

CITY OF BROOKHAVEN – ZONING CODE REWRITE – Mixed-Use Districts

The City of Brookhaven has released the latest draft of its City Zoning Ordinance rewrite. This is a comprehensive document with substantial, significant changes to land development patterns in Brookhaven. Accordingly, the Council for Quality Growth’s analysis of the Zoning Ordinance rewrite has been divided into **four sections: Residential Districts; Mixed-Use Districts; Commercial & Employment Districts; and, Overlay Districts.**

Please recall that portions of the proposed Zoning Ordinance rewrite incorporate existing Zoning Code regulations previously adopted by City Council, including the Peachtree Road Overlay District and the Peachtree Road-1, 2, and 3 Special Purpose Districts.

New additions from previous drafts are **in blue type**. The Planning Commission will be hearing this proposed Ordinance on Wednesday, September 5th.

The Council will compile all feedback from members into a document for submittal to Brookhaven staff and City Council. Please do not hesitate to contact Taylor Morison at tm@councilforqualitygrowth.org.

MIXED-USE DISTRICTS

The City of Brookhaven is making significant changes to its Mixed-Use zoning districts. The following districts will be the *only* Mixed-Use zoning districts in the City of Brookhaven:

MIXED-USE DISTRICTS		
Symbol	Mixed-Use District Name	District Intent
MX1	Neighborhood Mixed-Use	Small, neighborhood-scale mixed-use buildings
MX2	Community Mixed-Use	Mixed-use buildings in mixed-use corridors and nodes
CX	Corridor Mixed-Use	Mixed-use and general buildings in commercial corridors
EX	Employment Mixed-Use	General buildings and workspace buildings in office and industrial park settings

A. Building Types in Mixed-Use (MX1, MX2, CX, and EX) Zoning Districts

Building Type	Districts				P=Permitted X=Prohibited
	MX1	MX2	CX	EX	
Commercial House	P	P	X	X	House
Shopfront	P	P	P	X	
General	X	X	P	P	
Workspace	X	X	X	P	
Civic Building	P	P	P	P	

i. Commercial

Definition – A building that has been converted from a detached house or that generally resembles a detached house and that is exclusively used to accommodate allowed nonresidential uses.

Commercial houses are allowed in MX1 and MX2 zoning districts, according to the following District Regulations:

COMMERCIAL HOUSES IN MX1 and MX2 ZONING DISTRICTS		
Regulation	MX1	MX2
a. Lot		
Min. Lot Area (Sq. Ft.)	6,000	6,000
Min. Lot Width & Frontage (ft.)	50	50
Max. Impervious Coverage (%)	55	65

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b. Minimum Principal Building Setbacks (feet)		
Front Street	30	30
Side Street	15 ¹	15 ¹
Interior Side	7.5	7.5
Rear	30	30
c. Minimum Accessory Building Setbacks (feet)		
Front Street	Permitted in Rear Yard Only	
Side Street	15 ¹	15 ¹
Interior Side	5	5
Rear	10 ²	10 ²
d. Building Height		
Ground-Story Elevation (min/max above front street building line, ft.)	0/3	0/3
Max. Principal Building Height	40	40
Max. Accessory Building Height	20 ³	20 ³
e. Street Facades		
Min. Front Façade Transparency (%)	15	15
Min. Street Side Façade Transparency (%)	5	5
Entrance Configuration	Stoop or Porch Required	

1. Street-facing garage entries must be set back at least 20 feet from the back of the sidewalk or from the street right-of-way, whichever results in a greater setback.
2. Minimum 25-foot rear setback required for accessory buildings when rear yard adjoins side yard of abutting lot.
3. Or height of principal building, whichever is less.

ii. Shopfront Buildings

Definition – A building situated near the front property line, with parking located at the rear or in small parking lots located to the side of the building. Shopfront buildings have front-facing building entrances and a high-level of transparency at the ground-floor level. Upper levels of multi-story shopfront buildings are typically occupied by residential dwelling units or by office or service uses.

Shopfront buildings are allowed in MX1, MX2, and CX zoning districts, according to the following District Regulations:

SHOPFRONT BUILDINGS IN MX1, MX2, and CX ZONING DISTRICTS			
Regulation	MX1	MX2	CX
a. Lot			
Min. Lot Area (Sq. Ft.)	6,000	6,000	6,000
Min. Lot Width & Street Frontage (ft.)	50	50	50
Max. Impervious Coverage (%)	55	65	80
b. Principal Building Setbacks (feet)			
Front Street, Min/Max (“BTZ”)	5/10 ¹	5/10 ¹	5/10 ¹
Min. Building Coverage within BTZ (%)	80	60	60
Side Street, Min/Max	5/10	5/10	5/10
Interior Side, Min.	5	5	5
Rear, Min.	30	30	30
c. Building Height			

Ground-Story Elevation (min/max above sidewalk, ft.)	0/3	0/3	0/3
Min. Height per Story (floor-to-floor, ft.)			
Ground Story	12	14	12
Upper Stories (above first)	9	9	9
Max. Height per Story (floor-to-floor, ft.)			
Ground Story	18	24	24
Upper Stories (above first)	12	14	14
Overall Principal Building Height			
Min. (stories)	1	2	1
Max. (stories/ft.)	3/40	5/70 ²	5/70 ²
Max. Accessory Building Height (ft.)	20 ³	20 ³	20 ³
d. Street Facades			
Min. Front Façade Transparency (%)			
Ground Story	65	75	60
Upper Stories	35	35	35
Min. Street Side Façade Transparency (%)			
Ground Story	35	35	35
Upper Stories	15	15	15
f. Transition Buffers			
Minimum Buffer Depth Abutting R-Zoned Lot (ft.)	30	30	30

1. Street-facing garage entries must be set back at least 20 feet from the back of the sidewalk or from the street right-of-way, whichever results in a greater setback.
2. Buildings on O-1 or M-zoned lots located within Buford Highway Overlay may be eligible for increased as-of-right building height. Outside the Buford Highway Overlay, greater building heights may be approved through a SLUP.
3. Or height of principal building, whichever is less.

Other notable regulations for Shopfront Buildings in MX1, MX2, and CX zoning districts:

- Residential uses are not allowed on the ground-story in mixed-use zoning districts, but any non-residential allowable use in the MX1, MX2, and CX zoning districts is allowed on either the ground-story or upper stories;
- In-building parking is permitted anywhere below grade and in above-grade floors if set back at least 20 feet from front façade.
- Surface parking is permitted in the rear yard or side yard (behind principal building setback); side parking limited to one double-loaded aisle with centerline perpendicular to street.

iii. General Buildings

Definition – A building that accommodates residential, office, service, or employment uses or a combination of such uses.

General buildings are allowed in CX and EX zoning districts, according to the following District Regulations

GENERAL BUILDINGS IN CX and EX ZONING DISTRICTS		
Regulation	CX	EX
a. Lot		
Min. Lot Area (Sq. Ft.)	6,000	6,000
Min. Lot Width & Street Frontage (ft.)	50	50
Max. Impervious Coverage (%)	80	85
b. Principal Building Setbacks (feet)		
Front Street, Min/Max ("BTZ")	5/15 ¹	5/30 ¹
Min. Building Coverage within BTZ (%)	65	50
Side Street, Min/Max	5/15	5/30

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Interior Side, Min.	5	5
Rear, Min.	30	30
c. Building Height		
Min. Height per Story (floor-to-floor, ft.)	9	9
Max. Height per Story (floor-to-floor, ft.)	14	14
Overall Principal Building Height		
Min. (stories)	1	1
Max. (stories/ft.)	3/45 ²	5/70 ²
Max. Accessory Building Height (ft.)	20 ³	20 ³
d. Street Facades		
Min. Front Façade Transparency (%)		
Ground Story	20	15
Upper Stories	15	15
Min. Street Side Façade Transparency (%)	15	15
f. Transition Buffers		
Minimum Buffer Depth Abutting R-Zoned Lot (ft.)	30	30

1. Street-facing garage entries must be set back at least 20 feet from the back of the sidewalk or from the street right-of-way, whichever results in a greater setback.
2. Buildings on O-1 or M-zoned lots located within Buford Highway Overlay may be eligible for increased as-of-right building height. Outside the Buford Highway Overlay, greater building heights may be approved through a SLUP.
3. Or height of principal building, whichever is less.

Other notable regulations for General Buildings in CX and EX zoning districts:

- In-building parking is permitted anywhere below grade and in above-grade floors if set back at least 20 feet from front façade.
- Surface parking is permitted in the rear yard or side yard (behind principal building setback); side parking limited to one double-loaded aisle with centerline perpendicular to street.

iv. Workspace Buildings

Definition – A modified, more flexible form of the General Building type. They are primarily intended to accommodate warehouse, light industrial, and heavy service uses.

Workspace buildings are allowed in EX zoning districts, according to the following District Regulations:

WORKSPACE BUILDINGS IN EX ZONING DISTRICTS	
Regulation	EX
a. Lot	
Min. Lot Area (Sq. Ft.)	6,000
Min. Lot Width & Street Frontage (ft.)	50
Max. Impervious Coverage (%)	85
b. Principal Building Setbacks (feet)	
Front Street, Min/Max (“BTZ”)	10/50 ¹
Min. Building Coverage within BTZ (%)	NONE
Side Street, Min/Max	10/50
Interior Side, Min.	10
Rear, Min.	30
c. Building Height	
Min. Height per Story (floor-to-floor, ft.)	9
Max. Height per Story (floor-to-floor, ft.)	14
Overall Principal Building Height	
Min. (stories)	1

Max. (stories/ft.)	5/70 ²
Max. Accessory Building Height (ft.)	20 ³
d. Street Facades	
Min. Front Façade Transparency (%)	15
Min. Street Side Façade Transparency (%)	10
f. Transition Buffers	
Minimum Buffer Depth Abutting R-Zoned Lot (ft.)	30

1. Street-facing garage entries must be set back at least 20 feet from the back of the sidewalk or from the street right-of-way, whichever results in a greater setback.
2. Buildings on O-1 or M-zoned lots located within Buford Highway Overlay may be eligible for increased as-of-right building height. Outside the Buford Highway Overlay, greater building heights may be approved through a SLUP.
3. Or height of principal building, whichever is less.

Other notable regulations for General Buildings in CX and EX zoning districts:

- In-building parking is permitted anywhere below grade and in above-grade floors.
- Surface parking is permitted in the front, side, or rear yard.

v. Civic Buildings

Definition – A building exclusively used to accommodate public and civic uses.

Civic buildings are allowed in MX1, MX2, CX, and EX zoning districts, according to the following District Regulations:

CIVIC BUILDINGS IN RS-, RSA-, and RM- ZONING DISTRICTS				
Regulation	MX1	MX2	CX	EX
a. Lot				
Min. Lot Area (Sq. Ft.)	6,000	6,000	6,000	6,000
Min. Lot Width & Street Frontage (ft.)	50	50	50	50
Max. Impervious Coverage (%)	55	55	65	80
b. Minimum Principal Building Setbacks (feet)				
Front Street	5 ¹	5 ¹	5 ¹	30 ¹
Side Street	5 ¹	5 ¹	5 ¹	15 ¹
Interior Side	10	10	10	10
Rear	30	30	30	30
c. Maximum Building Height				
Principal Building (ft.)	44	45	45	45
Accessory Building (ft.)	20 ²	20 ²	20 ²	20 ²

1. Street-facing garage entries must be set back at least 20 feet from the back of the sidewalk or from the street right-of-way, whichever results in a greater setback.
2. Or height of principal building, whichever is less.

Other notable regulations for General Buildings in CX and EX zoning districts:

- In-building parking is permitted anywhere below grade and in above-grade floors if set back at least 20 feet from front façade.
- Surface parking is permitted in the rear yard or side yard (behind principal building setback).

B. Minimum Parking Requirements

Based on allowable uses in Commercial & Employment zoning districts (NS, C-1, C-2, O-I, O-D, O-C-R, M), the following minimum off-street parking requirements apply:

Use Category	Motor Vehicle Spaces	Short-Term Bike Parking	Long-Term Bike Spaces
Single-Household	1 per Dwelling Unit	None	None
Two-Household	1 per Dwelling Unit	None	None
Three-Household	1 per Dwelling Unit	None	None
Four+ -Household	1 ⁵ per Dwelling Unit	0.1 per Dwelling Unit	0.2 per Dwelling Unit
Assisted Living Facility	0.33 per Bed	None	None
Personal Care Home (4-6 Residents)	0.33 per Bed	None	None
Personal Care Home (7+ Residents)	0.33 per Bed	None	None
Club or Lodge	1 per 125 Sq. Ft.	1 per 2,000 Sq. Ft.	1 per 20,000 Sq. Ft.
Library or Cultural Exhibit	1 per 400 Sq. Ft.	1 per 2,000 Sq. Ft; Min. 4	1 per 20,000 Sq. Ft.
Religious Assembly	0.25 per Seat ¹	0.1 per Seat	None
Animal Service	1 per 400 Sq. Ft	None	1 per 10,000 Sq. Ft.
Assembly and Entertainment	0.25 per Seat ¹	0.1 per Seat	None
Business or Trade School	6 per Classroom	2 per Classroom	2 per Classroom
Consumer Maintenance and Repair	1 per 400 Sq. Ft.	1 per 4,000 Sq. Ft	1 per 10,000 Sq. Ft.
Personal Service	1 per 400 Sq. Ft. ²	1 per 2,000 Sq. Ft; Min. 2	1 per 10,000 Sq. Ft.
Studio or Instructional Service	1 per 400 Sq. Ft. ²	1 per 2,000 Sq. Ft; Min. 2	1 per 10,000 Sq. Ft.
Daycare (Small, 1-6 enrollees)	None	None	None
Daycare (Large, 7 or more enrollees)	1 per 300 Sq. Ft.	None	1 per 20,000 Sq. Ft.
Eating and Drinking Places	1 per 125 Sq. Ft. ²	1 per 2,000 Sq. Ft; Min. 2	1 per 10,000 Sq. Ft.
Financial Service	1 per 400 Sq. Ft.	1 per 2,000 Sq. Ft; Min. 2	1 per 10,000 Sq. Ft.
Funeral or Mortuary Service	0.33 per seat	None	None
Short-Term Rental	1 per Guest Room	0.025 per Guest Room	0.025 per Guest Room
Hotel/Motel	1 per Guest Room	0.025 per Guest Room	0.025 per Guest Room
Medical Service	1 per 300 Sq. Ft.	1 per 2,000 Sq. Ft; Min. 2	1 per 10,000 Sq. Ft.
Office	1 per 400 Sq. Ft.	1 per 50,000 Sq. Ft; Min. 2	1 per 10,000 Sq. Ft.
Parking, Non-Accessory	None	1 per 10 MV spaces; min. 6	None
Retail Sales	1 per 400 Sq. Ft. ²	1 per 2,000 Sq. Ft; Min. 2	1 per 20,000 Sq. Ft.
Sports and Recreation, Participant	0.25 per Seat ²	0.1 per Seat	None
Fueling Station	2 per fuel pump ³	None	None
Vehicle Sales	1 per 666 Sq. Ft.	None	None
Vehicle Rental	1 per 666 Sq. Ft.	None	None
Vehicle Maintenance and Repair	1 per 300 Sq. Ft.	None	None
Fabrication and Production	1 per 2,000 Sq. Ft. ⁴	None	1 per 10,000 Sq. Ft.
Industrial Service	1 per 2,000 Sq. Ft. ⁴	None	1 per 10,000 Sq. Ft.
Storage, Distribution, and Wholesaling	1 per 2,000 Sq. Ft. ⁴	None	1 per 10,000 Sq. Ft.

*All uses listed above are allowable in either MX1, MX2, CX, and/or EX, or a combination of the four. Parking requirements for each allowable use are the same regardless of the Mixed-Use zoning district that the use is allowable in. Please see Use Table 7-1 in Zoning Ordinance for allowable uses in Mixed-Use zoning districts.

1. Minimum requirement for assembly areas without fixed seating = 20 spaces per 1,000 Sq. Ft. of floor area.
2. No parking required for first 1,500 Sq. Ft. of floor area.
3. Plus motor vehicle and bicycle spaces required for any retail sales floor area.
4. Plus 2.5 spaces per 1,000 Sq. Ft. of sales or office space.
5. 1.5 space per DU for 2-bedroom unit and 2 spaces per unit for 3-bedroom or larger unit.

Additional Parking Regulations:

- The City ZBA is empowered to approve special exceptions reducing or waiving parking requirements;
- Nonresidential uses may count on-street parking spaces on public right-of-way abutting the subject property towards satisfying the off-street motor vehicle parking requirement.
 - One off-street parking space credit may be taken for each 25 linear feet of abutting right-of-way where on-street parking is allowed;
 - Only space on the same side of the street as the subject use is allowed.
- Car-Share and Bike-Share Service – The following parking credits apply to nonresidential uses that are required to provide 10 or more motor vehicle parking spaces and to residential uses that are required to provide 25 or more motor vehicle parking spaces:
 - The number of required motor vehicle parking spaces is reduced by four spaces for each parking space that is leased by a city-approved car-share program for use by a car-share vehicle;
 - The number of required motor vehicle parking spaces is reduced by two spaces for uses that provide space for a city-approved bike-share program facility with a minimum of eight bicycle parking docks.
- In parking lots containing more than 10 parking spaces, each parking space equipped with electric vehicle charging equipment is credited as two motor vehicle parking spaces.
- Shared Parking – Allowed for mixed-use projects and for multiple uses with different times of peak parking demand, subject to approval by the Community Development Director.

Additional parking and pedestrian circulation regulations are included in the proposed Zoning Ordinance.

C. Landscaping and Site Features

Projects in Mixed-Use zoning districts must comply with the landscaping and site features regulations provided in Article IX. of the proposed Zoning Ordinance.