

CHAPTER 220. - SPECIAL ZONING DISTRICTS –

- (a) *Interpretation and applicability of special zoning districts.* This Chapter establishes standards that apply to the development, use, or alteration of land, buildings and structures within the boundaries of a special zoning district.
- (b) The zoning district regulations of this chapter contain additional standards and procedures that are supplemental to all other regulations and requirements of this Unified Development Ordinance (UDO). Should the requirements of these special district standards and procedures conflict with standards of other requirements of the UDO, the requirements of the special district shall apply.
 - (1) The provisions of this section shall apply to all parcels of land and rights-of-way within the boundaries of the special zoning districts.
 - (2) The provisions of the special districts shall apply to all applications for land disturbance permits, plan review, plat approval, sign permits, and building permits for all property within the respective special zoning district boundaries, unless expressly exempted.
 - (3) All special zoning districts identified as “overlays” shall also require conformance with the approved underlying zoning district regulations.

(Ord. No. [682](#), pt. I, 6-16-15)

Section 220-1 Runway protection zone (RPZ) overlay district.

- (a) *Purpose and intent.* An ordinance regulating the use and design of property at and in the vicinity of DeKalb-Peachtree Airport (PDK). The purposes of this runway protection zone (RPZ) overlay are to:
 - (1) Prevent the establishment and/or expansion of uses, structures, or vegetation, which constitute hazards or obstructions to, or be vulnerable to impact from aircraft operating to, from or near an airport; and to
 - (2) Allow for appropriate uses surrounding the airport that further the City's economic development.
 - (3) *Overlay District Boundaries.* A detailed runway protection zone boundary indicating the location of zones is maintained on the Zoning Map.
 - (4) *Restrictions and requirements.* The following generalized land uses are defined as incompatible within the RPZ and are therefore prohibited:
 - (5) Residential development;
 - (6) Any use that would attract and congregate people including but not limited to, retail commercial development, industrial development, institutions, and places of worship;
 - (7) Water uses such as lakes, ponds, and landfills that significantly increase the potential for interference of airborne fowl with landing and departing aircraft;
 - (8) Construction activities and land uses, which would produce smoke and/or dust in such a manner so as to impair visibility of pilots using the airport;
 - (9) High intensity exterior lighting, including, but not limited to, lighting for signage, private drives, parking lots and security, which is located in such a manner as to impair the visibility of pilots using the airport is prohibited unless such lighting is properly shielded;
 - (10) Land uses which create electrical interference with navigational signals or radio communication between the airport and aircraft;
 - (11) Height limit: Ten feet below the approach-departure clearance surface, with a maximum height of 35 feet.

(b) Modification or expansion of existing uses, structures, or vegetation.

- (1) Before any existing use, structure, or vegetation may be replaced, substantially altered, rebuilt, allowed to grow higher than permitted height (vegetation), or replanted within the RPZ, a permit must be secured. No such permit shall be granted that would:
 - a. Allow establishment or creation of a flight hazard or use not authorized by this Section 220-1;
 - b. Permit a nonconforming use, structure, or vegetation to become higher; or
 - c. Become a greater hazard to air navigation or become less compatible in use than it was on the effective date of this Section, or than it is when the application for a permit is made.
- (2) The Development Director will determine which projects require submittal to the FAA's notice criteria tool based on the scope of the project as it relates to 14 CFR Part 77.9. Before any permit is issued as required by this Subsection, the applicant shall file with the Federal Aviation Administration FAA Form 7460-1 and provide to the City a copy of all responses received from the Federal Aviation Administration by the applicant as a result of filing Form 7460-1.

Section 220-2 A, airport district.

- (a) *Purpose and intent.* This zoning district is intended for properties that are located on land used for an airport and are well adapted to commercial and light industrial development associated with the operation of an airport.
- (b) *Exemptions.* Properties within the Airport District, as defined on the zoning map, shall be exempt from Title 2, unless identified herein. The entirety of Title 1 and Title 3 apply to The Airport District.
- (c) *Permitted Uses.* In the airport district the following uses are permitted:
 - (1) Aviation facilities, including passenger terminals, air cargo facilities, hangars, aircraft refueling, parking facilities, and other uses integral to airport operations.
 - (2) Commercial or industrial uses that are related to aviation and require direct access to an airport facility or aviation services, including assembly or sale of aircraft, air frames, aircraft engines, aircraft parts or associated components, radios or navigational equipment, and similar products or services.
 - (3) Service establishments such as auto rental and travel agencies, hotels, commercial parking lots and garages, automobile service stations, day care facilities, car washes, banks, gift shops, newsstands, bookstores, restaurants, medical offices, postal facilities, laundry services, and similar facilities available to airport users and airport employees.
 - (4) Public and institutional uses that support the aviation industry such as aviation technical schools, security services, and inspection facilities.
 - (5) Warehousing and storage facilities that support the aviation industry.
 - (6) Public transportation and freight railroad facilities.
 - (7) Uses shall be allowed only upon first obtaining a recommendation for approval by the airport director (and/or his designated agent). As a condition of this authorization, a sound attenuation may be required.
- (d) *Dimensional Standards.* The following space dimensions table states the dimensions for each lot the airport district:

Total FAR (max.)	1.0
Maximum Impervious Surface (% of lot area)	80%
Minimum Open Space (% of lot area)	N/A

Max building height	60'
Lot size (min. in square feet)	N/A
Front yard	None
Side yard (min. in feet) ¹	None
Rear yard (min. in feet) ¹	None

¹ Unless adjacent to residential, in which case, a 50-foot side or rear setback shall be enforced.

- (e) *Streetscape Requirements.* All development adjacent to a public right-of-way shall comply with the minimum zone requirements as outlined in Section 230-26. Adjustments to required plantings to accommodate FAA requirements are permitted as approved by the City Landscape Coordinator. The Airport District is exempt from the supplemental zone requirements of Section 230-27.
- (f) *Minimum space between buildings.* The minimum distance between buildings shall be 10 feet measured at the closest points between the two structures, excluding building projections such as cornices, eaves, steps, handrails, gutters and downspouts, except where a greater distance is required by the Building Code.
- (g) *Retaining Walls and Fences.* Any fence or retaining wall visible from an exterior street right-of-way or adjacent property must comply with the fence and retaining wall requirements in Section 230-6.
- (h) *Building Materials.* Any building within 300 feet of a public right-of-way or adjacent property outside of the airport district shall comply with the building material requirements of Section 230-27. In the Airport District, the appearance of the materials in this section is acceptable.
- (i) *Off-street Parking & Loading.* There shall be no minimum or maximum parking or loading requirements in the airport district.
- (j) *Signs.* Any signs visible from an adjoining right-of-way shall conform to Chapter 260, with the following exceptions/modifications:
 - (1) *Project Entrance Signs.* Where an internal street or driveway intersects with an adjacent public street a major entrance sign is permitted in addition to other permitted signs. Major entrance signs shall not exceed 15 feet in height or 150 square feet. Such sign shall be setback at least 10 feet from the property line. Each major entrance sign shall display the street number of the property.
 - (2) *Monument Signs.* Each building, not including hangars, shall be permitted to have one monument sign not to exceed 6 feet in height or 50 square feet in size.
 - (3) *FAA Required Signs.* All FAA required signage is exempt from these requirements, even if visible from an adjoining right-of-way.
- (k) *Outdoor Storage.* The following additional regulations shall apply to the airport district:
 - (1) Outdoor storage yards shall meet the following requirements:
 - a. Shall not be visible from a public street or adjoining property;
 - b. Shall be set back at least 50 feet from any property lines and shall be screened by a solid, opaque fence at least six feet high set back a similar distance from any side or rear property lines, appropriately landscaped and maintained.

(a) *Purpose and intent.* The PUD, Planned Unit Development district is intended to permit the planning and development of parcels of land that are suitable in location and character for the uses proposed as unified and integrated developments in accordance with detailed development plans. The PUD district is intended to provide a means of accomplishing the following specific objectives:

- (1) To provide for development concepts not otherwise allowed within non-PUD zoning districts;
- (2) To provide flexibility, unity, and diversity in land planning and development, resulting in convenient and harmonious groupings of uses, structures and common facilities;
- (3) To accommodate varied type design and layout of housing and other buildings;
- (4) To allow appropriate relationships of open spaces to intended uses and structures;
- (5) To encourage innovations in quality residential, commercial, and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space ancillary to those buildings;
- (6) To lessen the burden of traffic on streets and highways; and
- (7) To provide a procedure that can relate the type, design, and layout of residential, commercial, and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics.

(b) Minimum Standards:

- (1) No PUD district may be established without the concurrent approval of an Overall Development Plan (ODP) by the Mayor and City Council, in accordance with subsection 220-3(c).
- (2) PUD Districts shall have a minimum contiguous area of one acre.
- (3) PUDs Districts shall provide a mix of a minimum of two of the following use categories, which shall be accommodated in vertical mixed-use development configuration:
 - a. Residential multifamily units;
 - b. Commercial offices;
 - c. Retail;
 - d. Hotel; or
 - e. Civic uses.
- (4) 20 percent open space, which shall include a town center, community green, park, or other community focal point.
- (5) Civic design standards shall be considered minimum standards for the ODP.
- (6) The boundaries of each PUD, upon approval, must be shown on the zoning map, shall be in conformance with the adopted comprehensive plan, any adopted master plan, and the approved Overall Development Plan.
- (7) Any development standards not expressly defined by the ODP shall be regulated by Titles 2 and 3.

(c) Application of regulations.

- (1) Overall Development Plan (ODP). Development of the PUD is governed by Overall Development Plan that designates the standards of zoning and development for the PUD. The ODP must be submitted as a part of the PUD rezoning application.
- (2) At a minimum the ODP must include:
 - a. *Analysis of existing site conditions.* An analysis of existing site conditions including a boundary survey and topographic map of the site at a minimum 1 inch = 40 feet scale shall include information on all existing manmade and natural features, utilities, all streams and easements, and features to be retained, moved or altered. The existing shape and dimensions of the existing lot to be built upon including the size, measurement and location of any existing buildings or structures on the lot shall be included.

- b. *Master plan.* A masterplan at a minimum 1 inch = 40 feet scale outlining all proposed regulations and calculations which shall include, but not be limited to, information on all proposed improvements including proposed building footprints, doors, densities, parking ratios, open space, height, sidewalks, yards, under and over-head utilities, internal circulation and parking, landscaping, grading, lighting, drainage, amenities, and similar details including their respective measurements.
 - c. *Landscape plan.* A site plan at a minimum 1 inch = 40 feet scale showing proposed regulations and calculations which shall include, but not be limited to, information on landscaping, tree species and the number of all plantings and open space including the landscaping that is being preserved, removed and that which is replacing the landscaping that is removed.
 - d. *Architectural design.* Preliminary architectural plans and all elevations with sufficient detail to demonstrate proposed design criteria shall include, but not be limited to, scaled floor plans and elevation drawings of proposed buildings and structures and information on building materials, features, exterior finish legend, windows, doors, colors, and items affecting exterior appearance, such as signs, air conditioning, grills, compressors, and similar details including their respective measurements. As a part of the architectural design, a "four-sided" design philosophy must be used. Materials used shall be enduring in their composition.
 - e. *Phasing plan.* Should a PUD be expected to require five years or longer to complete, a phasing plan shall be provided by the applicant that indicates the timeframe for construction and development of different aspects of the PUD.
 - f. Type and location of all intended uses;
 - g. Expected gross land areas of all intended uses, including open space;
 - h. Gross floor area or density and residential unit size for all buildings or structures;
 - i. Multi-modal circulation plan;
 - j. Street cross-sections;
 - k. Parking analysis;
 - l. Plan of how environmental features will be protected or impacted; and
 - m. Any other information deemed necessary by the Development Director.
- (3) To the extent that the approved ODP and development standards for a PUD contradict the development regulations and this UDO, the approved ODP for the PUD district governs.
 - (4) Due to the mixed-use nature of PUD proposals, design must be determined based upon the context and guidance of the comprehensive plan and specific character area plan area in which the PUD is located, as applicable.
 - (5) Any additional information deemed necessary by the Development Department to determine compliance with ordinance standards

(Ord. No. [682](#), pt. I, 6-16-15)

Section 220-4. - Neighborhood preservation overlay district.

- (a) *Purpose and intent.* The purpose and intent of this section to provide for the establishment of Neighborhood Preservation overlay districts by petition for the following reasons:
- (1) To allow for the implementation of policies and objectives of the City's Comprehensive Plan and the zoning ordinance; and
 - (2) To avail neighborhoods of an opportunity to ensure that new and remodeled single-family dwellings and related accessory uses and structures are compatible with the height, size and level of forestation of the existing dwellings and lots; and
 - (3) To encourage property owners to improve and renovate existing housing stock rather than demolish the same;
 - (4) To establish and maintain a balance between preserving the character of mature neighborhoods while accommodating compatible new residential development; and
 - (5) To allow neighborhoods an opportunity to establish architectural standards that will preserve the character of their existing neighborhoods.
- (b) *Scope of regulations.* This division establishes standards and procedures that apply to demolition, new construction, and residential development in whole or in part within any area of the City that is designated a Neighborhood Preservation overlay district.
- (c) *Neighborhood Preservation overlay districts.*
- (1) The boundaries of any Neighborhood Preservation Overlay District shall be established by a zoning map amendment adopted pursuant to chapter procedures of Chapter 280 of this UDO.
 - (2) The City Council shall not approve any Neighborhood Preservation overlay district that does not include a contiguous arrangement of at least 20 lots of record and a rational, defined boundary consistent with historic patterns of neighborhoods, subdivisions and similarly constructed development.
- (d) *Applicability of regulations.* This section applies to each application for a permit for redevelopment or new construction following the demolition or major alteration of an existing single-family home in established neighborhoods within a duly established Neighborhood Preservation Overlay District.
- (e) *Principal uses and principal structures.* The principal uses of land and structures that are allowed in any Neighborhood Preservation overlay district shall be as provided in the applicable underlying zoning district, subject to the limitations and standards contained within this section.
- (f) *Accessory uses and accessory structures.* The accessory uses of land and structures that are allowed in the Neighborhood Preservation overlay district shall be as provided in the applicable underlying zoning district, are subject to the limitations and standards contained within this title.
- (g) *Petition process, boundaries, staff analysis, and approval criteria.*
- (1) The City shall require the filing of a petition and completed application for any Neighborhood Preservation Overlay District on forms promulgated by the Development Director.
 - (2) Any person(s) interested in pursuing the approval of a Neighborhood Preservation Overlay District shall develop a petition and submit an application form to the Development Department.. The petition will allow for persons to sign in favor of the approval of a Neighborhood Preservation Overlay District. All signatories to the petition must be real property owners residing within the proposed Neighborhood Preservation Overlay District. The Development Director shall not allow the petition process for the adoption of a Neighborhood Preservation Overlay District ordinance to be reviewed and investigated by City staff until 40 percent of the property owners in the proposed Neighborhood Preservation Overlay District have signed a petition in favor of the imposition of the Neighborhood Preservation Overlay District designation as described in this title. Once the 40 percent threshold has been

achieved, the Development Director shall notify all property owners within the proposed district and within 250 feet of the boundary of subject district of a public meeting in City offices.

- (3) Application forms must be accompanied by a boundary map and complete list of owners of each property located in the Overlay District with their street address or tax parcel identification number(s). All applications must be accompanied by a letter of intent describing the need and purpose for proposed Neighborhood Preservation Overlay District and how the particular properties qualify for a Neighborhood Preservation Overlay District designation. This letter of intent shall include an analysis of all of the following criteria that shall guide the City Council in deciding if specific property should be classified as a Neighborhood Preservation Overlay District:
 - a. Whether the built environment of a neighborhood and its location, size or age, is one in which it is desirable to ensure that new and remodeled single-family dwellings and related accessory uses and structures are compatible with the height, size and level of forestation of the existing dwellings and lots; and
 - b. How the proposed boundary was established, including factors established in this section;
 - c. Whether there is specific evidence that recent and proposed development patterns in the surrounding area pose a potential threat to the character of a mature neighborhood; and
 - d. Whether the type of additional standards proposed in the Neighborhood Preservation Overlay will accommodate renewal of the neighborhood while maintaining compatibility of new residential development and improvements to existing homes.
- (4) All applications and petitions for a Neighborhood Preservation Overlay District shall become final upon presentation at a public hearing before the City Council pursuant to Chapter 280 of this UDO, at which time the petition shall include a minimum of 75 percent of the property owners in support of the Overlay District.
- (5) The Development Director shall conduct a site inspection on all complete applications for a Neighborhood Preservation Overlay District and shall investigate and prepare an analysis of such application in substantial compliance with this Section and shall include a written analysis of whether the properties at issue satisfy the criteria identified in this section. The Development Department shall present its findings and recommendations in written form to the City Council. Copies of the written findings shall be posted on the City website and otherwise supplied to the public on request.
- (6) If the City Council approves the creation of a specific Neighborhood Preservation overlay district, the newly created district shall be governed by the regulations in this Section, all other provisions of the UDO, and any other applicable stipulations accompanying the approval of the overlay district by the Mayor and City Council.
- (7) *Notice of hearing.* Notice of the public hearing for any petition for a Neighborhood Preservation overlay district before the City Council shall comply with the code requirements for notice for a zoning decision by a party other than the City as set forth in Section 280 of this UDO.
- (h) Prior to approval of a building permit for new construction or remodeling within a Neighborhood Preservation Overlay District established by the Mayor and City Council, the Architectural Design Review Board shall review and comment on plans and elevations submitted for such construction in accordance with procedures in Chapter 280.
- (i) *Standards for compatibility of design.* A Neighborhood Preservation Overlay District may impose one or more of the following standards subject to the concurrence of 100 percent of the petitioners in Subsection 220-4(g)(4):
 - (1) *Height.* No new construction or addition shall exceed the height standards established in Chapter 230-1.

- (2) *Building materials.* The new or remodeled house shall be constructed with compatible building materials so that the building materials used on the façade of the proposed house are of the same type and similar colors as the majority of materials used on the facades of houses abutting the subject property.
- (3) *Square footage.* The heated floor area of the proposed new or remodeled house shall not be less than the heated floor area of the existing house and shall not exceed 150 percent of the heated floor area of the existing house. If there was no previous house on the subject property, then the minimum floor area of the proposed house may not exceed 125 percent of the average of the houses on properties abutting the subject property.
- (4) *Setback.* The new or remodeled house shall maintain a setback that is no less than the average setback of the 4 closest existing houses on the same block face or side of the same street, not including vacant lots.
- (5) *Roof forms.* The new or remodeled house shall use only those roof forms (hip, gable, flat, mansard, gambrel, etc.) that are used on the majority of the houses on properties abutting the subject property.
- (6) *Threshold elevation.* The front door threshold of the newly constructed or remodeled house shall be at an elevation that is no more than 12 inches higher or lower than the elevation of the front door threshold of the house prior to the proposed construction or remodeling.
- (7) *Other design features approved by vote of the Mayor and Council in the adoption of the Neighborhood Preservation Overlay District or in subsequent action by the Mayor and City Council that shall be through the procedures of Section 220-4(g).*
- (j) *Variations.* The Mayor and Council may consider variations to the provisions of Subsection 220-4(i) subject to the provisions of Chapter 280 of this UDO.
- (k) *Removal of overlay.* The procedures to repeal or amend the restrictions, terms or boundaries of a Neighborhood Preservation Overlay District are the same as those set forth in Subsection 220-4(g).

(Ord. No. [682](#), pt. I, 6-16-15)