

## **DIVISION 28. - BROOKHAVEN-PEACHTREE OVERLAY DISTRICT**

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### **Sec. 27-728.15.1. - Scope of provisions.**

This division establishes standards and procedures that apply to any development that lies, in whole or in part, within the Brookhaven-Peachtree Overlay District. The overlay district is based upon the urban design and development guidelines developed as part of the Brookhaven-Peachtree livable centers initiative (LCI) plan and is accompanied by the Brookhaven-Peachtree design guidelines which provide graphic examples and diagrams depicting overlay district principles and regulations. An official copy of the Brookhaven-Peachtree design guidelines shall be held at the offices of the DeKalb County Planning and Development Department and may be updated periodically as necessary to maintain district standards and a consistent palette of streetlights, landscaping, etc. The LCI plan's purpose was to create a community vision and action plan for the development of a more dynamic mixed-use community with the character of a multistory, urban village surrounding the Brookhaven-Oglethorpe University MARTA transit station and the Peachtree Road corridor from Fulton County to Ashford-Dunwoody Road. The LCI plan also reinforces the continued development of neighborhood-oriented mixed-use developments along Dresden Drive between Apple Valley Road and Conasauga Avenue and protection of established, stable single-family neighborhoods. Wherever the underlying zoning regulations are in conflict with the provisions of this overlay district, the regulations of this overlay district shall apply.

*(Ord. No. 07-09, Pt. I, 5-22-07)*

### **Sec. 27-728.15.2. - Statement of purpose and intent.**

The purpose and intent of the Brookhaven-Peachtree Overlay District is as follows:

- (a) To implement the policies and objectives of the comprehensive plan and the Zoning Ordinance of DeKalb County within the overlay district;
- (b) To promote the development of a more dynamic, mixed-use district of appropriate scale and magnitude surrounding the Brookhaven-Oglethorpe University MARTA transit station;
- (c) To ensure that new structures and developments are consistent with the vision and

- recommendations of the Brookhaven-Peachtree LCI plan completed in 2005 with significant community involvement and input;
- (d) To provide for a variety of housing types and promote mixed-income residential opportunities;
  - (e) To facilitate access to the Brookhaven-Oglethorpe University MARTA transit station and to compatible and neighboring commercial, civic, recreational and institutional uses and residential areas;
  - (f) To design and arrange structures, buildings, streets and open spaces to create an inviting, walkable, mid-rise, human-scale environment;
  - (g) To provide for the efficient and effective use of land surrounding the Brookhaven-Oglethorpe University MARTA transit station and along Peachtree Road;
  - (h) 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; and
  - (i) 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; and
    - (5) Use of compatible building materials to promote a design and building aesthetic compatible with Oglethorpe University and the desired urban village character.

*(Ord. No. 07-09, Pt. I, 5-22-07)*

### **Sec. 27-728.15.3. - District boundaries.**

The boundaries of the overlay district shall be as follows:

The western and northern boundary shall be from the true point of beginning on the north side of Peachtree Road at the DeKalb/Fulton County line, to a point 316 feet north along the west property line of parcel 18-239-02-001, thence east 293 feet along the northern property line of parcels 18-239-02-001 and 18-239-02-002 to Bellaire Drive, east to a point across Bellaire Drive, thence 90 feet south along the eastern edge of Bellaire Drive, thence 318 feet east along the northern property line of The Bellaire Townhomes and parcel 18-239-01-011, thence 125 feet north along the eastern property line of parcels 18-239-01-008 and 18-239-01-007, thence 235 feet east to Brookhaven Drive, east across Brookhaven Drive to the northwest corner of One Brookhaven Drive, thence 213 feet north along the western property line of parcel 18-239-06-001, thence 692 feet east along the northern property line of parcels 18-239-06-001, 18-239-06-003, 18-239-06-004 and 18-239-06-008, thence 23 feet north along the western property line of parcel 18-239-06-008, thence 311 feet east along the northern property line of parcel 18-239-06-008, thence 264 feet northeast along the western property line of parcel 18-239-06-008 to Brookhaven Drive, thence north across Brookhaven Drive to the southwestern corner of parcel 18-240-04-031, thence 200 feet north along the western property line of parcels 18-240-04-031 and 18-240-04-058, thence 233 feet west along the southern property line of parcel 18-240-04-032, thence 164 feet north, 162 feet northwest, 100 feet north, 158 feet east, and 498 feet north along the western property line of parcel 18-240-04-032, thence 692 feet north along the western property line of parcel 18-240-04-066, thence 1336 feet east along the northern property line of parcels 18-240-04-066 and 18-240-04-067 to Osborne Road,

northeast to a point across Osborne Road to the northwest corner of parcel 18-241-03-014, to the northwest corner of parcel 18-241-03-014, thence 109 feet northeast along the northwest property line of parcels 18-241-03-014 and 18-241-03-026, thence 71 feet northwest along the southwest property line of parcel 18-241-03-022, thence 101 feet northeast along the northwest property line of parcel 18-241-03-022, thence 28 feet northwest along the southwest property line of parcel 18-241-03-021, thence 60 feet northeast along the northwest property line of parcels 18-241-03-021 and 18-241-03-019, thence 34 feet northwest along the southwest property line of parcel 18-241-03-005, thence 500 feet northeast along the northwest property line of parcels 18-241-03-005, 18-241-03-006, 18-241-03-007, 18-241-03-008, 18-241-03-009 and 18-241-03-027, thence 45 feet southeast along the northeast property line of parcel 18-241-03-027, thence 150 feet northeast along the northwest property line of parcel 18-241-03-015 to Kendrick Road, northeast to a point perpendicular across Kendrick Road, thence 251 feet northeast along the northwest property line of parcels 18-241-01-011, 18-241-01-012, 18-241-01-017 and 18-241-01-013, thence 310 feet northwest along the southwest property line of parcel 18-241-01-013, thence 1008 feet northwest along the southwest property line of parcel 18-273-09-001, thence 1560 feet north to Hermance Road along the western property line of parcel 18-273-09-001, to a point north across Hermance Road, thence north along the eastern edge of Hermance Road to Windsor Parkway, thence east along the southern edge of Windsor Parkway to Woodrow Way, thence south along the western edge of Woodrow Way to Lanier Drive, thence south approximately 200 feet along the western edge of Lanier Drive, to a point due north across Lanier Drive to the northwest corner of parcel 18-273-04-001, thence 876 feet northeast along the northwest property line of parcels 18-237-04-001 and 18-237-04-002, thence 399 feet north, thence east to Ashford Dunwoody Road, thence south along the western edge of Ashford Dunwoody Road to Peachtree Road, thence northeast along Peachtree Road to the southwest corner of the intersection of Peachtree Road and Redding Road;

The eastern boundary shall be from the southwest corner of the intersection of Peachtree Road and Redding Road, to the southwest corner of the intersection of Redding Road and Caldwell Road, thence south along the western edge of Caldwell Road to the northwest corner of the intersection of Caldwell Road and East Osborne Road, thence approximately 180 feet west along the northern edge of East Osborne Road, thence south across East Osborne Road and 103 feet south along the western property line of parcel 18-241-04-001, thence 311 feet west along the southern edge of parcel 18-241-04-011, thence 149 feet south along the eastern edge of parcel 18-241-08-013 to Oaklawn Avenue, to a point south across Oaklawn Avenue, thence 448 feet south along the eastern property line of parcels 18-241-08-026, 18-241-08-027, 18-241-08-028, 18-241-08-029, 18-241-08-030, 18-241-08-031, 18-241-08-032, 18-241-08-033 and 18-241-08-034 to Sunland Drive, to a point south across Sunland Drive, thence approximately 194 feet south along the eastern property line of parcel 18-241-06-015, thence east approximately 714 feet along the northern property line of Brookhaven Township to Caldwell Road, thence approximately 685 feet along the southern edge of Caldwell Road, thence 825 feet along the northern property line of parcels 18-238-18-01, 18-238-18-015, 18-238-18-005, 18-238-18-016, 18-238-18-007, 18-238-18-008, 18-238-18-009, 18-238-18-010, 18-238-18-011, 18-238-18-012, 18-238-18-013, 18-238-18-014, and 18-238-18-019 to Camille Drive, thence south along the western edge of Camille Drive to Dresden Drive, to a point south across Dresden Drive, thence east along the northern property line of Village Park at Brookhaven to Conasauga Avenue, thence south along the western edge of Conasauga Avenue to Canoochee Drive;

The southern boundary shall be from the northwest corner of the intersection of Conasauga Avenue and Canoochee Drive, west along the northern edge of Canoochee Drive to Appalachian Drive, thence approximately 198 feet north along the eastern edge of Appalachian Drive, to a point west across Appalachian Drive, thence 585 feet west along the northern property line of parcels 18-238-15-023, 18-238-15-021, 18-238-15-024, 18-238-15-016 and 18-238-15-011 to Elijay Drive,

thence 195 feet west along the southern property line of parcels 18-238-14-001, 18-238-14-002, 18-238-14-003 and 18-238-14-004, thence approximately 200 feet south along the eastern property line of parcel 18-238-14-005, thence 222 feet northwest along the southern property line of parcels 18-238-14-005 and 18-238-14-039 to Fernwood Circle, to a point west across Fernwood Circle, thence south along the western edge of Fernwood Circle to Sylvan Circle, thence west along the northern edge of Sylvan Circle to North Druid Hills Road, to the northwest corner of the intersection of North Druid Hills Road and Sylvan Circle, thence north along the western edge of North Druid Hills Road to the northern edge of the MARTA/Southern Railroad line, thence 947 feet along the north boundary of the MARTA/Southern Railroad line to Colonial Drive, thence approximately 1100 feet west along the north boundary of the MARTA/Southern Railroad line, thence north along East Club Drive to Peachtree Road to the true point of beginning.

These boundaries 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 27](#).

*(Ord. No. 07-09, Pt. I, 5-22-07)*

#### **Sec. 27-728.15.4. - Land disturbance permit application requirements.**

- (a) No land disturbance permit shall be issued within the Brookhaven-Peachtree Overlay District until the person applying for such land disturbance permit has submitted an application meeting all requirements of this division and such application has been approved as provided herein.
- (b) 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 × thirty-six (36) inches, and one (1) eight-and-one-half-inch × 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 DeKalb County;
  - (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 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) Development density and lot sizes for each type of use;
  - (16) Areas to be held in joint ownership, common ownership, or common control;
  - (17) Location of proposed sidewalks and bicycle facilities trails, recreation areas, parks, and other public or community uses, facilities, or structures on the site;
  - (18) Conceptual layout of utilities and location of all existing or proposed utility easements having a width of ten (10) feet or more;
  - (19) Standard details of signs, sidewalks, streetlights, driveways, medians, curbs and gutters, landscaped areas, fencing, grating street furniture, bicycle lanes, streets, alleys, and other details demonstrating compliance with the Brookhaven-Peachtree Overlay District regulations;
  - (20) 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 Brookhaven-Peachtree Overlay District regulations. Drawings shall be presented on a sheet having a maximum size of twenty-four (24) inches × thirty-six (36) inches, and one (1) eight-and-one-half-inch × 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 27-728.15.2](#). 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 (Peachtree Road, Apple Valley Road, Dresden Drive, North Druid Hills Road, Hermance Drive, Ashford-Dunwoody Road, Lanier Drive, Osborne Road, and Brookhaven Place). 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. The access plan shall show how pedestrians may safely travel from the Brookhaven-Oglethorpe University MARTA station to the subject property.

*(Ord. No. 07-09, Pt. I, 5-22-07)*

### **Sec. 27-728.15.5. - Lot area and yard requirements.**

Yard requirements:

- (a) 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 or

clear hardscaped pathway connecting the entrance to the public sidewalk along the street. Parking located between a building and a primary or secondary street (Peachtree Road, Apple Valley Road, Dresden Drive, North Druid Hills Road, Hermance Drive, Ashford-Dunwoody Road, Lanier Drive, Osborne Road, or Brookhaven Place) shall be prohibited.

- (b) 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 hardscaped pathway connecting the building entrance to the public sidewalk along the street.

*(Ord. No. 07-09, Pt. I, 5-22-07)*

### **Sec. 27-728.15.6. - Transitional buffer zone and height requirements.**

- (a) Where a lot on the external boundary of the Brookhaven-Peachtree Overlay District 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-zoning classification, a transitional buffer of not less than thirty (30) 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 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. Stormwater 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 to provide an effective visual screen.
- (b) Where a lot on the external boundary of the Brookhaven-Peachtree Overlay District 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-zoning classification, a transitional height plane as described herein shall apply. No portion of any structure within the Brookhaven-Peachtree Overlay District shall protrude through such transitional height plane beginning forty-five (45) feet above the property line between the district and the adjacent property outside the district and extending parallel to the ground inward thirty (30) feet over the transitional buffer zone and then at an upward angle of forty-five (45) degrees over the Brookhaven-Peachtree Overlay District.

*(Ord. No. 07-09, Pt. I, 5-22-07)*

### **Sec. 27-728.15.7. - Architectural design requirements.**

- (a) Allowable building materials shall include brick, stone, wood, architectural metal siding, and fiber cement siding. Building facades that are visible from primary roadways (Peachtree Road, Apple Valley Road) and secondary roadways (Dresden Drive, North Druid hills Road, Hermance Drive, Ashford-Dunwoody Road, Lanier Drive, Osborne Drive, or Brookhaven Place) should predominantly use brick and stone. 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) Buildings of five (5) or more stories shall architecturally differentiate the first one (1) or two (2) stories from those above through the utilization of cornice lines, fenestration and other forms of architectural detailing.
- (c)



Large edifices, 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.

- (d) 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.
- (e) 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 or architectural treatment of color similar to the building, or both to screen the equipment.
- (f) 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 thirty (30) degrees or greater 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, slate or synthetic slate. Flat roofs shall have decorative and/or corbelled parapets on all sides visible from the public right 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.
- (g) Graphic examples of architectural design requirements may be found in the Brookhaven-Peachtree design guidelines, an official copy of which is to be held at the offices of the DeKalb County Planning and Development Department.

*(Ord. No. 07-09, Pt. I, 5-22-07)*

### **Sec. 27-728.15.8. - Streets and sidewalks.**

- (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) Any new streets shall enhance connectivity within the Peachtree-Brookhaven Overlay District by connecting at least two (2) public streets.
- (c) Sidewalks shall be provided on all streets and shall consist of a landscape zone and a pedestrian zone of widths as provided below. Landscape zones shall be planted with grass, ground cover or flowering plants, or consist of brick pavers, concrete pavers, or granite pavers where on-street parking is provided or pedestrian crossing and/or congregation is likely. Pedestrian zones shall be paved in concrete and kept clear and unobstructed for the safe and convenient use of pedestrians.
  - (1) New developments shall provide a twenty-foot-wide pedestrian zone consisting of a five-foot-wide landscape zone measured from the back of the adjacent street curb and fifteen-foot-wide sidewalks along Peachtree Road.
  - (2) New developments 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 ten-foot-wide sidewalks along Dresden Drive, North Druid Hills Road, or Apple Valley Road between North Druid Hills Road and Sunland Drive.
  - (3) New developments within the Brookhaven-Peachtree 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 six-foot-wide sidewalks elsewhere along all new and existing streets other than Peachtree Road, Dresden Drive, North Druid Hills Road, and Apple Valley Road between North Druid Hills Road and Sunland Drive.
  - (4) 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.

- (5) 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 director of planning and development.
  - (6) Where newly constructed sidewalks abut existing adjacent sidewalks, the newly constructed sidewalk shall provide safe facilitation of pedestrian traffic flow to adjacent sidewalks. Any development that disturbs existing sidewalks on an adjacent property shall replace disturbed areas to their predisturbance state and condition.
  - (7) 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.
- (d) 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 faces due only to limited supply and/or concerns regarding disease or the health of existing and proposed trees with approval from the director of planning and development and consultation from a certified arborist.
  - (5) All initial plantings and plant removal other than routine maintenance or replacement shall be approved by the director of planning and development.
  - (6) Street lights shall be located within the landscape zone spaced at a maximum distance of sixty (60) feet on center on the following streets: Peachtree Road, Dresden Drive, North Druid Hills Road and Apple Valley Road.
  - (7) Benches, trash receptacles, and bike racks shall be placed within the landscape zone on the following streets: Peachtree Road, Dresden Drive, North Druid Hills Road and Apple Valley Road.
  - (8) All sidewalk materials, lighting, street trees, landscaping, benches, trash receptacles, bike racks and other street and sidewalk elements shall conform to the Brookhaven-Peachtree design guidelines, an official copy of which shall be held at the offices of the DeKalb County Planning and Development Department.

(Ord. No. 07-09, Pt. I, 5-22-07)

### **Sec. 27-728.15.9. - Reserved.**

### **Sec. 27-728.15.10. - Parking.**

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

- (b) Shared parking is encouraged and may result in permitted reductions of off-street parking requirements. Parking facilities within a parcel 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 director of planning and development 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 director of planning and development 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 using buildings and/or landscaping. Off-street parking may not be located between the public street and the building's front facade. If a parcel is bound by more than one (1) public street, the front of the parcel shall be considered the side adjacent to the street with the highest classification as follows: Primary: Peachtree Road and Apple Valley Road; Secondary: Dresden Drive, North Druid Hills Road, Hermance Drive, Ashford-Dunwoody Road, Lanier Drive, Osborne Drive, Brookhaven Place; Tertiary: 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 [27-728.15.7\(a\)](#) 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 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 color in the landscape strip surface area.
- (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 (1) 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 parking decks and parking structures shall have a landscape strip a 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. 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 reasonably be 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), 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, servicing, or long-term storage of any vehicles or equipment.

*(Ord. No. 07-09, Pt. I, 5-22-07)*

### **Sec. 27-728.15.11. - Signs.**

Signage shall follow [section 27-649.12](#). The combined area of any and all signage [on] any building or structure shall not exceed ten (10) percent of the main building facade.

*(Ord. No. 07-09, Pt. I, 5-22-07)*

### **Sec. 27-728.15.12. - Development standards.**

The Brookhaven-Peachtree Overlay District should support and enhance the look, feel and quality of development surrounding the Brookhaven/Oglethorpe University MARTA transit station. In addition to sections [27-728.15.1](#) through [27-728.15.11](#) above, the following standards and criteria shall apply to the Brookhaven-Peachtree Overlay District.

(a) *Principal uses and structures.*

- (1) Mixed-use with ground floor retail, office and/or service, and residential and/or office located on upper stories;
- (2) Neighborhood shopping uses, as follows, where no individual space or tenant shall exceed fifty thousand (50,000) square feet in total floor area:
  - a. Animal hospital, veterinary clinic, pet supply store, and animal grooming shop.
  - b. Art galleries and art supply store.
  - c. Bank, credit union and other similar financial institution.
  - d. Child day care center and kindergarten.
  - e. Recreational facilities where such activities are wholly enclosed within a building.
  - f. Restaurant, but not including drive-through restaurants.
  - g. Place of worship.
  - h. Retail sales, but not including adult entertainment establishment and not including adult service facility.
  - i. Services, personal including barbershop, beauty shop, and similar personal service establishments, coin-operated laundry, dry-cleaning pickup station, and photographic studios.
  - j. Services, repair including jewelry repair store and shoe repair store.

- (3) Residential uses, as follows:
    - a. Dwellings, multifamily;
    - b. Dwelling, single-family attached;
    - c. Live-work units.
  - (4) Open space.
  - (5) Community meeting and recreation facilities including, but not limited to, cultural facilities, noncommercial club or lodge, neighborhood recreation center, swimming pools, tennis courts, outdoor play areas, bikeways, and walking trails.
  - (6) Educational uses including colleges and universities, vocational school, private elementary, middle and high school, research and training facility associated with a college or university, and specialized nondegree school.
  - (7) Offices, including construction contractors, health service practitioners, legal services, accounting, auditing and bookkeeping services, engineering and architecture, finance, insurance, real estate and financial institutions, and similar business and professional offices.
  - (8) Services, medical and health, as follows:
    - a. Health service clinic;
    - b. Home health care service.
    - c. Hospice.
    - d. Hospital including general medical, surgical, psychiatric and specialty.
    - e. Kidney dialysis center.
    - f. Nursing care facility.
    - g. Medical and dental laboratories;
    - h. Offices of health service practitioners;
    - i. Pharmacy.
  - (9) Lodging uses, as follows:
    - a. Bed and breakfast inn;
    - b. Hotel.
- (b) *Accessory uses, buildings, and structures.*
- (1) Accessory uses, buildings, and structures in compliance with [Section 27-731](#)
  - (2) Parking decks and garages shall be considered accessory structures.
- (c) *[Live-work units.]* Live-work units shall meet all of the following standards:
- (1) Uses shall be compatible with residential uses and shall not produce or create noise, smoke, vibrations, smells, electrical interference, 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.
    - l.

Consulting services.

- m. The maximum number of employees on the premises shall be two (2), in addition to the occupants of the residential space.
- n. The unit shall not accommodate more than two (2) customers/clients at a time.
- o. The minimum size of the live-work unit shall be one thousand two hundred (1,200) square feet with at least one-third of the unit designated for residential space.

(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 Peachtree Road, the maximum block length shall be seven-hundred (700) feet.
- (2) The maximum curb radius at any intersection or curb cut is twenty (20) feet.
- (3) All parking shall be accessed via shared alleys or private drives. No curb cuts shall be allowed on primary streets (Peachtree Road and Apple Valley Road) 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 or tertiary street (Dresden Drive, North Druid Hills Road, Hermance Drive, Ashford-Dunwoody Road, Lanier Drive, Osborne Road and Brookhaven Place), 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 director of planning and development.
- (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 parcel no more than twenty (20) feet from the public sidewalk. If a parcel is bound by more than one (1) public street, the front of the parcel shall be considered the side adjacent to the street with the highest classification as follows: Primary: Peachtree Road and Apple Valley Road; Secondary: Dresden Drive, North Druid Hills Road, Hermance Drive, Ashford-Dunwoody Road, Lanier Drive, Osborne Drive, Brookhaven Place; Tertiary: new streets and other existing streets.
- (8) The primary entrance to all buildings shall be clearly visible from the street, shall face the street, and if the building is used for nonresidential purposes, shall be unlocked during operating business hours for all nonresidential uses. If a building fronts more than one (1) public street, the primary entrance shall face the street with the highest classification as follows: Primary: Peachtree Road and Apple Valley Road; Secondary: Dresden Drive, North Druid Hills Road, Hermance Drive, Ashford-Dunwoody Road, Lanier Drive, Osborne Drive, Brookhaven Place; Tertiary: 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).
  - (11) Minimum space between buildings shall be zero (0); however 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) Any decorative fencing shall be comprised 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) *Open space requirements.*
- (1) A publicly accessible open space, which is at grade and a minimum of twenty percent (20%) of the total development parcel, shall be provided by each new development that includes residential uses.
  - (2) 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 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.
  - (3) Publicly accessible open spaces should include appropriate landscaping including shade trees. At a minimum one shade tree must be provided within or directly adjacent to the open space for every 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.
  - (4) Publicly accessible open spaces including front yards, planted areas, fountains, parks, plazas, trails and paths, hardscape elements related to sidewalks and plazas, and similar features which are located on private property and accessible to the general public; on-street parking, the portion thereof located on private property; and natural stream buffers shall be permitted to be counted toward the twenty percent (20%) open space requirement.
  - (5) 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 percent (20%) minimum open space requirement and other open space calculations that may increase maximum building heights.
  - (6) 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.
  - (7) When a private property owner provides landscaping within the public right-of-way and the landscaping dies within one-year of installation, such landscaping shall be replaced



within a reasonable time for planting by the owner at the owner's sole expense.

- (8) 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.
- (f) *Building heights.*
- (1) Within the Brookhaven-Peachtree Overlay District, there shall be two (2) sub-areas for the purpose of establishing allowable building heights. Sub-area I shall include properties directly adjacent to the Brookhaven MARTA station and parcels with frontage along Peachtree Road up to a maximum distance of four hundred forty (440) feet from the Peachtree Road right-of-way, where the highest intensity development is desired. Sub-area II shall include the remaining area within the Brookhaven-Peachtree Overlay District, including parcels fronting Dresden Drive, North Druid Hills Road and those areas that serve as a transitional edge between high density development surrounding the MARTA transit station and existing single-family neighborhoods. The boundaries of these sub-areas 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 27](#)
  - (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 Peachtree-Brookhaven Overlay District shall be a minimum of two (2) stories tall and twenty-eight (28) feet in height.
  - (4) The maximum height for buildings in sub-area I shall be six (6) stories or eighty (80) feet whichever is less, except as provided in subsection [27-728.15.6\(b\)](#), and the maximum height for buildings in sub-area II shall be four (4) stories or sixty (60) feet whichever is less, except as provided in subsection [27-728.15.6\(b\)](#).
  - (5) Single-family attached townhomes or live/work units in sub-area I or sub-area II shall not exceed three (3) stories or forty-five (45) feet, whichever is less.
  - (6) A building in the Peachtree-Brookhaven Overlay District shall be permitted to exceed the maximum building height limit in subsection (f)(4) provided it meets one or more of the following:
    - a. Single-family attached townhome 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 [section 27-31](#). 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 [section 27-31](#)
    - b. Commercial and residential developments are permitted to add one (1) additional story to each building on a given parcel if a contiguous, publicly accessible open space as defined by this district in subsection (e), not including

on-street parking and public sidewalks along roadways, comprising at least twenty-five (25) percent of the development parcel is provided.

- c. Commercial and multifamily buildings fronting Peachtree Road or Apple Valley Road 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. Buildings in excess of sixty (60) feet in height in subarea II shall be required to step back that portion of the building greater than sixty (60) feet in height a minimum linear distance of ten (10) feet away from the building facade facing any public street.
- e. The maximum building height with any combination of height bonuses listed above shall be dependent upon building use according to the chart below. Except as provided in subsections (g) and (h), special land use permits and variances shall not alter or allow structures taller than the maximum building heights provided herein within the Brookhaven-Peachtree Overlay District boundary:

Sub-Area I		
Building Use	Max. Building Height	Max. Building Height with Bonuses
Single-Family Attached	3 stories or 45 feet *	4 stories or 55 feet *
Commercial	6 stories or 80 feet *	7 stories or 90 feet *
Multifamily	6 stories or 80 feet *	8 stories or 100 feet *
Mixed-Use	6 stories or 80 feet *	8 stories or 100 feet *

Sub-Area II		
Building Use	Max. Building Height	Max. Building Height with Bonuses
Single-Family Attached	3 stories or 45 feet *	4 stories or 55 feet *
Commercial	4 stories or 60 feet *	5 stories or 70 feet *
Multifamily	4 stories or 60 feet *	6 stories or 80 feet *
Mixed-Use	4 stories or 60 feet *	6 stories or 80 feet *

\* whichever is less

- (g) *[Transit-oriented development.]* To support transit-oriented development, buildings located within eight hundred (800) feet of the Brookhaven-Oglethorpe University MARTA station fare gates and no closer than two hundred (200) feet to any single-family detached or attached residence existing and occupied at the time the additional height is requested may be granted additional building height by the DeKalb County Board of Commissioners through the special land use permit process provided each of the following provisions is met:
  - (1) The total height of any building or structure shall not exceed one-hundred twenty-five (125) feet.
  - (2) Buildings fronting Apple Valley Road in excess of eighty (80) feet in height shall be required to step back that portion of the building greater than eighty (80) feet in height a minimum linear distance of ten (10) feet away from the adjacent right of way of Apple Valley Road.
  - (3) The development containing the building for which additional height is requested shall provide publicly accessible open spaces, as defined in subsection (e), which in total

comprise no less than twenty-five (25) percent of the total development parcel. For properties having frontage on Peachtree Road, a minimum of one (1) contiguous open space, no less than ten thousand (10,000) square feet in size shall be located adjacent to Peachtree Road. For properties having frontage on Apple Valley Road, a minimum of one (1) contiguous open space, suitable for community gatherings and events and no less than forty thousand (40,000) square feet in size not including on-street parking, public sidewalks along roadways and roadways shall be located adjacent to Apple Valley Road. If a single development fronts both Peachtree Road and Apple Valley Road, both minimum open spaces must be provided.

- (4) The development must provide no less than two (2) of the following:
  - a. A minimum of twenty (20) percent of the total number of residential units provided in the development priced for workforce housing as defined in [section 27-31](#). Applicable residential units may include townhomes, for-sale condominiums and rental apartments.
  - b. A minimum total of forty thousand (40,000) square feet of first- or second-floor retail services and/or professional office oriented toward the street provided as part of one or more mixed-use buildings with retail and/or office on the ground floor and residential and/or office uses above the first floor.
  - c. A community meeting facility provided in the form of a community center, public meeting room, or contained within a public library, available for community meetings, easily accessible to the public and with access to public restrooms and a service kitchen to support catered events and convenience food service, no less than eight thousand (8,000) square feet in total size.
- (h) *[Unoccupied vertical elements.]* Unoccupied vertical elements including clock towers, bell towers, and signature architectural elements that are located within six hundred (600) feet and of the Brookhaven-Oglethorpe University MARTA station fare gates and are adjacent to a public park or plaza may be granted additional building height by the DeKalb County Board of Commissioners through the special land use permit process provided the total height of any structure does not exceed one-hundred twenty-five (125) feet.
- (i) *[Assemblies of parcels.]* For parcels over two (2) acres or assemblies of parcels, the highest density shall be located at the edge of the parcel closest to the MARTA station and shall decrease toward established single-family neighborhoods.
- (j) *Development standards for townhomes.*
  - (1) Townhomes shall be set back between five (5) to fifteen (15) feet from the back of the sidewalk. Setbacks for individual units may vary within a single block of townhomes to break up the facade and delineate individual units. 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.
  - (2) Each individual townhome shall have either a front porch or a front stoop between the front facade and the sidewalk.
  - (3) The front entrance of each townhome unit shall be above the average grade of the sidewalk directly in front of it to a maximum of three (3) feet above grade.
  - (4) All townhome parking shall be hidden behind or within individual units. Access to parking is permitted only via an alley or private drive located behind the units. Garages may not face the public street.
- (k) *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.
- (l) *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 leased commercial space shall vary within each development to allow for a 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.
  - (6) The primary entrance for all upper story uses shall be clearly visible from the street and shall face the public street. If a building fronts more than one (1) street, the primary entrance should face the street with the highest classification as follows: Primary: Peachtree Road and Apple Valley Road; Secondary: Dresden Drive, North Druid Hills Road, Hermance Drive, Ashford-Dunwoody Road, Lanier Drive, Osborne Drive, Brookhaven Place; Tertiary: new streets and other existing streets.
- (m) *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) to 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 stops, 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.
  - (3) The primary entrance for upper story units shall be clearly visible from the public street and shall face the street. If a building fronts more than one (1) street, the primary entrance should face the street with the highest classification as follows: Primary: Peachtree Road and Apple Valley Road; Secondary: Dresden Drive, North Druid Hills Road, Hermance Drive, Ashford-Dunwoody Road, Lanier Drive, Osborne Drive, Brookhaven Place; Tertiary: new streets and other existing streets.

*(Ord. No. 07-09, Pt. I, 5-22-07)*

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**FOOTNOTE(S):**

<sup>(106)</sup> *Editor's note— Ord. No. 07-09, Pt. I, adopted May 22, 2007, added Div. 10 to this chapter. Inasmuch as Divs. 10—27 already existed, said provisions have been redesignated as Div. 28 at the editor's discretion and with the approval of the county. [\(Back\)](#)*