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## **Article 3. Overlay District Regulations**

### **27-3.1 DIVISION 1. OVERLAY DISTRICTS**

#### **3.1.1. Overlay districts generally.**

Overlay districts are supplemental to the zoning district classifications established in Article 2 of this Chapter. This section shall supersede the applicability statements in each overlay district, and are applicable as follows:

- A. All development and building permits for lots located, in whole or in part, within any overlay district shall meet all of the regulations of the underlying zoning district in which they are located as well as all of the regulations of the applicable overlay district.
- B. For new development after the effective date of this Chapter, when no complete application for a land disturbance or building permit has been filed with respect to a property located within an overlay district and the property has conditions of zoning that were approved prior to, and in conflict with the overlay district regulations contained in this article, the overlay district regulations shall prevail. If a condition of zoning does not conflict with the overlay district regulations, the condition of zoning shall remain applicable to the property.
- C. For existing development, if overlay district regulations conflict with the conditions of zoning applicable to property within in an overlay district, the existing zoning conditions remain applicable to the property.
- D. If a use is permitted in the overlay district, but the underlying zoning requires a special land use permit for the same use, the overlay shall govern, and no special land use permit is required.
- E. If overlay district regulations conflict with other regulations contained in this Chapter, the overlay district regulations shall prevail.
- F. The use of property may be permitted without rezoning if listed as allowed by the overlay. Uses allowed by the underlying zoning in Article 4, may also be permitted in the overlay district, unless it is listed as prohibited or if the zoning district is not applicable in the overlay.
- G. Each application for a business license, land disturbance permit, building permit or sign permit, which involves the development, use, exterior alteration, exterior modification or addition of any structure, must demonstrate compliance with all overlay district regulations, subject to Article 8, Nonconforming uses, structures and buildings.
- H. The zoning district designations contained in Article 3, titled Overlay District Regulations, are not revised to reflect the new zoning district designations utilized in the adopted Zoning Ordinance effective July 11, 2016. The DeKalb zoning district references contained in this Article 3 shall therefore be construed using the conversion chart contained in Table1.1 of Article 1 of the Zoning Ordinance, and applied as appropriate to the current provision of the Zoning Ordinance.
- I. The overlay districts include some uses which require a special land use permit.

#### **3.1.2. Purpose and intent.**

Each Subarea Overlay has its own purpose and intent based on original overlay requirements.

#### **3.1.3. Plan submittal, review and approval.**

- A. *Pre-submittal conference.* Prior to the submittal for review of a land disturbance or building permit application for property located within an overlay district, the applicant and the staff shall have a preliminary meeting to discuss the submittal requirements.
- B. *Conceptual plan submittal requirements.* As part of any land-disturbance permit, building permit, or sign permit application, the applicant shall submit to the community development director a conceptual plan package and a final design package. Each package must include full architectural and landscape plans and specifications. The submitted plans must include a site plan, architectural elevations and sections;

renderings depicting the building design including elevations and architectural details of proposed buildings, exterior materials and colors, and plans and elevations of all hardscape, landscape and signs, all of which shall demonstrate that the proposed design is in compliance with all the requirements of the applicable overlay district and the underlying zoning classification. The community development director shall provide a copy of the submittals to the mayor and city council and the citizen stakeholder in the area the property is located for review and comments. If the proposed development is also located in an historic district as designated in the Code, the development shall also comply with the regulations established for the historic district in Chapter 13.5 of the Code.

- C. *Review by staff.* Staff will review the conceptual plans for compliance with specifications and design guidelines contained in this Zoning Ordinance. If the application fails to comply with any section in this Zoning Ordinance, the application shall be marked "failed compliance," shall be returned to the applicant with any comments and/or redlines for revisions, and may be re-submitted with corrections addressing the staff's comments and/or redlines for further consideration. Once the application is found to be in compliance, the final design shall be forwarded to the community development director for approval.
  - 1. Where the community development director determines that said plans comply with the requirements of the Overlay District, the community development director shall approve the plans for compliance as part of the application for land disturbance, building or signs permits.
  - 2. Where the community development director determines that submitted conceptual plans do not comply with the requirements of this Chapter, then the community development director shall notify the applicant in writing of the manner in which the conceptual plans fail to comply with such requirements. All applications shall be considered and decided by the community development director within thirty (30) days of receipt of a complete application.
  - 3. Any appeal to vary Overlay District development standards shall be to the zoning board of appeals pursuant to Article 7.
- D. *Fees.* Plans shall be accompanied by an application and payment of a fee in an amount determined by mayor and city council.

#### **3.1.4. Conceptual plan package review.**

- A. The conceptual plan package shall include the following:
  - 1. A narrative addressing the proposed development explaining how it meets the purpose, intent, and standards of this Article. The narrative shall include a tabulation of the approximate number of acres for each different land use type within the project, the approximate number of dwelling units by type, the approximate gross residential density, the approximate commercial density as well as square feet, the common open space acreage, the approximate open space acreage, the anticipated number, type and size of recreational facilities and other public amenities, and the legal mechanism for protecting and maintaining common/public open, as required in Article 5;
  - 2. A site location map showing the proposed development, abutting properties, the access connections of the proposed development to surrounding and existing development, and transitional buffer zones, if required;
  - 3. 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 right-of-way of adjoining streets and any other property lying between the subject property and any primary or secondary streets. Safe and convenient 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. Connections to available transportation nodes, such as driveways, sidewalks, and bike paths shall be shown along adjacent streets and those entering

adjoining properties. Where an existing or planned public transportation station or stop is within one thousand, two hundred fifty (1,250) feet from the nearest boundary of the subject property, the access plan shall show how pedestrians may safely travel from such station or stop to the subject property. Where an existing or planned bike path is located within one thousand, five hundred feet (1,500) feet from the nearest boundary of the subject property, the access plan shall show how safe, continuous and convenient bicycle access shall be provided to the subject property.

4. Two (2) copies of a 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 inches by thirty-six inches (24"x36"), and one (1) eight and-one-half inches by eleven inches (8.5"x11") reduction of the plan. A ".pdf" copy of the plan shall be e-mailed to the community development director for distribution to the to the mayor and city council and the citizen stakeholder in the area the property is located for review and comments. 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:
  - a. Boundaries of the entire property proposed to be included in the development, with bearings and distances of the perimeter property lines;
  - b. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics;
  - c. Location and approximate dimensions in length and width, for landscape strips and required transitional buffers, if any;
  - d. Existing topography with a maximum contour interval of five (5) feet and a statement indicating whether it is an air survey or field run;
  - e. Delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or the City of Tucker;
  - f. Delineation of any jurisdictional wetlands as defined by section 404 of the Federal Clean Water Act;
  - g. Approximate delineation of any significant historic or archaeological feature, grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact it;
  - h. Delineation of all existing structures and whether they will be retained or demolished;
  - i. General location, in conceptual form, of proposed uses, lots, buildings, building types and building entrances;
  - j. Height and setback of all existing and proposed buildings and structures;
  - k. Location, size and number of all on-street and off-street parking spaces, including a shared parking analysis, if shared parking is proposed;
  - l. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets;
  - m. Conceptual plans for drainage with approximate location and estimated size of all proposed storm water management facilities and a statement as to the type of facility proposed;
  - n. Development density and lot sizes for each type of use;
  - o. Areas to be held in joint ownership, common ownership or control;
  - p. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets;

- q. Location of proposed sidewalks and bicycle facilities, trails, recreation areas, parks, and other public or community uses, facilities, or structures on the site;
  - r. Conceptual layout of utilities and location of all existing and proposed utility easements having a width of ten (10) feet or more;
  - s. Standard details of signs, sidewalks, streetlights, driveways, medians, curbs and gutters, landscaped areas, fencing, street furniture, bicycle lanes, streets, alleys, and other public improvements demonstrating compliance with the design guidelines for the overlay district; and
  - t. Seal and signature of the professional preparing the plan.
5. Two (2) copies of the conceptual building designs including elevation drawings drawn to a scale of not less than one-sixteenth (1/16) inch equals one (1) foot showing architectural details of proposed building, exterior materials, all of which demonstrate that the proposed design is in compliance with the Subarea Overlay District in which it is located. Drawings shall be presented on a sheet having a maximum size of twenty-four inches by thirty-six inches (24"x36"), along with one (1) eight and-one-half inches by eleven inches (8.5"x11") reduction of each sheet. A ".pdf" copy of the drawings shall be e-mailed to the community development director or designee for distribution to the mayor and city council and the citizen stakeholder in the area the property is located for review and comments. If the drawings are presented on more than one (1) sheet, match lines shall clearly indicate where the several sheets join.
6. *Lighting plan.* See Article 5.
7. *Traffic study.* See Article 5.

### **3.1.5. Final design package.**

Upon receiving and addressing the city's comments with respect to the conceptual design package, the applicant must submit the final design package, including color ".pdf" copies, for review and approval. The final design package must contain full architectural and landscape plans, site plan, elevations, section renderings depicting the building design containing elevations and architectural detailing of proposed buildings, exterior materials and color, and plans and elevations of hardscape landscape and signs all of which must demonstrate compliance with overlay district regulations. All items and specifications necessary for obtaining land disturbance and building permits must be submitted with the final design package. The applicant may submit the final design package simultaneously with the land disturbance or building permit application, as applicable.

## **27-3.2 DIVISION 34. DOWNTOWN TUCKER COMPATIBLE USE OVERLAY DISTRICT**

### **3.34.1 Definitions.**

Article 9 is hereby amended to add the following definitions in alphabetical order to read as follows:

Reserved.

### **3.34.2 Scope of regulations.**

This division establishes standards and procedures that apply to any development, use, alteration, height, density, parking, open space, and building that lies, in whole or in part, within the Downtown Tucker Compatible Use Overlay District, hereinafter referred to as the Tucker Overlay District. The Tucker Overlay District is based upon the urban design and development guidelines included in the downtown Tucker livable centers initiative (LCI) plan.

The LCI's plan calls for a community that incorporates higher density development in the downtown Tucker area while providing a mix of commercial, office, recreation, and housing options. Also included in the LCI's goals is the improved mobility on the major corridors. Wherever the underlying zoning regulations are in

conflict with the provisions of this overlay district, the regulations of this overlay district shall apply. This division shall be governed by chapter 27, article III, division 1, section 3.37.2 of the City of Tucker Zoning Ordinance.

### **3.34.3 Applicability of regulations.**

This division applies to each application for a business license, land-disturbance permit, building permit or sign permit which involves the development, use, alteration, or modification of any structure where the subject property is located in whole, or in part, within the boundaries of the Tucker Overlay District. The procedures, standards, and criteria herein apply only to that portion of the subject property within the boundaries of the Tucker Overlay District.

### **3.34.4 Statement of purpose and intent.**

The purpose and intent of the mayor and city council in establishing the Tucker Overlay District is as follows:

- A. To promote the development of a more dynamic, mixed-use district of appropriate scale and magnitude in the downtown Tucker area;
- B. To ensure that new structures and developments are consistent with the vision and recommendations of the downtown Tucker LCI plan (completed in 2005) with significant community involvement and input;
- C. To provide a variety of housing types and promote mixed-income residential opportunities;
- D. To design and arrange structures, buildings, streets, and open spaces to create an inviting, walkable, human-scale environment;
- E. 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;
- F. 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;
  5. Use of compatible building materials to promote a design and building aesthetic compatible with the desired urban character; and
- G. To implement the policies and objectives of the Comprehensive Plan and the Zoning Ordinance of the City of Tucker within the Tucker Overlay District.

### **3.34.5 District boundaries and map.**

- A. The boundaries and development categories of the Tucker Overlay District are described below and 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:
- B. The foregoing Tucker Overlay District shall be divided into three (3) development categories:
  1. *Neighborhood zone.* The intent of the neighborhood zone is to preserve the residential neighborhood character and uses while allowing mixed use and commercial uses along the major roads within the district. This neighborhood character shall be guided by residential architecture such as pitched roofs, smaller scale, fenestration, cornices, columns, etc. The height in this district should be compatible to residential structures.

2. *Corridor zone.* The intent of the corridor zone is to encourage mixed-use-type development along Lawrenceville Highway and LaVista Road that creates a more aesthetically pleasing and pedestrian friendly environment. Commercial, office, residential and multifamily mixed-use-type developments are desired. Although a mixture of uses is allowed, multifamily, townhouse, condominium and loft-type structures are preferred. The orientation of any development shall be toward Lawrenceville Highway and LaVista Road; however access can be from the rear.
  3. *Village zone.* The intent of the village zone is to revitalize Main Street and create a well-defined core area for the downtown Tucker area. Mixed-use-type development with commercial, residential, and office uses is encouraged to help create the downtown, Main Street atmosphere. Additionally, the intent of the Tucker Overlay District is to incorporate the varying institutional uses such as churches, schools, public buildings, public squares/plazas, and government uses into the character of the district. The urban character of this district shall be guided by zero setbacks, urban edges, and common architectural themes, continuation of architectural rhythms, and building materials and massing.
- C. The community development director or designee shall have the final authority to determine whether any property is located within the boundaries of this section.

#### **3.34.6 Principal uses and structures.**

The principal uses of land and structures which are allowed in the Tucker Overlay District are as provided by the underlying zoning district, subject to the limitations and standards contained within this division. All properties zoned C-1 (Local Commercial) District, C-2 (General Commercial) District, O-I (Office-Institutional) District, O-D (Office-Distribution) District, M (Industrial) District, RM (Multi-Family Residential) District, or any R (Single Family Residential) District shall be used in accordance with the underlying zoning district and/or for the following principal uses of land and structures or a combination of uses in a mixed use development subject to the standards and limitations contained within this division.

A. *Principal uses and structures.*

1. *Neighborhood zone.*
  - a. Single-family detached.
  - b. Two-family detached.
  - c. Single-family attached.
  - d. Office uses—Not to exceed five thousand (5,000) square feet per use along primary streets (La Vista Road, Fellowship Road, and 1st Avenue).
  - e. Retail uses—Not to exceed five thousand (5,000) square feet per use along primary streets.
  - f. Live-work units along primary streets.
2. *Corridor zone.*
  - a. Single-family attached.
  - b. Live-work units.
  - c. Multifamily residential units, up to and including twenty-four (24) units per acre.
  - d. Mixed use with ground-floor retail, office and/or service, and residential and/or office located on upper stories shall be allowed.
  - e. Office uses—Not to exceed ten thousand (10,000) square feet per use.
  - f. Retail uses—Not to exceed ten thousand (10,000) square feet per use.
3. *Village zone.*

- a. Single-family attached.
  - b. Live-work units.
  - c. Multifamily residential units, up to and including twenty-four (24) units per acre.
  - d. Government uses.
  - e. Institutional uses.
  - f. Mixed use with ground-floor retail, office and/or service, and residential and/or office located on upper stories shall be allowed
  - g. Office uses—Not to exceed ten thousand (10,000) square feet per use.
  - h. Retail uses—Not to exceed ten thousand (10,000) square feet per use.
- B. Live-work units, which consist of buildings used jointly as dwellings and non-residential (work) purposes that are both permitted in the Tucker Overlay District. Live-work units shall meet all of the following standards:
1. Work uses shall be compatible with residential uses and shall not produce or create noise, smoke, vibrations, smells, electrical interferences, 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; and
    - l. Consulting services.
  2. The maximum number of employees on the premises shall be two (2), in addition to the occupants of the residential space.
  3. The unit shall not accommodate more than two (2) customers/clients at a time.
  4. The minimum size of the live-work unit shall be one thousand two hundred (1,200) square feet with at least one-third (1/3) of the unit designated for residential space.

**3.34.7 Prohibited uses.**

The following principal uses of land and structures shall be prohibited within the Tucker Overlay District:

- A. Boarding and breeding kennels.
- B. Storage yard for damaged or confiscated automobiles.
- C. Tire retreading and recapping.

- D. Adult entertainment establishments.
- E. Adult service facility.
- F. Go-cart concession.
- G. Outdoor equipment and materials storage.
- H. Heavy repair shop and trade shop.
- I. Extended-stay motels.
- J. Used cars sales.
- K. Temporary and/or seasonal outdoor sales.
- L. Title and pawn shops
- M. Liquor stores.
- N. Night clubs.
- O. Salvage yards/junk yards.
- P. Self service car wash and detailing.
- Q. Self storage.

**3.34.8 Accessory uses, buildings, and structures.**

Accessory uses and structures permitted within this district shall include these, incidental to any authorized use and structure, specifically including clubhouses, pods and other recreational amenities.

- A. Accessory uses and structures incidental to any authorized use.
- B. Parking lots and parking garages.
- C. Club house, including meeting room or recreation room.
- D. Swimming pools, tennis courts, and other recreation areas and similar amenities.
- E. Signs, in accordance with the provisions of chapter 21 and this chapter.

**3.34.9 Special permits.**

The following uses and structures shall be authorized only by permits of the type indicated:

- A. *Special administrative permit from the community development director or designee as referenced in article 4.*
  - 1. Art shows, carnival rides, festivals and special events of community interest.
  - 2. Temporary outdoor social, religious, entertainment or recreation activity where the time period does not exceed fourteen (14) days' duration, and adequate parking is provided on the site.
  - 3. Telecommunications antennas that are incorporated in architectural features such as steeples, clock towers, water towers and attached to the top of high-rise buildings subject to the requirements of section 4.2.50.
  - 4. Outdoor recreation entertainment facilities.
- B. *Special land use permit from the mayor and city council.*
  - 1. Health Spa.
  - 2. Heliport.
  - 3. Massage Establishment.

4. Multifamily residential units, over twenty-five (25) units per acre.
5. Multifamily residential units, when the proposed project abuts a residential zoning district.

*\*This section was amended by Ordinance 2017-06-69, dated June 28, 2017.*

*\*This section was amended by Ordinance 2018-03-7, dated April 9, 2018.*

### **3.34.10 Development standards.**

The following requirements shall apply to new structures in the Tucker Overlay District:

A. *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.

B. *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 lease commercial space shall vary within each development to allow for 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.

C. *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) and 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 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.

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 Lawrenceville Highway and LaVista Road, the maximum block length shall be seven hundred (700) feet.
2. The maximum curb radius at any intersection or curb cut is thirty (30) feet.
3. All parking shall be accessed via shared alleys or private drives. No curb cuts shall be allowed on primary streets (Lawrenceville Highway, Main Street, La Vista Road, Fellowship Road, and 1st Avenue) 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 street, 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 community development director or designee.
  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 lot no more than twenty (20) feet from the public sidewalk. If a lot is bound by more than one (1) public street, the front of the lot shall be considered the side adjacent to the street with the highest classification as follows: Primary: Lawrenceville Highway, LaVista Road, Main Street, 1st Avenue, and Fellowship Road; Secondary: new streets and other existing streets. If the building is contained on a lot at the intersection of two (2) primary streets, the building shall be oriented towards the intersection.
  8. For nonresidential purposes, the primary ground floor entrance to all buildings shall be clearly visible from the street, shall face the street, and shall be unlocked during operating business hours. If a building fronts more than one (1) public street, the primary entrance shall face the street with the highest classification as follows: Primary: Lawrenceville Highway, LaVista Road, Main Street, Fellowship Road, and 1st Avenue; Secondary: 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) above.
  11. Minimum space between buildings shall be zero (0) feet, but 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. Decorative fencing shall only be made 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. *Building height.*
1. Within the Tucker Overlay District, there shall be three (3) development categories for the purpose of establishing allowable building heights. The boundaries of these development categories 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.
  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 Tucker Overlay District shall be a minimum of two (2) stories tall and twenty-eight (28) feet in height except for single-family detached houses in the neighborhood zone. Single-family detached houses shall be allowed to be a minimum one (1) story.
4. The maximum height for buildings for the Tucker Overlay District shall be three (3) stories or forty-five (45) feet, whichever is less, except as provided in subsection (6) below.
5. Single-family attached townhomes or live/work units in all of the development zones shall not exceed three (3) stories or forty-five (45) feet, whichever is less.
6. Buildings in the corridor zone and village zone (excluding those located along Main Street) shall be permitted to exceed the maximum building height limit in subsection (4) above provided it meets one (1) or more of the following:
  - a. Single-family attached 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 Article 9. 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 Article 9.
  - b. Commercial and residential developments are permitted to add one (1) additional story to each building on a given lot if a contiguous publicly accessible open space, as defined by section 3.37.11, not including on-street parking and public sidewalks along roadways, comprising at least twenty-five (25) percent of the development, is provided.
  - c. Commercial and multi-family buildings fronting Lawrenceville Highway 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. The maximum building height with any combination of height bonuses listed above shall be dependent upon building use according to the chart below. Special land use permits and variances shall not alter or allow structures taller than the maximum building heights provided herein within the Tucker Overlay District:

Table 3.10: Maximum Building Heights in Downtown Tucker Compatible Use Overlay District

<b>Maximum Building Heights in Downtown Tucker Compatible Use Overlay District</b>		
<b>Building Use</b>	<b>Max. Building Height</b>	<b>Max Building Height with Bonuses</b>
Single-Family Attached	3 stories or 45 feet *	4 stories or 60 feet *
Commercial	3 stories or 45 feet *	4 stories or 60 feet *
Multifamily	3 stories or 45 feet *	4 stories or 60 feet *
Mixed-Use	3 stories or 45 feet *	4 stories or 60 feet *

\* Whichever is less

- F. *Building setbacks.* The following requirements shall apply to all structures in the Downtown Tucker Overlay District:
1. 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 along the street.
  2. 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 hardscape pathway connecting the building entrance to the public sidewalk along the street.
  3. For buildings located along Main Street, the maximum front setback shall be no greater than the average of the current buildings on the block.

**3.34.11 Open space requirements.**

- A. Within the Tucker Overlay District, there shall be three (3) development categories for the purpose of establishing required public space. The boundaries of these development categories 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.
- B. A publicly accessible open space shall be provided as follows:
  1. A publicly accessible open space, which is at grade and a minimum of twenty (20) percent of the total development lot, shall be provided by each new development that includes residential uses in the corridor zone and the neighborhood zone.
  2. A publicly accessible open space, which is at grade and a minimum of ten (10) percent of the total development lot, shall be provided by each new development that includes residential uses in the village zone.

Table 3.11: Open Space Requirements in Tucker Compatible Use Overlay District

Maximum Building Heights in Downtown Tucker Compatible Use Overlay District	
Development Category	Minimum Percentage of Open Space *
Corridor Zone	20%
Neighborhood Zone	20%
Village Zone	10%

\* Applies only to new development that includes residential uses.

- C. 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 (1) 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.
- D. Publicly accessible open spaces should include appropriate landscaping, including shade trees. At least one (1) shade tree must be provided within or directly adjacent to the open space for every two thousand (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.
- E. Publicly accessible open spaces including front yards, planted areas, fountains, parks, plazas, trails, paths, and hardscape elements related to sidewalks and plazas and similar features which are located on private property and accessible to the general public, the portion thereof located on private property; and natural stream buffers shall be permitted to count toward the twenty (20) percent open space requirement.
- F. 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 (20) percent minimum open space requirement and other open space calculations that may increase maximum building heights.
- G. 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.
- H. When a private property owner provides landscaping within the public right-of-way and the landscaping dies within one (1) year of installation, such landscaping shall be replaced within the earliest possible planting season.
- I. 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.

#### **3.34.12 Transitional buffer zone requirements.**

Where a lot on the external boundary of the Tucker Overlay District is used for nonresidential purposes and 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 classification, a transitional buffer zone of not less than fifty (50) 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 nonpervious surfaces and shall not be used for parking, loading, storage, or any other uses, 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. Water 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.

#### **3.34.13 Architectural regulations.**

- A. Allowable building materials shall include brick, stone, wood, architectural metal siding, and fiber cement siding. 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. Large buildings, 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.
- C. 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 except where subsection 3.37.10(B)4. applies.
- D. 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 and/or architectural treatment of color similar to the building, to screen the equipment.
- E. 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 at least thirty (30) degrees 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, and slate or synthetic slate. Flat roofs shall have decorative and/or corbelled parapets on all sides visible from public rights 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.
- F. Any linear lighting around windows, rooflines, doors, signs or building structures is prohibited. Linear lighting may include, but is not limited to neon tubes, rope lighting, and other similar lighting devices. Linear lighting devices that form letters or words shall be considered signs.

*\*This section was amended by Ordinance 2017-06-69, dated June 28, 2017.*

#### **3.34.14 Streets and sidewalks.**

- A. All streets within the Tucker Overlay District shall be public streets. Private streets are prohibited.
- B. All streets shall comply with the requirements of public streets found in chapter 14 and other applicable sections of this Code.
- C. Streets shall be designed to create an interconnected system of grid-patterned roads, modified only to accommodate topographical conditions.
- D. Pedestrian zones shall be provided on all streets and shall consist of a landscape zone and a sidewalk zone of widths as provided below. Landscape zones shall be planted with trees, 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. Sidewalk zones shall be paved in concrete and kept clear and unobstructed for the safe and convenient use of pedestrians.
  - 1. The intent of this section is to provide for a fifteen-foot-wide pedestrian zone with a five-foot-wide landscape zone measured from the back of the adjacent street curb and a ten-foot-wide sidewalk zone along Main Street. However, Main Street right-of-way variations and the current conditions may not provide for a uniform application of this requirement. As such, the community development director or designee in consultation with the director of public works shall determine on a case by case basis, the requirements for the pedestrian zone along Main Street. The pedestrian zone shall consist of a landscape zone and a sidewalk zone. This applies to all properties abutting Main Street that are within the Tucker Overlay District boundaries.
  - 2. New development 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 a ten-foot-wide sidewalk zone along First Avenue.

3. New development within the Tucker Overlay District shall provide a fifteen-foot-wide pedestrian zone consisting of an eight-foot-wide landscape zone measured from the back of the adjacent street curb and seven-foot-wide sidewalk zone along Lawrenceville Highway, LaVista Road, and Fellowship Road.
4. New development within the Tucker 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 a six-foot-wide sidewalk zone elsewhere along all new and existing streets other than Main Street, 1st Avenue, Lawrenceville Highway, LaVista Road, and Fellowship Road.
5. 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 with all driveway crossings meeting ADA standards.
6. 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 community development director or designee, as long as the materials meet ADA standards.
7. Where newly constructed sidewalks abut existing sidewalks, the newly constructed sidewalk shall provide safe facilitation of pedestrian traffic flow to adjacent sidewalks. Any development that disturbs existing sidewalks on the adjacent property shall replace disturbed areas to their predisturbance state and condition.
8. 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.

E. *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 face due only to limited supply and/or concerns regarding disease or the health of existing and proposed trees with approval from the community development director or designee and consultation from a certified arborist.
5. All initial plantings and plant removal other than routine maintenance or replacement shall be approved by the community development director or designee.
6. Benches, trash receptacles, and bike racks shall be placed within the landscape zone on the following streets: Lawrenceville Highway, LaVista Road, Main Street, 1st Avenue, and Fellowship Road.

**3.34.15 Parking.**

- A. Off-street parking requirements for uses and structures are authorized and permitted, as follows:
  1. *Residential.*
    - a. *Single-family detached.* One (1) space minimum, two (2) spaces maximum.
    - b. *Two-family detached.* One (1) space per family unit minimum, two (2) spaces per family unit maximum.

- c. *Single-family attached.* One (1) space minimum, two (2) spaces maximum.
    - d. *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).
  - 4. *Other uses.* One (1) parking space for every three hundred (300) square feet of gross building area.
- B. Shared parking is encouraged and may result in permitted reductions of off-street parking requirements. Parking facilities within a lot 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 community development director or designee 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 community development director or designee 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 by buildings and/or landscaping. Off-street parking may not be located between the public street and the building's front facade. If a lot is bound by more than one (1) public street, the front of the lot shall be considered the side adjacent to the street with the highest classification as follows: Primary: Lawrenceville Highway, LaVista Road, Main Street, Fellowship Road, and 1st Avenue; Secondary: 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 (a) of architectural design standards 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.
  - 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 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 surface parking, parking decks, and parking structures shall have a landscape strip 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 and where ground floor retail uses are located. 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 be reasonably 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) above, 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, service, or long term storage of any vehicles or equipment.

#### **3.34.16 Signs.**

- A. The Tucker Overlay District shall comply with the requirements of chapter 21.
- B. Ground signs shall be monument style signs with a base and framework made of brick or stone.
- C. Blinking lights and neon lights shall be prohibited on all signs.
- D. The combined area of any and all signage of any building or structure shall not exceed ten (10) percent of the main building facade.
- E. The maximum height of any freestanding sign above the average grade elevation of the nearest public way or within a twenty-foot radius of the sign shall not exceed the following:
  - 1. Eight (8) feet where the sign face does not exceed forty (40) square feet;
  - 2. Ten (10) feet where the sign face does not exceed sixty (60) square feet; or
  - 3. Twelve (12) feet where the sign face exceeds sixty (60) square feet.

#### **3.34.17 Underground utilities.**

All utilities except for major electric transmission lines and substations are required to be placed underground except where the community development director or designee determines that underground utilities are not feasible due to pre-existing physical conditions, such as conflicting underground structures or utilities, shallow rock, high water table, or other similar geologic or hydrologic conditions.

#### **3.34.18 Street lights and street furnishings.**

Street lights and street furnishings are required for all public streets and shall conform to the Design Guidelines for the Tucker Overlay District.

- A. Street and pedestrian lighting shall be alternated along roadways.
- B. Street lights shall be located within the landscape zone spaced at a maximum distance of one hundred eighty (180) feet on center on the following streets: Lawrenceville Highway, LaVista Road, Main Street, 1st Avenue, and Fellowship Road.

- C. Pedestrian lights shall be located within the landscape zone spaced at a maximum distance of ninety (90) feet on center on the following streets: Lawrenceville Highway, LaVista Road, Main Street, 1st Avenue, and Fellowship Road.
- D. Lighting fixtures must be approved by the public works transportation division.

#### **3.34.19 Interparcel access.**

To the maximum extent possible, sidewalks and parking lots serving adjacent lots shall be interconnected to provide continuous driveway connections and pedestrian connections between adjoining lots and streets, except that this requirement shall not apply to lots zoned for single-family residential development. Where necessary, the City of Tucker may require access easements be provided to ensure continuous access and egress routes connecting commercial, office and multifamily lots.

#### **3.34.20 Multimodal access plan.**

- A. *Multimodal access plan required.* Each new application for a development permit within the Tucker Overlay District shall be accompanied by a multimodal access plan prepared at a scale not greater than one (1) inch equals one hundred (100) feet. The multimodal access plan shall cover the full extent of the proposed development along with public rights-of-way of adjoining streets and any other property lying between the subject property and the nearest public streets on all sides. The purpose of the multimodal access plan is to demonstrate a unified plan of continuous access to and between all buildings in the proposed development and adjacent properties.
- B. *[Connections.]* Connections to available transportation modes, such as driveways, sidewalk, and bike paths shall be shown along adjacent streets and those entering adjoining properties. Safe and convenient pedestrian ways shall be provided from sidewalks along streets to each building entrance, including pedestrian access routes across parking lots and between adjacent buildings within the same development. Where an existing or planned public transportation station or stop is within one thousand two hundred fifty (1,250) feet (straight-line distance) from any boundary of the subject property, the access plan shall show how pedestrians may safely travel from such station or stop to the subject property, the access plan shall show how safe, continuous and convenient bicycle access shall be provided to the subject property.

#### **3.34.21 Design guidelines.**

The community development director or designee is authorized to create, administer, and amend design guidelines for the Tucker Compatible Use Overlay District. These standards shall provide acceptable architectural design controls, landscaping, detail drawings, signage, fencing, lighting, street and site furniture and grating. These standards shall be used to promote proper design criteria for the overlay district and shall guide the community development director in deciding whether a proposed design complies with the requirements of this overlay district. The Design Guidelines are hereby made a part of this ordinance and shall be amended from time to time.

#### **3.34.22 Plans required; certificate of compliance.**

- A. *[Application for overlay district compliance.]* No permit or license shall be issued within the Downtown Tucker Overlay District until the applicant for such a permit or license has submitted an application for overlay district compliance to the Community Development Department that meets all requirements of this division and such application has been approved as an application provision provided herein.
- B. *Plans required.* Prior to the issuance of any land-disturbance permit, building permit, or sign permit, the applicant shall submit a conceptual design package and final design package to the community development director or designee. The community development director or designee shall provide a copy of the submittals to the mayor and city council for review and comment. The final design package must include full architectural and landscape architectural plans and specifications. The submitted plans must

include a site plan, architectural elevations and sections; renderings depicting the building design including elevations and architectural details of proposed buildings, exterior materials and colors, and plans and elevations of all hardscape, landscape and signs, all of which shall demonstrate that the proposed design is in compliance with all the requirements of this Tucker Overlay District and the underlying zoning classification.

- C. *Fees.* The conceptual design package shall be accompanied by an application and payment of a fee in an amount determined by the mayor and city council.

### **3.34.23 Conceptual plan package review.**

The conceptual plan package shall be composed of the following:

- A. 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 by thirty-six (36) inches, and one (1) eight-and-one-half-inch by 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 the City of Tucker;
  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, lot sizes 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. Areas to be held in joint ownership, common ownership, or common control;
  16. Location of proposed sidewalks and bicycle facilities trails, recreation areas, parks, and other public or community uses, facilities, or structures on the site;

17. Conceptual layout of utilities and location of all existing or proposed utility easements having a width of ten feet or more;
  18. Standard details of signs, sidewalks, streetlights, driveways, medians, curbs and gutters, landscaped areas, fencing, granting street furniture, bicycle lanes, streets, alleys, and other details demonstrating compliance with the Tucker Overlay District regulations;
  19. 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 Tucker Overlay District regulations. Drawings shall be presented on a sheet having a maximum size of twenty-four (24) inches by thirty-six (36) inches, and one (1) eight-and-one-half-inch by 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 3.34.4., Statement of purpose and intent. 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. 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.

#### **3.34.24 Final design package review and approval process.**

- A. *[Final design package.]* Upon receiving comments on the conceptual design package, the applicant will submit the final design package for review and approval. The final design package must include full architectural and landscape architectural plans and specifications. The submitted plans must include a site plan, architectural elevations and sections; renderings depicting the building design including elevations and architectural details of proposed buildings, exterior materials and colors, and plans and elevations of all hardscape, landscape and signage, all of which shall demonstrate that the proposed design is in compliance with all requirements of this Tucker Overlay District and the underlying zoning classification. The final design package must be signed and sealed by a professional engineer/architect. The final design package must contain all plans, elevations, sections and specifications necessary for obtaining development and building permits. The applicant may submit the final design package simultaneously with the submission for permitting.
- B. *Review.* The community development director or designee shall review each application for compliance with all requirements of the Tucker Overlay District and the underlying zoning classification. Where the director or designee determines that said plans comply with the requirements of the Tucker Overlay District a certificate of compliance shall be issued in the form of the director or designee signing the plans and drawings after which the applicant shall then apply for land disturbance, building or signs permits. Where the director or designee determines that said plans do not comply with the requirements of this chapter, then the director or designee shall notify the applicant in writing stating the manner in which said applicant fails to comply with such requirements. All applications shall be considered and decided by the

community development director or designee within thirty (30) days of receipt of a complete application. Any appeal of the director of planning's decision in this regard shall be to the zoning board of appeals pursuant to section 7.5.2.

### **3.34.25 Final approval of plans.**

- A. Prior to issuance of any development or building permit, the application shall be submitted to and approved by community development director or designee. A final site plan shall be submitted and shall be consistent with the Tucker Overlay District.
- B. By enacting the Tucker Overlay District, the mayor and city council authorizes the community development director to approve the proposed development that provides for unique site features and innovative design in concert with the design guidelines and all related requirements of this division.

## **27-3.3 DIVISION 35. NORTHLAKE OVERLAY DISTRICT**

### **3.35.1 Scope of regulations.**

This division establishes standards and procedures that apply to any development, use, alteration, height, density, parking, open space, or building on any lot or portion thereof which is in whole or in part contained within the boundaries of the Northlake Overlay District.

### **3.35.2 Applicability of regulations.**

This division applies to each application for a business license, land-disturbance permit, building permit or sign permit which involves the development, use, exterior alteration, exterior modification, or addition of any structure where the subject property is in whole or in part contained within the boundaries of the Northlake Overlay District. The procedures, standards, and criteria herein apply only to that portion of the subject property within the boundaries of the Northlake Overlay District.

### **3.35.3 Statement of purpose and intent.**

The purpose and intent of the mayor and city council in establishing the Northlake Overlay District is as follows:

- A. To encourage development and redevelopment of properties within the district so as to achieve a mixed-use community.
- B. To provide for the development of sidewalks and walkways in order to promote safe and convenient pedestrian access and to reduce dependence on automobile travel;
- C. To promote a physically attractive, environmentally safe and economically sound mixed-use community;
- D. To permit and to encourage mixed-use developments containing both commercial and residential uses to create a pedestrian oriented community in which people can live, work and play; and
- E. To improve the visual appearance and increase property values within the Northlake Overlay District. To implement the policies and objectives of the DeKalb County 2025 Comprehensive Plan and the policies and objectives of the design guidelines for the Northlake Overlay District;
- F. To enhance the long-term economic viability of this portion of Tucker by encouraging new commercial and residential developments that increase the tax base and provide jobs to the citizens of the City of Tucker;
- G. To establish and maintain a balanced relationship between industrial, commercial, and residential development to ensure a stable and healthy tax base in the City of Tucker;
- H. To provide a balanced distribution of regional and community focused commercial and mixed-use office centers;

- I. To support higher-density housing, office and mixed-use centers which have appropriate access and infrastructure as approved by the community development director, or designee;
- J. To encourage mixed-use developments that meet the goals and objectives of the Atlanta Regional Commission's smart growth and livable centers initiatives;
- K. To allow flexibility in existing underlying development standards in order to encourage the design of innovative development projects that set high standards for landscaping, green space, urban design, and public amenities;
- L. To encourage an efficient land use and development plan by forming a live-work-play environment that offers employees and residents the opportunity to fulfill their daily activities with minimal use of single-occupant automobiles;
- M. To allow and encourage development densities and land use intensities that are capable of making productive use of alternative transportation modes such as bus transit, rail transit, ridesharing, bicycling and walking;
- N. To encourage the formation of a well-designed, pedestrian-friendly activity center with high-density commercial and residential development that increases vitality and choices in living environments for the citizens of the City of Tucker;
- O. To protect established single-family residential areas surrounding the Northlake Overlay District from encroachment of commercial, retail, office, and industrial uses by providing for increased density of development within the boundaries of the Northlake Overlay District;
- P. To protect the health, safety and welfare of the citizens of the City of Tucker; and
- Q. To promote uniform and visually aesthetic architectural features which serve to unify the distinctive visual quality of the Northlake Overlay District.

#### **3.35.4 Maps and boundaries.**

- A. The boundaries and tiers (development categories) of the Northlake Overlay District 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.
- B. The community development director or designee shall be the final authority to determine whether any property is located within the boundaries of the Northlake Overlay District.
- C. The Northlake Overlay District shall be divided into three (3) tiers to guide future development and redevelopment. The tiers are based on the future land use recommendations—ten-year planning horizon as adopted in the Northlake livable centers initiative/activity center town center investment policy study.
  - 1. *Tier 1*—A high-intensity commercial area focused around the intersections of LaVista Road with Briarcliff Road, Henderson Mill Road, and Northlake Parkway, and including Northlake Mall and around the Northlake Tower Festival Center.
  - 2. *Tier 2*—An office park area which follows both the east and west sides of I-285 and includes Northlake Parkway and Crescent Center Boulevard, and an eastern portion of LaVista Road.
  - 3. *Tier 3*—An employment center area immediately north of the CSX Railroad track between Montreal Road and I-285.

#### **3.35.5 Principal uses and structures.**

All principal uses of land and structures which are allowed in the Northlake Overlay District are as provided by the underlying zoning district, subject to the limitations and standards contained within this division. All properties, excluding those zoned under any "R" (Residential) designation, may be used in accordance with the uses authorized in the underlying zoning district or for the following principal uses of land and structures

or a combination of these uses in a mixed use development subject to the standards and limitations contained within this division.

- A. Animal hospital, veterinary clinic, pet supply store, animal grooming shop, or pet boarding only in conjunction with a veterinary clinic.
- B. Art gallery or art supply store.
- C. Automobile services as follows:
  - 1. Automobile service station.
  - 2. Automobile full service wash.
  - 3. Minor automobile repair and maintenance.
  - 4. Retail automobile parts or tire stores.
- D. Bank, credit union or other similar financial institution.
- E. Business service establishment.
- F. Child day care center or kindergarten.
- G. Communications uses as follows:
  - 1. Radio or television broadcasting station.
  - 2. Telephone business office.
- H. Community facilities as follows:
  - 1. Cultural facilities.
- I. Dwellings, multifamily, up to and including twenty-four (24) units per acre, subject to the requirements of the development categories as described within section 3.35.9
- J. Education uses as follows:
  - 1. Vocational schools.
  - 2. Private elementary, middle or high school.
  - 3. Specialized non-degree schools.
- K. Lodging uses, as follows:
  - 1. Bed and breakfast inn.
- L. Movie theater, bowling alley, or other recreational facilities where such activities are wholly enclosed within a building.
- M. Office uses, and similar service, business and professional office uses as follows:
  - 1. Accounting, auditing or bookkeeping office.
  - 2. Engineering or architectural office.
  - 3. Building or construction contractor office.
  - 4. Financial services office.
  - 5. Insurance office.
  - 6. Legal office.
  - 7. Medical or dental office.

8. Real estate office.
  9. Wholesale sales office.
  10. Place of worship.
- N. Restaurants, as follows:
1. Restaurant, excluding drive-through facilities.
- O. Retail sales as follows, including but not limited to:
1. Apparel and accessories store.
  2. Book, greeting card, or stationery store.
  3. Camera and photographic supply store.
  4. Computer and computer software store.
  5. Convenience store.
  6. Farm and garden supply store.
  7. Florist.
  8. Food stores, including bakeries.
  9. Furniture, home furnishings and equipment store.
  10. General merchandise store.
  11. Gift, novelty, or souvenir store.
  12. Hardware store.
  13. Hobby, toy or game store.
  14. Jewelry store.
  15. Music and musical equipment store.
  16. News dealers or newsstand.
  17. Office supplies and office equipment store.
  18. Pharmacy or drugstore.
  19. Quick copy printing store.
  20. Radio, television and consumer electronics store.
- P. Retail sales, building supplies and farm equipment, as follows:
1. Electrical supply store.
  2. Hardware or other building materials establishments.
  3. Paint, glass and wallpaper store.
- Q. Services, medical and health as follows:
1. Health service clinic.
  2. Medical and dental laboratories.
  3. Offices of health service practitioners.
  4. Pharmacy.

- R. Services, personal, as follows:
  - 1. Barber shop, beauty shops, or similar personal service establishments.
  - 2. Funeral home.
  - 3. Laundry and dry-cleaning establishment and pickup station.
  - 4. Linen and diaper service, garment pressing, alteration and repair.
  - 5. Photographic studios.
- S. Services, repair, as follows:
  - 1. Home appliance repair and service including radio, television, and computer repair and service.
  - 2. Jewelry repair service.
  - 3. Radio, television or similar home appliance repair service.
  - 4. Furniture upholstery and repair shop within a shopping center.
  - 5. Shoe repair store.
- T. Shopping center.
- U. Taxi stands and limousine livery rental only in conjunction with hotels, motels or entertainment facilities.
- V. Tennis center, club and facilities.
- W. Utility structure necessary for the transmission or distribution of service, subject to the requirements of all relevant sections of the City of Tucker Code of Ordinances and a maximum height of seventy-five (75) feet.

**3.35.6 Prohibited uses.**

The following principal uses of land and structures shall be prohibited within the Northlake Overlay District:

- A. Storage yard for damaged, inoperable, or confiscated automobiles.
- B. Tire retreading or recapping.
- C. Adult entertainment establishments, including adult bookstores, adult video sales rental, and smoking paraphernalia.
- D. Adult service facility, including massage parlors not associated with medical uses.
- E. Go-cart concession.
- F. Outdoor equipment or materials storage.
- G. Heavy repair shop or trade shop.
- H. Flea markets.
- I. Storefront churches.
- J. Extended-stay motels or hotels.
- K. Used appliances stores.
- L. Title and pawn shops.
- M. Night clubs.
- N. Salvage yards/junk yards.
- O. Thrift stores.

- P. Coin-operated self-service car wash.
- Q. Mini-warehouses.
- R. On-site dry cleaning facilities.
- S. Check cashing or payday loan office.
- T. Automobile sales, new or used.
- U. Truck or trailer sales or rental.
- V. Boat or recreational vehicle sales or rental.
- W. Freestanding commercial parking lot or deck, except as an accessory use to a principal retail or office use.
- X. Heliport.
- Y. Rooming house.
- Z. Transitional housing or half-way house.
- AA. Homeless shelter.
- BB. Tattoo parlor establishments.
- CC. Boarding or breeding kennel as a primary use.
- DD. Taxi and limousine livery dispatch.
- EE. Special event facility.

### **3.35.7 Accessory uses and structures.**

The following accessory uses of land and structures shall be authorized within the Northlake Overlay District:

- A. Accessory uses and structures incidental to any authorized use or structure, specifically including clubhouses, pools and other recreational amenities.
- B. Parking lots and parking garages.
- C. Clubhouse, including meeting room or recreation room.
- D. Swimming pools, tennis courts, and other recreation areas and similar amenities.
- E. Signs, in accordance with the provisions of chapter 21 and this chapter of the Code.

### **3.35.8 Special permits.**

The following uses and structures shall be authorized only by permits of the type indicated:

- A. *Special administrative permit from the director of public works.*
  - 1. Art shows, carnival rides and special events of community interest.
  - 2. Temporary outdoor social, religious, entertainment or recreation activity where the time period does not exceed fourteen (14) days' duration, adequate parking is provided on the site, and where the same lot or any portion thereof is so used for no more than one (1) such fourteen-day time period within any calendar year.
- B. *Special administrative permit from the community development director or designee.*
  - 1. Temporary seasonal outdoor sales.
- C. *Special exception permits from the zoning board of appeals.* None.
- D. *Special land use permit from the mayor and city council.*

1. Drive-through facilities.
2. Health Spa.
3. Hotel.
4. Massage Establishment.
5. Motel.
6. Personal care home, congregate.
7. Personal care home, family.
8. Personal care home, group.
9. Personal care home, registered.
10. Dwellings, multifamily, over twenty-five (25) units per acre.
11. Multi-warehouses, per the standards in 4.2.35(1), in tier 2 and tier 3 only

*\*This section was amended by Ordinance 2017-06-69, dated June 28, 2017.*

### **3.35.9 Development categories.**

The Northlake Overlay District shall be divided into three (3) development categories described below as tier 1, tier 2, and tier 3.

A. *Tier 1*—High-intensity commercial.

1. *Purpose and goal.* The purpose of tier 1 is to allow for the most intense mixed-use development. The goal is to allow for redevelopment of the oversized parking areas with new buildings, including retail, office, and residential on one (1) lot to decrease the need for automobile trips. The desirable tier-wide development mix in this tier should be sixty (60) percent retail, thirty (30) percent residential and ten (10) percent office.
2. *Building setbacks.* The following requirements shall apply to all structures in the tier 1—high intensity commercial development category of the Northlake Overlay District:
  - a. The minimum front yard setback shall be zero (0) feet where the public right-of-way allows room for sidewalks as prescribed in section 3.38.10. A maximum front yard setback of twenty (20) feet shall be imposed where the public right-of-way does not allow the required sidewalk width. Buildings shall be permitted to be setback from the public sidewalk to allow for building stoops, front porches, balconies, canopies, or steps, a public space or park, and or outdoor dining. All ground-floor uses shall have a sidewalk or paved walkway that connects the building entrances to the public sidewalk along the street. Parking shall not be permitted between the building and the public right-of-way.
  - b. The minimum interior side yard setbacks shall be zero (0) feet. However, if the property is adjacent to a building with windows or other materials that allow for ventilation that faces the adjoining property line, the setback shall be a minimum of twenty (20) feet from the property line. The side of a building facing a public street shall be permitted to set back from the public sidewalk to allow only for building stoops, porches, balconies or steps, a public plaza or park, outdoor dining or landscaping that does not obstruct the facade of the building. All ground floor uses must have a sidewalk or other paved walkway that connects the building entrances to the public sidewalk along the street.
  - c. The minimum rear yard setbacks shall be twenty (20) feet.

3. **Height of buildings and structures.** The maximum height of all buildings and structures shall be fifteen (15) stories and no building or structure shall exceed one hundred eighty (180) feet in height. Parking decks and other accessory structures shall not exceed ten (10) stories either as a separate deck or as part of an office building.
4. **Mixed use developments.** Tier 1 mixed-use developments shall contain a minimum of two (2) principal uses that are planned in accordance with the following provisions. Proposed mixed use developments shall be comprised of a floor area that has a minimum of sixty-five (65) percent office and/or residential components.
5. **Density.** The maximum residential density, with a special land use permit, shall be sixty (60) dwelling units per acre. Density over twenty-five (25) units per acre will require a special land use permit. No development within the tier 1 development category shall exceed a floor area ratio (FAR) of two and one-half (2.5), and/or it provides additional public space or other amenities singly or in combination as provided below:
  - a. **Bonus density.** The maximum allowable floor area ratio (FAR) of a building or development in a tier 1 zone shall be increased to a floor area ratio (FAR) not to exceed a total of four and one-half (4.50) in exchange for one (1) or more of the additional amenities provided in the table below:

Table 3.12: Maximum Bonus Floor Area Ratio in Northlake Overlay District, Tier I

Maximum Bonus Floor Area Ratio in Northlake Overlay District, Tier I	
Additional Amenity	Increased FAR
Increase public space to 25 percent while providing inter-parcel access for pedestrians and vehicles.	0.75
Increase public space to 30 percent while providing inter-parcel access for pedestrians and vehicles.	1.50
Mixed-use building that includes multifamily residential units and commercial retail uses. Each mixed-use building shall include one (1) principal use and at least one (1) secondary use. No primary or secondary use shall constitute less than thirty (30) percent of the gross floor area of the building.	0.25
Mixed-use building that includes multifamily residential units constituting at least eight (8) units per acre of land, and constructed in the same building with office institutional, commercial and retail uses.	0.5

B. **Tier 2—Office park.**

1. **Purpose and goal.** The purpose of this tier is to recognize the existing office, retail, and infill multifamily development in the area. The intent is to allow opportunities for residents to live close to employment and to provide accessibility to shopping areas. This development concept will thereby decrease the number of automobile trips and traffic congestion. The desirable tier-wide development mix in this tier should be sixty (60) percent office, thirty (30) percent residential and ten (10) percent retail.

2. *Building setbacks.* The following requirements shall apply to all structures in the tier 2—office park development category of the Northlake Overlay District:
  - a. The minimum front yard setback shall be zero (0) feet where the public right-of-way allows room for sidewalks as prescribed in section 3.38.10. A maximum front yard setback of thirty (30) feet shall be imposed where the public right-of-way does not allow the required sidewalk width. Buildings shall be permitted to be set back from the public sidewalk to allow for building stoops, front porches, balconies, canopies, or steps, a public space or park, and/or outdoor dining. All ground floor uses shall have a sidewalk or other paved walkway that connects the building entrances to the public sidewalk along the street. Parking shall not be permitted between the building and the public right-of-way.
  - b. Interior side yard and rear yard setbacks shall be a minimum of twenty (20) feet. The side of a building facing a public street shall be permitted to allow encroachments in the setback area for building stoops, porches, balconies or steps, a public plaza or park, outdoor dining or landscaping that does not obstruct the facade of the building. All ground floor uses must have a sidewalk or other hardscaped walkway that connects the building entrances to the public sidewalk along the street.
3. *Height of buildings and structures.* The maximum height of all buildings and structures shall be nine (9) stories and no building or structure shall exceed one hundred thirty-five (135) feet in height. Parking decks and other accessory structures shall not exceed seven (7) stories either as a separate deck or as part of an office building.
4. *Mixed-use developments.* Tier 2 mixed-use developments shall contain a minimum of two (2) principal uses that are planned in accordance with the following provisions. Proposed mixed-use developments shall be comprised of a floor area that has a minimum of sixty-five (65) percent office and/or residential components.
5. *Density.* The maximum density for residential uses, with a special land use permit, shall be thirty (30) dwelling units per acre. Density over twenty-five (25) units per acre will require a special land use permit. No development within the Tier 2 Development Category shall exceed a floor area ratio (FAR) of one and one-half (1.5), unless it additional public space or other amenities singly or in combination as provided below:
  - a. *Bonus density.* The maximum allowable floor area ratio (FAR) of a building or development in a Tier 2 zone shall be increased to a floor area ratio (FAR) not to exceed a total of three and one half (3.50) in exchange for one or more of the additional amenities provided in the table below:

Table 3.13: Maximum Bonus Floor Area Ratio in Northlake Overlay District, Tier II

Maximum Bonus Floor Area Ratio in Northlake Overlay District, Tier II	
Additional Amenity	Increased FAR
Increase public space to 25 percent while providing inter-parcel access for pedestrians and vehicles.	0.75
Increase public space to 30 percent while providing inter-parcel access for pedestrians and vehicles.	1.50
Mixed-use building that includes multifamily residential units and commercial retail uses. Each mixed-use building shall include one (1) principal use and at least one (1)	0.25

secondary use. No primary or secondary use shall constitute less than thirty (30) percent of the gross floor area of the building.

Mixed-use building that includes multifamily residential units constituting at least 8 units 0.5 per acre of land, and constructed in the same building with office institutional, commercial and retail uses.

C. *Tier 3—Employment center.*

1. *Purpose and goal.* The purpose of this tier is to recognize and protect the existing employment base in the area. The intent is to allow light manufacturing, distribution, showroom and small supporting retail uses. The desirable tier-wide development mix in this tier should be seventy (70) percent industrial, twenty (20) percent retail and ten (10) percent residential.
2. *Building setbacks.* The following requirements shall apply to all structures in the tier 3—employment center development category of the Northlake Overlay District:
  - a. Minimum front yard setback shall be a minimum of twenty (20) feet where site conditions allow room for sidewalks as prescribed in section 3.38.10. A maximum front yard setback of thirty (30) feet shall be imposed where the public right-of-way does not allow the required sidewalk width. Buildings shall be permitted to be set back to allow for building stoops, front porches, balconies or steps, a public space or park, and/or outdoor dining. All ground-floor uses shall have a sidewalk or other paved walkway that connects the building entrances to the public sidewalk along the street. Parking shall not be permitted between the building and the public right-of-way.
  - b. Minimum interior side yard and rear yard setbacks shall be a minimum of twenty (20) feet. The side of a building facing a public street shall be permitted to allow encroachments in the setback area for building stoops, porches, balconies, canopies or steps, a public plaza or park, outdoor dining or landscaping that does not obstruct the facade of the building. All ground-floor uses must have a sidewalk or other paved walkway that connects the building entrances to the public sidewalk along the street.
3. *Height of buildings and structures.* The maximum height of all buildings and structures shall be four (4) stories and no building or structure shall exceed sixty (60) feet in height.
4. *Mixed use developments.* Tier 3—Mixed-use developments shall contain a minimum of two (2) principal uses that are planned in accordance with the following provisions. Proposed mixed-use developments shall be comprised of a floor area that has a minimum of seventy (70) percent for industrial components.
5. *Density.* The maximum density for residential uses shall be fifteen (15) development units per acre. No development within the tier 3 development category shall exceed a floor area ratio (FAR) of one (1.0), unless it provides additional public space or other amenities singly or in combination as provided below:
  - a. *Bonus density.* The maximum allowable floor area ratio (FAR) of a building or development in a tier 3 zone shall be increased to a floor area ratio (FAR) not to exceed a total of three (3.0) in exchange for one (1) or more of the additional amenities provided in the table below:

Table 3.14: Maximum Bonus Floor Area Ratio in Northlake Overlay District, Tier III

**Maximum Bonus Floor Area Ratio in Northlake Overlay District, Tier III**

Additional Amenity	Increased FAR
Increase public space to twenty-five (25) percent while providing inter-parcel access for pedestrians and vehicles.	0.75
Increase public space to thirty (30) percent while providing inter-parcel access for pedestrians and vehicles.	1.50
Mixed-use building that includes multifamily residential units and commercial retail uses. Each mixed-use building shall include one (1) principal use and at least one (1) secondary use. No primary or secondary use shall constitute less than thirty (30) percent of the gross floor area of the building.	0.25
Mixed-use building that includes multifamily residential units constituting at least eight (8) units per acre of land, and constructed in the same building with office institutional, commercial and retail uses.	0.5

**3.35.10 Sidewalks/streetscapes.**

- A. Sidewalks shall be provided on all streets and shall consist of a street furniture zone and a pedestrian zone of widths that are based on the development category and location. The street furniture zone shall consist of landscape and hardscape items. This zone shall be the location of all signage, seating, trash receptacles, bus shelters, and other site amenities. The landscape elements will vary by development category. They shall consist of trees, grasses, and groundcovers. The pedestrian zone shall be paved and kept clear and unobstructed for the safe and convenient use of pedestrians.
- B. Sidewalks along LaVista Road in tier 1 shall be a minimum of twenty (20) feet wide, consisting of a minimum fifteen-foot-wide pedestrian zone and a minimum five-foot-wide street furniture zone.
- C. Sidewalks along other streets within tier 1 shall be a minimum of fifteen (15) feet wide, consisting of a minimum ten-foot-wide pedestrian zone and a minimum five-foot-wide street furniture zone.
- D. Sidewalks in tier 2 shall be a minimum of fifteen (15) feet wide, consisting of a minimum ten-foot-wide pedestrian zone and a minimum five-foot-wide street furniture zone.
- E. Sidewalks in tier 3 shall be a minimum of ten (10) feet wide, consisting of a minimum five-foot-wide pedestrian zone and a minimum five-foot-wide street furniture zone.
- F. 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.
- G. Pedestrian sidewalk areas shall be paved with either broom finished poured-in-place concrete, or pavers of brick, concrete, or stone. Other materials may be allowed with the approval of the community development director, or designee.
- H. Where newly constructed sidewalks abut existing adjacent sidewalks, the newly constructed sidewalk shall provide safe facilitation of pedestrian traffic flow to adjacent sidewalks. A ten-foot-long taper shall be provided in cases where an existing sidewalk is a different width than the new sidewalk. Any development that disturbs existing sidewalks on an adjacent property shall replace disturbed areas to their original state and condition.
- I. Safe and convenient pedestrian pathways shall be provided from sidewalks along streets to each structure's 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 have a minimum width of five (5) feet.

### **3.35.11 Street furniture zone.**

- A. The street furniture zone component of a required sidewalk shall be located immediately adjacent to the street, between the street and the pedestrian zone component of the sidewalk. All hardscape items shall comply with the requirements set forth in the Northlake Overlay design guidelines dated May 2008, (hereinafter referred to as "the Northlake Overlay design guidelines") a copy of which shall be maintained by the community development director and available for public inspection. Street furniture shall match the Northlake LaVista Road streetscape improvement project standards.
- B. The street furniture zone shall contain all landscape and hardscape elements that will provide for the comfort and enjoyment of pedestrians. This zone shall also serve as a transitional edge between pedestrian traffic and vehicular traffic. The street furniture zone shall include all street trees, pedestrian lights, benches, bus shelters, traffic lights, and other such elements.
  - 1. Pedestrian lights shall be located within the landscape zone spaced at a maximum distance of sixty (60) feet on center.
  - 2. Benches, trash receptacles, and bike racks may be placed either within the street furniture zone, or in the space between the sidewalk and the building.

### **3.35.12 Street trees.**

- A. Street trees shall be planted in all street furniture zones spaced at a maximum distance of thirty (30) feet on center at a distance of two and one-half (2.5) feet behind the curb.
- B. New street trees must be a minimum of three and one-half (3.5) inches in caliper measured six (6) inches above the 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 of eight (8) feet.
- C. Street trees shall have a minimum unpaved 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. Tree grates are prohibited. Ground cover in accordance with section 3.38.18, shall be provided and maintained for the entire planting area.
- D. Street tree species or planting patterns of varied species shall be consistent for an entire block length. Similar species shall be permitted to change on individual block faces only when approved by the community development director, or designee. Ground cover in accordance with section 3.38.18 shall be provided and maintained for the full extent of the planting area.
- E. All initial plantings and plant removal other than routine maintenance or replacement shall be approved by the community development director, or designee.

### **3.35.13 Open space requirements.**

- A. A minimum of twenty (20) percent of the gross land area shall be provided on site as open space for each new development.
- B. Where feasible, open space shall be at grade, and surrounded on at least one (1) side by buildings with active uses on the ground floor facing the space, and directly accessible from a public sidewalk and building entrance.
- C. Open spaces may include any combination of the following: yards, planted areas, fountains, parks, plazas, trails and paths, hardscape elements related to sidewalks and plazas, outdoor dining for restaurants, outdoor amenities, and similar features which are located on private property and accessible to the general public; and natural stream buffers may be counted toward the twenty-percent open space requirement.

- D. Parking lots and parking lot landscaping, as required by 3.35.16.K and 3.35.18.F, and sidewalks and streetscaping in the right-of-way, as required by 3.35.10, shall not be counted towards the open space requirement.
- E. All open space including buffers, setbacks, sidewalk clear zones, and sidewalk zones shall be fully constructed prior to issuance of a certificate of occupancy for the principle structure.
- F. Each applicant shall present as a part of the application for a building permit within the Northlake Overlay District a legal mechanism under which all land to be used for open-space purposes shall be maintained and protected. Such legal mechanism may include deed restrictions, property owner associations, common areas held in common ownership or control, maintenance easements, or other legal mechanisms, provided that said legal mechanism shall be approved by the city attorney as assuring each of the following mandatory requirements:
  - 1. That all subsequent property owners within said Northlake Overlay District be placed on notice of this development restriction through the deed records of DeKalb County Superior Court;
  - 2. That all open space held in common will be properly maintained and insured with no liability or maintenance responsibilities accruing to the city;
  - 3. That a legal mechanism exists for notice of deficiencies in maintenance of the open space held in common, correction of these deficiencies, and assessment and liens against the properties for the cost of the correction of these deficiencies by a third party or the city;
  - 4. When an applicant chooses to utilize a property owners' association in order to comply with the requirements of subsection (F) above, the applicant, in addition to meeting all of said requirements, shall provide for all of the following:
    - a. Mandatory and automatic membership in the property owners' association as a requirement of property ownership;
    - b. A fair and uniform method of assessment for dues, maintenance and related costs;
    - c. Where appropriate, party wall maintenance and restoration in the event of damage or destruction; and
    - d. Continued maintenance of open space held in common and liability through the use of liens or other means in the case of default.

*\*This section was amended by Ordinance 2017-06-69, dated June 28, 2017.*

### **3.35.14 Maintenance of common land.**

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 public space requirements of section 3.38.13 are maintained.

*\*This section was amended by Ordinance 2017-06-69, dated June 28, 2017.*

### **3.35.15 Transitional buffer zone and transitional height requirements.**

- A. Where a lot on the external boundary of the Northlake Overlay District adjoins the boundary of any property outside the district that is zoned for any R, RM, MHP, or TND zoning classification, a transitional buffer of not less than thirty (30) feet in width, in addition to the required setbacks, 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. Storm water 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, shrubs 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 Northlake Overlay District adjoins the boundary of any property outside the district that is zoned for any residential zoning classification, a transitional height plane as described herein shall apply. No portion of any structure within the Northlake Overlay District shall exceed such transitional height plane. The transitional height plane shall be determined by beginning forty-five (45) feet above the property line between the district and the adjacent property outside the district, then extending parallel to the ground toward the interior of the district thirty (30) feet over the transitional buffer zone and then at an upward angle of forty-five (45) degrees over the Northlake Overlay District.

### **3.35.16 Required parking.**

In order to promote a pedestrian-oriented community, required parking may be provided through a combination of off-street or shared parking, provided that all required parking is located within seven hundred (700) feet of the principal entrance of the building which it is intended to serve. In this pedestrian-oriented district, parking shall be encouraged in the rear of proposed structures, in parking decks and internal to new developments. The minimum number of required parking spaces shall be as follows:

- A. *Shopping centers, retail uses, personal service uses, and other commercial and general business uses, including food stores*—Minimum of four (4.0) spaces per one thousand (1,000) square feet of gross floor area.
- B. *Office and clinic uses*—Minimum of three (3.0) spaces per one thousand (1,000) square feet of gross floor area.
- C. *Hotel and motel uses*—Minimum of one (1.0) space per room and one (1.0) space per employee based on the largest shift.
- D. *Multifamily residential uses*—Minimum of one (1.0) space per unit for the first bedroom, plus one-half (0.50) space per additional bedroom.
- E. *Restaurant uses*—Minimum of five (5.0) spaces per one thousand (1,000) square feet.
- F. *[Shared parking.]* Shared parking is encouraged and may result in permitted reductions of off-street parking requirements. Parking facilities within a lot 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, so that the above stated off-street parking requirements for each use are met during said use's operational hours. Applicants shall make an application to the community development director or designee for authorization for shared parking. Applicants shall include proof of a written formal shared-parking agreement between all applicants prior to consideration. Shared parking lots shall be fully implemented prior to issuance of a certificate of occupancy for the development. A majority of shared spaces must lie within seven hundred (700) feet of the main entrance to the principal use for which the parking is provided. A minimum of fifty (50) percent of the minimum parking requirement must be met onsite before qualifying for shared parking. Required parking for residential units shall be prohibited from being shared.
- G. *[Residential parking.]* Required residential parking shall be segregated from parking for all other uses with the exception of additional parking provided for live-work single-family detached units.

- H. *[Bicycle parking.]* All nonresidential developments which provide automobile parking facilities shall provide bicycle parking facilities in parking structures, parking lots or the landscape zone of the sidewalk at a ratio of one (1) bicycle parking space for every twenty (20) automobile spaces. Multifamily residential developments shall provide bicycle parking facilities at a ratio of at least one (1) bicycle parking space for every five (5) multifamily units. No nonresidential development shall have fewer than three (3) bicycle parking spaces nor be required to exceed a maximum of fifty (50) bicycle parking spaces.
- I. *[Location.]* All off-street parking including surface lots and parking decks shall be located behind or beside buildings. Off-street parking shall be screened from view from any public street using buildings and/or landscaping.
- J. *[Screening.]* Any portion of a parking deck that is visible from a public street shall be screened from public view with ground-floor retail, and any upper stories shall have a facade constructed with materials permitted in the Northlake Overlay design guidelines and designed to resemble office or residential buildings with fenestration.
- K. *[Duration of parking.]* 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 flowering plants the landscape strip surface area.
- L. *[Wheel stops, bumpers.]* Wheel stops or bumpers shall be placed at the head of all parking spaces that abut a landscape strip or sidewalk.
- M. *[Landscaping.]* See subsection 3.35.18.F for landscaping requirements for parking lots and parking structures.
- N. *[Alternate locations.]* If required automobile parking spaces cannot be reasonably 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, provided a majority of such spaces lie within seven hundred (700) feet of the main entrance to the principal structure for which the parking is provided.
- O. *[On-street parking.]* On-street parking spaces provided by a development shall not be permitted to be counted toward the minimum parking requirements for the respective development.
- P. *[Restrictions.]* No parking area may be used for the sale, repair, dismantling, servicing, or long-term storage of any vehicles or equipment.

### **3.35.17 Development and architectural controls.**

The architectural style within the Northlake Overlay District shall comply with the requirements set forth in the Northlake Overlay design guidelines and shall comply with the additional following architectural design controls:

- A. All building facades visible from the public street shall consist of brick, stone, or cement stucco or other equivalents subject to review and approval by the community development director or designee.
- B. Architectural accents, where utilized, shall consist of non-reflective glass, glass block, natural stone, precast concrete, brick, terra cotta, stucco, wood, cast stone, cast-iron, or decorative architectural grade steel or other equivalents subject to review and approval by the community development director or designee.
- C. Building facades, where visible from a public street, shall not consist of aluminum, metal, corrugated steel, vinyl siding, plywood, pressed wood, synthetic stucco, or concrete block.
- D. A minimum of thirty (30) percent of the facade area must be window area. All windows are to be transparent. In addition, in buildings which contain ground level retail uses, a minimum of forty-five (45) percent of the width of the front facade of the building at the ground level shall consist of window area.

- E. Burglar bars and steel roll-down doors or curtains shall not be visible from the public street.
- F. Service bays for automobile service and repair uses shall be designed so that the openings of service bays are not visible from a public street.
- G. Chain-link fences and metal or temporary awnings are not permitted within the Northlake Overlay District.
- H. Dumpsters shall not be visible from the public street and shall be fenced or screened so as not to be visible from any adjoining residential district or any residential unit in a mixed-use building.
- I. Fabric and canvas awnings and all other building materials must be of durable quality and shall be compatible with materials used in adjoining buildings.
- J. Each building shall be designed such that the main entrance and front facade faces the public street. If a building fronts more than one public street, the main entrance and front facade shall face the primary street.
- K. Mansard roofs are prohibited.
- L. Reflective roof finishes are permitted only on roofs sloped less than one (1) inch per foot.
- M. All parking and service areas shall be screened from view from the street with buildings, landscaping, walls or decorative fencing.
- N. 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.
- O. Pedestrian access shall be provided from parking areas to the public sidewalk either through the ground floor of the building or via sidewalks between buildings.
- P. Ground-floor commercial and retail uses shall have a canopy not less than six (6) feet wide across the entire length of ground-floor entrances and fenestration for that use. Where multiple ground-floor commercial and retail uses exist in the same building along the same facade, the canopies shall be continuous between them. Canopies over retail and commercial entrances and/or windows shall be mounted at a single consistent height for each building.
- Q. Any linear lighting around windows, rooflines, doors, signs or building structures is prohibited. Linear lighting may include, but is not limited to neon tubes, rope lighting, and other similar lighting devices. Linear lighting devices that form letters or words shall be considered signs.

*\*This section was amended by Ordinance 2017-06-69, dated June 28, 2017.*

### **3.35.18 Landscape buffer requirements.**

Where the community development director, or designee, deems it necessary and appropriate, there shall be the following landscape buffer requirements between buildings, structures, parking areas, etc. and the public sidewalk:

- A. *Landscape strips.* Landscape strips not less than five (5) feet in width shall be provided along all side and rear property lines and on both sides of all public streets. The landscape strip in the front yard shall be a minimum of ten (10) feet in width and shall be planted with plant materials identified in the Northlake Overlay design guidelines. Continuous landscaped strips shall be constructed along public rights-of-way except at points of ingress or egress into the facility.
- B. *Ground cover.* Ground cover shall also be provided in accordance with the Northlake Overlay design guidelines in order to protect tree roots and to prevent erosion. Ground cover shall consist of evergreen shrubs or groundcover plant material mulched with pine bark mulch, or other similar landscaping material.

- C. *[New trees.]* Newly planted trees shall conform to the Northlake Overlay design guidelines.
- D. *[Location of trees.]* No tree shall be planted closer than two and one-half (2.5) feet from the street or sidewalk, and no closer than eight (8) feet from a fire hydrant, sign post, streetlight standard, utility pole, or similar structure.
- E. *Plant materials along streets.* Landscaping plant materials required to be provided along streets to meet the minimum requirements of this overlay division shall be selected from the following list of species in the minimum sizes shown. Plant materials provided in locations other than along streets, and plant materials provided along streets in excess of those required to meet this overlay division may be any species appropriate to the design and location subject to the approval of the plan reviewer.
  - 1. *Flowering shrubs.*
    - a. Abelia X Grandiflora, three-gallon;
    - b. Jasminum Nudiflorum, three-gallon;
    - c. Coreopsis Auriculata, one-gallon;
    - d. Narcissus.
  - 2. *Ground cover.*
    - a. Liriope Muscari, one-gallon;
    - b. Rubus Caleinoides, one-gallon;
  - 3. *Trees along LaVista Road.*
    - a. Cercis Canadensis, two-inch caliper;
    - b. Chionanthus Virginicus, one-and-one-half-inch caliper;
    - c. Hemerocallis Species, one-gallon;
    - d. Prunus "Okame", one-and-one-half-inch caliper;
    - e. Quercus Shumardii, three-and-one-half-inch caliper.
    - f. Lagerstroemia Indica, ten (10) feet high;
  - 4. *Trees along remaining streets.*
    - a. Any tree listed in paragraph 3. above;
    - b. Crape Myrtle, standard trunk;
    - c. October Glory Red Maple;
    - d. Sunset Maple;
    - e. Nuttall Oak (Quercus Nattalli);
    - f. Shumard Oak (Quercus Shumardii);
    - g. Willow Oak;
    - h. Zelkova Serrata;
    - i. Ginkgo (Ginkgo Biloba);
    - j. Trident Maple (Acer Buergeranum);
    - k. Allee Laechar Elm (Ulmus Parvifolia Emer II).

- F. Parking lot landscaping requirements. All parking lots within the Northlake Overlay District shall be landscaped in accordance with all the requirements of Code section 5.4.4 and shall comply with all of the following requirements:
1. Each such parking lot shall include a landscaped area that is a minimum of ten (10) percent of the total lot area of the interior of the parking lot in addition to the landscaping required elsewhere in this section and in Article 6.
  2. A minimum of one (1) tree per six (6) parking spaces shall be included in the required landscaped areas. For the purpose of satisfying this requirement, existing trees that are three (3) inches or more in caliper as measured at a height of six (6) inches above the ground shall be considered to be equivalent to one (1) or more newly planted trees on the basis of one (1) tree for each three (3) inches of caliper.
  3. Where the landscaped area is in the interior of a parking lot, the landscaped area shall be a minimum of six (6) feet in width and serve as a landscaped median between parking bays. The area of the landscaped median will be determined by the parking configuration. In no case will the landscaped area be less than sixty (60) square feet.
  4. All landscaped areas shall be properly maintained in accordance with approved landscape plans. In the event that a tree or any plant material dies, it shall be replaced within ninety (90) days of such occurrence, so as to meet all requirements of this section and to allow for planting in the appropriate planting season.

#### **3.35.19 Multimodal access plans required.**

Each new application for a development permit within the Northlake Overlay District shall be accompanied by a multimodal access plan prepared at a scale not greater than one (1) inch [equals] one hundred (100) feet. The multimodal access plan shall cover the full extent of the proposed development along with public rights-of-way of adjoining streets and any other property lying between the subject property and the nearest public streets on all sides. The purpose of the multimodal access plan is to demonstrate a unified plan of continuous access to, and between, all buildings in the proposed development and adjacent properties. Connections to available transportation modes, such as driveways, sidewalks, and bike paths shall be shown along adjacent streets and those entering adjoining properties. Safe and convenient pedestrian ways shall be provided from sidewalks along streets to each building entrance, including pedestrian access routes across parking lots and between adjacent buildings within the same development. Where an existing or planned public transportation station or stop is within one thousand two hundred fifty (1,250) feet (straight-line distance) from any boundary of the subject property, the access plan shall show how pedestrians may safely travel from such station or stop to the subject property, and the access plan shall show how safe, continuous and convenient bicycle access shall be provided to the subject property.

#### **3.35.20 Sign regulations.**

All lots in the Northlake Overlay District shall comply with all requirements of chapter 21 and all of the following additional requirements:

- A. All signs shall be designed so as to be compatible with the Northlake Overlay design guidelines. Such sign design is to be characteristic of the Northlake Overlay District area;
- B. All freestanding signs shall be ground-mounted monument-style signs with a base and framework made of brick or stone. Pole-mounted signs are prohibited;
- C. Each lot shall have no more than one (1) ground-mounted sign;
- D. The sign area of ground signs shall not exceed thirty-two (32) square feet, unless the lot contains a shopping center, in which case ground signs are limited to sixty-four (64) square feet;

- E. Ground-mounted signs shall not exceed a height of six (6) feet, unless the lot contains a shopping center, in which case ground signs shall not exceed a height of fifteen (15) feet;
- F. Each separate storefront may have a maximum of two (2) wall signs, each of which shall not exceed an area of ten (10) percent of the area of the facade of the ground floor of the building or seventy-five (75) square feet, whichever is less. If the storefront is more than two hundred (200) feet from the public right-of-way as measured from the front of the lot, each separate storefront may have a maximum of two (2) wall signs, each of which shall not exceed an area of ten (10) percent of the area of the facade of the ground floor of the building or one hundred fifty (150) square feet, whichever is less;
- G. The primary wall sign shall be located on the primary building facade and within fifteen (15) feet of the main entrance. A second wall sign can be located at the side or rear building facade, including facing I-285.
- H. Window signs are prohibited;
- I. Banners are prohibited;
- J. Billboards are prohibited;
- K. Wall-mounted signs shall be channel cut letters applied directly to the building facade. Flashing, animated, marquee, sound emitting, fluorescent, rotating or otherwise moving signs are prohibited; and
- L. Sign shape and lettering shall be limited as follows:
  - 1. Signs with more than two (2) faces are prohibited;
  - 2. Sign facing shall be flat in profile and shall not exceed a thickness of eight (8) inches;
  - 3. Sign faces shall be parallel; and

#### **3.35.21 Shared parking.**

Shared parking is encouraged and may be authorized by the community development director or designee. Applicants may make application to the community development director or designee for authorization for a special exception for shared parking. Said applications shall be considered and decided by the community development director or designee pursuant to the standards and procedures set forth in subsections 7.6.5(A)(3) and (4).

#### **3.35.22 Streets, curb cuts, and driveways.**

- 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. All new streets must connect to at least two (2) public streets.
- C. When blocks are subdivided by new streets, the maximum length of resulting new blocks shall be three hundred (300) linear feet. Along the portion of LaVista Road within the Northlake Overlay District, the maximum block length shall be seven hundred (700) linear feet.
- D. All curb cuts shall comply with the Northlake Overlay design guidelines and all other applicable requirements of this Code and state law.
- E. The maximum curb radius at any intersection or curb cut shall be twenty (20) feet.
- F. All curb cuts shall be a maximum of twenty-four (24) feet wide.
- G. Common or joint driveways are encouraged and may be authorized by the community development director or designee. Common or joint driveways on a state right-of-way may be allowed if approved in writing by the Georgia Department of Transportation.
- H. Each driveway shall be perpendicular to the street to which it connects.

### **3.35.23 Townhouse and multifamily development standards.**

- A. Mechanical equipment and other building service items may not be located within the setback area between the public sidewalk and building facade.
- B. Each individual townhouse shall have a front entrance with either a front porch or a front stoop between the front facade and the sidewalk.
- C. The front entrance of each townhouse unit may be above the average grade of the sidewalk directly in front of it to a maximum of three (3) feet above grade.
- D. All parking shall be hidden behind or within individual units. Access to parking shall be permitted only via an alley or private drive located behind the units. Garages may not face the public street.
- E. The maximum height of townhouses shall be the lesser of three (3) stories or forty-five (45) feet.
- F. Multifamily 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.

### **3.35.24 Underground utilities**

All utilities except for major electric transmission lines and sub-stations are required to be placed underground except where the planning director or designee determines that underground utilities are not feasible due to pre-existing physical conditions, such as conflicting underground structures or utilities, shallow rock, high water table, or other similar geologic or hydrologic conditions.

### **3.35.25 Pedestrian lights**

Pedestrian lights are required for all public streets and shall be consistent with the Northlake Overlay Design Guidelines.

### **3.35.26 Inter-parcel access**

To the maximum extent possible, sidewalks and parking lots serving adjacent lots shall be interconnected to provide continuous driveway connections and pedestrian connections between adjoining lots and streets, except that this requirement shall not apply to lots zoned for single family or two-family/duplex residential units. Where necessary, The City of Tucker may require that access easements be provided to ensure continuous access and egress routes connecting commercial, office and multifamily lots.

*\*This section was amended by Ordinance 2017-06-69, dated June 28, 2017.*

### **3.35.27 Northlake Overlay design guidelines.**

The community development director, or designee, is authorized to create, administer, and amend the Northlake Overlay design guidelines dated May 2008. These design guidelines provide acceptable architectural design controls, landscaping, detail drawings, signage, fencing, lighting, street and site furniture and grating. These design guidelines shall be used to promote proper design criteria for the overlay district and shall guide the community development director, or designee, in deciding whether a proposed design complies with the requirements of this overlay district.

### **3.35.28 Plans required; certificates of compliance.**

- A. *Plans required.* Prior to the issuance of any land-disturbance permit, building permit, or sign permit, the applicant shall submit to the community development director or designee a conceptual design package and a final design package. The final design package must include full architectural and landscape

architectural plans and specifications. The submitted plans must include a site plan, architectural elevations and sections; renderings depicting the building design including elevations and architectural details of proposed buildings, exterior materials and colors, and plans and elevations of all hardscape, landscape and signs, all of which shall demonstrate that the proposed design is in compliance with all the requirements of this Northlake Overlay District and the underlying zoning classification.

- B. *Fees.* Plans shall be accompanied by an application and payment of a fee in an amount determined by the mayor and city council.
- C. *Review.* The director of community development or designee shall review each application for compliance with all requirements of the Northlake Overlay District and the underlying zoning classification. Where the community development director or designee determines that said plans comply with the requirements of the Northlake Overlay District a certificate of compliance shall be issued in the form of the director or the director's designee signing the plans and drawings after which the applicant shall then apply for land disturbance, building or signs permits. Where the director or his designee determines that said plans do not comply with the requirements of this chapter, then the director or his designee shall notify the applicant in writing stating the manner in which said applicant fails to comply with such requirements. All applications shall be considered and decided by the community development director or his designee within thirty (30) days of receipt of a complete application. Any appeal of the community development director's decision in this regard shall be to the zoning board of appeals pursuant to section 7.5.2.

### **3.35.29 Conceptual plan package review.**

- A. The conceptual plan package shall be composed of the following:
  - 1. A narrative addressing the proposed development explaining how it meets the purpose, intent, and standards of this chapter. The narrative shall include a tabulation of the approximate number of acres in each land use, the approximate number of dwelling units by type, the approximate gross residential density, the approximate commercial density, the approximate public space acreage, the anticipated number, type and size of recreational facilities and other public amenities, and the legal mechanism for protecting and maintaining public space, as required in subsection 3.38.13(A);
  - 2. A site location map showing the proposed development, abutting property, the relationship of the proposed development to surrounding and existing development, and transitional buffer zones, if required; and
  - 3. A multimodal access plan meeting the requirements of section 3.35.19.
- B. The plan to be submitted in the conceptual plan package shall contain the following information:
  - 1. Six (6) copies of a 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 x thirty-six (36) inches, and one (1) eight-and-one-half inch by 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:
    - a. Boundaries of the entire property proposed to be included in the development, with bearings and distances of the perimeter property lines;
    - b. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics;
    - c. Location and approximate dimensions in length and width, for landscape strips and required transitional buffers, if any;
    - d. Existing topography with a maximum contour interval of five (5) feet and a statement indicating whether it is an air survey or field run;

- e. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, DeKalb County, or the City of Tucker;
- f. The delineation of any jurisdictional wetlands as defined by section 404 of the Federal Clean Water Act;
- g. Approximate delineation of any significant historic or archaeological feature, grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact it;
- h. A delineation of all existing structures and whether they will be retained or demolished;
- i. General location, in conceptual form, of proposed uses, lots, buildings, building types and building entrances;
- j. Height and setback of all buildings and structures;
- k. Approximate areas and development density for each type of proposed use;
- l. Location, size and number of all on-street and off-street parking spaces, including a shared parking analysis, if shared parking is proposed;
- m. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets;
- n. Conceptual plans for drainage with approximate location and estimated size of all proposed storm water management facilities and a statement as to the type of facility proposed;
- o. Development density and lot sizes for each type of use;
- p. Areas to be held in joint ownership, common ownership or control;
- q. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets;
- r. Location of proposed sidewalks and bicycle facilities trails recreation areas, parks, and other public or community uses, facilities, or structures on the site;
- s. Conceptual layout of utilities and location of all existing or proposed utility casements having a width of twenty-five (25) feet or more;
- t. Standard details of signs, sidewalks, streetlights, driveways, medians, curbs and gutters, landscaped areas, fencing, street furniture, bicycle lanes, streets, alleys, and other public improvements demonstrating compliance with the design guidelines for the Northlake Overlay District; and
- u. Seal and signature of professional preparing the plan.

### **3.35.30 The final design package.**

Upon receiving comments on the conceptual design package, the applicant must submit the final design package for review and approval. The final design package must contain all plans, elevations, sections and specifications necessary for obtaining development and building permits. The applicant may submit the final design package simultaneously with the submission for permitting in accordance with subsection 3.38.25(A).

**Design Guidelines  
for the  
Northlake Commercial Center  
Compatible Use Overlay District**

## I. Purpose and authority.

In order to protect the interests of property owners in the Northlake Commercial Center Overlay District and to preserve the health, safety, and welfare of the citizens of the City of Tucker, it is essential that development within the Northlake Commercial Center Overlay District be of a consistently high design character. This goal is best fulfilled by the establishment of orderly and consistent standards for the design, construction and maintenance of public and private improvements. Following consistent design Guidelines promotes the identity and integrity of this important activity center and advances the public purpose of securing a high quality of life and promoting the economic health of the City of Tucker.

The Mayor and City Council of the City of Tucker has established the Northlake Commercial Center Overlay District and adopted these design guidelines by reference as minimum standards to govern the overlay area. It is thereby declared to be a public purpose to administer and enforce the following minimum design guidelines and development standards for all new development within the Northlake Commercial Center Overlay [District].

These design guidelines are intended to augment and enhance chapters 14, 27, and other regulations of the City of Tucker Code of Ordinances Zoning, which shall remain in full force and effect within the Northlake Commercial Center Overlay District.

These design guidelines shall be administered by the City of Tucker Community Development Department. Applicants for development permits are encouraged to schedule a preapplication conference with the community development department in order to assure full understanding and compliance with these Design Guidelines. Wherever there are conflicts between these design guidelines and other laws and ordinances of the City of Tucker, these guidelines shall have precedence. Interpretations, disputes, and appeals with respect to the interpretation and application of these design guidelines by the City of Tucker Community Development Department shall be resolved by the City of Tucker Board of Appeals.

## II. Design guidelines.

- A. *Streets.* Public and private streets shall meet all the requirements for public streets in chapter 14 of the City of Tucker Code of Ordinances, and the Northlake Commercial Center Overlay District. The design requirements for all streets and sidewalks shall be as required in sections 27-730.2.10 and 27-730.2.11 of the Northlake Overlay District ordinance. The following exceptions and enhancements shall be incorporated where deemed necessary. The width of travel lanes may be reduced to eleven (11) feet on all private streets except alleys and except on all public streets that are designated by the community development department as truck routes. The width and design of alleys shall be as required in Section 27-719.8

The design of streets within the Northlake Commercial Center Overlay District shall provide for the continuous and interconnected travel of automobiles, transit buses, bicycles, and pedestrians between points of origin and destination within the district, and shall provide for maximum continuity with streets, transit routes, sidewalks, bicycle lanes, trails, paths, and greenways that enter and leave the overlay district from surrounding areas.

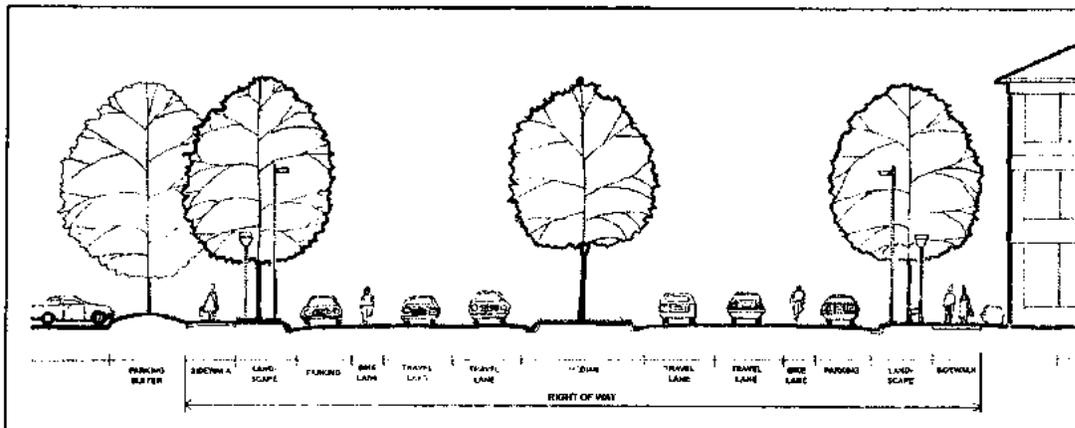
Exhibits 1 and 2, along with table 1, indicate the arrangement, location, and width of the required elements of street design within the overlay district. All streets except alleys shall be paved to county or city specifications. Right-of-way would be increased on state and federal routes or truck routes where twelve-foot-wide lanes are required.

Table 1: Dimensions for Elements of Street Design

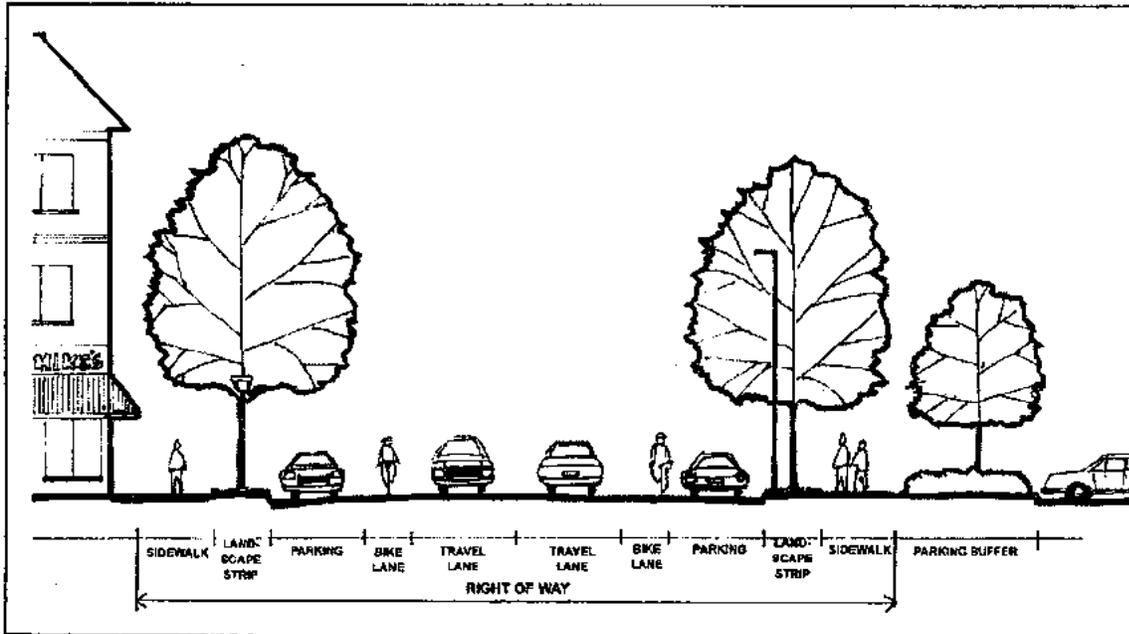
### Dimensions for Elements of Street Design, Northlake Commercial Center Overlay District

Street Type	Number of Lanes (11 ft.)	Median Width	Bicycle Lane Width	Parallel Parking Width	Right-of-Way Width
Boulevard	4	16 ft.	5 ft.	NA	110 ft.
Avenue	4	12 ft.	5 ft.	NA	100 ft.
Major Collector	4	NA	5 ft.	9 ft.	105 ft.
Minor Collector	2	NA	NA	9 ft.	80 ft.
Local Street	2	NA	NA	9 ft.	60 ft.

**Exhibit 1: Boulevards, Avenues, and Major Collector Streets**

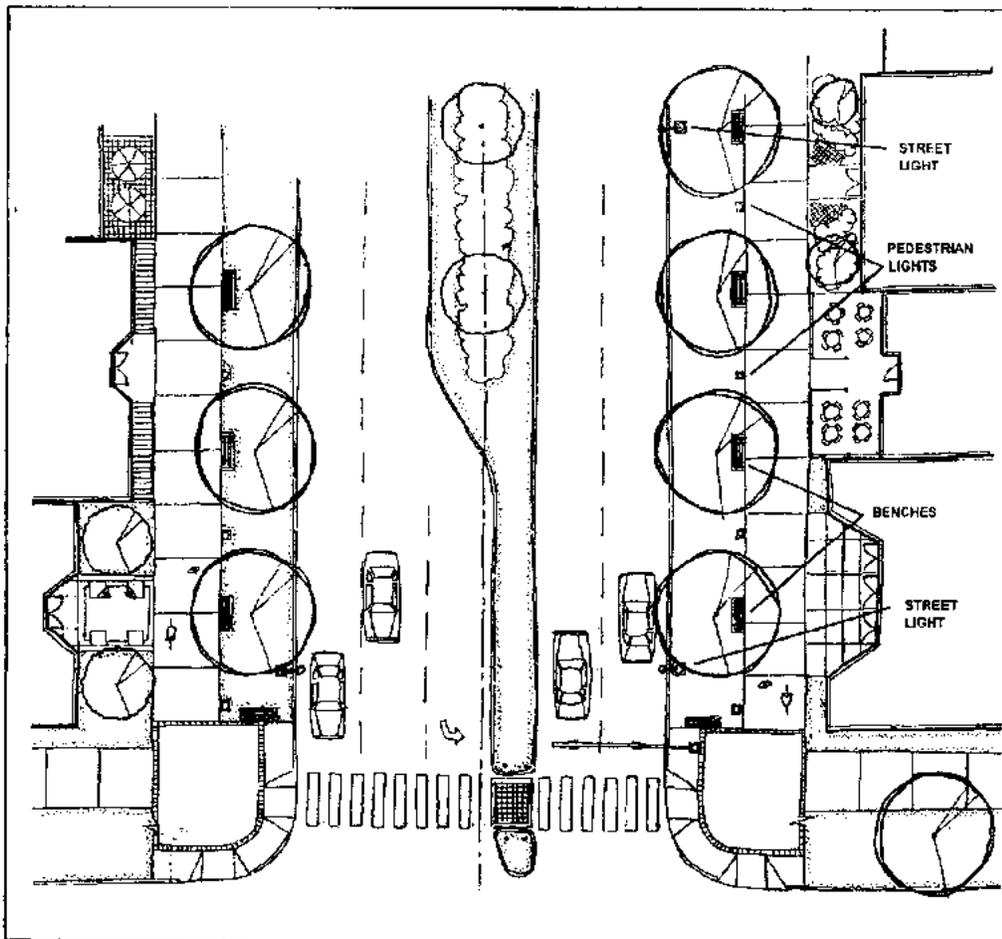


### Exhibit 2: Minor Collector Streets and Local Streets



- B. *Medians*. Raised medians with curb and gutter shall be required where indicated in table 1. Raised medians shall be designed to provide for safe and convenient crossings for persons with disabilities and shall provide refuge for pedestrians at crosswalks, as shown in exhibit 3. Raised medians shall be landscaped with trees, shrubbery, landscaping, and other approved groundcover materials as described in exhibit 3 and the plant list contained in the appendix unless otherwise approved by the community development director. Shrubbery and groundcover planted in medians within 30 feet of the nose of the median shall not exceed 18 inches in height.

**Exhibit 3: Medians**



C. *On-street parking.* On-street parking shall be provided on street types as indicated in table 1 and in exhibits 1 and 2. On-street parking stalls shall be demarcated with painted boundaries not less than three (3) inches in width and shall be a minimum of nine (9) feet in width and twenty (20) feet in length.

D. *Outdoor lighting.*

1. The following standards apply to all properties within the Northlake Overlay District, excluding those with frontage along LaVista Road. In such areas The LaVista Road sidewalk and streetscape plan dated December 18, 2006, shall govern.

Pedestrian lights shall be provided where required using fixtures specified in Table 2. In addition, all streets and parking lots shall have lighting designed to provide adequate lighting levels for pedestrians and bicyclists as well as for automobiles. Street lighting fixtures shall be located as shown in Exhibits 1, 2 and 3 and shall meet the specifications indicated in Table 2 and Exhibit 4. Pedestrian lighting within right of ways shall be mounted no higher than 15 feet above the grade of the adjacent sidewalk.

Exhibit 4: Outdoor Lighting



Pedestrian Light



2. Parking lot lighting shall be as shown in Exhibit 4 and shall meet the specifications indicated in Table 2.

Table 2: Outdoor Lighting Specifications

**Outdoor Lighting Specifications, Northlake Commercial Center Overlay District**

Location		Specification
Street Light	Fixture type	Gardeo CA-22-1-3-250 MH-VTBS-BLA
	Pole type	Gardeo RA5-28H-TBS-TBS-BLA
	Spacing	Every 150—200 feet with triangular spacing
Parking Lot Light	Fixture type	Gardeo CA-22-2-3-250MH-VTBS-BLA
	Pole type	Gardeo—RA5-25H-TBS-TBS-BLA
	Spacing	To be determined in the field
Pedestrian Light	Fixture type	Cooper Lighting Modern Epic Large (MEL) model # MEL 15SWW3SXBLBK
	Arm Type	Cooper Lighting model # SA6005-BK4
	Pole type	Hapco model # 89871-003-PI

Spacing      To be determined in the field

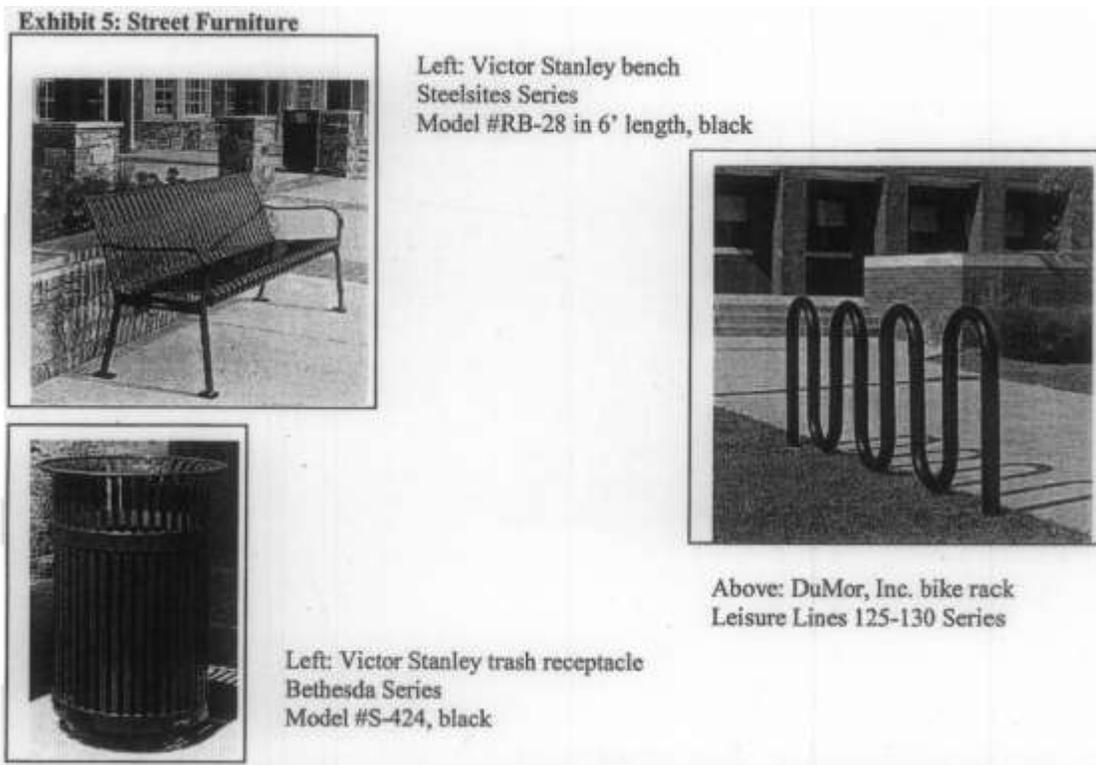
3. Light levels of 1.5 foot candles are recommended for parking areas and four (4) foot candles at vehicular drives, entrances, and pedestrian and bicycle ways.
4. All exterior lighting shall be located and designed with cut-offs to minimize glare on adjacent occupied properties.
5. Ground-mounted floodlights shall be screened with planting or other means so that the light source is not visible.
6. The use of flashing, rotating, or oscillating lighting is prohibited in any manner that may be visible from the exterior of buildings.
7. After-hours security lighting shall equal at least twenty-five (25) percent of the normal parking lot lighting level for security.

E. *Street furniture.* The following standards apply to all properties within the Northlake Overlay District, excluding those with frontage along LaVista Road. In such areas the LaVista Road sidewalk and streetscape plan dated December 18, 2006, shall govern.

Sidewalks, plazas, parks, trails, and other public spaces may contain outdoor furniture such as benches, tables, trash receptacles, or other similar appurtenances. Street furniture shall be designed to be comfortable, resist damage and vandalism and be easy to maintain. Table 3 and Exhibit 5 provide specifications of acceptable street furniture. The street furniture types recommended below may be substituted subject to review and approval by the City of Tucker Community Development Department.

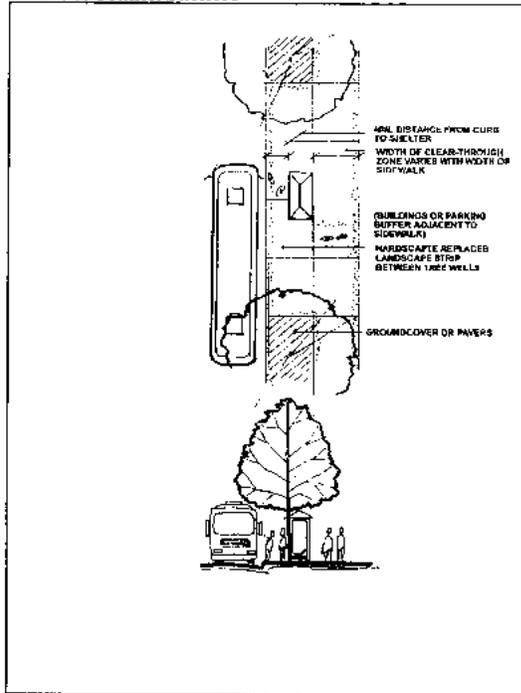
Table 3: Street Furniture

Street Furniture, Northlake Commercial Center Overlay District		
Location	Fixture Type	Specification
Street Furniture Zone	Benches	Victor Stanley Model #RB-28 in 6' length, Color: black
Street Furniture Zone	Trash Receptacles	Victor Stanley—the Bethesda Series Model # S-424, Color: black
Street Furniture Zone	Bicycle Racks	DuMor Inc.—Leisure Lines Model # 130-30, surface mount, Color: black



- F. *Transit stops.* MARTA bus service is provided on certain streets within the overlay district. These bus stops shall be located within public rights-of-way as determined by MARTA. Subject to agreement of MARTA, bus stops may also be located on private property. Transit stops shall provide adequate, lighted and landscaped hard surface areas for waiting patrons. All transit stops shall include at least forty (40) square feet of surface paved in concrete and be accessed by concrete sidewalks along streets and connected to building entrances as provided in section H. of these guidelines. Transit stops anticipated to serve more than an average of ten (10) passengers per weekday shall include shelters designed as shown in Exhibit 6. Trash receptacles are required at all transit stops.

**Exhibit 6: Transit Shelters**



- G. *Bicycle lanes and bicycle racks.* Paved bicycle lanes shall be provided adjacent to both sides of streets, adjacent to their paved travel lanes as indicated in Table 1 and Exhibits 1 and 2. Bicycle lanes shall be not less than five (5) feet in width with signs and pavement markings as required by the latest version of the Manual for Uniform Traffic Control Devices. Off-street bicycle paths shall be paved not less than eight (8) feet in width and shall be designed with profile not to exceed a 4.9 percent grade or else provide approved handrails for use by handicapped persons. Trail cross-slopes shall not exceed two (2) percent. Buildings that require more than one hundred (100) parking spaces shall provide bike racks with at least one (1) bicycle parking stall per 100 vehicular parking spaces. Bicycle racks shall be securely anchored to the ground or a permanent structure and provide outdoor lighting.
- H. *Sidewalks and pedestrian ways.* The Northlake Commercial Center Overlay District shall be designed to minimize the need for vehicular transportation and to promote pedestrian and bicycle circulation throughout the overlay district. The construction of continuous sidewalks along all streets and off-street pedestrian ways between all building entrances, between adjacent parking lots where shared parking is allowed, and connecting streets with adjacent parking lots, transit stops and building entrances is required throughout the overlay district. See Exhibits 1 and 2 showing sidewalks along streets. See Exhibit 7 for an illustration of off-street pedestrian ways linking parking lots and building entrances. Sidewalks are also encouraged within trails, greenways, and other outdoor recreational areas.

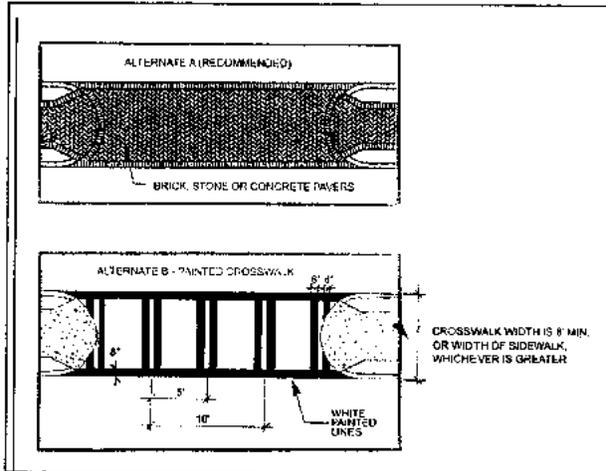
Sidewalks in the overlay district shall be as required in the Northlake Overlay District Ordinance and constructed of four-inch-thick poured-in-place concrete. Minimum slope for all sidewalks shall be two (2) percent. Alternatively, sidewalks may be constructed with brick, stone, or similar durable paver materials to add aesthetic interest and visibility, especially at building entrances, in plazas, in pedestrian crosswalks and at other pedestrian intersections with vehicular routes. Asphalt is not an acceptable paving material for sidewalks or pedestrian ways.

To the extent feasible, sidewalks and pedestrian ways shall be aligned vertically and horizontally to minimize the impact on existing topography and vegetation while forming a continuous pedestrian system. Sidewalks and pedestrian ways that join at property lines or with existing sidewalks shall match the

elevation, alignment and cross slope of the abutting sidewalks to form a safe, smooth, and continuous sidewalk system.

- I. *Crosswalks.* All crosswalks and other intersecting points between the pedestrian and vehicular traffic systems shall be clearly marked as shown in Exhibit 7. The use of approved brick, concrete, or stone paving materials to identify crosswalk areas is encouraged. Crosswalks shall be designed to meet the City of Tucker's standards of use for disabled persons. Crosswalks for median-divided streets shall provide for barrier-free passage and refuge areas as illustrated in Exhibit 3. Crosswalks shall be accompanied by pedestrian signals where required by DeKalb County or the City of Tucker and in conformity with the Manual for Uniform Traffic Control Devices.

**Exhibit 7: Crosswalk Demarcation**



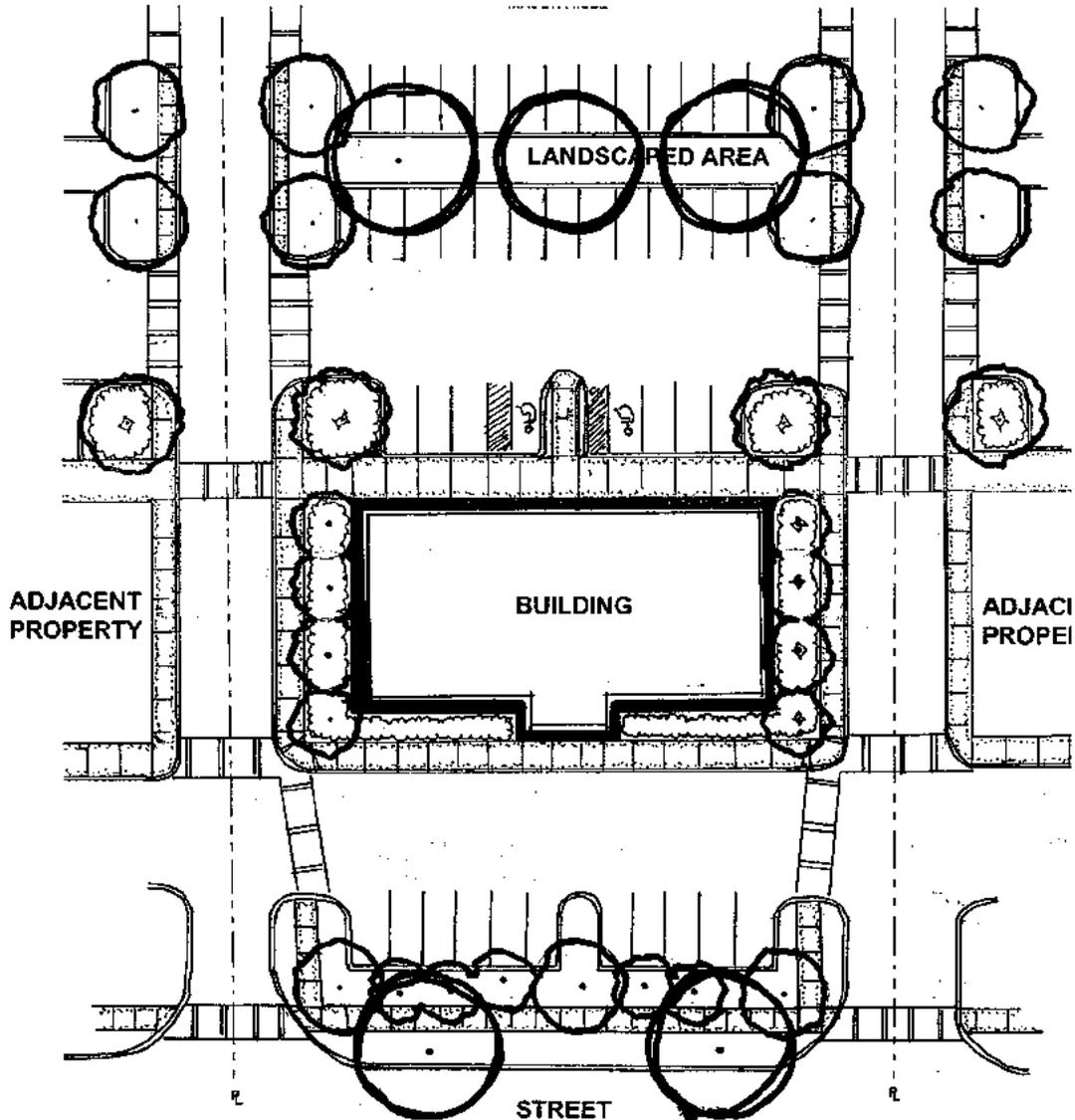
- J. *On-street parking.* On-street parking is an efficient manner to provide convenient store-front parking and residential parking on minor streets in order to reduce the need for large surface parking lots. See Exhibits 1 and 2. An on-street parking space along the street frontage of an adjacent parcel shall not be counted with off-street and shared parking to meet parking requirements of chapter 27 when such parking space is within seven hundred (700) feet of a building entrance for which the parking space is required. On-street parking spaces shall be safely accessed from the travel lanes of the adjoining street, paved to the specifications of public streets and demarcated with painted lines not less than three inches in width. Parallel parking spaces shall be not less than nine (9) feet wide and not less than twenty (20) feet in length. The City of Tucker shall have sole authority to determine time limits, metering, and signage of on-street parking spaces on public streets within the overlay district.
- K. *Off-street parking lots.* Off-street parking lots shall be provided where there is not enough on-street parking available to satisfy the minimum parking requirements of section 27 and the Northlake Commercial Center Overlay District. Where possible, off-street parking lots shall be designed with interconnecting driveways and parking areas to encourage shared use with adjacent parcels. Joint access driveways and continuous access drives behind or between multiple parcels is encouraged to provide continuous inter-parcel access and lessen the need to re-enter public streets to make short trips. The satisfaction of minimum parking requirements with shared parking shall be subject to approval by the City of Tucker Community Development Director based on a shared parking analysis performed to the standards of the Institute for Transportation Engineers.

Off-street parking lots shall be designed to minimize the view of parking from adjacent streets and sidewalks. No more than thirty (30) percent of the required parking spaces for a parcel shall be located in front yards. Off-street parking lots shall be separated from abutting streets by landscape strips and sidewalks as illustrated in Exhibits 1 and 2. Parking lots shall be separated from parking lots on adjacent parcels by landscape strips not less than ten (10) feet in width, planted with shrubbery, trees, and

groundcover. Landscape strips may be broken by perpendicular access drives and pedestrian walkways or sidewalks. Plant materials shall be selected from the approved plant list in the appendix unless otherwise approved by the planning director.

Off-street parking lots shall be designed to provide for safe and continuous passage of pedestrians between parking bays and building entrances, and between adjacent parking areas and buildings. Landscape strips at the perimeter of off-street parking lots shall provide for safe and convenient crossings by vehicles and pedestrians as shown in Exhibit 8. Pedestrian pathways in parking lots and pedestrian ways that cross vehicular aisles in parking lots shall be appropriately demarcated as shown in Exhibit 8.

**Exhibit 8 – Off-Street Parking Lots**



- L. *Landscaping.* Planting design should reflect and enhance the natural surroundings of each site as well as the design objectives of the building. Existing trees and native groundcover should be preserved wherever possible and integrated into the overall landscape design. Existing plant materials that are to be retained shall be clearly designated on the landscape plans and their root zones and tree canopies shall be adequately protected from damage or destruction during construction using suitable barricades

or fencing. Newly planted trees, shrubs and groundcover materials used in landscaped areas shall be selected from the approved plant list in the appendix unless otherwise approved by the planning director.

Plant materials shall be of a size, species and variety specified in the approved plant list in the appendix unless otherwise approved by the community development director. Street trees must be a minimum of three-and-one-half-inch caliper as measured at six (6) inches above ground and help to articulate the pedestrian and vehicular circulation systems. Except for perpendicular crossings of driveways and utility easements. Street trees shall be planted with a spacing not to exceed thirty (30) feet. Street trees shall not be placed closer than eight feet from a building, driveway, light standard, sign standard, post, fire hydrant, or other permanent structure.

Evergreen groundcover planting shall be used on all slopes steeper than two and one-half (2½) to one (1) to aid in erosion control.

Landscape planting and irrigation plans must be prepared by a landscape architect registered in the State of Georgia for each application for a land-disturbance permit.

*Transitional buffer zone*—Where the transitional buffer zone is well vegetated and provides an adequate visual screen at eye level, it shall be undisturbed. Otherwise, the transitional buffer zone shall be either planted with double staggered rows of approved evergreen trees and shrubbery to form a dense visual screen or the existing vegetation shall be enhanced with native landscaping and groundcover adequate to provide an effective visual screen at eye level from adjacent properties. However, transitional buffer zones may be interrupted where necessary for perpendicular crossings of streets, fences, driveways utilities, and trails, bikeways or pedestrian ways.

*Parking lot landscaping*—The total length of any parking area facing a street shall be separated from the street by landscaping, including evergreen shrubbery at least eighteen (18) inches in height. Off-street parking lots shall be designed to maximize coverage by shade trees. Shade trees in parking lots shall be a minimum of two-and-one-half-inch caliper as measured at six (6) inches above ground. Off-street parking areas shall provide landscape islands and perimeter landscape strips that provide a cumulative total of at least one (1) shade tree per six (6) parking spaces. Each shade tree shall be planted in a planting area at least eight (8) feet wide. The planting area for a tree shall consist of permeable and well-drained soils with suitable ground cover that provides a minimum of one hundred (100) square feet for the roots of each large tree and fifty (50) square feet for the roots of each small tree. Landscape materials suitable for parking areas shall be selected from the approved plant list in the appendix unless otherwise approved by the community development director.

*Irrigation*—All newly planted landscape areas (including parking lot islands) shall be irrigated by a fully automatic, commercial, underground irrigation system in accordance with the following standards:

1. All irrigation systems shall be provided with backflow preventers approved by DeKalb County. Such devices shall be located or screened so that they are not visible or accessible to the public from adjacent sidewalks, streets, alleys, or parking lots.
2. Spray heads shall be located to provide one hundred (100) percent, overlapping coverage. Overspray onto sidewalks and other paved areas should be minimized.
3. Control boxes and panels shall be located inside buildings or where they will not be visible or subject to vandalism.
4. All main and lateral lines shall be commercial grade PVC pipe.

Irrigation systems are not required in undisturbed buffers or in areas where they would disrupt existing native vegetation.

M. *Signage and street graphics.*

1. *Purpose.* The following standards are intended to advance the governmental purposes of protecting public safety by minimizing distraction to motorists and improving aesthetics of the Northlake Commercial Center Overlay District by:
  - a. Providing a more consistent pattern and appearance for signs and street graphics than would otherwise result from existing sign regulations.
  - b. Establishing signage as a design element that contributes a sense of place to the Northlake Commercial Center Overlay District;
  - c. Generating varied and creative tenant signage through application of distinctive design;
  - d. Reducing the prominence of signage and balancing commercial and aesthetic interests;
  - e. Providing clear standards of acceptability for signs in order to facilitate the review and approval process.
2. *Authority.* These regulations apply only to the time, place and manner of sign display by limiting the size, number and height of signs in the Northlake Commercial Center Overlay District. Nothing in these standards is intended to regulate the content of sign graphics or limit the free expression of speech guaranteed under the First Amendment of the Constitution of the United States of America. These standards do not replace the sign regulations of the City of Tucker with respect to the Northlake Commercial Center Overlay District, but where these standards vary from the underlying City of Tucker standards, these standards shall apply.

These design guidelines shall not prohibit political signs.

All signs shall be designed, erected, inspected, altered, reconstructed, illuminated, located, moved and/or maintained in accordance with these design guidelines and all other applicable codes and ordinances of the City of Tucker, the State of Georgia, and the United States of America.

No sign may be installed, reconstructed, illuminated, or moved that varies from these standards without approval of a variance by the City of Tucker Board of Appeals.

3. *Prohibited signs.* The following types of signs are prohibited:
  - a. Motorist distractions. Signs that incorporate flashing lights or beacons, highly reflectant materials, rotating graphics, motion, smoke or visible matter, noise or changeable copy (copy that changes at materials of more than once every six (6) seconds) are prohibited.
  - b. Roof signs. Signs that are placed on or above roofs, penthouses, mechanical equipment screens, and other like structures and any signs that extend above the building parapet or roof fascia line.
  - c. Signs that are visible from the street and placed on vehicles or trailers that are not in regular use.
  - d. Pole signs and other signs with exposed structural supports that are more than three (3) feet in height and have post supports larger than two (2) inches in diameter or a total of four (4) square inches in cross-section area.
  - e. Vacuum molded or pre-manufactured signs.
4. *Authorized signs.* The following signs are authorized within the Northlake Commercial Center Overlay District and shall be permitted upon the issuance of a valid sign permit issued by the City of Tucker:
  - a. *Single-tenant development signs.* The following sign standards apply to all parcels that have a single tenant or occupant, including, but not limited to, commercial, retail, services, office, office-distribution, wholesale, hotel, office, financial, or multifamily uses:

- i. *Monument sign.* Each parcel or building with a single tenant or multifamily residential tenants shall be permitted to use one (1) monument sign per public street frontage, not to exceed a total of two (2). Signs shall be of a design similar to Exhibit 9 subject to the following:

Only one (1) sign placard is allowed per sign face—Maximum ten (10) square feet per face.

Sign may not exceed six (6) feet in height.

Sign may be single-faced or double-faced.

Sign shall be externally front-lighted, using ground-mounted floodlighting.

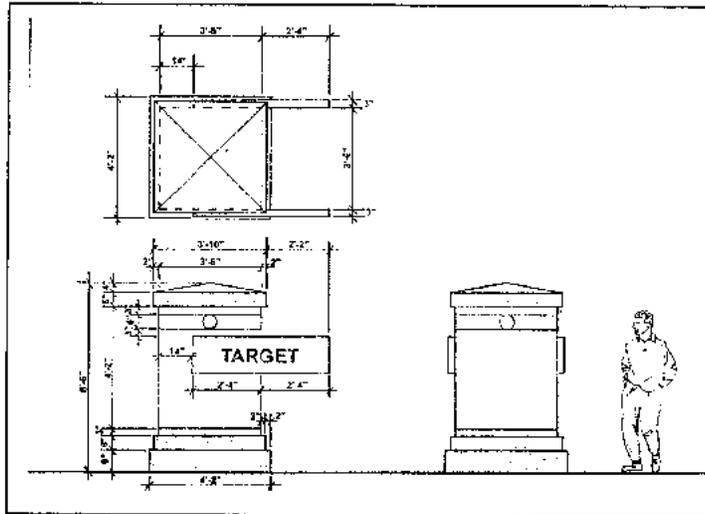
A single tenant building with more than fifty thousand (50,000) square feet of space or occupying a site larger than ten (10) acres may use a monument sign similar to Exhibit 10. Such sign shall not exceed six (6) feet in height or fifteen (15) feet in length. Sign face may be double-faced and must comply with the size requirements of the Northlake Overlay District Ordinance.

- ii. *Single-tenant building mounted sign.* Each parcel or building with a single nonresidential tenant shall be permitted one (1) building-mounted sign per street frontage. Letter height and copy area for each single-tenant building-mounted sign shall not exceed the following maximum dimensions:

**Maximum Sign Dimensions, Single-Tenant Buildings, Northlake Commercial Center Overlay District**

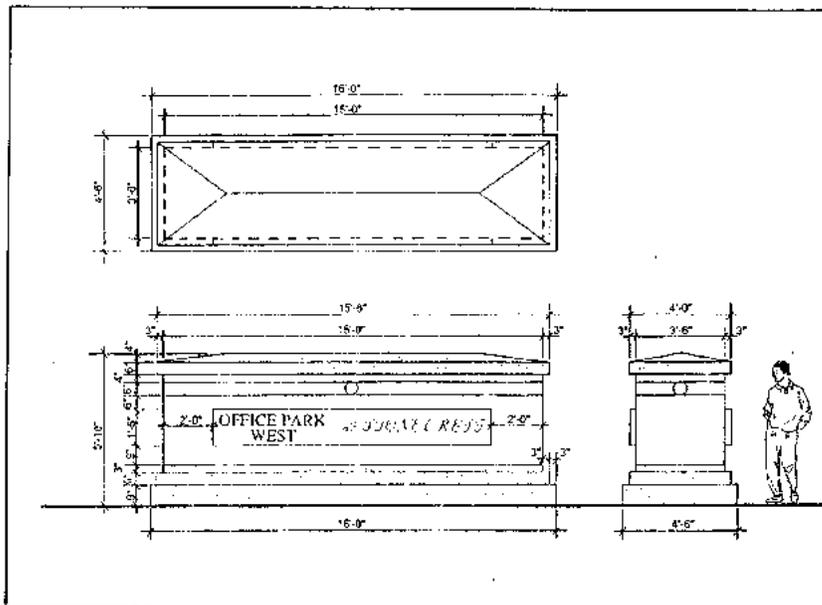
<b>Building Size (Gross sq. ft.)</b>	<b>Copy Area</b>	<b>Letter Height</b>
0—8,000	50 sq. ft.	24"
8,001—12,000	120 sq. ft.	30"
12,001—20,000	240 sq. ft.	36"
20,001—60,000	300 sq. ft.	42"
Greater than 60,000	360 sq. ft.	48"

**Exhibit 9 – Single Tenant Monument Sign**



- iii. *Entrance sign.* A major development containing 10 contiguous nonresidential lots accessed from internal streets may be permitted one (1) entrance sign of a design similar to Exhibit 10, to be placed on private property adjacent to the major entrance to such development or within the median of the public street providing the principal route of access to such development. Such sign shall not exceed six (6) feet in height or fifteen (15) feet in length. Sign face may be double-sided and must comply with the size requirements of the Northlake Overlay District Ordinance.

**Exhibit 10: Ground-Mounted Monument Sign**



- b. *Multiple-tenant buildings and parcels.* The following sign standards apply to all parcels that have more than one (1) nonresidential tenant or occupant, including, but not limited to, commercial, retail, services, office, office-distribution, wholesale, hotel, office, or financial tenants:
  - i. *Monument sign.* Each parcel or development with more than one (1) nonresidential tenant and a total of more than one hundred thousand (100,000) square feet shall be permitted

one (1) freestanding multitenant monument sign per public street frontage, not to exceed a total of three (3). Signs shall be of a design similar to Exhibit 10 and the following:

No more than eight (8) sign placards shall be used per side of the monument sign.

Maximum height fifteen (15) feet.

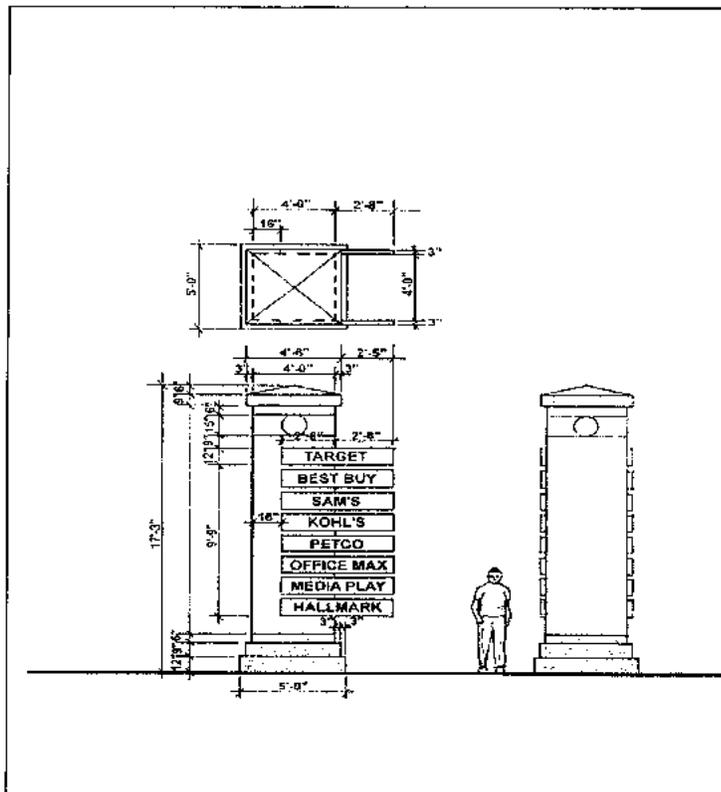
Total sign faces may not exceed sixty-four (64) square feet per side.

Sign may be single-faced or double-faced.

Sign shall be externally front-lighted, using ground mounted flood lighting.

Each parcel or development with more than one (1) non-residential tenant totaling one hundred thousand (100,000) square feet or more and having a total street frontage of more than five hundred (500) feet on all streets combined shall be permitted one freestanding multitenant monument sign similar to Exhibit 10 for each curb cut, not to exceed a total of three (3) monument signs for a single development.

**Exhibit 11 – Multi-Tenant Monument Sign**

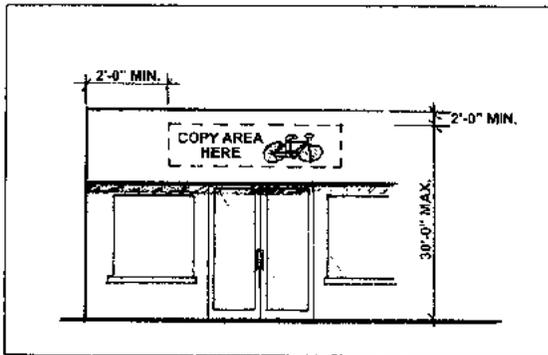


- ii. *Building-mounted signs.* Each multitenant parcel or development, other than residential tenants, shall be permitted one (1) building mounted sign per building tenant, similar to that shown in Exhibits 12 and 13. Letter height and copy area of the building-mounted sign for each tenant within a multitenant development or building-mounted sign shall not exceed the following maximum dimensions:

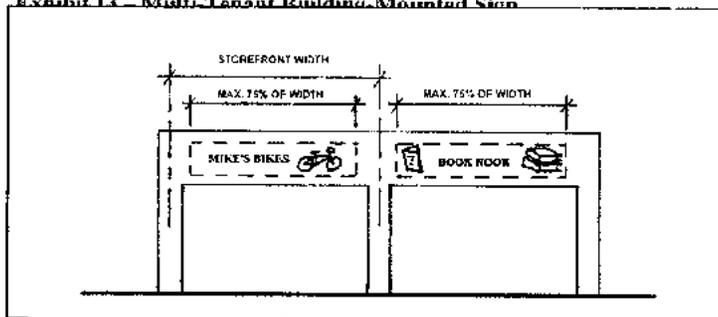
**Maximum Sign Dimensions, Multiple-Tenant Buildings, Northlake Commercial Center Overlay District**

Building Size (Gross sq. ft.)	Copy Area	Letter Height
0—8,000	50 sq. ft.	24"
8,001—12,000	120 sq. ft.	30"
12,001—20,000	240 sq. ft.	36"
20,001—60,000	300 sq. ft.	42"
Greater than 60,000	360 sq. ft.	48"

**Exhibit 12 – Single Tenant Building-Mounted Sign**



**Exhibit 13 – Multi-Tenant Building-Mounted Sign**

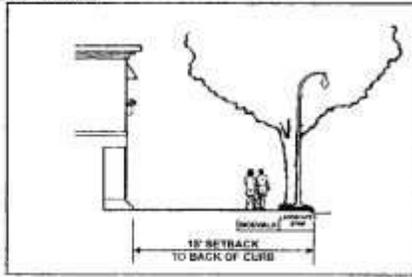


c. *Reserved.*

d. *Signs on residential parcels.* Nothing in this ordinance shall prohibit display of at least one (1) sign on a residential property. However, signs on residential property other than multitenant residential buildings shall be limited to one (1) sign per street frontage. No such sign shall exceed three (3) feet in height and sixteen (16) square feet in size. Signs on single-family residential parcels shall not be illuminated. Home occupations within residential property are not entitled to additional signs.

N. *Architectural design of buildings and facades.*

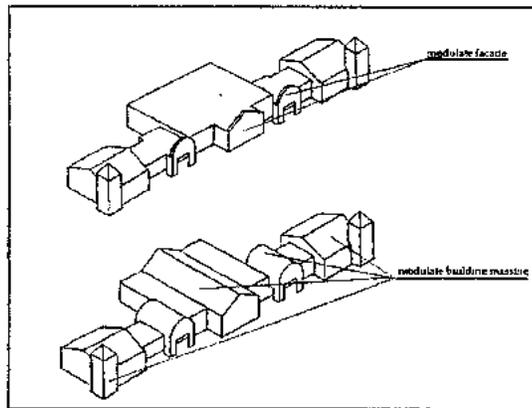
**Exhibit 14 – Front Yards**



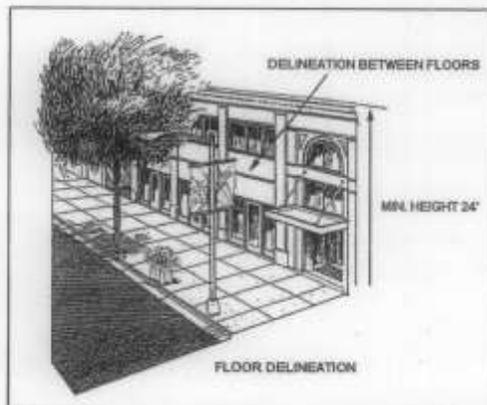
1. *Building massing.*

- a. Street fronting building facades greater than one hundred fifty (150) feet in length shall be modulated with breaks in wall surfaces, materials and rooflines at intervals not to exceed one hundred fifty (150) feet, measured parallel to the street as shown in Exhibit 15.
- b. For buildings taller than five (5) stories, floors shall be delineated at third story above sidewalk level and lower and shall be executed through windows, belt courses, cornice lines or similar architectural detailing as shown in Exhibit 16.

**Exhibit 15- Building Modulation**



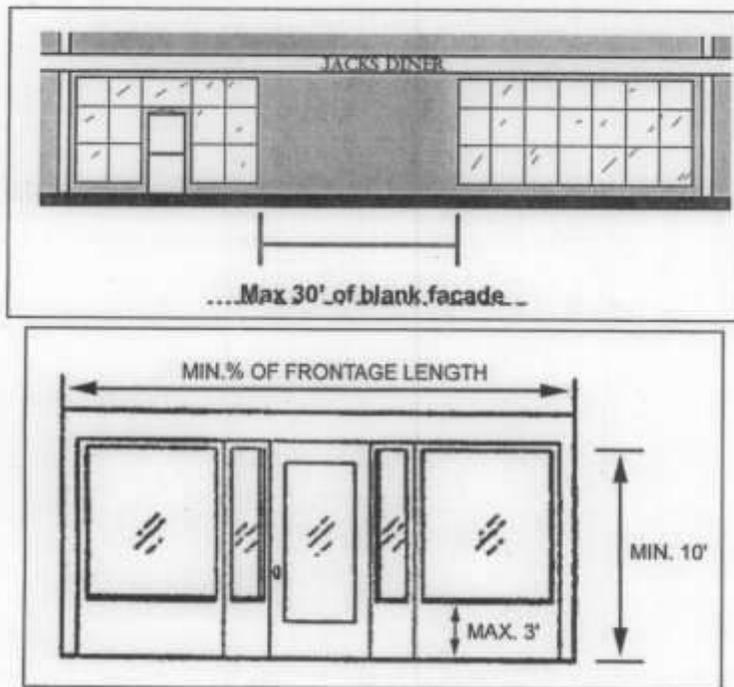
**Exhibit 16: Architectural Delineation**



2. *Building facades and fenestration.*

- a. For the purposes of this document, fenestration includes all glazed areas including, but not limited to, storefront windows, display windows and doors containing glazed panels at least four (4) feet in height.
- b. Street-fronting nonresidential building facades shall meet the following sidewalk level requirements:
  - i. The length of facade without intervening fenestration or entryway shall not exceed thirty (30) feet. See Exhibit 17.
  - ii. A minimum percentage of fenestration of thirty (30) percent shall be provided for the length of the building facade. For buildings that front two (2) or more streets, said minimum percentage is only required along one (1) such street frontage. Buildings which contain ground-level retail uses shall have a minimum percentage of fenestration of forty-five (45) percent of the length of the building facade. See Exhibit 17.
  - iii. All fenestration shall:
    - 1. Begin at a point not more than three (3) feet above the sidewalk, to a height no less than ten (10) feet above the sidewalk, or
    - 2. Begin at the finished floor elevation to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is three (3) or more feet above the sidewalk or
    - 3. Begin at a point not more than sidewalk level, to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is below the sidewalk. See Exhibit 17.
  - iv. Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows. Entrances may be counted towards fenestration requirements.

Exhibit 17- Building Facades and Fenestration



3. *Roof design.*

- a. Gable roof designs are encouraged and shall be required for all multifamily residential and hotel buildings less than six (6) stories in height.
  - b. Roof-mounted mechanical equipment and appurtenances shall be located or screened so that they are not visible from the ground level. Screening shall be of a material and design that are compatible with the surrounding building materials and architectural design. Rooftop appurtenances shall be painted to be compatible with the colors of the roof.
  - c. Roof-mounted radio, TV, and telecommunication towers and antennas are prohibited. Satellite dishes twenty-four (24) inches or less in diameter are permitted provided that they are located out of sight from the ground floor or completely screened from view
  - d. The following roof materials are preferred:
    - i. Fiberglass architectural profile shingles;
    - ii. Slate shingles;
    - iii. Clay or concrete tile;
    - iv. Standing seam metal (dark green or earth tone only).
4. *Recommended building materials.* The following exterior building materials are preferred:
- a. Stone
  - b. Brick
  - c. Pre-cast Concrete
  - d. Glass
  - e. Ceramics or tile
5. *[Exterior walls and parapets.]* The following materials are prohibited for exterior walls and parapets:
- a. Imitation wood;
  - b. Vinyl or plastic;
  - c. Concrete masonry units, except ribbed or rusticated units;
  - d. Corrugated metal;
  - e. EIFS;
  - f. EIFS moldings.

**APPENDICES**  
**Plant List**

- A. *Flowering shrubs.*
1. Abelia X Grandiflora, three (3) gallon.
  2. Jasminum Nudiflorum, three (3) gallon;
  3. Coreopsis Auriculata, one (1) gallon;
  4. Narcissus.
- B. *Ground cover.*
1. Liriope Muscari, one (1) gallon;
  2. Rubus Calcinooides, one (1) gallon;

C. *Trees along LaVista Road.*

1. Cercis Canadensis, two-inch caliper;
2. Chionanthus Virginicus, one-and-one-half-inch caliper;
3. Hemerocallis Species, one (1) gallon;
4. Prunus "Okame", one-and-one-half-inch caliper;
5. Quercus Shumardii, three-and-one-half-inch caliper;
6. Lagerstroemia Indica, ten (10) feet high;

D. *Trees along remaining streets.*

1. Any tree listed in paragraph (3) above;
2. Crape Myrtle, Standard Trunk;
3. October Glory Red Maple.
4. Sunset Maple;
5. Nuttall Oak (Quercus Nattalli)
6. Shumard Oak (Quercus Shumardii);
7. Willow Oak;
8. Zelkova Serrata;
9. Ginkgo (Ginlgo Biloba);
10. Trident Maple (Acer Buergeranum);
11. Allee Lacebark Elm (Ulmus Parvifolia Emer II).

## **27-3.4 DIVISION 40. MOUNTAIN INDUSTRIAL BOULEVARD OVERLAY DISTRICT**

### **3.40.1 Scope of regulations.**

This division establishes standards and procedures that apply to any development, use, or redevelopment on any lot or portion thereof which is, in whole or in part, contained within the boundaries of the Mountain Industrial Boulevard Overlay District, hereinafter referred to as the "District."

### **3.40.2 Applicability of regulations.**

This division applies to each application for a permit which involves the development, use, construction, exterior alteration or modification of any structure where the subject property is, in whole or in part, contained within the boundaries of the District. The procedures, standards, and criteria herein apply only to that portion of the subject property within the boundaries of the District. All procedures, standards, and criteria not specifically identified herein shall be as provided by the applicable underlying zoning district regulations. In cases where a conflict exists between the requirements of this District and the underlying zoning district, the requirements of this District shall apply.

### **3.40.3 Statement of purpose and intent.**

The purpose and intent of the mayor and city council in establishing the District is as follows:

- A. To preserve and enhance the long-term economic viability of the Mountain Industrial Boulevard corridor by encouraging investment that increases the tax base and provides employment opportunities to the citizens of the City of Tucker;
- B. To improve the visual appearance and increase property values within the corridor;
- C. To allow flexibility in development standards in order to encourage the design of innovative development projects that set high standards for landscaping, green space, urban design, and public amenities; and
- D. To promote uniform and visually aesthetic architectural features which serve to unify the distinctive visual quality of the corridor.

### **3.40.4 District boundaries and maps.**

The boundaries of the District shall be established by the zoning map which is adopted contemporaneously with the adoption of this division and is hereby incorporated by this reference as if fully set forth herein and is hereby made a part of this chapter 27. Said zoning map amendment shall be maintained by the community development director or designee and shall be available for public inspection in the office of the community development director.

### **3.40.5 Principal uses and structures.**

The uses of land and structures which are allowed in this District as principal, accessory, or by special permit or special land use permit are as provided by the applicable underlying zoning district regulations, subject to the requirements, limitations and standards contained within this division, with the exception of the following:

- A. Special Permits

The following uses and structures shall be authorized only by permits of the type indicated:

- 1. Special land use permit from the mayor and city council.
  - a. Health Spa
  - b. Massage Establishment

*\*This section was amended by Ordinance 2017-06-69, dated June 28, 2017.*

**3.40.6 Prohibited uses.**

The following principal uses of land shall be prohibited within the District:

- A. Storage yard for damaged automobiles or confiscated automobiles;
- B. Tire retreading and recapping;
- C. Adult entertainment establishments;
- D. Adult service facility;
- E. Late night establishments;
- F. Extended stay motels;
- G. Title and pawn shops;
- H. Salvage yards/junk yards and automobile wrecking yards, not including recovered material or recycling yards;
- I. Self-service car wash and detailing;
- J. Temporary and portable saw mills;
- K. Mines and mining operations, quarries, gravel pits, and sand pits;
- L. Sewage treatment plants;
- M. Asphalt plants;
- N. Fat rendering and fertilizer manufacture; and
- O. Distillation of bones and glue manufacture.
- P. Parking or storing of trucks and trailers between the hours of 11:00 p.m. to 5:00 a.m., unless such truck or trailer is parked or stored pursuant to an accessory use incidental to the permitted principal use of the land

**3.40.7 Architectural regulations.**

The following architectural regulations shall apply to all uses and structures within the District.

- A. Building exteriors shall be limited solely to the following materials:
  - 1. Brick or brick veneers;
  - 2. Stone or stone veneers of natural stone such as granite, limestone and marble. Terra Cotta and/or cast stone, which simulate natural stone, are also allowed. Painted stone is not allowed;
  - 3. Pre-cast concrete;
  - 4. Painted concrete block, which may only be used on a side or rear facade that does not face a public right-of-way;
  - 5. Split-face block/concrete masonry unit; and
  - 6. Hard coat stucco and synthetic stucco.
- B. Architectural accents, where utilized, shall consist of metal, non-reflective glass, glass block, natural stone, pre-cast concrete, brick, or terra cotta. Architectural accents shall only cover ten (10) percent of the surface area of each exterior wall. When calculating the ten (10) percent limitation on architectural accents, the surface area covered by a window(s) shall not be used in the calculation.
- C. Service bays for automobile service and repair uses shall be designed or screened so that the openings of service bays are not visible from a public right-of-way.

- D. Chain-link fences shall be screened from the public right-of-way and shall be galvanized or vinyl coated. Uncoated chain-link is prohibited.
- E. Within a front or exterior side yard, the keeping of goods, materials, merchandise, or inoperable vehicles in the same place for more than twenty-four (24) consecutive hours is prohibited.
- F. Within a side yard that adjoins a public right-of-way, the keeping of goods, materials, merchandise, or inoperable vehicles in the same place for more than twenty-four (24) consecutive hours is only permitted when the side yard is fenced, screened, or otherwise screened from view from the public right-of-way.
- G. Outdoor storage that is not prohibited by this section, and outdoor areas housing service areas, trash dumpsters, trash compactors, equipment, or mechanical devices shall be screened so that such outdoor area cannot be seen from any public right-of-way. Screening shall be permitted to include landscaping, and/or fencing and walls with architectural treatment of color and material similar to the building.
- H. Any linear lighting around windows, rooflines, doors, signs or building structures is prohibited. Linear lighting may include, but is not limited to neon tubes, rope lighting, and other similar lighting devices. Linear lighting devices that form letters or words shall be considered signs.

### **Sec. 3.40.8 Signage**

Properties within the District are required to comply with the sign regulations of Chapter 21 of the Code except as follows:

- A. Definitions
  - i. Portable sign shall mean any sign designed to be transported by trailer or by a design element that includes wheels attached to the sign, or wheels attached to the sign but detachable, the removal of such wheels creating an "A" or "T" frame sign that may attach temporarily or permanently to the ground. Portable sign shall also include vehicles with signs painted or mounted thereon that are parked or immobilized in a single location for more than fourteen (14) consecutive days.
  - ii. Sandwich board sign shall mean any sign that rests on the ground that is not anchored or otherwise securely attached thereto.
- B. Prohibited signs:
  - 1. Sandwich board signs are prohibited except within five (5) feet of a building entrance;
  - 2. Banner signs of any size, except as a special event sign.
- C. *Convenience Store and Service Stations.* Convenience store and service stations with pump islands may have one (1) sign per canopy face per public street frontage up to a maximum of thirty-six (36) square feet of total canopy sign space.
- D. *Directional Signs.* Directional signs are permitted up to six (6) feet above the ground.
- E. Non-residential zoning districts.
  - 1. All lots located in non-residential districts not developed as a planned commercial center may display signs as follows:

	Ground Sign	Canopy or Wall Sign	Projecting Sign	Directional Sign	Entrance Sign	Subdivision Sign	Window Sign
Maximum Height	20 ft.	N/A	20 ft. or Height of building	6 ft.	8 ft.	12 ft.	N/A <sup>2</sup>
Maximum width	15 ft.	80% of the wall or canopy width	N/A	4 ft.	10 ft.	15 ft.	N/A
Maximum sq. ft.	160 sq. ft.	30 sq. ft. or 2 sq. ft. per linear foot of the wall or canopy, whichever is greater, up to a maximum of 150 sq. ft. for buildings 12 stories or more.	40 sq. ft.	16 sq. ft.	60 sq. ft.	100 sq. ft.	10% of the window space
Maximum number allowed	1/façade (See Note 1)	1/primary façade and 1/secondary façade	1/primary façade and 1/secondary façade	2/authorized curb cut	1/entrance	1/subdivision	N/A

<sup>2</sup> N/A means not applicable.

	Ground Sign	Canopy or Wall Sign	Projecting Sign	Directional Sign	Entrance Sign	Subdivision Sign	Window Sign
Maximum projection from structure	N/A	6 ft.	2 ft.	N/A	N/A	N/A	N/A
Required setback from electrical transmission lines	10 ft.	N/A	0 ft.	10 ft.	N/A		
Maximum sq. ft.	160 sq. ft.	30 sq. ft. or 2 sq. ft. per linear foot of the wall or canopy, whichever is greater, up to a maximum of 150 sq. ft. for buildings 12 stories or more.	40 sq. ft.	16 sq. ft.	60 sq. ft.	100 sq. ft.	10% of the window space

2. A lot located in a non-residential district developed as a planned commercial center may display signs as follows:

	Ground Sign	Canopy or Wall Sign	Directional Sign	Entrance Sign	Window Sign
Maximum height	20 ft.	N/A	6 ft.	8 ft.	N/A
Maximum width	20 ft.	80% of the wall or canopy width	4 ft.	10 ft.	N/A
Maximum sq. ft.	200 sq. ft.	30 sq. ft. or 2 sq. ft. per linear foot of the wall or canopy, whichever is greater, up to a maximum of 150 sq. ft. for buildings 12 stories or more.	16 sq. ft.	60 sq. ft.	30% of the window space for buildings under 50,000 sq. ft.; 10% of the window area for buildings 50,000 sq. ft. or over
Maximum number allowed	One per façade (See Note 1)	1/primary façade and 1/secondary façade	2/authorized curb cut	1/entrance	N/A
Required setback from electrical transmission lines	10 ft.	N/A	0 ft.	10 ft.	N/A

- 3 Property zoned for non-residential use may have only one (1) ground sign per street that is oriented towards travelers along that same street.
  - 4 The District is exempt from total aggregate sign area requirements in Chapter 21 of this Code.
  - 5 Wood and Flexible plastic are prohibited for use in permanent signs in non-residential zoning districts.
- F. *Special Event Signage.* All special event signs are subject to the requirements of Chapter 21 of the Code, including section 21-21, except that the maximum number of special even sign permits to be issued to a single site or location shall be one (1) per year for a period of time not to exceed thirty (30) days for each permit issued.