be authorized only by Special Land Use Permit (SLUP) from the Board of Commissioners:

1. Wireless telecommunications towers (stealth design up to 150')
2. Home occupations involving customer contact, subject to the allowances of Sec. 4.2.31

C. Special Administrative Permit uses.

1. Home occupations involving no customer contact and no employee other than a person residing on the premises may be permitted by a special administrative permit from the director of planning and sustainability.
2. Art shows, carnival rides 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.

D. Prohibited uses. The following principal uses of land and structures are expressly prohibited in the overlay district. If not expressly permitted, (above) in subsection A, B, or C, the use is not allowed in the overlay district:

1. Adult day care center (of any size).
2. Adult entertainment and/or service establishment.
3. Agricultural uses (including keeping of pigeons, livestock, and riding stables)
4. Animal boarding and daycare
5. Automobile service stations and/or fuel pumps
6. Bus or rail stations or terminals (but designated places for ride sharing are allowed)
7. Cemetery, columbarium, and mausoleum.
8. Convents and monasteries.
9. Dormitory
10. Drive-through facilities (primary or accessory-banks, laundries, and/or other businesses, except as permitted per Article 8 (Nonconformities))
11. Dwellings, single-family, detached.
12. Fraternity and/or sorority house
13. Funeral home or mortuary.
14. Heliport.
15. Hospital or accessory ambulance service (including any general medical, surgical, psychiatric and specialty hospitals)

16. Hotel/motel with more than 125 rooms.
17. Minor or major automobile repair
18. Nightclub or late-night establishment (including hookah lounges)
19. Nursing care facility and/or convalescent home
20. Personal care home or community living arrangements (of any size)
21. Private ambulance and emergency medical services.
22. Private or public golf course or clubhouses.
23. Restaurant (with a drive-thru configuration)
24. Retail automobile parts or tire stores.
25. Mini or Multi, self-storage.
26. Shelter for homeless persons (of any size)
27. Short-term rental (excludes hotels and bed & breakfast establishments)
28. Smoke, tobacco, or vape store or shop (including cigar bars)
29. Outdoor recreation (miniature golf, batting cages, tennis, Go-cart, and other recreational activities)
30. Tattoo parlors.
31. Trailer or RV salesroom and lot.
32. Transitional housing facility.

E. Principal uses by building level. Uses within a multi-level, mixed-use building must comply with all of the following requirements:

1. **Basement Level.** See Diagram A for illustration.

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

2. **Sidewalk level/Ground Floor.**

- a. The sidewalk level or ground floor of a building shall be limited to the nonresidential uses or residential uses as described in subsection b (below).
- b. Residential uses shall be prohibited at sidewalk or ground floor level except for Zones 1 and 4 on South Oxford Road near Burbank Park and across from Glenn Memorial Church. In these zones, townhouses, apartments, and condominiums are allowed provided that parking is provided only along the rear of the units and there are no street-facing garages or carports. Home offices with limited public in-person contact are allowed, providing they comply with the definition in this overlay code (see definitions, 3.22.4).

- c. Sidewalk level may include open-air spaces such as patios and porches that are contiguous or accessory to a restaurant, bar, store, hotel, bed and breakfast, and/or used for outdoor dining and drinking, sitting, and/or sales. Also see Accessory Uses (Sec. 3.22.6).
3. Second stories.
 - a. Second stories shall be limited to the following principal uses: retail uses and restaurants that are part of the same businesses on the ground floor and are physically adjoined; schools (or portions thereof); health service clinics; hotels and bed and breakfast establishments that are on one or more adjoining levels (above and/or below); multi-family dwelling units; single-family, attached dwelling units; home offices (as defined in 3.22.4); and office uses.
 - b. Second stories may include open-air spaces such as patios and porches that are contiguous or accessory to restaurant, bar, store, hotel, bed and breakfast, and/or used for outdoor dining and drinking, sitting, and/or sales. Also see Accessory Uses (Sec. 3.22.6).
 4. Third and Fourth stories.
 - a. Third and fourth stories shall be limited to the following principal uses: offices; multi-family dwelling units; single-family, attached dwelling units; home offices (as defined in 3.22.4); hotels or bed and breakfast establishments that are on adjoining levels (above or below).
 - b. Third and fourth stories may include open-air spaces such as patios and porches that are contiguous or accessory to restaurant, bar, hotel, bed and breakfast, and/or used for outdoor dining and drinking, and/or sitting. Also see Accessory Uses (Sec. 3.22.6).

Sec. 3.22.6. - Accessory uses, buildings, and structures.

Accessory uses, buildings, and structures incidental to any authorized principal use, as defined in article 9 and/or this division, shall be permitted, as established below:

1. Parking lots and parking garages are only authorized if these facilities are accessory to principal uses and structures that are authorized in the overlay district.
2. Existing drive-through facilities or drive-through service windows, in their current or new location, subject to article 8 (Nonconformities) and applicable design guidelines.
3. Pocket parks, playgrounds (fenced), dog parks (fenced), bocce and similar small-scale sports activity areas, and food trucks in designated areas.
4. Art shows, carnivals, and special events of community interest, subject to Sec. 3.22.5 C.
5. 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 a Special Administrative Permit, in accordance with Section 4.3 (Temporary Use Regulations).
6. Ride share services (including taxis) and bus/shuttle stops.

7. Businesses with existing drive-throughs in the overlay district that relocate to a mixed-use development within the overlay district 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.
8. Pedestrian-oriented walk-up windows.
9. Existing porches, awnings, pavilions, pergolas, and open-air cafes shall be permitted to remain as nonconforming structures if they are accessory to an existing principal structure otherwise authorized in the overlay district.
10. Establishments may include open-air spaces, such as patios and porches, that are contiguous or accessory to a restaurant, store, hotel, bed and breakfast, and/or used for outdoor dining and drinking, sitting, and/or sales. These may include rooftop restaurants, dining, and/or beverage service (see Sec. 3.22.4 for applicable definitions).
11. Home occupations following the definition in 3.22.4.
12. Alcohol outlet—beer and/or wine (accessory to retail less than 12,000s.f.).

Sec. 3.22.7. - Distance requirements for wine stores and package stores located in the Emory Village Overlay District.

- A. No person knowingly and intentionally may sell or offer to sell at retail for off-site consumption:
 1. Any wine, malt beverages, or distilled spirits within:
 - a. Three hundred (300) feet of any church or place of worship;
 - b. Three hundred (300) feet of any adult entertainment establishment;
 - c. Six hundred (600) feet of any alcoholic treatment or substance abuse center owned and operated by the state, county, or municipality; or
 - d. One hundred fifty (150) feet of another wine store or package store, unless such uses are (1) collocated on the same property and (2) owned and/or operated by the same person(s) or entity.
- B. There is no distance requirement between a (1) alcohol outlet or (2) package store and any school building, school grounds, educational facility, or college campus.

Sec. 3.22.8. - 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 3.5 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 Manual for Druid Hills Local Historic District 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 3.5: Build-to-lines.

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 project. Where on-street parallel parking is created, the required build-to-line

shall be measured from the curb line adjacent to said space. Furthermore, where the build-to-line falls within the public right-of-way, said build-to-line shall only be required after said right-of-way has been conveyed to the adjoining property owner. In the absence of such conveyance, the build-to-line shall be the front lot line.

B. Side yard setbacks:

1. Along the side lot lines adjoining an R-75 zoning district: a minimum seven (7) foot setback from the property line is required in the overlay district, and subject to any other applicable regulations.
2. Along all other side lot lines: zero (0) feet or a minimum separation between adjacent buildings of seven (7) feet.

C. Rear yard setback: Zero (0) feet or a minimum separation between buildings of seven (7) feet and subject to section 3.22.12.

D. Setback from contributing historic structures. Notwithstanding subsections A, B, and C above, new buildings shall not be located between an existing contributing 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.

Sec. 3.22.9. - Maximum height of buildings.

- A. 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. 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) feet and a maximum height of twelve (12) feet; and
 4. Stories of buildings not meeting the parameters of B.1. through B.3. are prohibited.
- C. 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.

D. No building shall be less than two (2) stories in height along the build-to-line. See definition of a building story, section 3.22.4.

E. The maximum height of buildings shall meet each requirement below within each zone:

1. Zone 1:

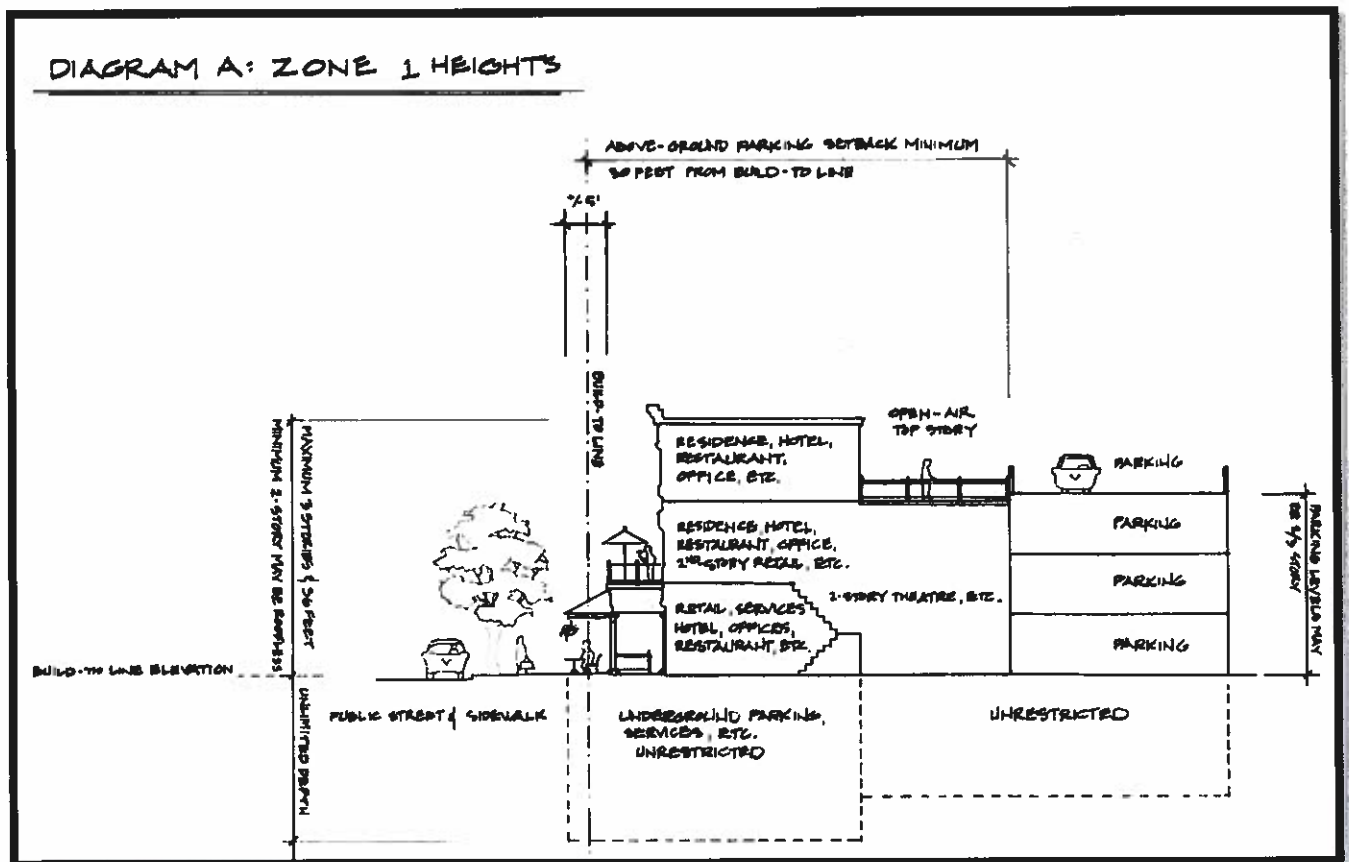


Diagram A: Zone 1 Heights

- a. Maximum height shall not exceed three (3) stories or thirty-six (36) feet above the adjacent build-to-line, whichever is less. Accessory roof structures that are not permanently affixed and parapet walls, not exceeding thirty (30) inches, shall be excluded.

b. See Diagram A for illustration.

2. Zone 2:

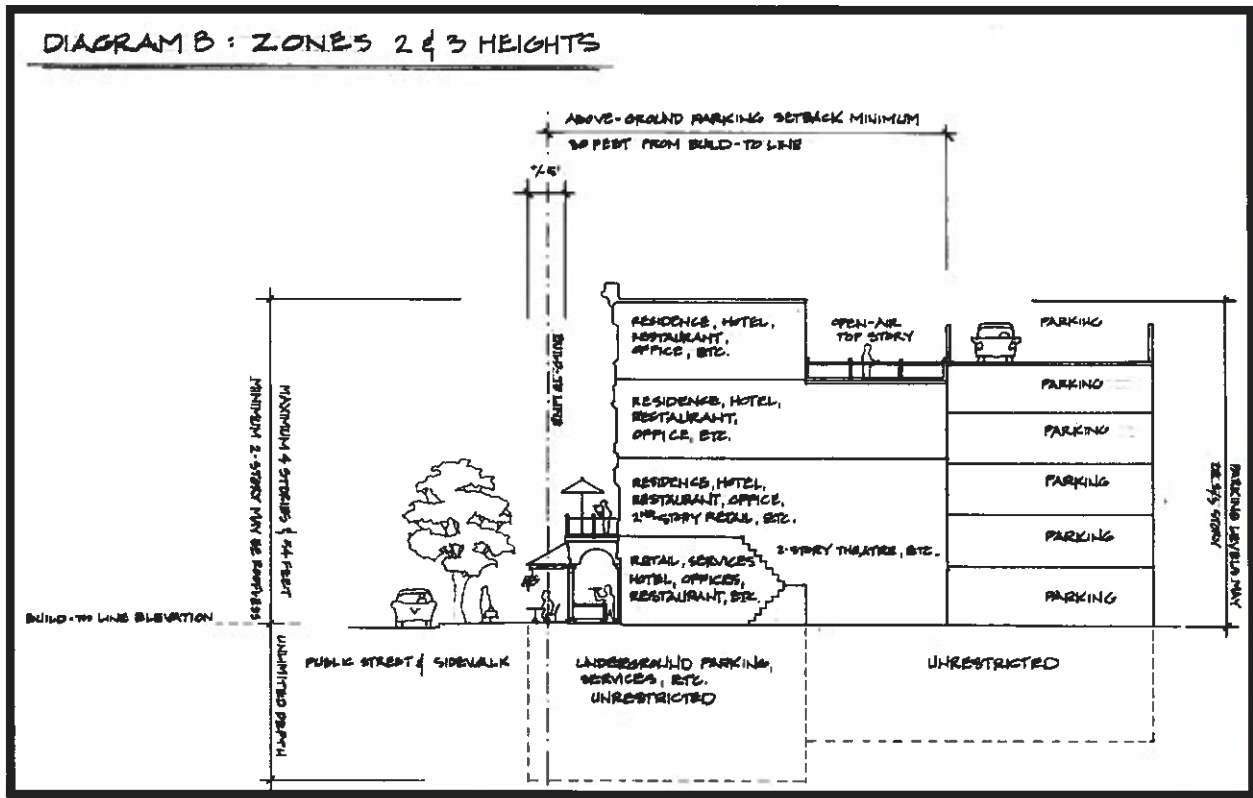


Diagram B: Zone 2 and 3 Heights

a. Maximum height shall not exceed four (4) stories or fifty-four (54) feet above the adjacent build-to-line, whichever is less. Accessory roof structures that are not permanently affixed and parapet walls, not exceeding thirty (30) inches, shall be excluded.

b. See Diagram B for illustration.

3. Zone 3:

a. Maximum height shall not exceed four (4) stories or fifty-four (54) feet above the adjacent build-to-line, whichever is less. Accessory roof structures that are not permanently affixed and parapet walls, not exceeding thirty (30) inches, shall be excluded. For the purpose of calculating the number of stories in this zone, parking levels shall be treated as being two-thirds ($\frac{2}{3}$) of a story.

- b. See Diagram B for illustration.
- 4. Zone 4:

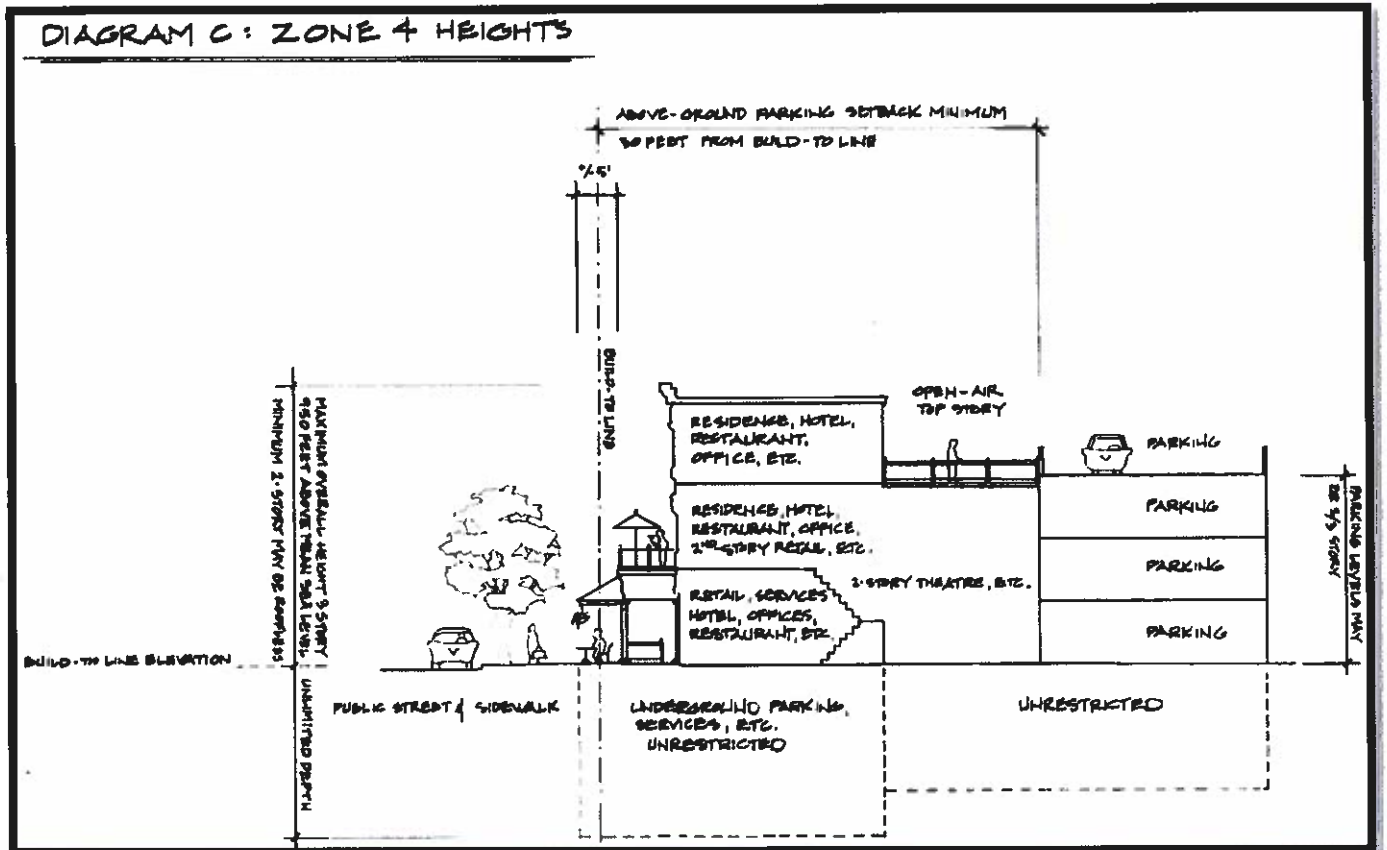
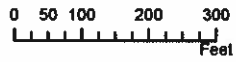


Diagram C: Zone 4 Heights

- a. Maximum height shall not exceed three (3) stories or thirty-six (36) feet above the adjacent build-to-line, whichever is less. Accessory roof structures that are not permanently affixed and parapet walls, not exceeding thirty (30) inches, shall be excluded.
 - b. In no case shall any structure, including authorized parapet walls, extend beyond nine hundred fifty (950) feet above mean sea level.
 - c. See Diagram C for illustration.
- F. Basements and below-grade parking levels shall not count towards the minimum and maximum number of stories.

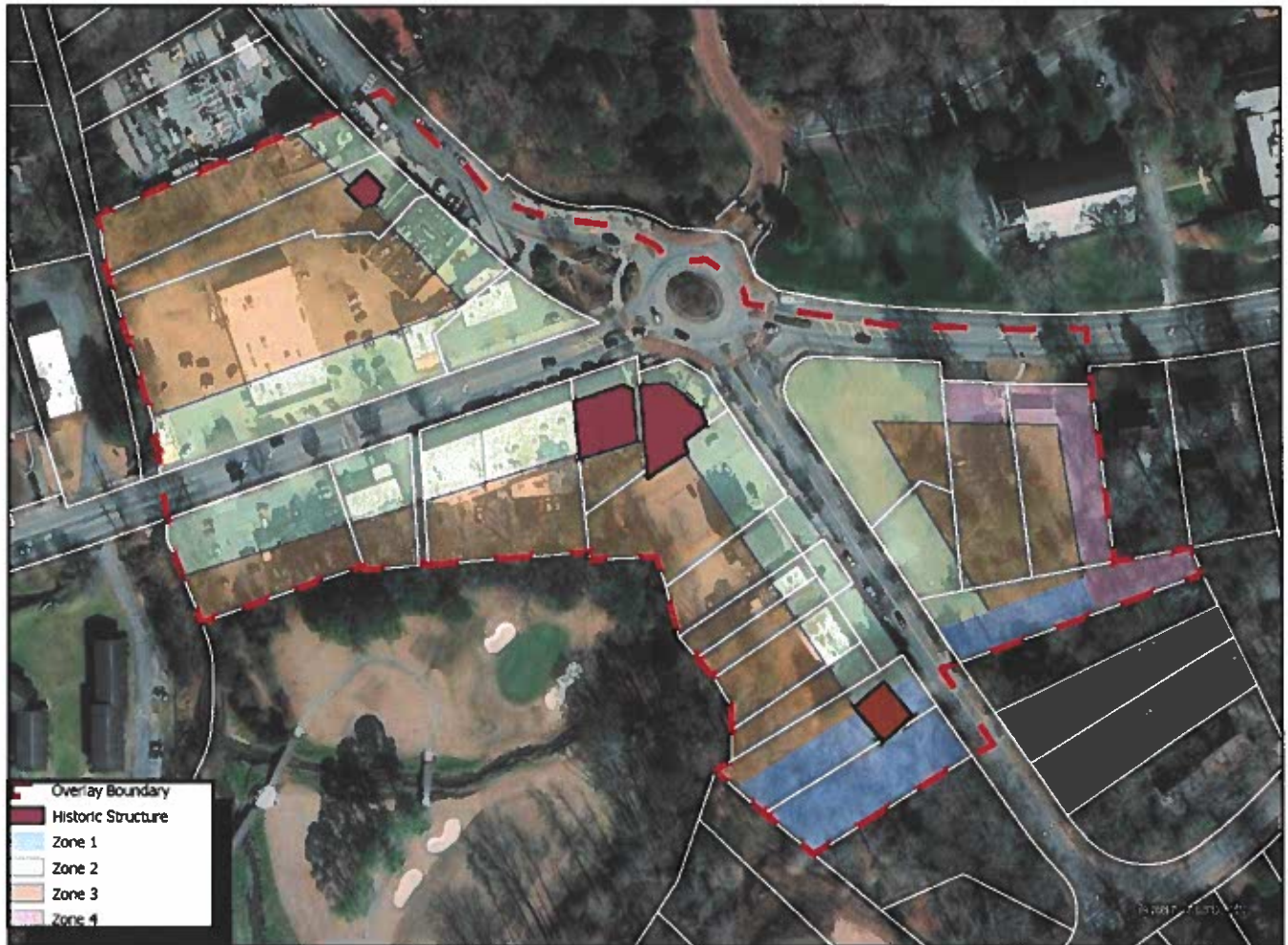
- G. The foundation of buildings fronting build-to-lines shall not extend higher than one (1) foot above the build-to-lines.

Diagram E: Emory Village Regulating Plan.



Emory Village Regulating Plan

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



Sec. 3.22.10. - Square footage requirements.

A. Residential uses. There are no minimum or maximum square footage requirements for apartments, condominiums, or other residential uses within the Emory Village Overlay District.

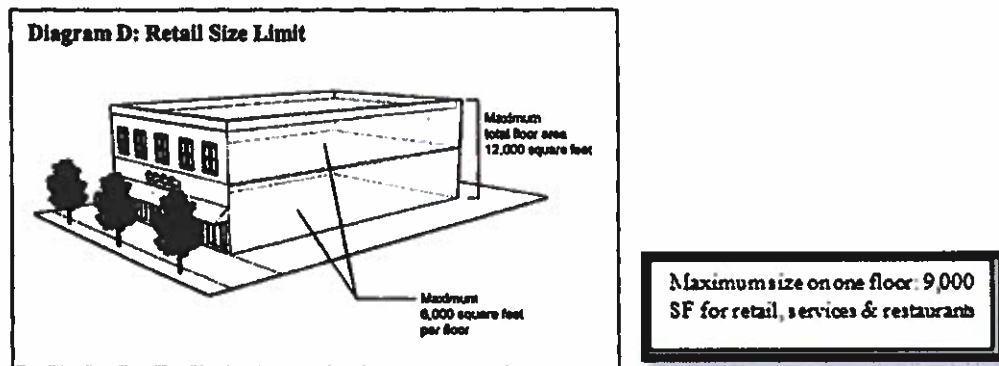


Diagram D: Size Limits for Food Stores, Other Retail, Restaurants, & Services

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

1. Except for a retail use with at least seventy (70) percent of floor area dedicated to the sale of food items, no individual retail use or service use shall occupy a horizontal area greater than 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.

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

Sec. 3.22.11. - Open space and lot coverage requirements.

- A. Open space shall include:
 1. Public rights-of-way or other publicly owned lands.
 2. The portion of property between the build-to-line and the public-right-of way.
 3. The portion of property within the seventy-five (75) foot stream buffer imposed by chapter 14 of the Code.
 4. The portion of property within established one hundred (100) year flood zone established by FEMA.
- B. Buildings shall not be constructed in areas identified in subsections A.2. and A.3.
- C. The maximum lot coverage on lots not impacted by subsections A.2., A.3. and A.4. may be one hundred (100) percent.

- D. Covenants or other legal arrangements shall specify ownership of all open spaces, the method of and responsibility for maintenance, applicable taxes and insurance and assessment shall be incorporated into legal instruments to ensure that open space within the Emory Village Overlay District is maintained.

Sec. 3.22.12. - Transitional buffer zones.

Wherever any proposed nonresidential use abuts 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 entire 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. 3.22.13. - Architectural design standards.

- A. All buildings, structures and land within the overlay district shall be regulated by and comply with the Emory Village Design Standards and hereby adopted by reference as if fully set forth herein and hereinafter referred to as the "Emory Village Design Standards." These standards provide design specifications for architecture, parking, landscaping, signs, fences, lighting, street furniture and utilities. All improvements to existing buildings requiring a building permit, all new buildings, all improvements to parking lots or garages, any subdivision of land, and all improvements made within a public right-of-way shall comply with the Emory Village Design Standards.
- B. All sides of parking structures that face a street or shall be enclosed by occupied space and shall comply with the Emory Village Design Standards.
- C. 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 planning director or designee to evaluate compliance of all applications including but not limited to, building permits, development permits, and subdivisions.
- D. Subject to compliance with Georgia Department of Transportation (GDOT) design standards (where applicable), 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.

Sec. 3.22.14. - Sidewalks.

- A. **Requirement.** Unless sidewalks meeting the conditions established below already exist, new sidewalks along all street frontages shall be required for new structures. Sidewalks are

required on all of the sides of a structure that border the public right-of-way. They shall connect 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.

1. The furniture zone shall have a minimum width of:
 - a. Ten (10) feet on the south side of North Decatur Road, east of Oxford Road;
 - b. Ten (10) feet on the west side of Oxford Road, south of North Decatur Road; and
 - c. Five (5) feet at all other locations; and
 - d. Said widths shall be in addition to any existing or newly created on-street parking.
2. The sidewalk clear zone shall have a minimum width of:
 - a. Fifteen (15) feet on the south side of North Decatur Road, east of Oxford Road;
 - b. Fifteen (15) feet on the west side of Oxford Road, south of North Decatur Road; and
 - c. Ten (10) feet at all other locations.

Sec. 3.22.15. - Curb cuts.

- A. 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, and with the exception of a hotel. 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.
- B. Curb cuts shall be between twenty (20) and twenty-four (24) feet wide for two-way entrances. Curbs cuts shall be between ten (10) and twelve (12) feet wide for one-way entrances.

Sec. 3.22.16. - Parking requirements.

A. Minimum number of parking spaces.

All land uses indicated shall provide off-street parking spaces in the quantities specified in Table B "Standards for Off-Street Parking: Emory Village Overlay District." All uses not listed therein shall meet the parking requirements of the underlying zoning district.

Table B: Standards for Off-Street Parking

Use	Minimum Off-Street Parking Requirements
Offices uses, service uses, and retail uses	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. Shared parking.

To satisfy these parking requirements, parking may be located on the businesses/restaurants/residences lots and/or on other lots within the overlay district. Shared parking between land uses within the overlay district is encouraged and may result in permitted reductions of off-street parking requirements. Parking facilities within the overlay 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 or designee 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.

C. Parking reductions.

The Director of Planning is hereby authorized to grant or deny, pursuant to the sections 7.6.6., 7.6.7, and 7.6.8 (Administrative variances), an administrative variance which permits the reduction of the total required parking spaces for the uses by no more than twenty (20) percent of the otherwise required total.

D. Changes in use.

Any change in use of a building, shop or leased area shall require compliance with the parking standards in this section as a prerequisite to obtaining a certificate of occupancy.

E. Parking design.

1. On-street parking for nonresidential uses is permissible, subject to approval by the County Public Works Department and/or GDOT. An establishment may count any

permitted on-street parking spaces immediately abutting the subject property towards the required minimum parking quantity. This may include valet service or ride-share services.

2. All on-street parking shall be provided in parallel parking spaces at least eight (8) feet by twenty-two (22) feet.
3. Off-street parking for townhomes, apartments, and condominiums in Zones 1 and 4 (see Diagram E) must be provided in the rear. Off-street parking shall not be located in the front yard, between a building and the street. No Spaces designated for permanent parking and loading shall be permitted within the front yard. Loading/unloading should primarily occur in the rear of buildings. Loading/unloading in front of buildings shall be limited to no more than three hours at a time.
4. Authorized accessory parking garages fronting public right-of-way shall align with build-to lines and shall have ground level commercial uses on at least seventy-five percent (75%) of the length of the façades facing the public right-of-way.
5. Parking entries shall comply with required curb cut standards.
6. Parking structure facades shall be designed to resemble other habitable buildings. All sides of parking structures shall be subject to the Emory Village Design Standards. Sloping ramps shall be concealed from exterior view. Views from the public rights-of-way and adjoining properties to the interior of structures shall be screened with architectural devices or evergreen plantings.
7. 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.
8. All newly proposed parking lots, garages, and parking spaces shall comply with the site design guidelines outlined in these Emory Village Overlay District regulations.
9. All newly created surface parking lots and parking decks shall have walkways or pedestrian passages with a minimum width of five (5) feet. They shall connect the public sidewalks to the parking areas.
10. One bicycle/moped/scooter parking space shall be provided for every fifteen (15) automobile parking spaces, with no fewer than three bicycle/moped parking spaces per parking facility.
11. In every parking structure, at least one electric vehicle charger or alternative clean fueling station shall be provided for every ten (10) vehicle parking spaces.
12. 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.
13. 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.

G. No other use. No parking space, driveway, or parking lot shall be used for the sale, repair, dismantling, servicing, or long-term (i.e., beyond 48 hours) storage of any vehicle or equipment.

Sec. 3.22.17. Sign regulations.

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

Sec. 3.22.18. Processes: Application procedure, 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 overlay district, the applicant shall meet with the director of planning or 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 overlay district shall submit an application for certificate of compliance with the overlay district's regulations on an approved form to the director of planning or designee.

C. Historic preservation review. New construction or any material change in the exterior of an existing building, structure, site, or work of art within the Emory Village Overlay District shall also require a certificate of appropriateness approved by the historic preservation commission pursuant to chapter 13.5 of this Code. The director of planning or designee shall consolidate all plan reviews and comments in a written submission to the historic preservation commission.

D. Variances. Applications for variances from regulations not contained in this division but for properties located within the overlay district shall not require a certificate of appropriateness from the historic preservation commission. Instead, the director of planning 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 a 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 an opportunity to provide its recommendation in writing. If no written recommendation is issued within the applicable time frame, then the planning commission and/or 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. Subdivision and lot adjustments. Any material change resulting in a new subdivision, a preliminary "sketch" plat, lot aggregation, or lot alteration shall require a certificate of appropriateness prior to consideration by planning commission or the director of planning (or designee), as applicable. The historic preservation commission shall approve, approve with

modifications, or deny an application within forty-five (45) days of the official acceptance of the application and plat. No application for sketch plat approval shall be considered by the planning commission unless approved or approved with modifications by the historic preservation commission.

Sec. 3.22.20. – Emory Village Design Standards. {attach PDF of document prior to final adoption}

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

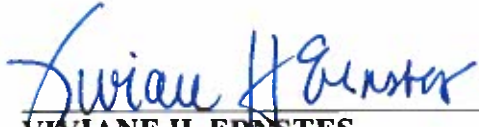
APPROVED by the Chief Executive Officer of DeKalb County, this ____ day of _____, 2023.

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 FORM:


VIVIANE H. ERNSTES
County Attorney

APPROVED AS TO SUBSTANCE:

CEDRIC G. HUDSON
Interim Planning & Sustainability Director