

CITY OF BROOKHAVEN – ZONING CODE REWRITE – Overlay 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.

OVERLAY DISTRICTS

A. Buford Highway Overlay District (BHO)

Parallel to this proposed Zoning Ordinance rewrite, the City of Brookhaven has been developing its Buford Highway Corridor Overlay District, incorporated therein. There is currently a moratorium on development along Buford Highway until November 2018 or until this Ordinance is adopted.

i. Streets

- All new streets must connect at least two public streets or provide a temporary street hub that will allow for a future connection between at least two public streets.
- When blocks are subdivided by new streets, the maximum perimeter length of resulting new blocks may not exceed 2,000 linear feet.
- Maximum allowed curb radius at any intersection or curb cut is 20 feet.
- New curb cuts are prohibited on Buford Highway, Druid Hills Road, or Briarcliff Road if the subject lot has access to another (non-primary) street. On lots without access to a non-primary street, a maximum of one curb cut is allowed from the abutting primary street, provided that lots with more than 700 linear feet of frontage on a primary street are allowed a maximum of one curb cut per 700 linear feet of primary street frontage.
- Lots with access solely to a non-primary street are allowed a maximum of 2 curb cuts on such street. Lots with access to more than one non-primary street are allowed a maximum of one curb cut per street.
- Curb cuts may not exceed 24 feet in width.

ii. Streetscapes

- Streetscape improvements, multi-use trails, and other pedestrian facilities must be provided along all street frontages within the boundaries of the /BHO district in accordance with the regulations of the /BHO section.
- All streetscapes must consist of two parts: a landscape zone and a pedestrian zone.
 - The landscape zone starts at the back of the curb and extends inward according to the table below. This area is generally intended to accommodate trees, plants, street furniture, lights, trash receptacles, and similar streetscape elements.
 - The pedestrian zone starts at the inner edge of the landscape zone and extends inward according to the table below. This area, typically referred to as the “sidewalk”, is intended exclusively to accommodate unimpeded pedestrian movement. The pedestrian zone may also be used to accommodate multi-use trails when the zone is at least 10 feet wide.

REQUIRED STREETScape WIDTH				
Street	Landscape Zone (ft.)		Pedestrian Zone (ft.)	
	Min.	Max.	Min.	Max.
Buford Hwy	6	12	10	15
North Druid Hills Rd.	6	12	8	13
Briarcliff Rd.	6	12	8	13
Clairmont Rd.	6	12	8	13
Briarwood Rd.	6	12	8	13
Cliff Valley Way	6	12	8	13
All Other Streets	6	12	6	11

iii. Landscape Zones

- Street Trees:
 - Must be planted in all landscape zones spaced at a maximum distance of 30 feet on center.
 - Must be a minimum of 3.5 inches in caliper measured 12 inches above ground, must be a minimum of 16 feet in height, must have a minimum mature height of 30 feet, and must be limbed up to a minimum height of 8 feet.
 - Must have a minimum planting area of 4 feet by 8 feet.
 - Species must be consistent for the entire length of the subject block face.
- Street lights must be located within the landscape zone spaced at a maximum distance of 60 feet on center on the streets listed in the above table.
- Benches, trash receptacles, and bike racks must be placed within the landscape zone on the streets listed in the above table.
- Landscape zones must 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.

iv. Pedestrian Zones

- Pedestrian zones must be paved in concrete and kept clear and unobstructed.
- All sidewalk paving materials must be continued across any intervening driveway at the same prevailing grade and cross slope as on the adjacent pedestrian zone area.

v. Workforce Housing/Inclusionary Zoning

- **Mandatory Minimum Provision of Workforce Housing**
 - Whenever the City approves a special land use permit or the rezoning of property, and such property is subsequently developed with a residential housing project, the developer MUST restrict at least 10-percent of the dwelling units in the residential housing project as workforce housing.
 - Residential housing project is defined as “one or more buildings that collectively contain 10 or more new or additional dwelling units on one or more lots or parcels under common ownership or control...” Under this definition, a “residential housing project” may consist of new construction, rehabilitation, or the conversion of rental housing to condominiums. This definition is directed to be construed broadly.
 - Workforce housing is defined as “for-sale or rental housing units that are affordable to those households earning no more than 80-percent AMI.”
- **Incentives for Exceeding Mandatory Minimum**

¹ Current Area Median Income for the Atlanta MSA is \$69,700.

- Developers will be granted one additional story of bonus building height for each 10-percent of workforce housing units provided in excess of the mandatory minimums (e.g. 20% workforce housing equals one additional story).
 - Residential and mixed-use buildings on properties within this district may exceed the maximum applicable building height limit of the underlying zoning district if approved through the special and use permit procedures.
- The Planning Commission is authorized to recommend, and the City Council is authorized to approve, other incentives to projects that exceed applicable mandatory minimum provisions of workforce housing, including fee waiver, expedited permitting, and financial assistance.
- Workforce housing units are not counted as dwelling units for purpose of calculating the maximum allowable density allowed on the subject property.

B. Peachtree Road Overlay District (PRO)

The Peachtree Road Overlay District was adopted by Brookhaven City Council in January 2018. Please see the Council's write-up on zoning regulations in the /PRO district from such time.

C. Neighborhood Character Overlay District (NCO)

An /NCO District must be a geographically defined area that has a significant concentration of sites that are united by physical development patterns or architecture, and is at least five contiguous acres in size. City Council is authorized to adopt district-specific development and design standards to guide development and redevelopment within the subject /NCO overlay district.

D. Airport Environs Overlay District (AEO)

i. Boundaries

- All of the land within the boundaries of the DeKalb-Peachtree Airport and within one mile of the centerline extended of each instrument runway, for a distance of 2.5 miles from each end of such runway.
- /AEO is divided into 3 subdistricts:
 - /AEO-1: From the end of the runway extending outward in a fan-shape to match the horizontal extent of the approach-departure clearance surface for a distance of 3,000 feet.
 - /AEO-2: From the end of the /AEO-1 subdistrict to a point 2.5 miles from the end of the runway, extending in a fan-shaped fashion to match the horizontal extent of the approach-departure clearance surface.
 - /AEO-3: All of the /AEO district not included in an /AEO-1 or /AEO-2 subdistrict.

ii. Height Restrictions

- Except as otherwise expressly provided, no obstructions to air navigation, structure, or natural growth, may be erected, altered, or allowed to grow or be maintained to such a height or in a manner so as to become an obstruction to air navigation.

iii. Use Restrictions

- Within /AEO-1, public assembly, restaurant, and educational classroom uses with a density of occupation greater than 25 persons per acre are prohibited.
- Within /AEO-1, no residential use may be continued after it has been discontinued for a period of 180 days unless a SAP is issued.