

Chapter 6-3-9. Mixed Use Overlay

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Section 1 Purpose of the Mixed-Use Overlay

The Mixed-Use Overlay is established to advance the following purposes:

- a. Promote a vibrant, sustainable sense of place driven by new construction, and/or by conversion of single purpose commercial buildings, and comprised of attached dwellings, nearby consumer goods and services, offices, employment and public open space in a compact, walkable setting.
- b. Accommodate mixed use development featuring medium density residential development above or to the rear of ground floor retail, service and office uses.
- c. Encourage creation and preservation of functional open space as a gathering venue for cultural events of interest to residents, area employees and visitors.
- d. Expand the range of consumer goods offered in creative, attractive commercial environments and promote a range of housing options.
- e. Introduce flexibility in development approvals through a building and site plan process that invites creative approaches by design professionals in the architecture and arrangement of buildings and open space.
- f. Foster pedestrian travel and a diminished presence of automobiles.

Section 2 Administration of a Mixed-Use Overlay

A Mixed-Use Overlay shall only be established in conjunction with a site plan approved by Mayor and Council. Establishment of a Mixed-Use overlay shall be a property rezoning, subject to the procedures and standards found in Sec. (Amendments) as well as on the following additional considerations:

1. Impact on the use or development of surrounding properties as concerns the public health, safety or welfare.
 - a. (ii) Compatibility with surrounding uses and development as concerns the character and scale of the proposed development;
 - b. (iii) Suitability of the property for the proposed use.
 - c. (iv) Capacity of the lot to accommodate the use and meet the dimensional requirements of the ordinance;
 - d. (v) Impact on traffic movement and access to the property;
 - e. (vi) Availability of off-street parking and opportunities for shared parking;
 - f. (vii) Potential of the development to foster a pedestrian setting;
 - g. (viii) Adequacy of proposed buffering, when adjoining single family uses;
 - h. (ix) Effect on the watershed;
 - i. (x) Impact on the natural environment; and
 - j. (xi) Hours and manner of operation.
 - k. The boundaries of each Mixed-Use Overlay shall be as shown on the Pine Lake Official Zoning Map and shall correspond to the approved site plan for the Overlay.
 - l. Minor modifications to a Mixed-Use Overlay site plan may be approved administratively by the zoning administrator provided the modifications do not change the character or intensity of approved uses; the location or height of buildings, or other significant site features, including, but not limited to, blocks, streets and public open space. Minor modifications to the site plan may be approved by the zoning administrator only upon a finding that the following conditions are met:
2. Such proposed modifications to blocks, streets or public open space are consistent with the purposes of the underlying zoning district(s) and the approved site plan,
 - a. The proposed blocks, streets and public open space provide equal or improved vehicle and pedestrian access and open space options and
 - b. Total public open space is maintained.
 - c. Any other modification to a Mixed-Use Overlay site plan may only be approved by Mayor and Council following a hearing noticed and held in accordance with the Zoning Procedures Law and at which public input is considered.

3. The Mixed-Use Overlay shall be the controlling ordinance for all mixed-use properties, unless otherwise provided. Any subdivision, recombination or other re-platting of lots in a Mixed-Use Overlay shall conform to the approved site plan.
4. No minimum lot size shall apply to a mixed-use project or development provided the proposal is consistent with the current Pine Lake Comprehensive Plan and the purposes and spirit of the Mixed-Use Overlay are furthered.

Section 3 Application of Mixed Use Overlay Regulations

- a. No permit for building construction or site improvements shall be issued unless the proposed building or site improvement complies with these regulations.
- b. For the purposes of this section, where two or more properties, lots or parcels are located within the same block or where two or more properties, lots or parcels have frontage on the same side of the street and are adjoining, and such properties, lots or parcels are under common ownership or control or are being developed in a single development phase or a series of coordinated development phases, such properties, lots or parcels shall be considered a single property.
- c. Prior to issuance of any building permit in a Mixed-Use Overlay, the zoning administrator shall certify in writing that the proposed development for which such building permit is sought is consistent with all applicable requirements of the Overlay, including the approved site plan.

Section 4 Application Process

1. A pre-application conference shall be held by the zoning administrator for the purpose of reviewing the application process and requirements of the Mixed-Use Overlay prior to submittal of an application for assignment of a Mixed-Use Overlay. Discussion of the projected mixed-use project design and its relationship to the standards of this article shall form a portion of those discussions.
2. Following the pre-application conference, ten (10) copies of the site plan, elevation drawings of each building facade and landscape plan shall be submitted, as applicable, and shall be reviewed for compliance with the Mixed-Use Overlay requirements by the zoning administrator.

3. All exterior demolition, new construction (including building additions), expansions of outdoor dining areas or any construction that results in increased lot coverage or modification of the building footprint shall be subject to the pre-application conference and submittal requirements. Routine repair and maintenance and interior improvements are not subject to the pre-application conference provided they involve no change of use. For example, a proposal involving conversion of a retail store to a restaurant would require a pre-application conference to determine impact on such facilities as restrooms and parking.

Section 5 Mixed Use Overlay Site Plan

- a. *Development Description.* A Mixed-Use Overlay site plan shall describe the proposed development and convey a sense of the mass, scale and extent of the development. The site plan shall depict the location of blocks and streets, building relationships and arrangement and public open space to be provided in complying with the requirements of the Mixed-Use Overlay. The Mixed-Use Overlay site plan is critical to ensuring that the purposes of the Mixed-Use Overlay are advanced relative to the street, pedestrian and open space network.
- b. *Documentation.* All site plans shall clearly delineate proposed streets and public open space and corresponding dimensions. A written description of each plan element shall be provided. A site sketch shall be acceptable for the purposes of the pre-application conference prior to the official submittal of a Mixed-Use Overlay site plan. Documentation shall be provided as follows:
 4. *Blocks and Streets.* Street documentation shall include the corresponding street classification of each street; the dimensions of the street right-of-way, lane widths, curb-to-curb widths, sidewalk clear zone widths, street furnishings and supplemental zone widths and block dimensions.
 5. *Public open space.* Open space documentation shall include the (1) area of open space in square feet for each open space component, (2) total area of all open spaces, (3) a written description for each open space component describing the type and function of the open space, and (4) a general description of the predominant materials to be used and features to be installed in each open space component.

- a. *Compliance.* Blocks, streets and public open space delineated in the approved site plan may be used to comply with the requirements of the underlying zoning districts assigned to the development. In no case shall the approved site plan permit noncompliance with the regulations of those districts or the Mixed-Use Overlay, unless a variance has been approved by Mayor and Council.

Section 6 Applicability

6. The Mixed-Use Overlay may be applied to any property in the Village Commercial and Transitional Commercial zoning sub districts, provided that wider, more densely structured buffers as specified herein shall be established where a Mixed-Use project abuts single family detached residential development.

Section 7 Ratio of residential/commercial; computation.

- a. The 70/30 ratio of residential/commercial use shall be computed as follows. For the residential computation, all dwelling units, as well as all portions of buildings enclosed within four walls and dedicated toward residential occupancy, including without limitation, entries, stairwell, common hallways, laundry facilities, clubhouses and club rooms, work out space, recreational space, lounges, mechanical equipment rooms, etc., shall be counted toward the residential square footage. Each floor shall be separately computed and the combined totals for all floors, including basement space where devoted to residential purposes, shall be included within the residential square footage for purposes of computing the ratio. Commercial square footage shall be computed on the same basis, provided that all non-residential uses shall be included within the calculation.

Section 8 Permitted Principal Uses

Permitted uses. Permitted uses shall be those enumerated in the underlying zoning district which shall be unaffected by the provisions of the Mixed-Use Overlay with the following additions:

1. Live-work spaces. The residential portion of a live-work unit shall contain a single sleeping area, cooking facilities and complete sanitary facilities. Live-work spaces shall have a minimum floor area of 650 square feet.
2. Efficiency apartments. Such apartments shall have a minimum floor area of 480 square feet and may only be established on property being developed in office or commercial uses on the

same property, or within the same building concurrently or prior to such construction of efficiency apartments. No efficiency apartments shall be located on the ground floor adjacent to a public right-of-way.

3. *Multifamily dwellings.* The following minimum floor areas shall apply to multifamily dwelling units: 650 square feet for one-bedroom units; 800 square feet for two-bedroom dwelling units; and 1,000 square feet for three-bedroom units. Multifamily dwelling units shall only be permitted as part of a mixed-use development and shall be included within the maximum residential limitation of 70 percent of the aggregate floor area of the entire development. Multifamily dwelling units shall also be limited to a maximum of six (6) dwelling units per building unless the building contains a minimum of 30 percent mixed use components other than residential.
4. *Single family residential use.* Single family residences are permitted as an element of a mixed-use development subject to the following limitations. The combined square footage of all residential components of the mixed-use district (including single family, multifamily and townhome) shall not exceed 70 percent of the aggregate floor area of the development by square footage. The minimum lot size for single family development within a mixed-use development is 3600 square feet, with lots having a minimum depth of 60 feet and a minimum width of 40 feet. Single family homes shall be staggered at the front building line to present a varied appearance from the street. Minimum yard requirements for single family components of a mixed-use development shall be: front yard, no less than six (6) and no more than 15 feet; side yard, six (6) feet.
5. *Additional Use Limitations*
 - a. Mixed use buildings containing first floor retail, office, cultural, institutional or service uses having residential units above the ground floor shall have no maximum floor area, but are subject to applicable height limits. Single use buildings for commercial, office, cultural, institutional or service uses shall be limited to a maximum floor area as provided by Section 6-3-10, Sec. 5.
6. *Prohibited Uses*
 - a. All uses prohibited in the underlying zoning district.

Section 9 Development Standards

1. *Front yards.* Front yards shall have the minimum dimensions as specified in Section 12, unless otherwise specified. The following additional regulations shall apply:

2. Vehicle parking in the front yard shall be prohibited. Parking for residential uses shall be accessed from the rear of structures. To the extent practicable, access to parking lots and parking decks shall be from side streets and alleys. Parking spaces for residential uses shall be located on the same lot as the building to be served except as otherwise provided in this article. Circular driveways are prohibited, except for hotels. Except as specifically provided in this Ordinance, paved parking areas will not be permitted between the front building line and the front property line.
3. Front yards on a residential lot shall only be used for landscaping, terraces, porches, stoops and walkways.
4. The area within the front yard meeting open space criteria of Sec. 13 may be credited as open space.

Section 10 Mixed Uses

1. *Residential requirement.* Developments proposing nonresidential floor area in a single building greater than 40,000 square feet shall devote a minimum of thirty (30) percent of the total floor area in that building to a form of attached dwelling. Developments proposing a combination of residential buildings and commercial buildings, regardless of whether such commercial buildings contain residential components, shall limit residential development in the overall project to seventy (70) percent of the aggregate floor area of the development.
2. *Location of residential use.* Multi-story “row houses” built to the lot line, or a configuration of a typical “brownstone” of two or more stories may feature ground floor residential. No other form of ground floor residential shall be permitted within a mixed-use building.
3. *Incentives for mixed use buildings.* Dwelling unit floor area for developments that propose mixed use in the same building may be reduced by twenty (20) percent, provided that no reduction beyond the minimums floor area for efficiency units and live/work units shall be allowed. The parking requirement for such developments may also be reduced by twenty (20) percent.

Section 11 Building Design Standards

1. Building design shall be controlled by the standards of the underlying zoning district and any architectural design standards adopted by the City. Where single family residential use is permitted as part of a mixed-use development, the districts of the R-1 district shall apply to each home.
2. Store front treatment shall be controlled by the standards of the underlying zoning district and any architectural design standards adopted by the City.

Section 12 - Building Height, Yards and Buffers

1. *Building height.* Building height shall be controlled by the standards of the underlying zoning district and any architectural design standards adopted by the City.
2. *Yards.*
 - a. Abutting the Mixed-Use Overlay or a Commercial District.
 - i. Minimum yards: none.
 - b. Abutting an R1 Residential District, R1-PD Residential District Planned Development or a Transitional District. When a parcel within the Mixed-Use Overlay abuts a parcel that lies outside the boundaries of the Mixed-Use Overlay that is zoned R1, R1-PD or a Transitional District, the following standard shall apply:
 - i. Minimum yards: No minimum front yard shall be required except where a Mixed-Use Overlay abuts the same street right-of-way as, and abuts property in an R1, R1-PD or a Transitional District, the yard for the building or use in the Mixed-Use Overlay shall not be less than 30 feet. When a street or alley separates a building, or use in a Mixed-Use Overlay from an abutting R1, R1-PD or a Transitional District, the site plan approved by Mayor and Council shall provide the minimum yard to be maintained, provided that in no instance shall such front yard be reduced to less than 15 feet.
3. *Buffers.*
 - a. No buffer shall be required except where a Mixed-Use Overlay abuts the same street right-of-way as and abuts property in an R-1, R1-PD or a Transitional District, a landscaped buffer shall be established on the property designated as a Mixed-Use Overlay. Such buffer shall have a minimum horizontal dimension of 30 feet, provided that a buffer having a minimum horizontal dimension of 20 feet width may be allowed when a bermed buffer having a minimum height of three feet at the crest is proposed.

Section 13 - Open Space

Forms of open space. Two forms of open space may be credited toward the open space requirement: (1) public open space and (2) private open space. Public open space shall be open and available to the public and shall be provided on land dedicated to the City of Pine Lake or reserved by a restrictive easement for public use in perpetuity. Use of private open space may be restricted to the owners and tenants of the development. No utility easement, detention pond or and storm drainage structure shall be credited as open space.

1. The following standards shall apply to public open space:
 - a. Public open space shall constitute a minimum of 10 percent of the acreage of a mixed-use development and shall be provided in compliance with the approved site plan.
 - b. All such space shall be directly accessible from a public right-of-way.
 - c. No component of public open space area shall comprise less than 1,000 square feet.
 - d. All public open space shall be linked to other public open space by a corridor having a minimum width of ten (10) feet or a public sidewalk.
 - e. Passive recreation facilities such as benches, fountains, gazebos or shelters shall be provided to accommodate a minimum of ten (10) users for every 6,000-square feet of commercial development.
 - f. Active recreation such as playground equipment, walking trails or sports fields such as handball, Bocce ball courts or volleyball courts shall be provided in a minimum of twenty (20) percent of the aggregate required public open space.
 - g. Required buffers may count toward public open space, provided that where such buffer is required to be undisturbed and for the protection of adjacent property, it shall be counted at a ratio of 50 percent.
2. The following standards shall apply to private open space:
 - a. Private open space shall be provided in compliance with the approved site plan.
 - b. Twenty-four (24) square feet of private open space shall be provided for each dwelling unit; provided that such private open space may be grouped so as to be useable by all of the residents of the development.
 - c. Such private open space may incorporate any of the following elements:
 - d. Required yards, planted areas, fountains, community gardens, rooftop gardens, parks, plazas, hardscape elements related to sidewalks and plazas, and similar features.
 - e. Balconies for residential units.

Section 14 - Site Design Standards

1. *Inter-parcel access.* Opportunities for inter-parcel pedestrian and vehicular access between all adjacent residential, mixed use, commercial and office parcels shall be provided.
2. *Drive-through uses.* Drive-through service windows, drive-in facilities and any other facility that may be accessed directly by means of a motor vehicle for transacting business shall be prohibited.
3. *Dumpsters.* Dumpster pads and approaches shall be paved using concrete, with the approach extending a minimum of forty (40) feet from the dumpster pad. Dumpsters shall be enclosed with opaque walls on three (3) sides not less than eight feet in height, along with a solid gate or door.

4. *Loading dock entrances for nonresidential uses.* Loading dock entrances for nonresidential uses shall be screened using berms, landscaping, fencing or walls.
5. *Building mechanical and accessory features.* The following standards apply to such features:
 - a. Shall be located to the side or rear, or installed on the roof of the principal building and shall be in the least visible location when viewed from the public right-of-way. Landscaping or fencing shall be required to screen equipment otherwise visible from the public right-of way.
 - b. When located on rooftops such features or equipment shall be incorporated in the design of the building and screened with building materials similar to the exterior finish of the building.
 - c. Building mechanical and accessory features or equipment shall not be permitted between the building and any public street.
6. *Fencing and screening materials.* Chain link fence, barbed wire, razor wire or similar elements shall be prohibited in the Mixed-Use Overlay. All fencing shall meet the standards of the underlying zoning district.
7. *Gates and security arms.* Gates and security arms shall be prohibited from crossing any public street or sidewalk.

Section 15 - Parking Design Standards

1. *Location of parking.* No off-street surface parking shall be located between a building and the street.
2. *Pedestrian connections.* All developments shall have pedestrian walkways with a minimum width of five (5) feet connecting ground level parking to public sidewalks and to all building entrances.
3. *Lighting.* Parking facilities to be used at night shall have adequate lighting, provided such lighting shall be arranged and installed to prevent spillover onto adjacent properties.
4. *Off-site parking.* Parking for nonresidential uses may be provided on property in the Mixed-Use Overlay or the Village Commercial or Transitional Commercial sub districts, provided such parking is located within 500 feet of the main entrance to the principal use such parking is intended to serve. A minimum lease period of five (5) years shall be required between the owner of the property on which the off-site parking spaces are located and the owner of the business the off-site parking will serve. The lease agreement shall be subject to approval by the Zoning Administrator and the City Attorney. Such parking shall be in excess of the spaces required for uses on the off-site property supplying the parking and in no case shall the same spaces be allocated for uses on the off-site property or other businesses via such lease

agreements. In no event shall parking demand for residential uses, including visitor parking, be met by such off-site parking.

5. *Shared parking.* Standards for shared parking may be applied to any combination of uses shown in Table 1. *Shared Parking Provisions by Combination of Uses.* Shared parking arrangements may be approved for any qualifying property. Qualifying properties are those that have sufficient parking supply to accommodate parking demand generated off-site and are within 500 feet of the property generating that parking demand. Easement agreements must be established that are consistent with the provisions of subsection d., above.

The method of determining parking requirements in a mixed-use development or between individual property owners shall be as follows:

1. Determine the minimum amount of parking required for each use.
2. Multiply each parking requirement by the corresponding percentage for each of the time periods identified in Table 1. *Shared Parking Provisions by Combination of Uses.*
3. Calculate the column total parking requirements for each time period. The largest column total is the shared parking requirement.

8. Table 1. *Shared Parking Provisions by Combination of Uses*

	WEEKDAYS		WEEKENDS		NIGHTS
	6 AM - 5 PM	5 PM - 1 AM	6 AM - 5 PM	5 PM - 1 AM	1 AM - 6 AM
OFFICE	100%	10%	10%	5%	5%
RETAIL	60%	90%	100%	70%	5%
HOTEL	75%	100%	75%	100%	75%
RESTAURANT	50%	100%	100%	100%	10%
ENTERTAINMENT/ RECREATION	40%	100%	80%	100%	10%
PLACE OF WORSHIP	50%	50%	100%	100%	10%

Section 16 - Driveways

1. Minimum driveway width serving a development on which building heights do not exceed 30 feet shall be 24 feet. Minimum driveway width serving a development on which building heights are greater than 30 feet shall be 26 feet.
2. With the exception of a driveway to access an on-site parking facility, no driveway shall be permitted between the sidewalk and a building. Access to residential components not part of a mixed-use building shall be from the rear of the residences. All driveways shall intersect the street at a 90-degree angle.
3. A maximum of one driveway shall be permitted for each development, provided that properties with more than one street frontage may have one driveway on each street frontage. Developments on properties with a single street frontage greater than 200 feet shall be permitted two driveways along that street frontage and one additional driveway for each additional 200 feet of street frontage. No single family detached residential lot shall have more than one driveway. Circular driveways shall be prohibited with the exception of hotel developments.
4. Common or shared driveways are encouraged and may be approved by the Zoning Administrator. Shared access easements executed by all parties involved in such access arrangements shall be subject to approval by the DeKalb County Fire Department and the City Attorney. Such approval shall consider the volume and characteristics of the traffic to be accommodated, the interior street network within the development, emergency vehicle access, and the impact on traffic safety on Rockbridge Road and other arterials.

