

CITY OF BROOKHAVEN – ZONING CODE REWRITE – Commercial & Employment 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.

COMMERCIAL & EMPLOYMENT DISTRICTS

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

COMMERCIAL & EMPLOYMENT DISTRICTS		
Symbol	District Name	District Intent
NS	Neighborhood Shopping	Small- to moderate-scale retail and service uses that serve surrounding neighborhoods.
C-1	Local Commercial	Retail and service uses that serve multiple neighborhood areas.
C-2	General Commercial	Retail and service uses with a citywide or larger market area.
O-I	Office-Institution	Public, civic, institutional, and office uses, as well as supporting retail and service uses.
O-D	Office-Distribution	Office, warehouse, and distribution uses.
O-C-R	Office-Commercial-Residential	Office, retail, service, and residential uses and to promote reuse of existing buildings.
M	Industrial	Industrial and commercial uses with operating characteristics or in locations that do not adversely impact residential areas or transportation infrastructure.

A. Building Types in Commercial & Employment (NS, C-1, C-2, O-I, O-D, O-C-R, M) Zoning Districts

Building Type	Districts			P=Permitted X=Prohibited
	NS C-1 C-2	O-I O-D M	O-C-R	
Detached House	X	X	P	
Attached House	X	X	P	
Duplex	X	X	P	
Triplex	X	X	P	
Multi (4+)-Unit	X	X	P	
Commercial House	P	P	P	
Shopfront	P	P	P	
General	P	P	P	
Civic Building	P	P	P	

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i. All Allowed Building Types

All allowed building types in Commercial and Employment zoning districts are subject to the following lot and building regulations, except that attached houses in O-C-R district are subject to the same regulations that apply to attached houses in the RM- district:

ALL ALLOWED BUILDING TYPES IN COMMERCIAL & EMPLOYMENT ZONING DISTRICTS							
Regulation	NS	C-1	C-2	O-I	O-D	O-C-R	M
a. Lot							
Min. Lot Area (Sq. Ft.)	12,000	20,000	30,000	20,000	43,560	87,120	30,000
Min. Lot Width & Frontage (ft.)	80	100	100	100	150	100	100
Max. Impervious Coverage (%)	80	80	80	80	80	80	80
b. Minimum Principal Building Setbacks (feet)							
Front Street	SLUP	15	15	15	15	15	15
Side Street	SLUP	15	15	15	15	15	15
Interior Side	SLUP	20 ³	20 ³	20 ³	20 ³	20 ³	20 ³
Rear	³	30	30	30	30	40	30
c. Minimum Accessory Building Setbacks (feet)							
Front Street	Permitted in Rear Yard Only						
Side Street	SLUP	50	50	50	50	20	20
Interior Side	SLUP	10	10	10	10	10	10
Rear	SLUP	10 ¹	10 ¹	10 ¹	10 ¹	10 ¹	10 ¹
d. Max. Building Height							
Principal Building (stories/ft.)	2/30	2/35 ⁵	2/35 ⁵	5/70 ²	2/35 ⁵	2/35 ^{4;5}	5/70 ²
e. Density/Intensity							
Max. Density (Dwellings per Acre)	NA	NA	NA	NA	NA	30	NA
Maximum FAR	None	None	None	None	None	1.50	None
Max. Building Floor Area	25,000	No Absolute Max. Subject to compliance with other applicable regulations.					
f. Transition Buffers							
Minimum Buffer Depth Abutting R-Zoned Lot (ft.)	25	50	50	50	50	50	75

1. Minimum 25-foot rear setback required for accessory buildings when rear yard adjoins side yard of abutting R-zoned lot.
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. No interior side setback required abutting another commercial or employment district.
4. Detached houses subject to maximum building height limit of 40 feet.
5. Greater building heights may be approved through SLUP.

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
Convent or Monastery	0.33 per Bed	None	None
Nursing Home	0.33 per Bed	None	None
Personal Care Home (4-6 Residents)	0.33 per Bed	None	None

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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.
College or University	6 per Classroom	2 per Classroom	None
Hospital	0.5 per Bed	0.1 per Bed	1 per 40,000 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
Elementary School	2 per Classroom	2 per Classroom	0.25 per Classroom
Middle and Sr. High School	4 per Classroom	2 per Classroom	0.25 per Classroom
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
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.
Sexually Oriented Business	1 per 250 Sq. Ft.	1 per 2,000 Sq. Ft	1 per 10,000 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.
Junk or Salvage Yard	1 per 2,000 Sq. Ft. ⁴	None	1 per 10,000 Sq. Ft.

*All uses listed above are allowable in either NS, C-1, C-2, O-I, O-D, O-C-R, and/or M zoning districts, or a combination of the seven. Parking requirements for each allowable use are the same regardless of the Commercial and Employment zoning district that the use is allowable in. Please see Use Table 7-1 in Zoning Ordinance for allowable uses in Commercial and Employment 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 Commercial and Employment zoning districts must comply with the landscaping and site features regulations provided in Article IX. of the proposed Zoning Ordinance.