



City of Sugar Hill Downtown Master Plan Implementation Strategy

*Prepared by
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Atlanta Regional Commission

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1. Scope

1.1 Objective

In March 2007 the City of Sugar Hill was awarded an Atlanta Regional Commission Community Choices implementation grant. In its application for the grant, the City requested assistance with:

- Developing an implementation strategy for the Downtown Master Plan; and
- Ensuring coordination and consistency between the goals of the LCI/Downtown Master Plan and other related city planning codes and ordinances.

Process

ARC Community Choices staff began the project by conducting a comprehensive review and analysis of several official city planning documents, including:

- The Downtown Master Plan;
- The Zoning Ordinance; and
- The Land Use Plan Amendment

The first step of the review involved identifying the City's planning goals. Next, Community Choices staff studied Sugar Hill's primary implementation tool, the zoning ordinance, to ensure that it complements rather than hinders the city's ability to achieve the goals as outlined in the plans.

Following is a summary of Community Choices staff observations and recommendations intended to facilitate the implementation of the City of Sugar Hill's Downtown Master Plan.

1.2 Summary of Observations

Some of the goals in the Master Plan may be difficult to achieve due to obstacles in the zoning ordinance and/or because the language with which they are written is unclear. Specifically, these goals address:

- Housing options for the downtown area;
- Increased use of mixed use development; and
- Enhanced pedestrian environments

A key regulatory tool that has been identified as key to implementing the Downtown Master Plan is the Town Center Overlay (TCO) district. The following report includes an analysis of this tool and recommendations for enhancing it to support the implementation of the Master Plan.

2. Breakdown of Tasks

2.1 Agencies/Officials Involved

- ◆ City of Sugar Hill Planning Staff
- ◆ City of Sugar Hill City Manager
- ◆ City of Sugar Hill Mayor and Council
- ◆ Atlanta Regional Commission: Community Choices Staff

2.2 Work Timeline

Schedule/Task	Agency/Responsible Party	Start Date - End Date
ARC Community Choices Team meeting with Mayor and Council	City of Sugar Hill Mayor and Council Atlanta Regional Commission City of Sugar Hill Planning staff	April 2007
Collection of related planning documents for review	City of Sugar Hill Planning staff Atlanta Regional Commission	April 2007
ARC review of existing documents	Atlanta Regional Commission	May-June 2007
Progress meeting between ARC and City staff to discuss first draft of observations and recommendations	City of Sugar Hill Planning staff Atlanta Regional Commission City of Sugar Hill City Manager	June 2007
Revise first draft based on meeting with City staff and provide second draft for review	Atlanta Regional Commission	June-July 2007
Meeting between ARC and City staff to discuss second draft of observations and recommendations	City of Sugar Hill Planning staff Atlanta Regional Commission	July 2007
Revise second draft based on meeting with City staff and provide final draft for review	City of Sugar Hill Planning staff Atlanta Regional Commission City of Sugar Hill City Manager	August 2007- June 2008
Formal presentation to Mayor and Council	City of Sugar Hill Mayor and Council City of Sugar Hill City Manager City of Sugar Hill Planning staff Atlanta Regional Commission	January 2009

3. Analysis and Recommendations

3.1 Sugar Hill Downtown Master Plan Implementation Goals

Goal 1: Provide a mixture of affordable housing that meets the needs represented in the market analysis

Observation

Following several discussions, it was determined that “affordable housing” and other housing options are not a top priority for the City.

Recommendation

Since this area is not a top priority and the zoning ordinance does not accommodate affordable housing and other housing options, it is recommended that this goal be removed from the downtown master plan.



Goal 2: Provide a mixture of retail/office space, dining, as well as family entertainment establishments to meet the needs of the existing and future population within the city



Observation

While these uses are not restricted within the appropriate zoning categories of the Town Center Master Plan, there is no specific strategy to achieve this goal.

Mixed use development incorporating residential and office uses

Recommendation

Language in the overlay ordinance should describe, in detail, the type of retail/office uses, dining options, and family entertainment establishments that the city desires. Please refer to Section 3.3: Town Center Overlay District and the sample language below.

Example Language:

Principal Uses and Structures

- (1) *Mixed-use with ground floor retail, office, and/or service, and residential and/or office located on upper stories;*
- (2) *Neighborhood shopping uses, as follows, where no individual space or tenant shall exceed 50,000 square feet in total floor area:*
 - a. *Art galleries and art supply store.*
 - b. *Bank, credit union and other similar financial institution.*
 - c. *Child day care center and kindergarten.*
 - d. *Recreational facilities where such activities are wholly enclosed within a building.*
 - e. *Restaurant, but not including drive through restaurants.*
 - f. *Place of worship.*
 - g. *Retail Sales, but not including adult entertainment establishment and not including adult service facility.*
 - h. *Services, personal including barbershop, beauty shop, dry-cleaning and similar personal service establishments.*



Mixed use may allow for outdoor dining



Change in building façades can add visual interest to downtown areas

Building Facades

- (1) *Blank walls are not permitted on any street frontage, including walls facing controlled access highways and freeways.*
- (2) *An unbroken series of garage doors is not permitted on any street frontage, including walls facing controlled access highways and freeways.*
- (3) *At intervals of not more than every fifteen linear feet, measured both vertically and horizontally, for every new or reconstructed building facing a public street or pedestrian way there shall be interest-creating features such as pedestrian entrances, relief's, murals, landscaping, transparent show or display windows, or windows affording views into retail, office or lobby spaces.*

Transition Tools

When a transition tool is required in the mixed use zone district, an applicant shall incorporate site and building transition tools, green/open space transition tools, and transition uses before using landscape buffers or screens.

The following are approaches, methods and techniques that are permitted transition tools under this part:



Plaza as transition tool

- (1) Site and building transition tools, including, but not limited to, building setbacks as established by surrounding development, building placement and orientation as established by surrounding development, similar building height, similar building width, similar roof form, similar building materials, and facade articulation;*
- (2) Green/open space transition tools, including, but not limited to, the use of courts, squares, parks and plazas, and use of natural features such as topography, waterways, and existing stands of trees;*
- (3) Transition uses and other community serving uses as transitions;*
- (4) Parkways, streets and streetscapes; or*
- (5) Landscape buffers and screens.*

Goal 3: Maintain and enhance pedestrian consideration, safety, and linkages between all uses within the study area; and enhance the city's aesthetic infrastructure



Walkways and sidewalks throughout the study area enhance pedestrian accessibility

Observation

Other than requiring that sidewalks located in front of a building shall be 15 feet and all other sidewalks shall be 10 feet, the city does not have sidewalk standards that address pedestrian safety and linkages between uses.

Recommendation

The creation and adoption of street and sidewalk design guidelines as part of the Town Center Overlay will help the City achieve the objectives of Goal 3. Streetscape design guidelines will help provide a uniform feel and character to the area and enhance the aesthetic appeal.

- 1) *One option is to adopt design guidelines that are street specific. This approach will allow commercial streets to have a different feel and look than residential streets.*
- 2) *A second option is to adopt a uniform streetscape design for the entire overlay. This will give a consistent and unique theme to the entire TCO.*

*For examples of both of these strategies, please refer to **Appendix A**.*



Town Center pedestrian enhancements

3.2 Mixed Use Development

Observation

The third sub-category for mixed use developments (MUD) is the Town Center District (TCD). This category is in contrast with the COD and COR in that it states no required minimum acreage for development. While this is good for encouraging Mixed Use Development, the category is not included on the Future Land Use Map.

Recommendation

Update the Future Land Use Plan to designate areas where TCDs are desired.

Mixed use developments make it possible for people to live, work and play in the same area



3.3 Town Center Overlay District

Observations

Overlay districts are typically created to facilitate the implementation of community plans. Specifically, overlay districts:

- 1) Provide a higher level of protection or quality within a specific, defined area that traditional zoning cannot;
- 2) Provide a much faster implementation process because rezonings of the entire area are in most cases not necessary;
- 3) Permit exceptions or allow less restrictive standards. Examples of this are increased density requirements or allowances for reduced parking spaces in a downtown area;
- 4) Reference specific goals and elements of the Town Center Master Plan that general zoning ordinances cannot;
- 5) Include elements such as pictures, sketches, and color palates to help communicate the desired architectural design;
- 6) Create sub districts to address varying requirements such as height, building orientation to the street, or sidewalk widths.

To this end, the Town Center Overlay (TCO) District is missing a couple key elements that may hinder its ability to implement the Town Center Master Plan.

- 1) The TCO only addresses architectural and aesthetic components without consideration to use or other elements. It allows for any property owner to develop land as it is currently zoned, as long as it meets the design standards. For example, a property owner can build a gas station or laundromat as long as they meet the design standards. This does not promote the goals of the Town Center Master Plan.
- 2) Without including other elements such as lot area and yard requirements, parking, development standards, etc., the overlay is limited in its ability to influence these elements in the TCO area.

Recommendation

*It is recommended that the City create a more comprehensive overlay that addresses both use and design. This will provide the City an opportunity to describe in more detail desired elements, such as lot area and yard requirements, height minimums or maximums, parking, principal uses and structures. The overlay will enable the City to provide a consistent theme and implement the Town Center Master Plan goals without requiring extensive rezonings. Components that will enhance the TCO overlay and increase its effectiveness in articulating the Town Center Master Plan are listed below. Please see **Appendix B** for an example of a comprehensive overlay district ordinance.*

Recommended Components for an Effective Overlay District

Administrative components

- ◆ Purpose statement
- ◆ Spatial definition
- ◆ Procedures for application
- ◆ Special definitions
- ◆ Standards for review and approval
- ◆ Review board
- ◆ Appeals process
- ◆ Resolution of conflicting provisions



Additional components

- ◆ Lot are and yard requirements
- ◆ Height requirements
- ◆ Transitional buffer zone
- ◆ Architectural design requirements
- ◆ Streets and sidewalks
- ◆ Parking
- ◆ Signs
- ◆ Development standards



Observation

The Town Center overlay does not have a standard for review and approval, nor does it have an appeals process established. The absence of an established review and appeals process presents a situation where the ordinance can be struck down for vagueness; or decisions may be overturned as being arbitrary and capricious.

Without a proper appeals process, legal challenges against “hardships” can arise. A properly defined appeals process will help avoid variances based on convenience rather than peculiar damages or “takings” claims.

Recommendations

There are several strategies that, if implemented, will help support the review and implementation of projects in the Town Center Overlay. These include:

- 1) a well defined standard for review and approval,*
- 2) a review board,*
- 3) and an appeals process.*

The standards for review and approval will help clearly define who is responsible for determining compliance with the ordinance. If the ordinance is overly technical or

specialized, as with architectural or design requirements, a design review board composed of registered professionals will help ensure that the standards are properly adhered to. Additionally, establishing what government body will hear appeals will help define the legal framework for applicants to appeal a design review board's ruling.

*An example of design review and approval can be found in **Appendix C**. Appendix C is the Department of Community Affairs' recommendations for establishing a design review board. The DCA Design Review Model provides both commentary and sample language for the creation of an effective board.*

The current Sugar Hill Town Center Overlay District is included as **Appendix D**, along with the related maps.

4. Conclusion

The City of Sugar Hill has articulated goals and created and adopted the tools necessary to achieve these goals. By adjusting some of the goals and amending the Mixed Use Development classification and the Town Center Overlay District, Sugar Hill will have a well defined implementation strategy and the regulatory tools for its Downtown Master Plan.

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**APPENDIX A:
CITY OF FAYETTEVILLE ARCHITECTURAL DESIGN GUIDELINES**

DIVISION 3. MAIN STREET ARCHITECTURAL OVERLAY DISTRICT

Sec. 94-186. Definitions.

As used in this Division 3, the following words shall have the following meanings:

Addition means a non-original element placed onto an existing building site or structure.

Alteration means any act or process which changes the exterior architectural appearance of a building.

Appropriate means suitable to or compatible with what exists.

Character means those individual qualities of buildings, sites and districts that differentiate and distinguish them from other buildings, sites and districts.

Compatible means not detracting from surrounding elements, buildings, sites or structures; appropriate given what already exists.

Component means an individual part of a building, site or district.

Contemporary means a product of the current period; modern.

Context means the setting in which a historic element or building exists.

Element means an individual defining feature of a building, structure, site or district.

House type means a definition based on floor plan, height and sometimes roof shape, having to do with architectural style. Buildings falling into one of the many house types are primarily significant for their forms and spatial organizations.

Infill means new construction within the District, generally situated on the site of a demolished structure but possibly on a site never previously developed.

New construction means the construction of a new element, building, structure.

Setting means the immediate physical environment of a building, structure, site or district.

Site means a place or plot of land where an event occurred or where some object was or is located.

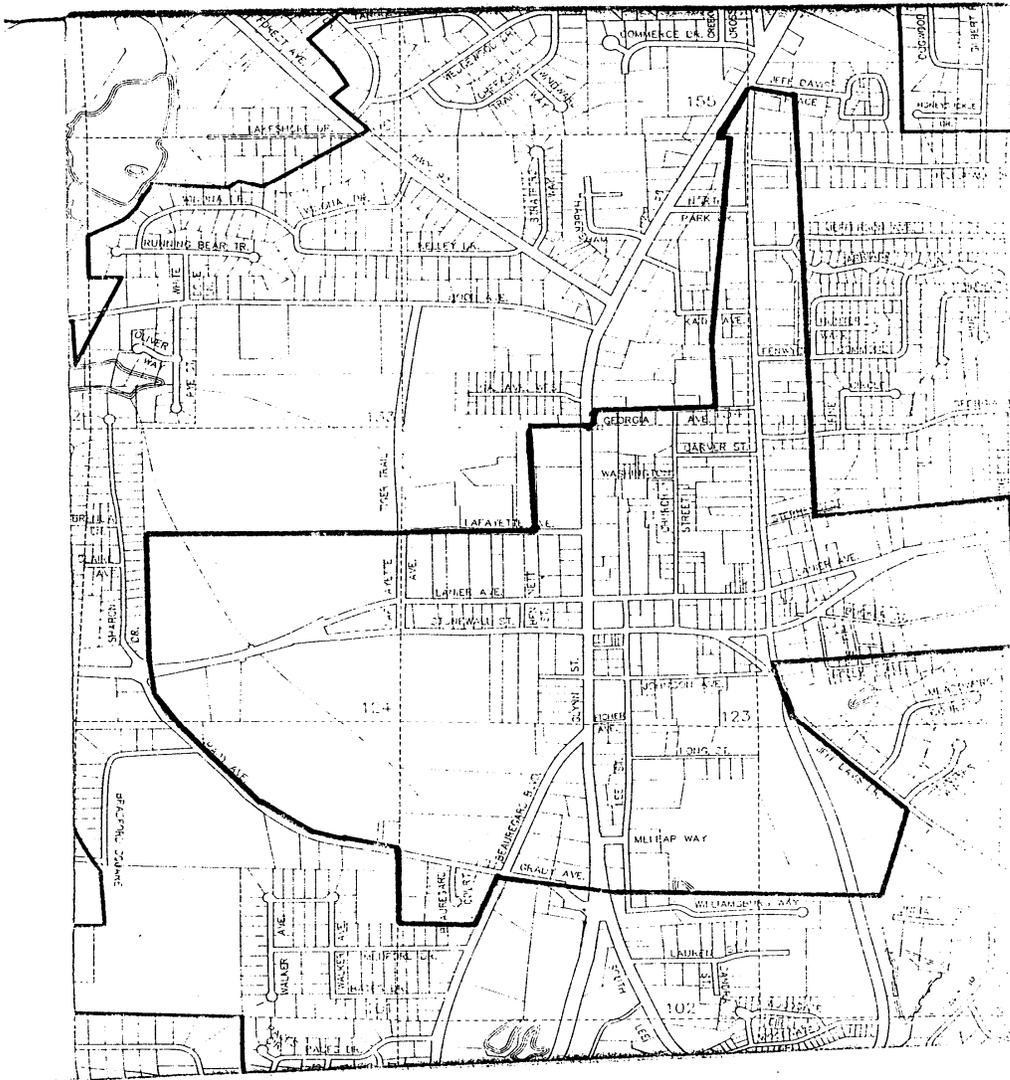
Streetscape means all physical elements that may be viewed along a street.

Style means showing the influence of shapes, materials, detailing or other features associated with a particular architectural style.

Vernacular means based on tradition and passed from generation to generation maintaining continuity of form.

Sec. 94-187. Main street architectural overlay district.

The City of Fayetteville's Comprehensive Zoning Ordinance and Official Zoning Map shall reflect and provide for a "Main Street Architectural Overlay District" (hereinafter the "District"), said District to contain those properties or portion of properties as shown in Section 94-188. Said District shall not change the existing zoning classifications of the affected properties or the authorized uses thereof, except where a proposed use cannot be developed in a manner compliant with the Architectural Design Standards enacted herein.



Sec. 94-189. Architectural forms and types.

The architectural forms or types allowable in the District, and as otherwise limited by Architectural Zones as hereinafter defined, shall be the following residential and nonresidential types (residential and non-residential as used herein refers to the character of the building and not necessarily to its use):

- (1) Residential:
 - A) Georgian Cottage;
 - B) New South Cottage;
 - C) Queen Anne;
 - D) Greek Revival;
 - E) Gothic Revival;
 - F) Decorative Vernacular Victorian;
 - G) Free Classic;
 - H) Colonial Revival;
 - 1) English Vernacular Revival.
- (2) Non-Residential:
 - (A) Two-Part Commercial;
 - (B) One-Part Commercial;
 - (C) Pre-Railroad Folk;
 - (D) Second Empire.

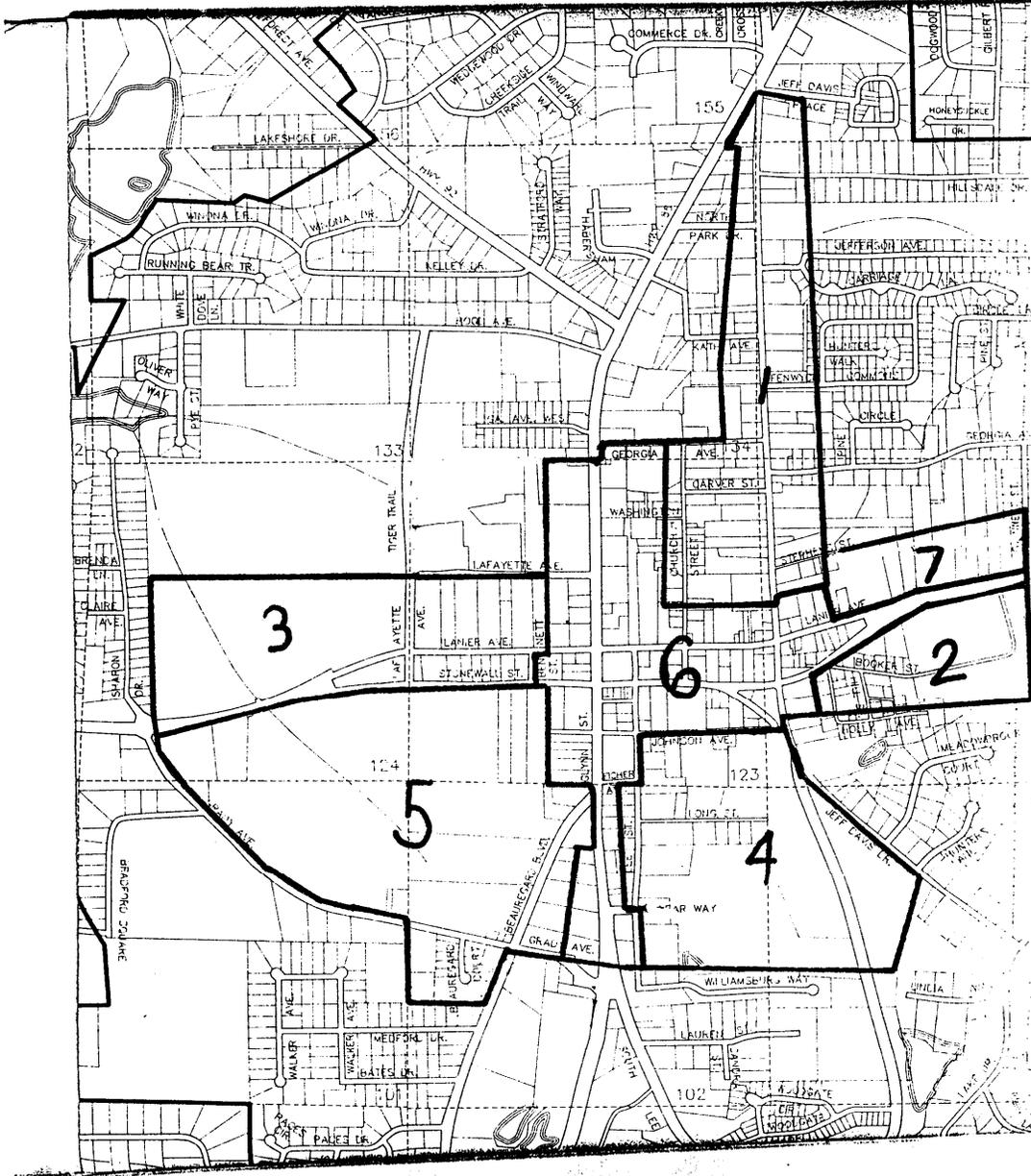
A general description of these architectural types are defined in the "Main Street Architectural Overlay District Guide to Architectural Types" attached hereto as Exhibit "C" and incorporated herein by reference.

Sec. 94-190. Zones.

- (a) The District is further divided into seven (7) Zones as shown in subsection of this section, in which allowable building designs is limited as follows:
 - (1) Zone 1, North Jeff Davis Drive; allowable building types: Residential A-I;
 - (2) Zone 2, Sugarhill Community; allowable building types: Residential A-I;
 - (3) Zone 3, Lanier Avenue West; allowable building types: Residential A-I;
 - (4) Zone 4, South Lee Street and South of Johnson Avenue; allowable building types: Residential A-I;
 - (5) Zone 5, South of Stonewall Avenue, and including Beauregard Avenue; allowable building types: Residential A-I;
 - (6) Zone 6, Town Center; allowable building types: Residential A-I, and Non-

Residential A, B, and D;

- (7) Zone 7, North of Lanier Avenue East; allowable building types: Residential A-I.



Sec. 94-191. Exterior rehabilitations and modifications.

All exterior rehabilitations and modifications to existing buildings and structures (which building or structure is a structure of influence or is of an architectural form as defined in section 94-189), within the District shall comply with the architectural styles provided in section 189, and the "Exterior Rehabilitation and Additions to Existing Structure Design Standards" as attached hereto as Exhibit "D" and incorporated herein by reference. Owners or occupiers of existing buildings or structures within the District are not required by this Division 3 to rehabilitate those buildings or structures.

Sec. 94-192. Construction of new buildings and structures.

All construction of new buildings and structures within the District, including additions to existing buildings and structures within the District, in addition to complying with architectural styles contained in section 189, shall comply with the "New Construction Design Standards for the Main Street Architectural Overlay District" adopted herewith and attached hereto as Exhibit "E", copies of which shall be available from the zoning administrator.

Sec. 94-193. General Standards.

The construction of all new structures within the District, and all additions to and modifications to existing structures within the District shall comply with the following general guidelines:

- (1) The placement of window air-conditioners, centralized air-conditioning units, and satellite dishes, [fallowed, should be accomplished without detracting from the architectural integrity of the building or site. Generally, this means positioning these items to the rear of a building or on a view-obstructed side. The use of vegetation to buffer mechanical systems is also encouraged. Rooftop equipment shall not be allowed, unless view of equipment from public right-of-way is obstructed.
- (2) Parking will only be allowed on the side and the rear of the building or structure, or on the street in parking spaces allowed and designated by the City; excepting those cases in which the principal use is gasoline service station, parking lot or parking garage.
- (3) Sidewalks should be concrete in general; however, brick pavers, street furniture, and street trees may be required if needed in order to be consistent with existing streetscape improvements in the area of the

building. In the Main Street Architectural Overlay District, the planning and zoning commission shall have the discretion to require sidewalks up to eight (8) feet in width in locations where increased pedestrian traffic is encouraged.

- (4) The building or improvements shall be compatible with the orientation/placement, directional emphasis, shape, volume, massing, proportions, rhythm, scale, and materials, as defined in the "Design Concepts for the Main Street Architectural Overlay District", adopted herewith and attached hereto as Exhibit "F", copies of which shall be available from the zoning administrator.

Sec. 94-194. Applications for building permits.

Every application for a building permit for the construction of a new building, modifications or additions to an existing building, within the District, except for alterations and repairs not affecting the outward appearance of an existing building, shall be submitted, along with the plans, elevations, detail drawings, and specifications as required by the building official or his designee. All applications for commercial or industrial uses, all applications which are required by city ordinances or procedures to have site plan or development plan review by planning and zoning commission, and all other applications requiring planning and zoning review of the plans or project shall be reviewed by planning and zoning for compliance with the applicable architectural design standards before said building permit may be approved. All other applications for building permits shall be reviewed by the building official for compliance with these architectural design standards before said building permit may be approved. Applications reviewable only by the building official shall not be subject to the remaining procedures of this Division 3, except that applications denied by the building official, or his designee, for failure to comply with these architectural design standards shall be appealable to the mayor and city council pursuant to Section 199. All applications shall include all information required for development plans, and required by this Division 3 and required by the building official.

Sec. 94-195. Submittal and review of applications and plans.

Submittal and review dates of applications and plans requiring planning and zoning commission review shall be consistent with the planning and zoning commission's regular meeting and review schedule. Within sixty (60) days after an application shall have been submitted to the planning and zoning commission, the commission shall examine the same to determine whether the proposed construction will conform to the city's architectural design standards herein adopted. If, in the opinion of a majority of the members of the commission, the proposed construction will conform, the commission shall

approve the application, return the same to the building official forthwith.

Sec. 94-196. Approval and disapproval of plans.

The commission shall disapprove the application if a majority of its members determine that the proposed construction does not meet the city's architectural design standards adopted herein.

Sec. 94-197. Holding of building permit pending council review.

If the planning and zoning commission returns the application to the building official as approved, the building official shall hold the application for building permit for ten (10) days, and thereafter issue the building permit if the city council does not call the application for review by the city council, and if the application is proper in all other respects. Failure of the planning and zoning commission to act within sixty (60) days after the building official shall deliver the complete application to the commission shall constitute an approval of the application, unless the application has otherwise been tabled for future consideration. If the commission shall return the commission, and further provided the council does not call up the Plan for review by the council

Sec. 94-198. Denial of building permit.

If the planning and zoning commission shall return the application to the building official with disapproval without recommendations, or with its disapproval with recommendations, and the applicant shall refuse to comply with the recommendations, the building official shall refuse the issue of the building permit.

Sec. 94-199. Review of application by city council.

Upon an application being called up for review by the city council, the council shall act upon the application within thirty (30) days or the prior decision of the building official shall stand affirmed. In the event any application is denied by the building official under the provisions of this Division 3, the applicant may appeal to the city council to review the decision of the planning and zoning commission. An appeal may be taken by the applicant by the filing with the city clerk a letter asking for review by the city council specifically stating the applicant's disagreements with the actions or recommendations of the planning and zoning commission and/or the building official. Upon an appeal being taken, the hearing before the mayor and city council shall be scheduled before a regular or special meeting of the council held not more than forty-five (45) days

after the date of the filing of the appeal. The council, at such meeting, shall hear interested parties as may desire to be heard, and after said meetings, shall approve or disapprove the application, or shall approve the same subject to recommendations or conditions. If the council approves the application, or approves the same subject to conditions, and the applicant agrees to comply with the conditions, the permit shall be issued forthwith. Otherwise, no permit will be issued.

Sec. 94-200. Bed and breakfast homes.

- (a) Bed and breakfast homes shall be allowed by special exception only.
- (b) Bed and breakfast homes shall be allowed only in the O-I and C-I zoning districts located within the Main Street Architectural Overlay District.
- (c) Bed and breakfast homes are to be allowed, provided:
 - (1) The owner of the bed and breakfast home resides in the home and the owner or the owner's spouse is the proprietor.
 - (2) The bed and breakfast home has a maximum of four rooms for a maximum of ten guests at any time.
 - (3) The maximum continuous time that a guest can occupy a room is fourteen days.
 - (4) Only existing structures, originally built for residential use prior to 1931, may be used for bed and breakfast homes.
 - (5) One parking space per guest room is required, plus one parking space for the proprietor. The city may allow up to, but not more than, two additional parking spaces.
 - (6) Food service is restricted to room guests and is limited to the serving of breakfast and afternoon tea.
 - (7) No guest rooms are allowed in basements

**APPENDIX B:
BROOKHAVEN-PEACHTREE OVERLAY DISTRICT**

DIVISION 28. BROOKHAVEN-PEACHTREE OVERLAY DISTRICT*

***Editor's note:** Ord. No. 07-09, Pt. I, adopted May 22, 2007, added Div. 10 to this chapter. Inasmuch as Divs. 10--27 already existed, said provisions have been redesignated as Div. 28 at the editor's discretion and with the approval of the county.

Sec. 27-728.15.1. Scope of provisions.

This division establishes standards and procedures that apply to any development that lies, in whole or in part, within the Brookhaven-Peachtree Overlay District. The overlay district is based upon the urban design and development guidelines developed as part of the Brookhaven-Peachtree livable centers initiative (LCI) plan and is accompanied by the Brookhaven-Peachtree design guidelines which provide graphic examples and diagrams depicting overlay district principles and regulations. An official copy of the Brookhaven-Peachtree design guidelines shall be held at the offices of the DeKalb County Planning and Development Department and may be updated periodically as necessary to maintain district standards and a consistent palette of streetlights, landscaping, etc. The LCI plan's purpose was to create a community vision and action plan for the development of a more dynamic mixed-use community with the character of a multistory, urban village surrounding the Brookhaven-Oglethorpe University MARTA transit station and the Peachtree Road corridor from Fulton County to Ashford-Dunwoody Road. The LCI plan also reinforces the continued development of neighborhood-oriented mixed-use developments along Dresden Drive between Apple Valley Road and Conasauga Avenue and protection of established, stable single-family neighborhoods. Wherever the underlying zoning regulations are in conflict with the provisions of this overlay district, the regulations of this overlay district shall apply.

(Ord. No. 07-09, Pt. I, 5-22-07)

Sec. 27-728.15.2. Statement of purpose and intent.

The purpose and intent of the Brookhaven-Peachtree Overlay District is as follows:

- (a) To implement the policies and objectives of the comprehensive plan and the Zoning Ordinance of DeKalb County within the overlay district;
- (b) To promote the development of a more dynamic, mixed-use district of appropriate scale and magnitude surrounding the Brookhaven-Oglethorpe University MARTA transit station;
- (c) To ensure that new structures and developments are consistent with the vision and recommendations of the Brookhaven-Peachtree LCI plan completed in 2005 with significant community involvement and input;
- (d) To provide for a variety of housing types and promote mixed-income residential opportunities;

- (e) To facilitate access to the Brookhaven-Oglethorpe University MARTA transit station and to compatible and neighboring commercial, civic, recreational and institutional uses and residential areas;
- (f) To design and arrange structures, buildings, streets and open spaces to create an inviting, walkable, mid-rise, human-scale environment;
- (g) To provide for the efficient and effective use of land surrounding the Brookhaven-Oglethorpe University MARTA transit station and along Peachtree Road;
- (h) To provide for connectivity of streets and communities and reduce the dependence on automobile use by increasing the ease of movement and opportunities for alternative modes of travel; and
- (i) To ensure a proportional relationship of surrounding buildings with respect to the general spacing of structures, building mass and scale, and street frontage by using techniques to achieve compatibility, such as:
 - (1) Use of additional facade detail; proportion of facade elements, doorways, projections and insets; window scale and pattern; and creation of strong shadow lines as decorative elements;
 - (2) Use of consistent setbacks from property lines;
 - (3) Development of consistent sidewalks and a more active, interesting pedestrian environment;
 - (4) Use of landscaping, lighting and street furniture to unify district buildings and define space; and
 - (5) Use of compatible building materials to promote a design and building aesthetic compatible with Oglethorpe University and the desired urban village character.

(Ord. No. 07-09, Pt. I, 5-22-07)

Sec. 27-728.15.3. District boundaries. The boundaries of the overlay district shall be as follows:

The western and northern boundary shall be from the true point of beginning on the north side of Peachtree Road at the DeKalb/Fulton County line, to a point 316 feet north along the west property line of parcel 18-239-02-001, thence east 293 feet along the northern property line of parcels 18-239-02-001 and 18-239-02-002 to Bellaire Drive, east to a point across Bellaire Drive, thence 90 feet south along the eastern edge of Bellaire Drive, thence 318 feet east along the northern property line of The Bellaire Townhomes and parcel 18-239-01-011, thence 125 feet north along the eastern property line of parcels 18-239-01-008 and 18-239-01-007, thence 235 feet east to Brookhaven Drive, east across Brookhaven Drive to the northwest corner of One Brookhaven Drive, thence 213 feet north along the western property line of parcel 18-239-06-001, thence 692 feet east along the northern property line of parcels 18-239-06-001, 18-239-06-003, 18-239-06-004 and 18-239-06-008, thence 23 feet north along the western property line of parcel 18-239-06-008, thence 311 feet east along the northern property line of parcel 18-239-06-008, thence 264 feet northeast along the western property line of parcel 18-239-06-008 to Brookhaven Drive, thence north across Brookhaven Drive to the southwestern corner of parcel 18-240-04-031, thence 200 feet north along the western property line of parcels 18-240-04-031 and 18-240-04-058, thence 233 feet west along the southern property line of parcel 18-240-04-032, thence 164 feet north, 162 feet northwest, 100 feet north, 158 feet east, and 498 feet north along the western property line of parcel 18-240-04-032, thence 692 feet north along the western property line of parcel 18-240-04-066, thence 1336 feet east along the northern property line of parcels 18-240-04-066 and 18-240-04-067 to Osborne Road, northeast to a

point across Osborne Road to the northwest corner of parcel 18-241-03-014, to the northwest corner of parcel 18-241-03-014, thence 109 feet northeast along the northwest property line of parcels 18-241-03-014 and 18-241-03-026, thence 71 feet northwest along the southwest property line of parcel 18-241-03-022, thence 101 feet northeast along the northwest property line of parcel 18-241-03-022, thence 28 feet northwest along the southwest property line of parcel 18-241-03-021, thence 60 feet northeast along the northwest property line of parcels 18-241-03-021 and 18-241-03-019, thence 34 feet northwest along the southwest property line of parcel 18-241-03-005, thence 500 feet northeast along the northwest property line of parcels 18-241-03-005, 18-241-03-006, 18-241-03-007, 18-241-03-008, 18-241-03-009 and 18-241-03-027, thence 45 feet southeast along the northeast property line of parcel 18-241-03-027, thence 150 feet northeast along the northwest property line of parcel 18-241-03-015 to Kendrick Road, northeast to a point perpendicular across Kendrick Road, thence 251 feet northeast along the northwest property line of parcels 18-241-01-011, 18-241-01-012, 18-241-01-017 and 18-241-01-013, thence 310 feet northwest along the southwest property line of parcel 18-241-01-013, thence 1008 feet northwest along the southwest property line of parcel 18-273-09-001, thence ± 1560 feet north to Hermance Road along the western property line of parcel 18-273-09-001, to a point north across Hermance Road, thence north along the eastern edge of Hermance Road to Windsor Parkway, thence east along the southern edge of Windsor Parkway to Woodrow Way, thence south along the western edge of Woodrow Way to Lanier Drive, thence south approximately 200 feet along the western edge of Lanier Drive, to a point due north across Lanier Drive to the northwest corner of parcel 18-273-04-001, thence 876 feet northeast along the northwest property line of parcels 18-237-04-001 and 18-237-04-002, thence 399 feet north, thence east to Ashford Dunwoody Road, thence south along the western edge of Ashford Dunwoody Road to Peachtree Road, thence northeast along Peachtree Road to the southwest corner of the intersection of Peachtree Road and Redding Road;

The eastern boundary shall be from the southwest corner of the intersection of Peachtree Road and Redding Road, to the southwest corner of the intersection of Redding Road and Caldwell Road, thence south along the western edge of Caldwell Road to the northwest corner of the intersection of Caldwell Road and East Osborne Road, thence approximately 180 feet west along the northern edge of East Osborne Road, thence south across East Osborne Road and 103 feet south along the western property line of parcel 18-241-04-001, thence 311 feet west along the southern edge of parcel 18-241-04-011, thence 149 feet south along the eastern edge of parcel 18-241-08-013 to Oaklawn Avenue, to a point south across Oaklawn Avenue, thence 448 feet south along the eastern property line of parcels 18-241-08-026, 18-241-08-027, 18-241-08-028, 18-241-08-029, 18-241-08-030, 18-241-08-031, 18-241-08-032, 18-241-08-033 and 18-241-08-034 to Sunland Drive, to a point south across Sunland Drive, thence approximately 194 feet south along the eastern property line of parcel 18-241-06-015, thence east approximately 714 feet along the northern property line of Brookhaven Township to Caldwell Road, thence approximately 685 feet along the southern edge of Caldwell Road, thence 825 feet along the northern property line of parcels 18-238-18-01, 18-238-18-015, 18-238-18-005, 18-238-18-016, 18-238-18-007, 18-238-18-008, 18-238-18-009, 18-238-18-010, 18-238-18-011, 18-238-18-012, 18-238-18-013, 18-238-18-014, and 18-238-18-019 to Camille Drive, thence south along the western edge of Camille Drive to Dresden Drive, to a point south across Dresden Drive, thence east along the northern property line of Village Park at Brookhaven to Conasauga Avenue, thence south along the western edge of Conasauga Avenue to Canoochee Drive;

The southern boundary shall be from the northwest corner of the intersection of Conasauga Avenue and Canoochee Drive, west along the northern edge of Canoochee Drive to Appalachian Drive, thence approximately 198 feet north along the eastern edge of Appalachian

Drive, to a point west across Appalachian Drive, thence 585 feet west along the northern property line of parcels 18-238-15-023, 18-238-15-021, 18-238-15-024, 18-238-15-016 and 18-238-15-011 to Elijah Drive, thence 195 feet west along the southern property line of parcels 18-238-14-001, 18-238-14-002, 18-238-14-003 and 18-238-14-004, thence approximately 200 feet south along the eastern property line of parcel 18-238-14-005, thence 222 feet northwest along the southern property line of parcels 18-238-14-005 and 18-238-14-039 to Fernwood Circle, to a point west across Fernwood Circle, thence south along the western edge of Fernwood Circle to Sylvan Circle, thence west along the northern edge of Sylvan Circle to North Druid Hills Road, to the northwest corner of the intersection of North Druid Hills Road and Sylvan Circle, thence north along the western edge of North Druid Hills Road to the northern edge of the MARTA/Southern Railroad line, thence 947 feet along the north boundary of the MARTA/Southern Railroad line to Colonial Drive, thence approximately 1100 feet west along the north boundary of the MARTA/Southern Railroad line, thence north along East Club Drive to Peachtree Road to the true point of beginning.

These boundaries shall be established by a zoning map amendment adopted pursuant to this chapter which amendment shall be incorporated herein and made a part of this chapter 27.

(Ord. No. 07-09, Pt. I, 5-22-07)

Sec. 27-728.15.4. Land disturbance permit application requirements.

(a) No land disturbance permit shall be issued within the Brookhaven-Peachtree Overlay District until the person applying for such land disturbance permit has submitted an application meeting all requirements of this division and such application has been approved as provided herein.

(b) Ten (10) copies of a site plan drawn to a designated scale of not less than one (1) inch equals one hundred (100) feet, certified by a professional engineer or land surveyor licensed by the state, presented on a sheet having a maximum size of twenty-four (24) inches × thirty-six (36) inches, and one (1) eight-and-one-half-inch × eleven-inch reduction of the plan. If presented on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. Such plan shall contain the following information:

- (1) Boundaries of the entire property proposed to be included in the development, with bearings and distances of the perimeter property lines;
- (2) Scale and north arrow, with north, to the extent feasible, oriented to the top of the site plan and on all supporting graphics;
- (3) Location, size and dimensions in length and width of all landscaped areas, transitional buffers, and open space;
- (4) Existing topography with a maximum contour interval of five (5) feet and a statement indicating whether it is an air survey or field run;
- (5) Delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or DeKalb County;
- (6) The delineation of any jurisdictional wetlands as defined by section 404 of the Federal Clean Water Act;
- (7) Approximate delineation of any significant historic or archeological feature, grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact it;
- (8) A delineation of all existing structures and whether they will be retained or demolished;

- (9) Location of all proposed uses, lots, buildings, building types and building entrances;
- (10) Height and setback of all buildings and structures;
- (11) Areas and development density for each type of proposed use;
- (12) Location, size, and number of all on-street and off-street parking spaces, including a shared parking analysis, if shared parking is proposed;
- (13) Identification of site access points and layout, width of right-of-way and paved sections of all internal streets;
- (14) Conceptual plans for drainage with approximate location and estimated size of all proposed stormwater management facilities and a statement as to the type of facility proposed;
- (15) Development density and lot sizes for each type of use;
- (16) Areas to be held in joint ownership, common ownership, or common control;
- (17) Location of proposed sidewalks and bicycle facilities trails, recreation areas, parks, and other public or community uses, facilities, or structures on the site;
- (18) Conceptual layout of utilities and location of all existing or proposed utility easements having a width of ten (10) feet or more;
- (19) Standard details of signs, sidewalks, streetlights, driveways, medians, curbs and gutters, landscaped areas, fencing, grating street furniture, bicycle lanes, streets, alleys, and other details demonstrating compliance with the Brookhaven-Peachtree Overlay District regulations;
- (20) Seal and signature of professional preparing the plan.
 - (b) Ten (10) copies of conceptual building designs including elevation drawings drawn to a designated scale of not less than one-sixteenth (1/16) inch equals one (1) foot showing architectural details of proposed buildings, exterior materials, all of which demonstrate that the proposed design is in compliance with the requirements of the Brookhaven-Peachtree Overlay District regulations. Drawings shall be presented on a sheet having a maximum size of twenty-four (24) inches × thirty-six (36) inches, and one (1) eight-and-one-half-inch × eleven-inch reduction of each sheet. If presented on more than one (1) sheet, match lines shall clearly indicate where the several sheets join.
 - (c) A written statement explaining how the proposed development will meet the standards of this division, including the purposes and intent contained in section 27-728.15.2. The written statement shall also include information describing the number of acres contained in the development; the number of dwelling units by type; the gross residential density; the area (in square feet) of any commercial uses; the common open space acreage; the anticipated number, type, and size of other public amenities; and the proposed legal mechanism for protecting and maintaining common open space, if applicable.
 - (d) A multimodal access plan, prepared at a scale not greater than one (1) inch equals one hundred (100) feet, to demonstrate a unified plan of continuous access to and between all structures in the proposed development and adjacent properties where connections are appropriate. The multimodal access plan shall cover the entire proposed

development along with public rights of way of adjoining streets and any other property lying between the subject property and any primary or secondary streets (Peachtree Road, Apple Valley Road, Dresden Drive, North Druid Hills Road, Hermance Drive, Ashford-Dunwoody Road, Lanier Drive, Osborne Road, and Brookhaven Place). Safe and convenient pedestrian pathways shall be provided from sidewalks along streets to each structure entrance, including pedestrian access routes across parking lots and between adjacent buildings within the same development. The access plan shall show how pedestrians may safely travel from the Brookhaven-Oglethorpe University MARTA station to the subject property.

(Ord. No. 07-09, Pt. I, 5-22-07)

Sec. 27-728.15.5. Lot area and yard requirements.

Yard requirements:

(a) Minimum front setback shall be zero (0) feet. Buildings shall be permitted to be set back from the public sidewalk to allow for building stoops, front porches, balconies or steps, a public space or public park, outdoor dining, outdoor merchandising, or landscaping that does not completely cover the facade of the building. All ground floor uses shall have a sidewalk or clear hardscaped pathway connecting the entrance to the public sidewalk along the street. Parking located between a building and a primary or secondary street (Peachtree Road, Apple Valley Road, Dresden Drive, North Druid Hills Road, Hermance Drive, Ashford-Dunwoody Road, Lanier Drive, Osborne Road, or Brookhaven Place) shall be prohibited.

(b) The minimum side and rear setbacks shall be zero (0) feet, however if the property is adjacent to an existing building with windows facing the property line, the setback shall be no less than twenty (20) feet from the face of the existing building. The side of a building facing a public street shall be permitted to set back from a public sidewalk to allow for building stoops, front porches, balconies or steps, a public plaza or park, outdoor dining, outdoor merchandising, or landscaping that does not completely cover the facade of the building. All ground floor uses must have a sidewalk or clear hardscaped pathway connecting the building entrance to the public sidewalk along the street.

(Ord. No. 07-09, Pt. I, 5-22-07)

Sec. 27-728.15.6. Transitional buffer zone and height requirements.

(a) Where a lot on the external boundary of the Brookhaven-Peachtree Overlay District adjoins the boundary of any property outside the district that is zoned for any R-zoning classification, RM-zoning classification, MHP-zoning classification, or TND-zoning classification, a transitional buffer of not less than thirty (30) feet in width shall be provided and maintained in a natural state or so as to maintain an effective visual screen. Said transitional buffer zone shall not be paved or otherwise covered with impervious surfaces and shall not be used for parking, loading, storage or any other use, except that portions of the transitional buffer zone may be utilized for installation of utilities when necessitated by the development, and when the applicant shows that the utilities cannot be located outside of the transitional buffer zone. Stormwater detention ponds shall not be located within the transitional buffer zones. No trees, other than

dead or diseased trees, shall be removed from said transitional buffer zone, but additional trees and plant material may be added to the transitional buffer zone to provide an effective visual screen.

(b) Where a lot on the external boundary of the Brookhaven-Peachtree Overlay District adjoins the boundary of any property outside the district that is zoned for any R-zoning classification, RM-zoning classification, MHP-zoning classification, or TND-zoning classification, a transitional height plane as described herein shall apply. No portion of any structure within the Brookhaven-Peachtree Overlay District shall protrude through such transitional height plane beginning forty-five (45) feet above the property line between the district and the adjacent property outside the district and extending parallel to the ground inward thirty (30) feet over the transitional buffer zone and then at an upward angle of forty-five (45) degrees over the Brookhaven-Peachtree Overlay District.

(Ord. No. 07-09, Pt. I, 5-22-07)

Sec. 27-728.15.7. Architectural design requirements.

(a) Allowable building materials shall include brick, stone, wood, architectural metal siding, and fiber cement siding. Building facades that are visible from primary roadways (Peachtree Road, Apple Valley Road) and secondary roadways (Dresden Drive, North Druid hills Road, Hermance Drive, Ashford-Dunwoody Road, Lanier Drive, Osborne Drive, or Brookhaven Place) should predominantly use brick and stone. The following building materials shall be prohibited: vinyl siding, exposed concrete block or concrete masonry units, exposed plywood, plastic or PVC, and synthetic stucco or EIFS.

(b) Buildings of five (5) or more stories shall architecturally differentiate the first one (1) or two (2) stories from those above through the utilization of cornice lines, fenestration and other forms of architectural detailing.

(c) Large edifices, longer than one hundred (100) continuous feet, shall vary the cornice height and create variations in facades with changes in facade depth, materials, textures, colors, and/or window and door patterns to provide visual interest and prevent a massive imposing appearance.

(d) Building facades should promote architectural and visual interest. A minimum of thirty-five (35) percent of any facade facing a public street shall consist of openings including windows and doorways.

(e) Service areas, trash dumpsters, trash compactors and all other mechanical areas and equipment shall be screened from view from all streets and public rights of way. Screening shall be permitted to include landscaping or architectural treatment of color similar to the building, or both to screen the equipment.

(f) Roof structures visible from the public right of way may be sloped or flat. Sloped roofs shall be hip roofs of less than forty-five (45) degrees in pitch or gable roofs of thirty (30) degrees or greater in pitch. Sloped roofs shall have overhangs of at least twelve (12) inches on all sides and shall not exceed one hundred (100) feet in length without a change in plane. Permitted roofing materials for sloped roofs include asphalt or fiberglass shingles, solar shingles used with asphalt or fiberglass shingles, standing seam metal roof, ceramic tile, slate or synthetic slate. Flat roofs shall have decorative and/or corbelled parapets on all sides visible from the public right of way and drain to internal roof drains and/or to the rear of the structure, limiting downspouts on facades along primary and secondary streets. Simple barrel vaults or roofs are allowable. Mansard, gambrel, and shed roof forms are prohibited.

(g) Graphic examples of architectural design requirements may be found in the Brookhaven-Peachtree design guidelines, an official copy of which is to be held at the offices of the DeKalb County Planning and Development Department.

(Ord. No. 07-09, Pt. I, 5-22-07)

Sec. 27-728.15.8. Streets and sidewalks.

(a) Public and private streets shall comply with the requirements of public streets found in chapter 14 and other applicable sections of this Code.

(b) Any new streets shall enhance connectivity within the Peachtree-Brookhaven Overlay District by connecting at least two (2) public streets.

(c) Sidewalks shall be provided on all streets and shall consist of a landscape zone and a pedestrian zone of widths as provided below. Landscape zones shall be planted with grass, ground cover or flowering plants, or consist of brick pavers, concrete pavers, or granite pavers where on-street parking is provided or pedestrian crossing and/or congregation is likely. Pedestrian zones shall be paved in concrete and kept clear and unobstructed for the safe and convenient use of pedestrians.

(1) New developments shall provide a twenty-foot-wide pedestrian zone consisting of a five-foot-wide landscape zone measured from the back of the adjacent street curb and fifteen-foot-wide sidewalks along Peachtree Road.

(2) New developments shall provide a fifteen-foot-wide pedestrian zone consisting of a five-foot-wide landscape zone measured from the back of the adjacent street curb and ten-foot-wide sidewalks along Dresden Drive, North Druid Hills Road, or Apple Valley Road between North Druid Hills Road and Sunland Drive.

(3) New developments within the Brookhaven-Peachtree Overlay District shall provide a ten-foot-wide pedestrian zone consisting of a four-foot-wide landscape zone measured from the back of the adjacent street curb and six-foot-wide sidewalks elsewhere along all new and existing streets other than Peachtree Road, Dresden Drive, North Druid Hills Road, and Apple Valley Road between North Druid Hills Road and Sunland Drive.

(4) All sidewalk paving materials shall be continued across any intervening driveway at the same prevailing grade and cross slope as on the adjacent pedestrian sidewalk area.

(5) Pedestrian sidewalk areas paved with materials other than concrete that are consistent in color with concrete sidewalks may be allowed with the approval of the director of planning and development.

(6) Where newly constructed sidewalks abut existing adjacent sidewalks, the newly constructed sidewalk shall provide safe facilitation of pedestrian traffic flow to adjacent sidewalks. Any development that disturbs existing sidewalks on an adjacent property shall replace disturbed areas to their predisturbance state and condition.

(7) Safe and convenient pedestrian pathways shall be provided from sidewalks along streets to each structure entrance, including pedestrian access routes to parking decks and through parking lots and between adjacent buildings within the same development. All such pathways shall be concrete and a minimum width of five (5) feet.

(d) Landscape zones.

- (1) Street trees shall be planted in all landscape zones spaced at a maximum distance of thirty (30) feet on center.
- (2) New street trees must be a minimum of three and one-half (3.5) inches in caliper measured twelve (12) inches above ground, shall be a minimum of sixteen (16) feet in height, shall have a minimum mature height of thirty (30) feet and shall be limbed up to a minimum height of eight (8) feet.
- (3) Street trees shall have a minimum planting area of four (4) feet by eight (8) feet. Tree planting areas shall provide porous drainage systems that allow for drainage of the planting area.
- (4) Street tree species shall be consistent for entire block lengths. Species shall be permitted to change on individual block faces due only to limited supply and/or concerns regarding disease or the health of existing and proposed trees with approval from the director of planning and development and consultation from a certified arborist.
- (5) All initial plantings and plant removal other than routine maintenance or replacement shall be approved by the director of planning and development.
- (6) Street lights shall be located within the landscape zone spaced at a maximum distance of sixty (60) feet on center on the following streets: Peachtree Road, Dresden Drive, North Druid Hills Road and Apple Valley Road.
- (7) Benches, trash receptacles, and bike racks shall be placed within the landscape zone on the following streets: Peachtree Road, Dresden Drive, North Druid Hills Road and Apple Valley Road.
- (8) All sidewalk materials, lighting, street trees, landscaping, benches, trash receptacles, bike racks and other street and sidewalk elements shall conform to the Brookhaven-Peachtree design guidelines, an official copy of which shall be held at the offices of the DeKalb County Planning and Development Department.

(Ord. No. 07-09, Pt. I, 5-22-07)

Sec. 27-728.15.9. Reserved.

Sec. 27-728.15.10. Parking.

- (a) Off-street parking requirements for uses and structures are authorized and permitted, as follows:
 - (1) *Dwellings:*
 - a. *Single-family attached:* One (1) space minimum, two (2) spaces maximum.
 - b. *Multifamily:* One (1) space per dwelling unit minimum, two (2) spaces per dwelling unit maximum.
 - (2) *Commercial:* One (1) parking space for every four hundred (400) square feet of gross building area (minimum and maximum).
 - (3) *Retail:* One (1) parking space for every three hundred (300) square feet of gross building area (minimum and maximum).
- (b) Shared parking is encouraged and may result in permitted reductions of off-street parking requirements. Parking facilities within a parcel may be shared if multiple uses cooperatively establish and operate parking facilities and if these uses generate parking demands primarily when the remaining uses are not in operation. Applicants shall make an application to the director of planning and development for authorization for shared

parking. Applicants shall include proof of a written formal shared-parking agreement between the applicant and all affected property owners. Shared parking arrangements may be approved by the director of planning and development upon determination that the above stated off-street parking requirements for each use are met during said use's operational hours. Required parking for residential units shall be prohibited from being shared.

(c) Required residential parking shall be segregated from parking for all other uses with the exception of additional parking provided for live/work single-family units.

(d) Each development which provides automobile parking facilities shall provide bicycle parking facilities in adjacent parking structures, parking lots or the landscape zone of the adjoining sidewalk. Nonresidential developments shall provide bicycle parking at a ratio of one (1) bicycle parking space for every twenty (20) vehicular spaces. Multifamily residential developments shall provide bicycle parking facilities at a minimum ratio of one (1) bicycle parking space for every five (5) multifamily units. No development shall have fewer than three (3) bicycle parking spaces nor be required to exceed a maximum of fifty (50) bicycle parking spaces.

(e) All off-street parking including surface lots and parking decks shall be located behind or beside buildings.

(f) Off-street parking shall be screened from view from any public street using buildings and/or landscaping. Off-street parking may not be located between the public street and the building's front facade. If a parcel is bound by more than one (1) public street, the front of the parcel shall be considered the side adjacent to the street with the highest classification as follows: Primary: Peachtree Road and Apple Valley Road; Secondary: Dresden Drive, North Druid Hills Road, Hermance Drive, Ashford-Dunwoody Road, Lanier Drive, Osborne Drive, Brookhaven Place; Tertiary: new streets and other existing streets.

(g) Any portion of a parking deck that is adjacent to a public street shall be screened with retail on the ground floor. Any upper stories of a parking deck that are visible from a public street shall be clad with materials permitted in subsection 27-728.15.7(a) to resemble office or residential buildings with fenestration.

(h) Surface parking provided to the side of any building along a public street shall be designated for short-term (no longer than two (2) hours) parking and must be buffered from the public street and sidewalk with a landscape strip no less than six (6) feet in width containing a minimum of ninety (90) percent living shrubs, groundcover, sod and/or annual or perennial color in the landscape strip surface area.

(i) Wheel stops or bumpers shall be placed at the head of all off-street parking spaces that abut a landscape strip or sidewalk.

(j) All surface parking lots of twenty (20) parking spaces or more must include landscaping in the form of shade trees within the confines of the surface parking lot. One (1) shade tree must be provided for every ten (10) parking spaces. Shade trees must be a minimum of three and one-half (3.5) inches in caliper measured twelve (12) inches above ground, shall be a minimum of sixteen (16) feet in height, shall have a minimum mature height of thirty (30) feet and shall be limbed up to a minimum height of eight (8) feet.

(k) All parking decks and parking structures shall have a landscape strip a minimum of six (6) feet in width immediately contiguous to the parking facility for the whole of the exterior perimeter of the parking facility except at vehicular or pedestrian entrances and exits. Such landscape strips shall contain no less than one (1) understory or overstory

tree per fifty (50) linear feet, ten (10) shrubs per fifty (50) linear feet, and a minimum of ninety (90) percent living groundcover, sod and/or annual or perennial color in the landscape strip surface area.

(l) If required automobile parking spaces cannot reasonably be provided on the same lot on which the principal use is conducted, such spaces may be provided on adjacent or nearby property within the overlay district through a shared parking agreement approved per subsection (b), provided a majority of such spaces lie within seven hundred (700) feet of the main entrance to the principal use for which the parking is provided.

(m) On-street parking spaces provided by a development shall be permitted to be counted toward the minimum parking requirements for the respective development for all uses except single-family attached dwellings. On-street parking spaces shall be prohibited from being counted toward the maximum parking limitations.

(n) No parking area may be used for the sale, repair, dismantling, servicing, or long-term storage of any vehicles or equipment.

(Ord. No. 07-09, Pt. I, 5-22-07)

Sec. 27-728.15.11. Signs.

Signage shall follow section 27-649.12. The combined area of any and all signage [on] any building or structure shall not exceed ten (10) percent of the main building facade.

(Ord. No. 07-09, Pt. I, 5-22-07)

Sec. 27-728.15.12. Development standards.

The Brookhaven-Peachtree Overlay District should support and enhance the look, feel and quality of development surrounding the Brookhaven/Oglethorpe University MARTA transit station. In addition to sections 27-728.15.1 through 27-728.15.11 above, the following standards and criteria shall apply to the Brookhaven-Peachtree Overlay District.

(a) *Principal uses and structures.*

(1) Mixed-use with ground floor retail, office and/or service, and residential and/or office located on upper stories;

(2) Neighborhood shopping uses, as follows, where no individual space or tenant shall exceed fifty thousand (50,000) square feet in total floor area:

a. Animal hospital, veterinary clinic, pet supply store, and animal grooming shop.

b. Art galleries and art supply store.

c. Bank, credit union and other similar financial institution.

d. Child day care center and kindergarten.

e. Recreational facilities where such activities are wholly enclosed within a building.

f. Restaurant, but not including drive-through restaurants.

g. Place of worship.

h. Retail sales, but not including adult entertainment establishment and not including adult service facility.

i. Services, personal including barbershop, beauty shop, and similar personal service establishments, coin-operated laundry, dry-cleaning pickup station, and photographic studios.

j. Services, repair including jewelry repair store and shoe repair store.

- (3) Residential uses, as follows:
 - a. Dwellings, multifamily;
 - b. Dwelling, single-family attached;
 - c. Live-work units.
- (4) Open space.
- (5) Community meeting and recreation facilities including, but not limited to, cultural facilities, noncommercial club or lodge, neighborhood recreation center, swimming pools, tennis courts, outdoor play areas, bikeways, and walking trails.
- (6) Educational uses including colleges and universities, vocational school, private elementary, middle and high school, research and training facility associated with a college or university, and specialized nondegree school.
- (7) Offices, including construction contractors, health service practitioners, legal services, accounting, auditing and bookkeeping services, engineering and architecture, finance, insurance, real estate and financial institutions, and similar business and professional offices.
- (8) Services, medical and health, as follows:
 - a. Health service clinic;
 - b. Home health care service.
 - c. Hospice.
 - d. Hospital including general medical, surgical, psychiatric and specialty.
 - e. Kidney dialysis center.
 - f. Nursing care facility.
 - g. Medical and dental laboratories;
 - h. Offices of health service practitioners;
 - i. Pharmacy.
- (9) Lodging uses, as follows:
 - a. Bed and breakfast inn;
 - b. Hotel.
- (b) *Accessory uses, buildings, and structures.*
 - (1) Accessory uses, buildings, and structures in compliance with Section 27-731;
 - (2) Parking decks and garages shall be considered accessory structures.
- (c) *[Live-work units.]* Live-work units shall meet all of the following standards:
 - (1) Uses shall be compatible with residential uses and shall not produce or create noise, smoke, vibrations, smells, electrical interference, or fire hazards that would unreasonably interfere with residential uses. Permitted uses shall include:
 - a. Accounting office.
 - b. Planning, engineering, or architectural office.
 - c. Financial services office.
 - d. Insurance office.
 - e. Legal office.
 - f. Counseling office.
 - g. Real estate office.
 - h. Information processing uses.
 - i. Tutorial/educational services.

- j. Fine arts studios and/or galleries.
 - k. Photography studios.
 - l. Consulting services.
 - m. The maximum number of employees on the premises shall be two (2), in addition to the occupants of the residential space.
 - n. The unit shall not accommodate more than two (2) customers/clients at a time.
 - o. The minimum size of the live-work unit shall be one thousand two hundred (1,200) square feet with at least one-third of the unit designated for residential space.
- (d) *Site design requirements.*
- (1) When blocks are subdivided by new streets, the maximum length of resulting new blocks shall be three-hundred (300) linear feet. Along Peachtree Road, the maximum block length shall be seven-hundred (700) feet.
 - (2) The maximum curb radius at any intersection or curb cut is twenty (20) feet.
 - (3) All parking shall be accessed via shared alleys or private drives. No curb cuts shall be allowed on primary streets (Peachtree Road and Apple Valley Road) if the development is accessible by another street. If an existing block face on a primary street exceeds seven-hundred (700) linear feet, then one (1) curb cut per seven-hundred (700) linear feet is allowed. If a development is accessible from more than one (1) secondary or tertiary street (Dresden Drive, North Druid Hills Road, Hermance Drive, Ashford-Dunwoody Road, Lanier Drive, Osborne Road and Brookhaven Place), the development shall be limited to one (1) curb cut per block face. If a development is only accessible from one (1) street, the development is limited to two (2) curb cuts on that street.
 - (4) All curb cuts shall be a maximum of twenty-four (24) feet wide.
 - (5) Common or joint driveways are encouraged and may be authorized by the director of planning and development.
 - (6) Driveways must be perpendicular to the adjacent street. Circular and nonperpendicular driveways are prohibited.
 - (7) Buildings shall be located toward the front of each parcel no more than twenty (20) feet from the public sidewalk. If a parcel is bound by more than one (1) public street, the front of the parcel shall be considered the side adjacent to the street with the highest classification as follows: Primary: Peachtree Road and Apple Valley Road; Secondary: Dresden Drive, North Druid Hills Road, Hermance Drive, Ashford-Dunwoody Road, Lanier Drive, Osborne Drive, Brookhaven Place; Tertiary: new streets and other existing streets.
 - (8) The primary entrance to all buildings shall be clearly visible from the street, shall face the street, and if the building is used for nonresidential purposes, shall be unlocked during operating business hours for all nonresidential uses. If a building fronts more than one (1) public street, the primary entrance shall face the street with the highest classification as follows: Primary: Peachtree Road and Apple Valley Road; Secondary: Dresden Drive, North Druid Hills Road, Hermance Drive, Ashford-Dunwoody Road, Lanier Drive, Osborne Drive, Brookhaven Place; Tertiary: new streets and other existing streets.
 - (9) Where development is on a primary or secondary street and also across the street from existing single-family homes, which face the street, the

development shall contain buildings facing the primary or secondary street and the existing single-family development.

(10) Maximum spacing between buildings along a primary street shall be twenty (20) feet unless a public space, such as a park or plaza, is provided between the respective buildings. Exceptions will be made for curb cuts approved according to subsection (d)(3).

(11) Minimum space between buildings shall be zero (0); however if the property is adjacent to an existing building with windows facing the property line, the setback shall be twenty (20) feet from the face of the existing building.

(12) All service areas shall be screened from view from the street with buildings, landscaping, or decorative fencing.

(13) Any decorative fencing shall be comprised of brick, stone, wrought iron, or wood. Fencing in the front yard of any property 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.

(14) No barbed wire, razor wire, chain link fence or similar elements shall be visible from any public plaza, ground level or sidewalk level outdoor dining area or public right-of-way.

(15) Gates and security arms shall be prohibited from crossing any public street or sidewalk.

(16) All utilities shall be located underground.

(e) *Open space requirements.*

(1) A publicly accessible open space, which is at grade and a minimum of twenty percent (20%) of the total development parcel, shall be provided by each new development that includes residential uses.

(2) All publicly accessible open spaces shall be at grade, open to general public access during daylight hours, surrounded by buildings with a mix of active uses on the ground floor on at least one side, face the public street, and be directly accessible from a public sidewalk along a street. Ground floor active uses shall include primary entries and exits into the building and may include, but are not limited to, retail storefronts, professional office storefronts and/or the primary facade of residential buildings with direct entries and exits to multiple residential units.

(3) Publicly accessible open spaces should include appropriate landscaping including shade trees. At a minimum one shade tree must be provided within or directly adjacent to the open space for every 2,000 square feet of open space. Shade trees must be a minimum of three and one half (3.5) inches in caliper measured twelve (12) inches above ground, shall be a minimum of sixteen (16) feet in height, shall have a minimum mature height of thirty (30) feet and shall be limbed up to a minimum height of eight (8) feet.

(4) Publicly accessible open spaces including front yards, 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; on-street parking, the portion thereof located on private property; and natural stream buffers shall be permitted to be counted toward the twenty percent (20%) open space requirement.

(5) Private courtyards and other private outdoor amenities shall be located at the interior of the block, behind buildings or on rooftops. Private courtyards and outdoor amenities shall be prohibited from being counted toward the twenty

percent (20%) minimum open space requirement and other open space calculations that may increase maximum building heights.

(6) 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.

(7) When a private property owner provides landscaping within the public right-of-way and the landscaping dies within one-year of installation, such landscaping shall be replaced within a reasonable time for planting by the owner at the owner's sole expense.

(8) Covenants or other legal arrangements shall specify ownership of all open spaces, the method of and responsibility for maintenance, taxes and insurance, compulsory membership and assessment provisions, and shall be incorporated into legal instruments sufficient to ensure that the open space requirements of this Section are maintained.

(f) *Building heights.*

(1) Within the Brookhaven-Peachtree Overlay District, there shall be two (2) sub-areas for the purpose of establishing allowable building heights. Sub-area I shall include properties directly adjacent to the Brookhaven MARTA station and parcels with frontage along Peachtree Road up to a maximum distance of four hundred forty (440) feet from the Peachtree Road right-of-way, where the highest intensity development is desired. Sub-area II shall include the remaining area within the Brookhaven-Peachtree Overlay District, including parcels fronting Dresden Drive, North Druid Hills Road and those areas that serve as a transitional edge between high density development surrounding the MARTA transit station and existing single-family neighborhoods. The boundaries of these sub-areas shall be established by a zoning map amendment adopted pursuant to this chapter which amendment shall be incorporated herein and made a part of this chapter 27.

(2) All building heights are to be measured from the finished sidewalk to the top of cornice (or top of parapet wall) for flat-roofed buildings or the bottom of the eave for sloped-roofed buildings along the facade that faces the street with the highest volume of daily traffic. Levels measuring less than six (6) feet in height for the purposes of raising the first-floor level above the street level, providing a consistent first-floor level (crawl space), or for the sole purpose of housing mechanical, plumbing or electrical equipment shall not be counted as stories for the purposes of calculating maximum building heights.

(3) All buildings within the Peachtree-Brookhaven Overlay District shall be a minimum of two (2) stories tall and twenty-eight (28) feet in height.

(4) The maximum height for buildings in sub-area I shall be six (6) stories or eighty (80) feet whichever is less, except as provided in subsection 27-728.15.6(b), and the maximum height for buildings in sub-area II shall be four (4) stories or sixty (60) feet whichever is less, except as provided in subsection 27-728.15.6(b).

(5) Single-family attached townhomes or live/work units in sub-area I or sub-area II shall not exceed three (3) stories or forty-five (45) feet, whichever is less.

(6) A building in the Peachtree-Brookhaven Overlay District shall be permitted to exceed the maximum building height limit in subsection (f)(4) provided it meets one or more of the following:

- a. Single-family attached townhome and live/work units are permitted to add one (1) additional story if twenty (20) percent of the total number of residential units within a development of fifteen (15) units or more are priced for workforce housing as defined in section 27-31. Mixed-use buildings that include residential units and multifamily buildings are permitted to add one (1) additional story if twenty (20) percent of the total number of residential units within a development of twenty (20) units or more are priced for workforce housing as defined in section 27-31.
- b. Commercial and residential developments are permitted to add one (1) additional story to each building on a given parcel if a contiguous, publicly accessible open space as defined by this district in subsection (e), not including on-street parking and public sidewalks along roadways, comprising at least twenty-five (25) percent of the development parcel is provided.
- c. Commercial and multifamily buildings fronting Peachtree Road or Apple Valley Road are permitted to add one (1) additional story to the respective building if seventy-five (75) percent or more of the ground floor space is used for retail or service commercial uses with storefronts oriented toward a public street.
- d. Buildings in excess of sixty (60) feet in height in subarea II shall be required to step back that portion of the building greater than sixty (60) feet in height a minimum linear distance of ten (10) feet away from the building facade facing any public street.
- e. The maximum building height with any combination of height bonuses listed above shall be dependent upon building use according to the chart below. Except as provided in subsections (g) and (h), special land use permits and variances shall not alter or allow structures taller than the maximum building heights provided herein within the Brookhaven-Peachtree Overlay District boundary:

TABLE INSET:

Sub-Area I		
Building Use	Max. Building Height	Max. Building Height with Bonuses
Single-Family Attached	3 stories or 45 feet *	4 stories or 55 feet *
Commercial	6 stories or 80 feet *	7 stories or 90 feet *
Multifamily	6 stories or 80 feet *	8 stories or 100 feet *
Mixed-Use	6 stories or 80 feet *	8 stories or 100 feet *

TABLE INSET:

Sub-Area II		
Building Use	Max. Building Height	Max. Building Height with Bonuses
Single-Family Attached	3 stories or 45 feet *	4 stories or 55 feet *
Commercial	4 stories or 60 feet *	5 stories or 70 feet *
Multifamily	4 stories or 60 feet *	6 stories or 80 feet *
Mixed-Use	4 stories or 60 feet *	6 stories or 80 feet *

* whichever is less

(g) *[Transit-oriented development.]* To support transit-oriented development, buildings located within eight hundred (800) feet of the Brookhaven-Oglethorpe University MARTA station fare gates and no closer than two hundred (200) feet to any single-family detached or attached residence existing and occupied at the time the additional height is requested may be granted additional building height by the DeKalb County Board of Commissioners through the special land use permit process provided each of the following provisions is met:

- (1) The total height of any building or structure shall not exceed one-hundred twenty-five (125) feet.
- (2) Buildings fronting Apple Valley Road in excess of eighty (80) feet in height shall be required to step back that portion of the building greater than eighty (80) feet in height a minimum linear distance of ten (10) feet away from the adjacent right of way of Apple Valley Road.
- (3) The development containing the building for which additional height is requested shall provide publicly accessible open spaces, as defined in subsection (e), which in total comprise no less than twenty-five (25) percent of the total development parcel. For properties having frontage on Peachtree Road, a minimum of one (1) contiguous open space, no less than ten thousand (10,000) square feet in size shall be located adjacent to Peachtree Road. For properties having frontage on Apple Valley Road, a minimum of one (1) contiguous open space, suitable for community gatherings and events and no less than forty thousand (40,000) square feet in size not including on-street parking, public sidewalks along roadways and roadways shall be located adjacent to Apple Valley Road. If a single development fronts both Peachtree Road and Apple Valley Road, both minimum open spaces must be provided.
- (4) The development must provide no less than two (2) of the following:
 - a. A minimum of twenty (20) percent of the total number of residential units provided in the development priced for workforce housing as defined in section 27-31. Applicable residential units may include townhomes, for-sale condominiums and rental apartments.
 - b. A minimum total of forty thousand (40,000) square feet of first- or second-floor retail services and/or professional office oriented toward the street provided as part of one or more mixed-use buildings with

retail and/or office on the ground floor and residential and/or office uses above the first floor.

c. A community meeting facility provided in the form of a community center, public meeting room, or contained within a public library, available for community meetings, easily accessible to the public and with access to public restrooms and a service kitchen to support catered events and convenience food service, no less than eight thousand (8,000) square feet in total size.

(h) *[Unoccupied vertical elements.]* Unoccupied vertical elements including clock towers, bell towers, and signature architectural elements that are located within six hundred (600) feet and of the Brookhaven-Oglethorpe University MARTA station fare gates and are adjacent to a public park or plaza may be granted additional building height by the DeKalb County Board of Commissioners through the special land use permit process provided the total height of any structure does not exceed one-hundred twenty-five (125) feet.

(i) *[Assemblies of parcels.]* For parcels over two (2) acres or assemblies of parcels, the highest density shall be located at the edge of the parcel closest to the MARTA station and shall decrease toward established single-family neighborhoods.

(j) *Development standards for townhomes.*

(1) Townhomes shall be set back between five (5) to fifteen (15) feet from the back of the sidewalk. Setbacks for individual units may vary within a single block of townhomes to break up the facade and delineate individual units. This area between the sidewalk and the building facade shall contain only steps, front porches or stoops, balconies, or landscaping. Mechanical equipment and other building service items may not be located within the setback area between the public sidewalk and building facade.

(2) Each individual townhome shall have either a front porch or a front stoop between the front facade and the sidewalk.

(3) The front entrance of each townhome unit shall be above the average grade of the sidewalk directly in front of it to a maximum of three (3) feet above grade.

(4) All townhome parking shall be hidden behind or within individual units. Access to parking is permitted only via an alley or private drive located behind the units. Garages may not face the public street.

(k) *Development standards for live/work units.*

(1) All off-street parking shall be hidden behind or within individual units. Garages may not face the public street.

(2) The front entrance to each unit shall be at grade opening directly onto the public sidewalk or a public space adjacent to the public sidewalk.

(l) *Development standards for commercial and mixed-use buildings.*

(1) Ground-floor commercial and retail uses shall have entrances at grade opening directly onto the public sidewalk or a public 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.

(3) The size of leased commercial space shall vary within each development to allow for a diversity of tenants.

(4) A minimum of sixty-five (65) percent of the ground-floor facade of mixed-use and commercial buildings shall be clear and untinted, transparent glass storefront.

(5) Pedestrian access shall be provided from parking behind buildings to the public sidewalk through the ground floor of the building or via sidewalks between buildings.

(6) The primary entrance for all upper story uses shall be clearly visible from the street and shall face the public street. If a building fronts more than one (1) street, the primary entrance should face the street with the highest classification as follows: Primary: Peachtree Road and Apple Valley Road; Secondary: Dresden Drive, North Druid Hills Road, Hermance Drive, Ashford-Dunwoody Road, Lanier Drive, Osborne Drive, Brookhaven Place; Tertiary: new streets and other existing streets.

(m) *Development standards for multifamily buildings.*

(1) Ground-floor residential units that face the street shall have entrances with a stoop or porch between the sidewalk and the building facade. A sidewalk shall connect all ground floor entrances to the public sidewalk.

(2) Multifamily buildings shall be set back between five (5) to fifteen (15) feet from the back of the sidewalk. This area between the sidewalk and the building facade shall contain only steps, front porches or stops, balconies, or landscaping. Mechanical equipment and other building service items may not be located within the setback area between the public sidewalk and building facade.

(3) The primary entrance for upper story units shall be clearly visible from the public street and shall face the street. If a building fronts more than one (1) street, the primary entrance should face the street with the highest classification as follows: Primary: Peachtree Road and Apple Valley Road; Secondary: Dresden Drive, North Druid Hills Road, Hermance Drive, Ashford-Dunwoody Road, Lanier Drive, Osborne Drive, Brookhaven Place; Tertiary: new streets and other existing streets.

(Ord. No. 07-09, Pt. I, 5-22-07)

**APPENDIX C:
GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS
GUIDELINES FOR CREATION OF DESIGN REVIEW BOARD**

§9-2 DESIGN REVIEW

§9-2-1 TITLE

§9-2-2 PURPOSE AND INTENT

§9-2-3 APPLICABILITY

§9-2-4 ESTABLISHMENT OF DESIGN REVIEW BOARD

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§9-2-6 MEETINGS OF THE BOARD

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§9-2-9 EXEMPTION FOR MINOR CHANGES

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§9-2-12 CRITERIA FOR ACTING ON DESIGN REVIEW APPLICATIONS

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§9-2-14 CHANGES AFTER BOARD APPROVAL

§9-2-15 APPEALS

§9-2-16 ENFORCEMENT

§9-2-1 TITLE

This Resolution [Ordinance] shall be known and may be cited as the “Architectural and Site Design Review Ordinance of the City of _____.”

§9-2-2 PURPOSE AND INTENT

Careful attention to the architectural design of buildings and the layout of development sites is in the best interests of the city, its citizens, and business owners. Attractive and integrated architectural and site design features tend to improve an area’s image, raise overall property values, attract new businesses and residents, and improve the quality of life. Research and experience have shown that there is a positive return on investment for providing attractive design features, for both government and property owners and can provide similar enhancements to public safety, community health, and well being. This Resolution [Ordinance] establishes a design review board and requires review by the design review board of any new construction or material change in appearance to existing structures.

Promoting healthy, safe, spacious, and quiet residential neighborhoods by necessity also includes attention to the aesthetics of development. There are links between community appearance and property values, and aesthetic regulations have non-aesthetic purposes supporting such restrictions, such as the preservation of property values, the community’s cultural setting, the economic interest in tourism, and intangible human values. It is in the public interest to direct and control the visual appearance of the community, to prevent patently offensive harm to the existing visual character of the community, because happiness, comfort, and general well-being of citizens result from an aesthetically pleasing environment.

The Governing Body finds that its citizens have widely shared human values related to the visual environment. The desire to protect certain features of the visual environment reflects a widespread pattern of community preference rather than simply the desires of a narrow few.

That finding is supported by community visioning and character area delineation completed as a part of the local government's comprehensive planning process. These regulations are therefore based on the visual sensibilities of the average person in the community. The Governing Body finds further that visual harm to a widespread pattern of community preference can occur without the imposition of the provisions of this ordinance, which places limitations on or prohibits altogether certain uses, structures, and practices that would be out of harmony or incongruent with the distinctive character or visual features of the surrounding area.

After careful study of specific existing features of the visual environment, the Governing Body finds that reasonable and intelligible standards can be established for implementation and administration to protect areas from associational dissonance – these include neutral and objective criteria such as (among others) height, bulk, scale, placement, topography and building materials. The regulations contained herein are reasonably related to legitimate public purposes and the minimum necessary to prevent substantial harm to existing features of the visual environment selected for protection.

§9-2-3 APPLICABILITY

This Resolution [Ordinance] shall apply to all non-residential development within the city limits of the City of _____.

§9-2-4 ESTABLISHMENT OF DESIGN REVIEW BOARD

A Design Review Board is hereby established. Said board shall consist of five voting members, who are residents and registered voters of the County [City], each of whom shall serve for terms of three years without compensation. The Design Review Board membership shall be composed of individuals with the following qualifications in addition to any other qualifications listed in this section:

- (a) At least one member shall be an architect with a current state registration;
- (b) At least one member shall be a landscape architect with current registration; and,
- (c) At least one member shall be a licensed commercial building contractor.

None of the members of the Design Review Board shall be a member of the Governing Body, but one member of the Planning Commission may serve on the Design Review Board. The board members shall be appointed by the Chairman of the Board of Commissioners [Mayor] with the approval of the Board of Commissioners [City Council]. In case any vacancy should occur in the membership of the board for any cause, the Chairman of the Board of Commissioners [Mayor] shall fill such vacancy by making an appointment for the unexpired term with the approval of the Board of Commissioners [City Council]. Any members of the board may be removed by the Chairman of the Board of Commissioners [Mayor] for due cause or upon expiration of term, subject to the approval of the Board of Commissioners [City Council].

§9-2-5 AUTHORITY OF THE DESIGN REVIEW BOARD

The Design Review Board is authorized to receive, consider, grant, grant with conditions, or deny applications for design review as required by this Resolution [Ordinance]. In granting a design review approval, the Board may impose such requirements and conditions with respect to the location, construction, maintenance and operation of any use or building, in addition to

those expressly set forth herein, as may be deemed necessary for the protection of adjacent properties and the public interest. Decisions of the Design Review Board shall be final unless an appeal to the Mayor and City Council is filed no later than 30 days of the decision of the Design Review Board.

§9-2-6 MEETINGS OF THE BOARD

The Design Review Board shall adopt rules of procedure as are necessary to carry out the purposes of its authority. The Board shall establish a regular meeting date and time for its meetings. However, meetings shall be held only on an as-needed basis. All meetings shall be open to the public. The Board shall appoint a secretary, who shall be the Land Use Officer or designated officer to record the minutes of its proceedings, showing the action of each board member upon each question. The Board shall keep records of its examinations and other official actions, all of which shall be filed with the County [City] Clerk and which shall be public records. The Land Use Officer or designated officer shall serve as the advisor to the Board, except in cases of an appeal from a decision of the Land Use Officer or designated officer.

§9-2-7 DEFINITIONS

Amenity: Aesthetic or other characteristics that increase a development's desirability to a community or its marketability to the public. Amenities may differ from development to development but may include such things as recreational facilities, pedestrian plazas, views, streetscape improvements, special landscaping, or attractive site design.

Appearance: The outward aspect that is visible to the public.

Appropriate: Fitting to the context of a site, neighborhood or community.

Architectural concept: The basic aesthetic idea of a structure, or group of structures, including the site, signs, buildings and landscape development that produces the architectural character.

Architectural features: Functional, ornamental or decorative features integral or attached to the exterior of a structure, including roof elements, cornices, eaves, gutters, belt courses, sills, lintels, windows, doors, transoms, fan lights, side lights, chimneys, and elements of exterior embellishment.

Architectural recesses: Portions of a building wall at street level which are set back from the street line so as to create articulation of the building wall and/or to provide space for windows or doors.

Architecture: The art and science of designing and constructing buildings adapted to their purposes, one of which is beauty.

Attractive: Having qualities that arouse satisfaction and pleasure in numerous, but not necessarily all, observers.

Awning: A hood or cover that forms a roof-like structure, often of fabric, metal, or glass, designed and intended for the protection from the weather or as a decorative embellishment, and which projects from the wall or roof of a structure over a window, walk, door, or the like. Awnings may be retractable but are most often fixed with a rigid frame.

Awning, internally illuminated: A fixed awning covered with a translucent membrane that is, in whole or part, illuminated by light passing through the membrane from within the structure.

Balustrade: A railing consisting of a handrail or balusters.

Build-to line: An alignment established a certain distance from the curb or right-of-way line to a line along which a building or buildings shall be built.

Building bulk: The visual and physical mass of a building.

Built environment: The elements of the environment that are generally built or made by people as contrasted with natural processes.

Canopy: A roof-like structure, supported by a building and/or columns, poles, or braces extending from the ground, including an awning, that projects from the wall of a building over a sidewalk, driveway, entry, window, or similar area, or which may be freestanding.

Character: The nature of a building or site.

Cohesiveness: Unity of composition among elements of a structure or among structures, and their landscape development.

Common area: Land within a development, not individually owned or dedicated to the public, and designed for the common usage of the development. These areas include green open spaces and yards and may include pedestrian walkways and complimentary structures and improvements for the enjoyment of residents of the development. Maintenance of such areas is the responsibility of a private association, not the public.

Compatibility: With regard to development, the characteristics of different land uses or activities that permit them to be located near each other in harmony and without conflict; with regard to buildings, harmony in appearance of architectural features in the same vicinity.

Continuity: The flow of elements or ideas in a non-interrupted manner.

Cornice: A horizontal element member, structural or nonstructural (i.e., molding), at the top of the exterior wall or projecting outward from an exterior wall at the roofline, including eaves and other roof overhang.

Design guideline: A standard of appropriate activity that will establish, preserve, or enhance the architectural character and site design and function of a building, structure, or development.

Detail: A small feature or element that gives character to a building.

Dormer: A window projecting from a roof.

Eave: The projecting lower edges of a roof overhanging the wall of a building.

Eave line: The extension of a roofline beyond the vertical wall of a building.

External design feature: The general arrangement of any portion of structures or landscaping, including the type, and texture of the materials, the type of roof, windows, doors, lights, signs, and fixtures of portions which are open to the public view.

Façade: Typically the front of a building; however, any building square on view is considered a façade (see definitions below).

Façade, front: Any façade with a main public entrance that faces one of the primary streets.

Façade, rear: Any façade without a public entry that does not face a public road.

Façade, side: Any façade without a public entry but facing a public street.

Fenestration: The organization of windows on a building wall.

Footprint: The total square footage on the ground of all buildings and structures on a site, measured from the outside of all of the exterior walls and supporting columns. It may include attached or detached garages, covered carports, roofed or unroofed porches and decks, and accessory structures, if such are defined within the design ordinance as contributing to footprint calculations.

Gable: The triangular upper portion of an end wall, underneath a peaked roof.

Grade, natural: The existing grade or elevation of the ground surface that exists or existed prior to man-made alterations, such as grading, grubbing, filling, or excavating.

Habitat: The physical location or type of environment, in which an organism or biological population lives or occurs.

Harmony: A quality that represents an attractive arrangement and agreement of parts of a composition, as in architectural elements.

Hedge: A row of closely planted shrubs, bushes, or any kind of plant forming a boundary.

Landscaping: The area within the boundaries of a given lot that consists of planting materials, including but not limited to, trees, shrubs, ground covers, grass, flowers, decorative rock, bark, mulch, and other similar materials.

Massing: the overall visual impact of a structure's volume; a combination of height and width, and the relationship of the heights and widths of the building's components. (See Figure).

Material change in appearance: A change that will affect either the exterior architectural or environmental features of a building, structure, land use activity, or development site. A material change in appearance shall at minimum include the following: the construction of a new building or structure; the reconstruction or alteration of the size, shape, or façade of an existing building or structure, including any of its architectural elements or details; commencement of excavation for construction purposes; and installation of freestanding walls, fences, steps, and pavements, or other appurtenant features.

Modularity: Design composition comprised of a rhythmic organization of parts.

Modulation: A measured setback or offset.

Natural drainage: Channels formed in the existing surface topography of the earth prior to changes made by unnatural causes.

Natural features: Components and processes present or produced by nature, including soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, climate, floodplains, aquatic life, and wildlife.

Parapet: A low retaining wall at the edge of or along a roof.

Pedestrian-oriented development: Development designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades that face the street.

Portico: An exterior appendage to a building, normally at the entry, usually roofed.

Proportion: Balanced relationship of parts of a building, signs and other structures, and landscape to each other and to the whole.

Ridge: The peak of a roof. Also, the horizontal member at the peak into which the rafters join.

Roof: The cover of a building, including the eaves and similar projections.

Roof, flat: A roof having no pitch or a pitch of not more than 2:12.

Roof, pitched: A shed, gabled, or hipped roof having a slope or pitch of at least two foot rise for each 12 feet of horizontal distance.

Scale: Proportional relationships of the size of parts to one another and to humans.

Scenic vista: A visual panorama with particular scenic value.

Street furniture: Those features associated with a street that are intended to enhance the street's physical character and use by pedestrians, such as benches, trash receptacles, planting containers, pedestrian lighting, kiosks, etc.

Street hardware: Objects other than buildings or street furniture that are part of the streetscape. Examples are: non-pedestrian street light fixtures, utility poles, traffic lights and their fixtures, fire hydrants, etc.

Streetscape: The appearance and organization along a street of buildings, paving, plantings, street hardware, street furniture, and miscellaneous structures.

View corridor: The line of sight identified as to height, width, and distance of an observer looking toward an object.

Viewshed: The area within view from a defined observation point.

§9-2-8 DESIGN REVIEW AND APPROVAL REQUIRED

No building or structure shall be erected (nor shall any material change in the exterior appearance of any existing building, structure, or activity be allowed), until and unless a design review application has been made to the Land Use Officer or designated officer and approved by the design review board in accordance with the provisions of this Resolution [Ordinance]. Prior to any material change in appearance, the Land Use Officer or designated officer must issue a certificate of design review approval, after approval by the design review board. No building permit or land use permit requiring review and approval by the design review board shall be issued by the Land Use Officer or designated officer, unless the permit has received design review approval from the design review board and a certificate of design review approval has been issued by the Land Use Officer or designated officer or designated officer.

§9-2-9 EXEMPTION FOR MINOR CHANGES

Where the requested change, a minor alteration, the Land Use Officer or designated officer may waive any of the information requirements of this Resolution [Ordinance] for design review application. The Land Use Officer or designated officer may consult with the chairman of the design review board in making exemptions pursuant to this section.

§9-2-10 PRE-APPLICATION CONFERENCE

All applicants for design review and approval are strongly encouraged but not required to schedule a pre-application conference with the Land Use Officer or his or her designee. A pre-application conference is a time where applicants can familiarize themselves with the application requirements and processes and gain preliminary input from staff as to the suitability of the proposed material change in appearance. Typically, the board is not represented at pre-application conference, although this does not preclude one or more members of the board from attending and participating in a pre-application conference.

§9-2-11 APPLICATION REQUIREMENTS

All applications for design review approval shall be made as required by the Land Use Officer or designated officer and shall at minimum contain the following information:

§9-2-11.1 Elevation Drawings, Color and Material Samples. Every application or review involving the construction of a new building or structure, alterations, and/or additions to existing structures shall be accompanied by exterior elevation drawings, drawn to scale and signed by an architect, engineer or other appropriate professional. These shall be submitted in sufficient number of copies as required by the Land Use Officer or designated officer. Said exterior elevation drawings shall clearly show in sufficient detail the exterior appearance and architectural design of proposed change(s) to buildings or structures and new construction, as applicable. Each application shall also indicate proposed materials, textures and colors, and provide samples of materials and colors.

§9-2-11.2 Photographs. All applications shall be accompanied by photographs of all sides of the existing building(s) or structure(s) affected, and of adjoining properties. Photographs shall be submitted in printed copy and in digital form unless otherwise specified by the Land Use Officer or designated officer.

§9-2-11.3 Site Plan and Landscaping Plan. For every application, a plot plan or site plan, drawn to scale, shall be submitted which shows all improvements affecting appearances, such as walls, walks, terraces, plantings, tree protection areas, accessory buildings, signs, lights, and other elements.

§9-2-11.4 Fee. A fee, as may be established by the Board of Commissioners [Mayor and City Council], shall be submitted for said application.

§9-2-11.5 Additional Information. The Land Use Officer may reasonably require any additional information as or designated officer shall be submitted with the application.

§9-2-12 CRITERIA FOR ACTING ON DESIGN REVIEW APPLICATIONS

In passing on applications for design review and approval, the design review board shall consider the appropriateness of any proposed material change in appearance in the context of the following criteria:

(a) Consistency with any adopted design guidelines for the type of development, and/or the proposed use.

(b) The nature and character of the surrounding areas, and the consistency and compatibility of the proposed application with such nature and character.

(c) The general design, character and appropriateness of design, scale of buildings, arrangement, texture, materials, and colors of the structure in question and the relation of such elements to similar features of structures in the immediate surrounding area, site, and landscaping.

(d) The board shall not consider interior arrangement or use as having any effect on exterior architectural features.

(e) The following are other grounds for considering a design inappropriate.

1. Character foreign to the area.

2. Arresting and spectacular effects.

3. Violent contrasts of material or color, or intense or lurid colors.

4. A multiplicity or incongruity of details resulting in a restless and disturbing appearance.

5. The absence of unity and coherence in composition not in consonance with the density and character of the present structure or surrounding area.

§9-2-13 ACTION BY DESIGN REVIEW BOARD

A decision by the board on a design review application shall be made within 45 days from the date a complete application is received. The design review board shall approve the application and direct the Land Use Officer or designated officer to issue a certificate of design approval if it finds that the proposed material change in appearance would not have a substantial adverse effect on the aesthetic or architectural significance and value of adjacent and nearby properties, and if the board finds the application is consistent with the criteria for judging applications for design review and approval as established in this Resolution [Ordinance]. The board may deny an application for a design review and approval when in the opinion of the board such proposed change would be detrimental to the character of the area. In the event the board rejects an application, it shall state its reason(s) for doing so and shall transmit a record of such action and

the reason(s) for rejection, in writing, to the applicant. The board may suggest alternative courses of action it thinks proper and conditionally approve the application if the applicant agrees to the conditions, or the Board may not approve the application as submitted. The applicant, if he or she so desires, may make modifications to the plan(s) and may resubmit the application. The denial of an application for a design review and approval shall be binding on the Land Use Officer or designated officer and, in such a case of denial, no building permit shall be issued.

§9-2-14 CHANGES AFTER BOARD APPROVAL

After the issuance of a certificate of design review and approval, no material change in the appearance shall be made or permitted to be made by the owner or occupant thereof, unless and until all requirements of this Resolution [Ordinance] are met.

§5-3-15 APPEALS

Any person adversely affected by any determination made by the design review board relative to the issuance or denial of a certificate of design review and approval may appeal such determination to the Mayor and City Council. For purposes of this section, an adversely affected person is one who demonstrates that his or her property will suffer special damage as a result of the decision complained of, rather than merely some damage that is common to all property owners and citizens similarly situated. The appeal must be filed within 30 days of the decision of the board and must be made by petition delivered to the Land Use Officer or designated officer. The appeal shall be on the application exactly as presented to the board. The Mayor and City Council may approve, modify and approve, or reject the determination made by the board if it finds that the board abused its discretion in reaching its decision. Appeals from decisions of the Mayor and City Council made pursuant to this section may be taken to superior court of _____ County in the manner provided by law.

§9-2-16 ENFORCEMENT

After a certificate of design review and approval has been issued, the Land Use Officer or designated officer shall from time to time inspect the construction approved by such authorization. The city, through the Land Use Officer, designated officer, or City Attorney, shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in the appearance, except those changes made in compliance with the provisions of this Resolution [Ordinance], or to prevent any illegal act or conduct with respect to this Resolution [Ordinance].

ORDINANCE

The Mayor and City Council of the City of Sugar Hill, Georgia hereby ordain that the 2000 Zoning Ordinance of the City of Sugar Hill is amended in the following manner:

Deleting Paragraph B. of Section 608. Architectural and Design Standards in its entirety and adding Section 911. Town Center Overlay District to Article 9 with the following text:

Section 911. TOWN CENTER OVERLAY DISTRICT

The following provisions shall apply to all property inside the Town Center Overlay District (TCO) as delineated on the Town Center Overlay District Boundary Map, which is attached hereto as Exhibit 1 and incorporated herein by reference. The Central Business District (CBD) is delineated on the Central Business District Boundary Map, which is attached hereto as Exhibit 2 and incorporated herein by reference.

1. Purpose and Intent

As part of an LCI Study, the City surveyed its citizenry and found that the people of Sugar Hill have widely shared values related to protection of the visual environment and enhancement of the pedestrian experience Downtown. These regulations are therefore based on the visual sensibilities of the average person in the community as well as widely accepted standards for ensuring a universally positive experience for Downtown Sugar Hill visitors, residents and businesses.

Attractive and integrated architectural and urban design features tend to improve an area's image, raise overall property values, attract new businesses and residents, as well as enhance the quality of life. Furthermore, visual harm to a widespread pattern of community preference as well as damage to the economic, architectural and social infrastructure of the City can occur without the imposition of the provisions of this ordinance, which places limitations on or prohibits altogether certain uses, structures, and practices that would be out of harmony or incongruent with the distinctive character, visual features or urban structure of the surrounding area.

The two main objectives of the TCO are to establish a regulatory framework that fosters a diverse but harmonious architectural character while allowing and attracting high quality mixed use development. Therefore, this section establishes an overlay zoning district for Sugar Hill that attracts mixed use development and sets up a design review process for any new construction or material change in appearance to existing structures within the overlay district.

2. Exceptions

Variances shall be processed in accordance with Article 15 of the City of Sugar Hill Zoning Ordinance.

3. Severability

Any requirement set forth herein deemed unconstitutional, vague, illegal and/or otherwise unenforceable in a court of law shall not invalidate the remainder of this Section and all other provisions and requirements of this Section shall remain in full force and effect.

4. Definitions

Amenity: Aesthetic or other characteristics that increase a development's desirability to a community or its marketability to the public. Amenities may differ from development to development but may include such things as recreational facilities, pedestrian plazas, views, streetscape improvements, special landscaping, or attractive site design.

Appearance: The outward aspect that is visible to the public.

Appropriate: Fitting to the context of a site, neighborhood or community.

Architectural concept: The basic aesthetic idea of a structure, or group of structures, including the site, signs, buildings and landscape development that produces the architectural character.

Architectural features: Functional, ornamental or decorative features integral or attached to the exterior of a structure, including roof elements, cornices, eaves, gutters, belt courses, sills, lintels, windows, doors, transoms, fan lights, side lights, chimneys, and elements of exterior embellishment.

Architectural recesses: Portions of a building wall at street level which are set back from the street line so as to create articulation of the building wall and/or to provide space for windows or doors.

Architecture: The art and science of designing and constructing buildings adapted to their purposes, one of which is beauty.

Attractive: Having qualities that arouse satisfaction and pleasure in numerous, but not necessarily all, observers.

Awning: A hood or cover that forms a roof-like structure, often of fabric, metal, or glass, designed and intended for the protection from the weather or as a decorative embellishment, and which projects from the wall or roof of a structure over a window, walk, door, or the like. Awnings may be retractable but are most often fixed with a rigid frame.

Awning, internally illuminated: A fixed awning covered with a translucent membrane that is, in whole or part, illuminated by light passing through the membrane from within the structure.

Balustrade: A railing consisting of a handrail or balusters.

Build-to line: An alignment established a certain distance from the curb or right-of-way line to a line along which a building or buildings shall be built.

Building bulk: The visual and physical mass of a building.

Built environment: The elements of the environment that are generally built or made by people as contrasted with natural processes.

Canopy: A roof-like structure, supported by a building and/or columns, poles, or braces extending from the ground, including an awning, that projects from the wall of a building over a sidewalk, driveway, entry, window, or similar area, or which may be freestanding.

Character: The nature of a building or site.

Cohesiveness: Unity of composition among elements of a structure or among structures, and their landscape development.

Common area: Land within a development, not individually owned or dedicated to the public, and designed for the common usage of the development. These areas include green open spaces and yards and may include pedestrian walkways and complimentary structures and improvements for the enjoyment of residents of the development. Maintenance of such areas is the responsibility of a private association, not the public.

Compatibility: With regard to development, the characteristics of different land uses or activities that permit them to be located near each other in harmony and without conflict; with regard to buildings, harmony in appearance of architectural features in the same vicinity.

Continuity: The flow of elements or ideas in a non-interrupted manner.

Cornice: A horizontal element member, structural or nonstructural (i.e., molding), at the top of the exterior wall or projecting outward from an exterior wall at the roofline, including eaves and other roof overhang.

Design guideline: A standard of appropriate activity that will establish, preserve, or enhance the architectural character and site design and function of a building, structure, or development.

Detail: A small feature or element that gives character to a building.

Dormer: A window projecting from a roof.

Eave: The projecting lower edges of a roof overhanging the wall of a building.

Eave line: The extension of a roofline beyond the vertical wall of a building.

Entablature is a major element of classical architecture, the superstructure of moldings and bands which lies horizontally above the columns, resting on their capitals.

External design feature: The general arrangement of any portion of structures or landscaping, including the type, and texture of the materials, the type of roof, windows, doors, lights, signs, and fixtures of portions which are open to the public view.

Façade: Typically the front of a building; however, any building square on view is considered a façade (see definitions below).

Façade, front: Any façade with a main public entrance that faces one of the primary streets.

Façade, rear: Any façade without a public entry that does not face a public road.

Façade, side: Any façade without a public entry but facing a public street.

Fenestration: The organization of windows on a building wall.

Footprint: The total square footage on the ground of all buildings and structures on a site, measured from the outside of all of the exterior walls and supporting columns. It may include attached or detached garages, covered carports, roofed or unroofed porches and decks, and accessory structures, if such are defined within the design ordinance as contributing to footprint calculations.

Gable: The triangular upper portion of an end wall, underneath a peaked roof.

Grade, natural: The existing grade or elevation of the ground surface that exists or existed prior to man-made alterations, such as grading, grubbing, filling, or excavating.

Habitat: The physical location or type of environment, in which an organism or biological population lives or occurs.

Harmony: A quality that represents an attractive arrangement and agreement of parts of a composition, as in architectural elements.

Hedge: A row of closely planted shrubs, bushes, or any kind of plant forming a boundary.

Landscaping: The area within the boundaries of a given lot that consists of planting materials, including but not limited to, trees, shrubs, ground covers, grass, flowers, decorative rock, bark, mulch, and other similar materials.

Massing: The overall visual impact of a structure's volume; a combination of height and width, and the relationship of the heights and widths of the building's components. (See Figure).

Material change in appearance: A change that will affect either the exterior architectural or environmental features of a building, structure, land use activity, or development site. A material change in appearance shall at minimum include the following: the construction of a new building or structure; the reconstruction or alteration of the size, shape, or façade of an existing building or structure, including any of its architectural elements or details; commencement of excavation for construction purposes; and installation of freestanding walls, fences, steps, and pavements, or other appurtenant features.

Modularity: Design composition comprised of a rhythmic organization of parts.

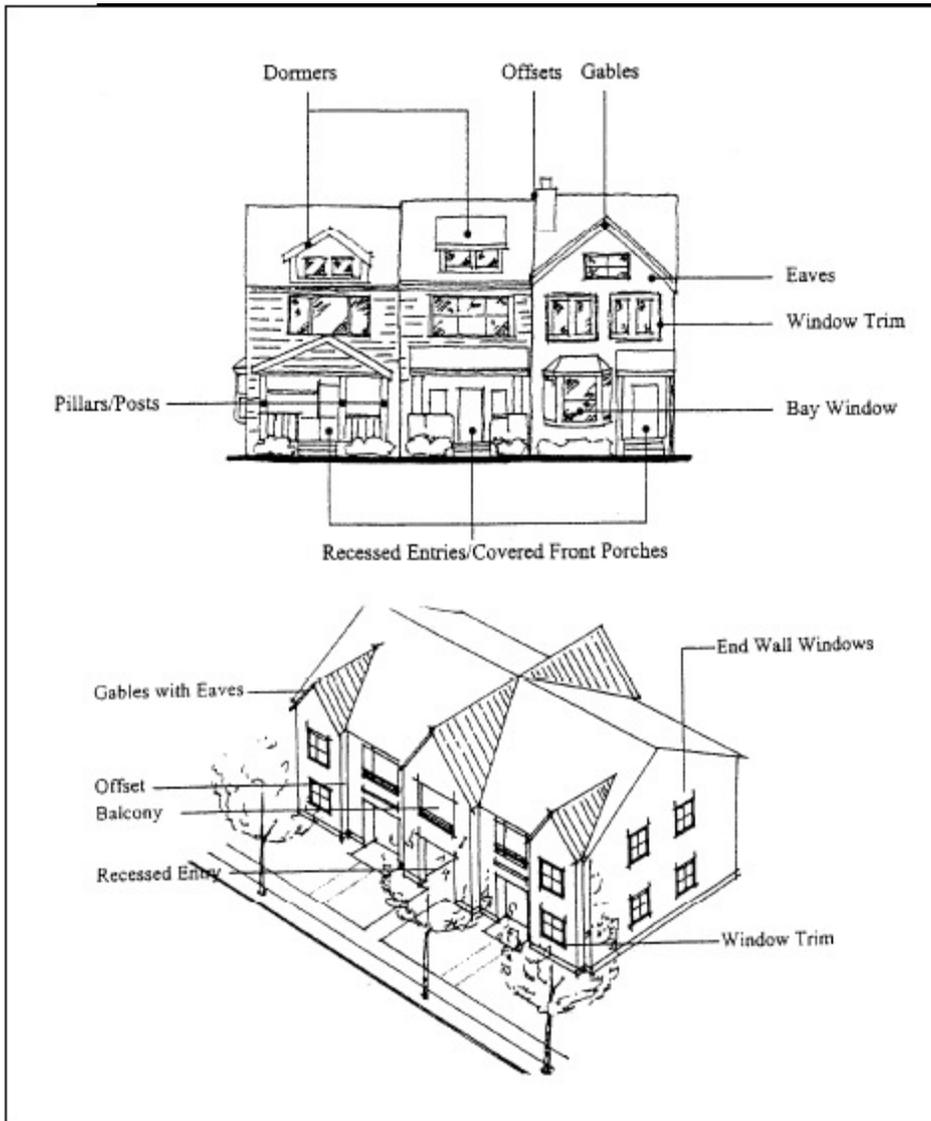
Modulation: A measured setback or offset.

Natural drainage: Channels formed in the existing surface topography of the earth prior to changes made by unnatural causes.

Natural features: Components and processes present or produced by nature, including soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, climate, floodplains, aquatic life, and wildlife.

Parapet: A low retaining wall at the edge of or along a roof.

Figure 1



Selected Architectural Details

Source: Oregon Transportation and Growth Management Program 1999.

Pedestrian-oriented development: Development designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades that face the street.

Portico: An exterior appendage to a building, normally at the entry, usually roofed.

Proportion: Balanced relationship of parts of a building, signs and other structures, and landscape to each other and to the whole.

Ridge: The peak of a roof. Also, the horizontal member at the peak into which the rafters join.

Roof: The cover of a building, including the eaves and similar projections.

Roof line: The contour, shape or outline of a roof.

Roof, flat: A roof having no pitch or a pitch of not more than 2:12.

Roof, pitched: A shed, gabled, or hipped roof having a slope or pitch of at least two foot rise for each 12 feet of horizontal distance.

Scale: Proportional relationships of the size of parts to one another and to humans.

Scenic vista: A visual panorama with particular scenic value.

Street furniture: Those features associated with a street that are intended to enhance the street's physical character and use by pedestrians, such as benches, trash receptacles, planting containers, pedestrian lighting, kiosks, etc.

Street hardware: Objects other than buildings or street furniture that are part of the streetscape. Examples are: non-pedestrian street light fixtures, utility poles, traffic lights and their fixtures, fire hydrants, etc.

Streetscape: The appearance and organization along a street of buildings, paving, plantings, street hardware, street furniture, and miscellaneous structures.

View corridor: The line of sight identified as to height, width, and distance of an observer looking toward an object.

Viewshed: The area within view from a defined observation point.

5. Use Provisions.

One of the main objectives of the TCO is to provide for the integration of appropriate commercial, office and residential uses in a compact area around Downtown Sugar Hill enhancing the pedestrian accessibility throughout the TCO and ultimately reducing automobile dependence in and around the City Center.

5b. Maximum Building Height. Maximum building heights shall be 4 stories.

5c. Mixed Use. Mixed uses are encouraged within the area of the TCO and shall be allowed in accordance with Article 10.5 Mixed Use Developments.

5d. Prohibited Uses. Within the TCO the following uses shall be prohibited: Adult entertainment businesses/facilities; automotive sales lots and associated service facilities; automobile repair shops and tire stores including lubrication or tune up centers; truck stops; service stations; boarding and rooming houses; contractors equipment depot; equipment rental; facilities engaging in the business, trade, or profession of psychic reading, fortune telling, astrology, phrenology, palmistry, clairvoyance, or related practices; adult novelty retail stores; pawn shops; tattoo parlors; warehousing; mini-warehouse/personal storage facilities; moving van or truck rental and taxi/limousine que lots. If any of the above listed uses exist within the Town Center Overlay District prior to the adoption of this Ordinance, those uses shall, upon the adoption of this Ordinance become non-conforming uses, shall not be expanded, and shall comply with and be governed by Article 8 of the Zoning Ordinance.

6. Design Criteria and Standards

Following is a list and description of Design Criteria used to evaluate development projects in the TCO. Following each Design Criteria is list of standards that apply to every development and building project, whether new or a change in appearance as provided in Subsection 7 below, in the District unless otherwise provided herein.

6a) Design Criteria – Architectural Design:

Each individual building or project must contribute to a consistent architectural identity for the TCO by using traditional forms, authentic materials and quality craftsmanship. Through surveys and questionnaires the citizens have expressed a general preference for traditional style and detail. Appendix A, attached hereto and incorporated herein by reference, provides suggested examples of desirable style and detail.

Standards:

- 1 New construction or any material change in exterior appearance of an existing building shall be compatible in appearance with the detailing of other newly constructed buildings in window shape, cornice lines, masonry work, building outline, color, scale and similar architectural or external design features.
- 2 Trademarked, branded, franchise, stylized and/or corporate architecture that is standardized or otherwise generic in nature shall not be permitted.
- 3 Nostalgic copies of exterior elevations shall be avoided while achieving the desired traditional feel.

6b) Design Criteria - Skyline:

The design and construction of every building must contribute to a desirable skyline when viewed from the street level or at a distance. Variations in rooflines must be created from one building to the next to produce a desirable rhythmic appearance to the Skyline.

Standards:

- i) No structure, signage, poles, statuary or similar appendages may protrude beyond the roofline of any building.

- ii) All antennae must be screened from view from any view point from ground level.
- iii) Parapets and entablature must include some architectural detail. Uniform planes created with little detail may not be used in the roofline or upper façade of any building.
- iv) Roof mounted electrical, mechanical and other similar systems or utility/service areas shall be screened and incorporated into the design of the building and/or hidden from public view when viewed from any public space.
- v) For buildings located in the CBD only. Building facades longer than 40 feet shall be visually divided into segments of no more than 20 feet through articulation of the façade achieved through methods such as breaks in materials, additional window bays, variation in roof line, building setback.

6c) Design Criteria – Building Materials:

Buildings must be designed and constructed as enduring features of the Downtown built environment using quality materials. Building exteriors should be designed to require little maintenance and to achieve a life span greater than 80 years. Architectural elements within the streetscape should be characterized by a higher level of detail than materials above the first floor.

Standards:

- i) Allowed building materials for commercial buildings shall be brick, stone, glass, high grade fiber cement siding (up to 30% of any facade) and high grade EIFS for cornice only (up to 10% of any facade).
- ii) Standing seam metal roofing is recommended for commercial buildings. Appendix A, which is attached hereto and incorporated herein by reference, provides the approved color palette.
- iii) No stamped concrete imitating masonry or other similar treatment shall be permitted.
- iv) Materials such as tile, stone, copper flashing, metal and wood may be considered for accent materials to make up no more than 10% of any facade.
- v) Building colors shall be limited to the approved color palette found in Appendix A, which is attached hereto and incorporated herein by reference.
- vi) The following materials are prohibited on the finished exterior of all buildings: concrete masonry units, metal siding, vinyl siding, fiberglass siding, plastic siding and faux brick.
- vii) Residential Buildings: All exterior elevations shall be finished with brick, stone or Hardie Board or similar product as approved by Director of Planning and Development or designated officer.

6d) Design Criteria – Pedestrian Experience:

The following design standards for Pedestrian Experience shall apply only to buildings located in the CBD. Providing a visual connection to the civic uses from the commercial uses inside each

building and more private uses on upper floors offers a method to increase the level of awareness and self policing among the users. This additional interaction will contribute to the sense of safety for the pedestrian community, and its business owners.

Standards:

i) Streetscape elements such as benches, trash receptacles, fencing and/or bike racks shall match the finish, style, design, material and quality of the approved City of Sugar Hill streetscape elements found in Appendix A, which is attached hereto and incorporated herein by reference. Dining tables shall be made of durable metal and anodized or powder coated. Chairs in outdoor seating areas shall be powder coated metal, natural teak or natural redwood. No plastic, fiberglass, or folding appurtenances shall be allowed in outdoor areas.

ii) A lighting plan for the site including standard data and design details showing location, character and light coverage shall be approved by the Director. Proposed lighting appurtenances must be visually compatible with the approved City of Sugar Hill street lights found in Appendix A, which is attached hereto and incorporated herein by reference.

iii) A minimum of 50% of the street facing facades on the ground level shall be transparent through windows and doors.

iv) A minimum of 40% of all facades on the upper floors shall contain windows or balconies. Railings on balconies shall be constructed of iron or aluminum colored black or dark green.

v) Reflective or glass tinted more than 30% is not permitted. No glass may be more than 30% opaque.

vi) Awnings or similar type structures must be constructed of durable, protective and water repellent materials. Plastic or fiberglass awnings are not permitted.

vii) Awnings must project a minimum of 42" from the building and are limited to segments of eight feet (8') in length.

viii) Awnings may serve as sign panels for businesses provided the total sign area on the awning is included in the calculations for the wall signs on the associated façade.

ix) Discharge of water along the surface of a walkway is prohibited. i.e. storm water from gutters, condensate from air conditioning units, etc.

x) All new or relocated utilities shall be placed underground.

xi) Dumpsters shall be screened on all sides by a minimum six-foot high brick or stone wall with access via an opaque metal gate (chain link gates are not permitted).

6e) Design Criteria – Vehicular and Pedestrian Access:

The following design standards for Vehicular and Pedestrian Access shall apply only to buildings located in the CBD only. Vehicular access and parking should be adequate while serving to enhance the overall pedestrian experience. Size and location of off street parking lots should be small and limited to the rear of the businesses they serve.

Standards:

- i) Sidewalks are required on all streets within the TCO except for alleys.
- ii) Minimum sidewalk width is six feet (6').
- iii) Off street parking requirements may be reduced by 20% as long as no required parking space is more than 700 feet from an entrance to the building, unit, suite and/or space it serves.
- iv) A combination of off-street, on-street (10% Max.) and shared parking (10% Max.) may be used for off-street parking requirements.
- v) No off street parking areas shall abut the street and/or sidewalk.
- vi) 25' minimum width inter-parcel access easements are required along the rear portion of each property to accommodate 24' minimum width inter-parcel driveway for two-way traffic.
- vii) Front and rear entrances for the public shall be provided for each building.
- viii) Garages, carports and/or parking areas that serve residential uses must be located in the rear yards.

6f) Design Criteria - Signage:

Signage must be compatible in style, composition, material, color and detail of the buildings they serve.

Standards:

- i) Signs must not block or alter architectural elements of the building on which they are mounted as well as neighboring buildings.
- ii) Signage shall be illuminated in the evenings with the light source hidden to motorists and pedestrians, neon signs are not allowed.
- iii) Internally illuminated signs are prohibited.
- iv) Window signage must not cover more than 30% of the glazed area of the window and all window signage shall be included in the calculations of wall signs.
- v) Signage projecting from the building must be no greater than 15 square feet. Signs may project horizontally from the building to a maximum of four feet (4').
- vi) No sign shall extend higher than the roof line of the building.
- vii) The lowest point of any projecting sign may not be closer than 10 feet to the surface of the sidewalk directly beneath the sign.

viii) A-frame or sandwich shop type signs shall not be subject to the provisions in Article 13 for businesses located within the TCO. Such signs must not obstruct pedestrian traffic or create a safety hazard. Maximum dimensions are 24" wide by 42" high with no more than 6 square feet per sign face, maximum of two sign faces. No more than one such sign shall be allowed per business address which must be clearly identified on the back side of the sign. Such signs must be secured within the building during the hours the business is closed.

7. Design Review and Approval Required

No building or structure shall be erected (nor shall any material change in the exterior appearance of any existing building, structure, or activity be allowed), until and unless a design review application has been made to the Director of Planning and Development. Prior to any material change in appearance, the Director or designated officer must issue a certificate of design review approval. No building permit or land use permit shall be issued by the Director of Planning and Development, unless a certificate of design review approval has been issued by the Director of Planning and Development.

7a) Application Requirements

All applications for design review approval shall be made as required by the Director of Planning and Development and shall at minimum contain the following information:

i) Elevation Drawings, Color and Material Samples. Every application or review involving the construction of a new building or structure, alterations, and/or additions to existing structures shall be accompanied by exterior elevation drawings, drawn to scale and signed by an architect, engineer or other appropriate professional. These shall be submitted in sufficient number of copies as required by the Director of Planning and Development. Said exterior elevation drawings shall clearly show in sufficient detail the exterior appearance and architectural design of proposed change(s) to buildings or structures and new construction, as applicable. Each application shall also indicate proposed materials, textures and colors, and provide samples of materials and colors.

ii) Photographs. All applications shall be accompanied by photographs of all sides of the existing building(s) or structure(s) affected, and of adjoining properties. Photographs shall be submitted in printed copy and in digital form unless otherwise specified by the Director of Planning and Development.

iii) Site Plan and Landscaping Plan. For every application, a plot plan or site plan, drawn to scale, shall be submitted which shows all improvements affecting appearances, such as walls, walks, terraces, plantings, tree protection areas, accessory buildings, signs, lights, and other elements.

iv) Fee. A fee, as may be established by the Mayor and City Council, shall be submitted for said application.

v) Additional Information. The Director of Planning and Development or designated officer may reasonably require any additional information to be submitted with the application.

7b) Criteria for Acting on Design Review Applications

In passing on applications for design review and approval, the Director of Planning and Development shall consider the appropriateness of the design of any new building or any proposed material change in appearance in the context of the following criteria:

i) Consistency with any adopted design guidelines for the type of development, and/or the proposed use.

ii) The nature and character of the surrounding areas, and the consistency and compatibility of the proposed application with such nature and character.

iii) The general design, character and appropriateness of design, scale of buildings, arrangement, texture, materials, and colors of the structure in question and the relation of such elements to similar features of structures in the immediate surrounding area, site, and landscaping.

iv) The interior arrangement or use will not have any effect on exterior architectural features and will not be considered.

v) The following are other grounds for considering a design inappropriate.

- Character foreign to the area.
- Arresting and spectacular effects.
- Violent contrasts of material or color, or intense or lurid colors.
- A multiplicity or incongruity of details resulting in a restless and disturbing appearance.
- The absence of unity and coherence in composition not in consonance with the density and character of the present structure or surrounding area.

7c) Action by Director of Planning and Development

A decision by the Director of Planning and Development on a design review application shall be made within 45 days from the date a complete application is received. The Director may deny an application for a design review and approval when in the opinion of the Director the proposed design or the proposed change would be detrimental to the character of the area. In the event the Director rejects an application, the rejection shall state the reason(s) for doing so and shall transmit a record of such action and the reason(s) for rejection, in writing, to the applicant. The Director may suggest alternative courses of action he or she thinks proper and conditionally approve the application if the applicant agrees to the conditions, or the Director may not approve the application as submitted. The applicant, if he or she so desires, may make modifications to the plan(s) and may resubmit the application. In the event the Director of Planning and Development does not take action within 45 days an application is received, the application shall be deemed denied.

8d) Appeals

Any person adversely affected by any determination made by the Director of Planning and Development relative to the issuance or denial of a certificate of design review and approval may appeal such determination to the Mayor and City Council. For purposes of this section, an adversely affected person shall be the applicant or any other person who demonstrates that his or her property will suffer special damage as a result of the decision complained of, rather than merely some damage that is common to all property owners and citizens. The appeal must be filed within 30 days of the decision by the Director and must be made by petition delivered to the City Manager. The appeal shall be on the application exactly as presented. The Mayor and

City Council may approve, modify and approve, or reject the determination made by the Director of Planning and Development. Appeals from decisions of the Mayor and City Council made pursuant to this section shall be filed in the Superior Court of Gwinnett County through a writ of certiorari.

8e) Enforcement

After a certificate of design review and approval has been issued, the Director of Planning and Development or his or her designee shall from time to time inspect the construction approved by such authorization. The City, through the Director of Planning and Development, designated officer, or the City Attorney shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any illegal act or conduct with respect to this Section.

IT IS FURTHER ORDAINED that the amendment contained in this ordinance shall become effective upon its adoption by the Mayor and Council.

IT IS SO ORDAINED this ____ day of _____, 2008.

Council Member Steve Edwards, Post 1

Council Member Marc Cohen, Post 2

Council Member Susan Gajewski, Post 3

Council Member Nick Thompson, Post 4

Council Member Michael Sullivan, Post 5

Attest _____

City Clerk - Jane Whittington

Submitted to Mayor: _____

Approved by Mayor, this ____ day of _____, 2008.

Mayor Gary Pirkle