

27-3.36 DIVISION 36. - SCOTSDALE AREA COMPATIBLE USE OVERLAY DISTRICT

Sec. 3.36.1. - Scope of regulations.

This division establishes standards and procedures that apply to any development, use, alteration, height, density, parking, open space, and building on any lot or portion thereof which is in whole or in part contained within the boundaries of the Scottsdale Area Compatible Use Overlay District (hereinafter referred to as the "Scottsdale Overlay District").

([Ord. No. 15-06](#), 8-25-2015)

Sec. 3.36.2. - Applicability of regulations.

This division applies to each application for a permit for the development, use, alteration, or modification of any structure where the subject property is in whole or in part contained within the boundaries of the Scottsdale Overlay District. The procedures, standards, and criteria herein apply only to that portion of the subject property within the boundaries of the Scottsdale Overlay District. Permits for repairs, interior alterations or tenant build out improvements that do not alter the exterior appearance of the structure shall be exempt from the requirements of this division. The planning director or designee shall determine the applicability of such regulations on a case by case basis.

([Ord. No. 15-06](#), 8-25-2015)

Sec. 3.36.3. - Statement of purpose and intent.

The purpose and intent of the board of commissioners in establishing the Scottsdale Overlay District is as follows:

- A. To preserve, protect and enhance the existing character of the Scottsdale Community;
- B. To encourage new development that is appropriate to the existing character of the Scottsdale Community;
- C. To enhance the long term economic viability of this portion of DeKalb County by encouraging new commercial and residential developments that increase the tax base and provide jobs to the citizens of DeKalb County;
- D. To implement the policies and objectives of the DeKalb County Comprehensive Plan 2005—2025 and the policies and objectives of the Design Guidelines for the Scottsdale Area Compatible Use Overlay District;
- E. To encourage mixed-use developments along appropriate corridors which have sufficient access and infrastructure to support such developments; and
- F. To protect established residential areas from encroachment of uses which are either incompatible or unduly cause adverse impacts on such communities, and to protect the health, safety and welfare of the citizens of DeKalb County.

([Ord. No. 15-06](#), 8-25-2015)

Sec. 3.36.4. - District boundaries and maps.

- A. Boundaries: The boundaries of the Scottsdale Overlay District shall be established by a zoning map amendment, dated September 25, 2018 which is attached hereto as Exhibit A and is adopted contemporaneously with the adoption of this section and which is incorporated by reference as if fully set forth herein and made a part of this chapter 27. The zoning map amendment shall be maintained

by the director of the department of planning and sustainability (director of planning) and shall be available for public inspection in the office of said director.

- B. Tiers: Scottsdale Overlay District shall be divided into six (6) tiers:
1. Tier I: Scottsdale East Ponce de Leon Avenue/North Decatur Road Corridor and includes Neighborhood Center;
 2. Tier I-NC: Scottsdale Neighborhood Center;
 3. Tier II: Central Scottsdale/Eskimo Heights;
 4. Tier III: Scottsdale Mill Village;
 5. Tier IV: Scottsdale Perimeter; and
 6. Tier V: Scottsdale Tobie Grant.
- C. The director of planning or their designee has the discretion to determine whether any property is located within the boundaries of the Scottsdale Overlay District or any of its Tiers based upon the adopted zoning map.

([Ord. No. 15-06](#), 8-25-2015; [Ord. No. 18-04](#), Pt. I, 9-25-2018)

Sec. 3.36.5. - Tier I: Scottsdale East Ponce de Leon Avenue/North Decatur Road Corridor and Tier I-NC: Scottsdale Neighborhood Center.

- A. *Principal uses and structures:* All properties located within Tier I and Tier I-NC of the Scottsdale Overlay District shall be governed by all of the requirements of the underlying zoning district regulations. In addition, the following principal uses of land and structures shall also be authorized within Tier I and Tier I-NC:
1. All uses authorized in the OI (Office Institutional), OD (Office Distribution), C-1 (Local Commercial), C-2 (General Commercial) and M (Light Industrial) Zoning Districts on all property located west of East Ponce de Leon Avenue, except those uses listed in subsection B., below.
 2. All uses authorized in the NS (Neighborhood Shopping), OI (Office Institutional), and C-1 (Local Commercial) Zoning Districts on all property located east of East Ponce de Leon Avenue, except those uses listed in subsection B., below.
 3. In Tier I, only: all uses authorized in the MR-1 (Medium Density Residential-1) and MU-2 (Mixed Use-2) Zoning Districts.
 4. In Tier I-NC, only: all uses authorized in the MR-2 (Medium Density Residential-2) and MU-3 (Mixed Use-3) Zoning Districts, except those uses in subsection B., below.
 5. Specific uses complimenting/related to the manufacture, storage, distribution, wholesale, or retail trade of fresh and processed foods, except those listed in subsection B., below.
 6. Research and training facilities with associated lodging, except those listed in subsection B., below.
 7. Facilities engaged in cottage industries, art studios, crafts and other related artisan activities, except those listed in subsection B., below.
 8. Outdoor equipment and materials storage if such use already exists on the property on October 14, 2008. Any existing outdoor storage expansion must be invisible from public rights-of-way and must be screened with fencing and/or landscaping of at least eight (8) feet in height.
 9. Any combination of the above listed uses shall be authorized in a mixed-use development, except those listed in subsection B., below.
 10. The following densities shall apply to all residential property located within Tier I and Tier I-NC:

- a. All residential and mixed-use development shall not exceed a maximum density of twelve (12) units per acre, except where noted in subsection b. below;
 - b. Mixed-use development in Tier I-NC, only, shall not exceed a maximum of twenty-four (24) units per acre, subject to the required minimum mix of uses under the applicable MU Zoning District found under Table 2.17, article 2, chapter 27.
- B. *Prohibited principal uses and structures.* The following principal uses of land and structures shall be prohibited within Tier I and Tier I-NC:
1. Multifamily (apartments), except within a mixed-use development.
 2. Adult entertainment establishment.
 3. Adult service facility.
 4. Automobile and truck sales.
 5. Parking lots as a primary use.
 6. Automobile repair and paint shop.
 7. Automobile upholstery shop.
 8. Automobile wash service.
 9. Automobile, truck and trailer lease and rentals, except as allowed in 3.36.5.D.
 10. Boat sales.
 11. Boarding/rooming house.
 12. Breeding kennels.
 13. Cemetery, columbarium, or mausoleum.
 14. Check cashing establishment.
 15. Drive-in theater.
 16. Dry cleaning plant.
 17. Extended stay hotel.
 18. Fraternity house, sorority house and residence hall.
 19. Fuel dealers, manufacturers and wholesalers.
 20. Gift, novelty or souvenir store selling adult novelties.
 21. Go-cart and motorcycle or other motorized concession.
 22. Golf driving range or batting cage facility.
 23. Heavy construction contractor with outside storage areas.
 24. Heavy repair service and trade shop.
 25. Hospital.
 26. Motel.
 27. Pawn shop.
 28. Radio and television broadcasting station with outdoor tower.
 29. Rubber and plastics manufacturing.
 30. Shelter for homeless persons.
 31. Storage yard for damaged or confiscated automobiles.

32. Tire retreading and recapping.
33. Trailer salesroom and sales lot.
34. Transitional housing facility.

C. *Additional uses and structures:*

1. The following accessory uses shall be authorized in Tier I and Tier I-NC:
 - a. Accessory uses and structures incidental to any authorized use.
 - b. Parking lots and parking decks which are accessory to any authorized use.
 - c. Clubhouse, including meeting room or recreation room.
 - d. Swimming pools, tennis courts, and other recreation areas and amenities.
 - e. Signs, in accordance with the provisions of chapter 21 and this chapter.
2. Special use permits: The following uses and structures shall be authorized in Tier I and Tier I-NC only by special use permit from the board of commissioners:
 - a. Adult day care, center and facility.
 - b. Child day care center and facility.
 - c. Child caring institution, group and community.
 - d. Home occupation involving any customer contact.
 - e. Bed and breakfast inn and home stay.
 - f. Recreation club.
 - g. Personal care home, group and community.
 - h. Place of worship.

D. *The Scottdale Neighborhood Center:* The Scottdale Neighborhood Center shall be established within Tier I. The boundaries of said Scottdale Neighborhood Center 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. Automobile lease and rentals shall be allowed in the Scottdale Neighborhood Center consistent with the following standards:

1. Auto leasing shall be allowed in a multi-tenant retail with a maximum of twenty (20) vehicles in inventory for leasing and a maximum of twenty (20) vehicles to be stored on site at one (1) time. The total property site shall be a minimum of two (2) acres in land area.
2. Automobiles shall only be stored outside and shall be in an area not visible from the public right-of-way. Screening of stored vehicles shall be provided by fencing, landscaping or buildings.
3. No automotive repair, outside storage of materials, or equipment associated with the auto leasing use shall be allowed.
4. No washing of the vehicles shall be visible from public roads.
5. Ground signage shall be incorporated in a multi-tenant sign structure.
6. Overnight parking of patron vehicles on site is prohibited.
7. There shall be a separation of at least one thousand (1,000) feet from any other automobile leasing facility.

E. *Architectural guidelines for non-residential and mixed-use:* Architectural design of all mixed-use and non-residential buildings and structures within Tier I and Tier I-NC shall comply with the following guidelines:

1. Each building elevation shall be constructed of brick, stone, stucco, steel, glass, wood or any combination thereof.
 2. Roofing materials for hipped or pitched roofs shall consist of standing metal seam, tile, slate, stone, or architectural-style shingles.
 3. Walls visible from roadways or parking areas shall incorporate changes in building material/color or varying design details such as trellises, false windows, landscaping, or storefronts every one hundred fifty (150) linear feet.
- F. *Architectural guidelines for residential:* Architectural design of all residential buildings and accessory structures within Tier I and Tier I-NC shall comply with the following guidelines:
1. Each building elevation shall be constructed of brick, stone, stucco, wood, wood shake, cement fiberboard siding, or any combination thereof.
 2. Roofing materials for pitched or hip roofs shall consist of metal standing seam, tile, slate, stone, wood shake or architectural-style shingles.
- G. *Parking:* Refer to Code section 27-6.1.5 (as amended).
- H. *Redevelopment:* Redeveloped buildings or structures shall be permitted to maintain existing building materials and character, subject to review and approval of the planning director or designee. The director shall inform the president of the Scottsdale Community Alliance of such proposed redevelopment in writing at least ten (10) business days before any such approval may be given.

([Ord. No. 15-06](#) , 8-25-2015; [Ord. No. 16-09](#) , Pt. I, 7-19-2016; [Ord. No. 18-04](#) , Pt. I, 9-25-2018)

Sec. 3.36.6. - Tier II: Central Scottsdale/Eskimo Heights.

- A. *Principal uses and structures:* The following principal uses of land and structures shall be authorized in Tier II:
1. Detached single-family residences at a maximum density of six (6) units per acre.
- B. *Accessory uses and structures:* Accessory uses, buildings and structures shall be located within the rear yard. Accessory buildings and structures shall not exceed twenty (20) feet in height or the height of the principal structure, whichever is less, and shall comply with the requirements of section 4.2.2. The following accessory uses of land and structures shall be authorized in Tier II:
1. Accessory uses and structures incidental to any authorized principal use, including the following and similar uses:
 - a. Garages for parking of automobiles.
 - b. Storage buildings.
 - c. Swimming pools.
 - d. Tennis courts and other play and recreation areas.
 2. Signs, in accordance with the provisions of chapter 21 and this chapter.
- C. *Special permits:* The following uses and structures shall be authorized only by permits of the type indicated:
1. Special administrative permit approved by the director of planning:
 - a. Home occupation involving no customer contact and no employee other than the person residing on the premises.
 2. Special exception permit from the zoning board of appeals:
 - a. Utility structure necessary for the transmission or distribution of service.

3. Special land use permit from the board of commissioners:
 - a. Adult day care facility.
 - b. Child day care facility.
 - c. Convent or monastery.
 - d. Home occupation involving any customer contact.
 - e. Home stay bed and breakfast residence.
 - f. Neighborhood recreation club.
 - g. Personal care home, family.
 - h. Personal care home, registered.
 - i. Place of worship.
- D. *Architectural guidelines*: Architectural design of all buildings and structures within Tier II shall comply with the following guidelines:
 1. *Detached residential guidelines*:
 - a. Each building elevation shall be constructed of brick, stone, stucco, wood, wood shake, cement fiberboard siding, or any combination thereof.
 - b. Roofing materials for pitched or hip roofs shall consist of metal standing seam, tile, slate, stone, wood shake or architectural-style shingles.
- E. *Parking*: Off-street parking requirements for uses and structures authorized and permitted in Tier II are as follows:
 1. *Detached single-family dwelling*: Two (2) spaces.

([Ord. No. 15-06](#), 8-25-2015; [Ord. No. 18-04](#), Pt. I, 9-25-2018)

Sec. 3.36.7. - Tier III: Scottsdale Mill Village.

- A. *Principal uses and structures*: The following principal uses of land and structures shall be authorized in Tier III:
 1. Detached single-family residences at a maximum density of four (4) units per acre.
- B. *Accessory uses and structures*: Accessory uses, buildings and structures shall be located within the rear yard. Accessory buildings and structures shall not exceed twenty (20) feet in height or the height of the principal structure, whichever is less, and shall comply with the requirements of section 4.2.2. The following accessory uses of land and structures shall be authorized in Tier III:
 1. Accessory uses and structures incidental to any authorized principal use, including the following and similar uses:
 - a. Garages for parking of automobiles.
 - b. Storage buildings.
 - c. Swimming pools.
 - d. Tennis courts and other play and recreation areas.
 2. Signs, in accordance with the provisions of chapter 21 and this chapter.
- C. *Special permits*: The following uses and structures shall be authorized only by permits of the type indicated:
 1. *Special administrative permit approved by the director of planning*:

- a. Home occupation involving no customer contact and no employee other than the person residing on the premises.
 2. *Special exception permit from the zoning board of appeals:*
 - a. Utility structure necessary for the transmission or distribution of service.
 3. *Special land use permit from the board of commissioners:*
 - a. Adult day care facility.
 - b. Child day care facility.
 - c. Convent or monastery.
 - d. Home occupation involving any customer contact.
 - e. Home stay bed and breakfast residence.
 - f. Neighborhood recreation club.
 - g. Personal care home, family.
 - h. Personal care home, registered.
 - i. Place of worship.
- D. *Architectural guidelines:* Architectural design of all buildings and structures within Tier III shall comply with the following guidelines:
1. *Detached residential guidelines:*
 - a. The scale, size and character of new construction shall be consistent with existing structures.
 - b. Each building elevation shall be constructed of wood or cement fiberboard lap siding. Chimneys shall be constructed of brick. Other materials, such as vinyl or aluminum siding, may be repaired or replaced in kind on structures that are currently constructed of such materials.
 - c. Foundations of principal structures shall be constructed of brick, stone or concrete covered with stucco.
 - d. Roofing materials for pitched or hip roofs shall consist of metal seam, tile, slate, stone, wood shake or architectural style shingles.
 - e. Covered front porches shall be required. Front porches may be screened, but shall not be enclosed.
 - f. Additions to existing houses shall not be permitted on the front of the houses. Additions may be constructed in the side or rear yard in compliance with the setback requirements of this section.
- E. *Parking:* Off-street parking requirements for uses and structures authorized and permitted in Tier III are as follows:
1. *Detached single-family dwelling:* Two (2) spaces.
- F. *Transitional zone:* A transitional zone shall be established extending one hundred (100) feet outward from any boundary of Tier III. The transitional zone shall consist of public rights-of-way, easements, alleys, and parcels that are immediately adjacent to Tier III. Within the transitional zone, mixed use developments complementary to the character of the Mill Village, the Mill, the DeKalb Farmers Market, and artisan activities shall be permitted. The properties that lie within the transition zone shall be governed by the principal uses and structures of Tier I. In addition, the transitional zone shall include single-family detached residential uses.

1. Buildings and structures within the transitional zone shall not exceed thirty (30) feet in height except for the normal architectural projections which may include roof parapets, skylights, or access enclosures.
2. New buildings and structures to be constructed on parcels that are immediately adjacent to or across a street from any Tier III property shall have a front and side yard setback that is equivalent to the setback of those properties within Tier III.
3. Buildings and structures within the transitional zone shall have architectural character and design details that are complimentary to the Scottsdale Mill Village.
4. Buildings and structures must be constructed of brick, stone, stucco, steel, glass, wood, cement fiberboard lap siding, or any combination thereof.
5. All parking areas are to be located in the rear of or on the side of all new buildings. Where parking areas are visible from roadways and sidewalks, a fifteen-foot landscape screen shall be established.
6. Shared parking is encouraged and may be authorized by the director of planning or designee.

([Ord. No. 15-06](#) , 8-25-2015; [Ord. No. 18-04](#) , Pt. I, 9-25-2018)

Sec. 3.36.8. - Tier IV: Scottsdale Perimeter.

- A. *Principal uses and structures:* The following principal uses of land and structures shall be authorized in Tier IV:
 1. Detached single-family residential at a maximum of six (6) units per acre.
 2. Attached single-family residential and attached fee simple multi-family residential at a maximum of twelve (12) units per acre in the Lantern Ridge subdivision, only.
- B. *Accessory uses and structures:* Accessory uses, buildings and structures shall be located within the rear yard. Accessory buildings and structures shall not exceed twenty (20) feet in height or the height of the principal structure, whichever is less, and shall comply with the requirements of section 4.2.2. The following accessory uses of land and structures shall be authorized in Tier IV:
 1. Accessory uses and structures incidental to any authorized principal use, including the following and similar uses:
 - a. Garages for parking of automobiles.
 - b. Storage buildings.
 - c. Swimming pools.
 - d. Tennis courts and other play and recreation areas.
 2. Signs, in accordance with the provisions of chapter 21 and this chapter.
- C. *Special permits:* The following uses and structures shall be authorized only by permits of the type indicated:
 1. *Special administrative permit approved by the director of planning:*
 - a. Home occupation involving no customer contact and no employee other than the person residing on the premises.
 2. *Special exception permit from the zoning board of appeals:*
 - a. Utility structure necessary for the transmission or distribution of service.
 3. *Special land use permit from the board of commissioners:*
 - a. Adult day care facility.

- b. Child day care facility.
 - c. Convent or monastery.
 - d. Home occupation involving any customer contact.
 - e. Home stay bed and breakfast residence.
 - f. Neighborhood recreation club.
 - g. Place of worship.
 - h. Personal care home, family.
 - i. Personal care home, registered.
 - j. Private elementary, middle and high school.
- D. *Architectural guidelines*: Architectural design of all buildings and structures within Tier IV shall comply with the following guidelines:
- 1. *Detached residential guidelines*:
 - a. Each building elevation shall be constructed of brick, stone, stucco, wood, wood shake, cement fiberboard siding, or any combination thereof.
 - b. Roofing materials for pitched or hip roofs shall consist of metal standing seam, tile, slate, stone, wood shake, asphalt or architectural-style shingles.
 - c. Any new dwelling constructed on a lot with frontage on Rockbridge Road shall have its primary entrance facing Rockbridge Road.
 - d. Any new dwelling constructed on a lot with frontage on Old Rockbridge Road shall have its primary entrance facing Old Rockbridge Road.
- E. *Parking* : Off-street parking requirements for uses and structures authorized and permitted in Tier IV are as follows:
- 1. *Detached single-family dwelling* : Two (2) spaces.
 - 2. *Attached single-family dwelling* : Two (2) spaces.
 - 3. *Condominiums* : One and seventy-five one-hundredths (1.75) spaces per dwelling unit.
- F. *Sidewalks*: Sidewalks shall be provided along both sides of the right-of-way of all public streets in accordance with section 3.36.12.
- G. *Streets*: No culs-de-sac are allowed.

([Ord. No. 15-06](#) , 8-25-2015; [Ord. No. 18-04](#) , Pt. I, 9-25-2018)

Sec. 3.36.9. - Re-establishment of street grid.

Within the Scottsdale Overlay District, the existing street grid shall be continued or re-established where site conditions allow. Where there is no existing street grid system to connect into, or where site conditions do not allow for the continuation or re-establishment of the street grid system, the planning director or designee may approve an alternative street system, including without limitation, stub streets and alleyways. In no case shall new roads alter the established street grid. Cul-de-sacs are prohibited in all new developments.

([Ord. No. 15-06](#) , 8-25-2015)

Sec. 3.36.10. - Building standards.

1. Standards for detached single-family residences (Tiers I, II, III, IV), cottages (CO) and urban single family (U-SF) detached residences (Tiers I, I-NC):

	Min. Lot size (sq. ft.)	Min. Lot width (ft.)	Min. House size (sq. ft.)	Min. Front yard setback (ft.) *	Min. Side yard setback (ft.)	Min. Side corner yard (ft.)	Min. Rear yard setback (ft.)	Max. Height ***
Tier I, I-NC	5,000, or 2,000 for CO, 1,350 for U-SF	50, or 20 for CO, 20 for U-SF	Min. 1,000, or Min. 800 for CO, Max. 1,200 for CO, Min. 1,100 for U-SF	20, or 10 w/ rear alley access	3 and 10 separation of buildings, or 3 for U-SF	10	10	35
Tier II	5,000	50	1,000	30	7.5	15	30	28 **
Tier III	7,500	70	650	35	7.5	15	30	28
Tier IV	6,000	60	1,200	30, 35 for minor arterial, 45 for major arterial	7.5	15	30	35

* Setback averaging shall apply. See 5.2.1.C.

** Max. 32 feet (ft.) height if non-conforming lot or building

*** Architectural projections which may include parapets, skylights and roof access enclosures are exempt from height requirements.

2. Standards for attached single-family attached residences (townhomes) in Tier I, Tier I-NC, and Tier IV Lantern Ridge:

	Min. Lot size * (sq. ft.) if subdivided	Min. Lot width for total property, or lot width if	Min. House size	Min. Front yard	Min. Side yard, or separation of	Min. Side corner yard setback	Min. Rear yard	Max. Height
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Tier I	N/A	N/A	650	0 min., 25 max.	0/15 sep. for 2-story big, or 20 if 3-story	0	15	35
Tier I-NC	N/A	N/A	650	0 min., 15 max.	0, or 20 sep.	0	15	70

* Subject to transitional height plane standards. See Chapter 27-5.2.4.

5. *Miscellaneous building standards for all Tiers:*

- a. Corner lots shall not be required to have an additional fifteen (15) feet of street frontage.
- b. Setback averaging shall apply pursuant to section 27-5.2.1.C. otherwise the front yard setback shall be as shown above.
- c. No lot shall be developed to exceed the maximum allowable coverage by buildings, structures, driveways or parking areas, or any other impervious surface specified as follows:
 - 1) Detached Single-Family Residential—35%
 - 2) Attached Single-Family Residential—75%
 - 3) Two- and Three-Family Residential—55%
 - 4) Mixed-Use and Non-Residential—80%
- d. Measurement of building height shall be in accordance with section 27-5.25 of the Code.
- e. Fences along public right-of-way shall be four (4) feet maximum. Fence height shall be measured from ground level. If ground level is lower than the level of the adjoining street pavement, then a fence may be higher so that it may be four (4) feet above the level of the pavement. The level of ground shall not be altered in such a way to provided additional fence height.

([Ord. No. 18-04](#), Pt. I, 9-25-2018)

Editor's note— [Ord. No. 18-04](#), Pt. I, adopted Sept. 25, 2018, repealed § 3.36.10 in its entirety and enacted new provisions to read as herein set out. Former § 3.36.10 pertained to measurement of building, and derived from [Ord. No. 15-06](#), adopted Aug. 25, 2015.

Sec. 3.36.11. - Landscaping requirements.

A. *Landscape strips:*

1. The landscape strip in the front yard shall be planted with a row of street trees of at least three and one-half (3.5) inches in caliper, and planted not less than thirty (30) feet on center. Trees shall be selected from the list of street trees species identified herein and in the Design Guidelines for the Scottsdale Overlay District, originally dated May 2008, as amended, a copy of which shall be maintained by the director of planning and available for public inspection. Continuous landscaped strips shall be constructed along public rights-of-way except at points of ingress or egress. Street trees shall be between the curb and sidewalk.

- B. *Landscape widths shall be as follows:*
1. *Major and minor arterials:* Ten-foot-wide landscape strip located between the curb and sidewalk.
 2. *Collector and local streets:* Five-foot-wide landscape strip located between the curb and sidewalk.
 3. The four-foot strip between the curb and the sidewalk may be used toward the total width of the landscape strip.
 4. *Interior yards:* Five-foot landscape strip along interior side and rear yards for non-residential and multi-family development only.
- C. *Ground cover :* Ground cover shall also be provided in accordance with the Design Guidelines for the Scottsdale Area Overlay District in order to protect tree roots and to prevent erosion. Ground cover shall consist of evergreen shrubs or groundcover plant material mulched with pine bark mulch, or other similar landscaping material.
- D. *Street trees :* Newly planted trees shall conform to the Design Guidelines for the Scottsdale Overlay District. No tree shall be planted closer than two (2) feet from the street or sidewalk, and no closer than five (5) feet from a fire hydrant, sign post, streetlight standard, utility pole, or similar structure.
- E. *Street tree planting:* Street trees of a caliper not less than three (3) inches shall be planted no less than thirty (30) feet on center along all properties having frontage on a public street. Trees of the following types shall be used:
1. Crape myrtle (*Lagerstroemia indica*) cultivars, with a standard trunk, but only under electric power lines.
 2. All serviceberry (*Amelanchier*) species, but only under electric power lines.
 3. All dogwood (*Cornus*) species.
 4. October Glory red maple (*Acer rubrum* 'October Glory').
 5. Red Sunset maple (*Acer rubrum* 'Red Sunset').
 6. All oak (*Quercus*) species.
 7. Japanese zelkova (*Zelkova serrata*).
 8. Ginkgo (*Ginkgo biloba*), but only male cultivars.
 9. Trident maple (*Acer buergerianum*).
 10. Allee lacebark elm (*Ulmus parvifolia* 'Emer II').
 11. Other varieties are subject to the review and approval of the county arborist and the director of planning or their designee.
- F. *Maintenance of trees and ground cover:* All street trees and other trees and all ground cover required by this chapter or by chapter 14 shall be maintained in a healthy condition, and any trees or ground cover which die shall be replaced within the earliest possible planting season.
- G. *Parking lot landscaping requirements:* All parking lots within the Scottsdale Overlay District shall be landscaped pursuant to the requirements of section 5.4.4.

([Ord. No. 15-06](#), 8-25-2015; [Ord. No. 18-04](#), Pt. I, 9-25-2018)

Sec. 3.36.12. - Sidewalks.

- A. Sidewalk widths:
1. Sidewalk requirements. There shall be a public sidewalk constructed along all public street frontages contiguous to all properties within all tiers of the Scottsdale Overlay District. New

sidewalks shall match the predominant pattern of existing sidewalks on contiguous properties. If there is no existing sidewalk contiguous to the property, sidewalks shall be located a minimum of four (4) feet from the curb. In places where sidewalks are not present, new sidewalks shall be established. If matching predominant pattern of existing sidewalks on contiguous properties causes the area between the sidewalk and the curb to be less than four (4) feet in width, the street trees shall be planted between the sidewalk and the structure. For properties where there are overhead utility lines, the director of planning or their designee may authorize exceptions to allow for a landscape plan that will not interfere with such utilities. All such conditions will be subject to review and approval by the director of planning or their designee in addition to the DeKalb County Arborist.

2. Sidewalk widths shall be as follows:
 - a. Major and minor arterials in Tier I and Tier I-NC: Minimum ten-foot-wide sidewalk along public streets.
 - b. Major and minor arterials, collector, and local streets in all other tiers: Minimum five-foot-wide sidewalk.
 - c. Wider sidewalks in Tier I and Tier I-NC may be expanded subject to review by the director of planning to accommodate outdoor dining.
 - d. Tier III is exempt from sidewalk requirements.
- B. Sidewalks are required to be installed in all Tiers, except for Tier III, pursuant to all land disturbance permits, new building permits or major changes or re-development of non-residential, multi-family residential, mixed use and individual detached single family homes, as defined by chapter 27.

([Ord. No. 18-04](#) , Pt. I, 9-25-2018)

Editor's note— [Ord. No. 18-04](#) , Pt. I, adopted Sept. 25, 2018, repealed § 3.36.12 in its entirety and enacted new provisions to read as herein set out. Former § 3.36.12 pertained to sidewalks and curb cuts, and derived from [Ord. No. 15-06](#) , adopted Aug. 25, 2015.

Sec. 3.36.13. - Signs.

All lots in the Scottdale Overlay District shall comply with all requirements of chapter 21, subject to the following additional regulations:

- A. Signs shall be designed so as to be compatible with the Scottdale Overlay District Design Guidelines.
- B. All ground signs shall be monument style signs with a base and framework made of brick; the design of ground signs must comply with the Scottdale Overlay District Design Guidelines.
- C. Each lot shall have no more than one (1) ground sign.
- D. The sign area of ground signs shall not exceed thirty-two (32) square feet, unless the lot contains a shopping center, in which case ground signs are limited to sixty-four (64) square feet.
- E. Ground signs shall not exceed a height of six (6) feet, unless the lot contains a shopping center, in which case ground signs shall not exceed a height of fifteen (15) feet.
- F. For mixed-use developments, each separate store front may have a maximum of two (2) wall signs, each of which shall not exceed an area of ten (10) percent of the area of the façade of the ground floor of the building or seventy-five (75) square feet, whichever is less.
- G. Wall signs shall be located on the primary building façade and within fifteen feet (15) of the public right-of-way.
- H. Window signs are prohibited.

- I. Banners are prohibited.
- J. Wall-mounted signs shall be channel cut letters applied directly to the building façade. Raceways are not allowed. Flashing, animated, marquee, sound emitting, fluorescent, rotating or otherwise moving signs are prohibited.
- K. Sign shape and lettering shall be limited as follows:
 - 1. Signs with more than two (2) faces are prohibited.
 - 2. Sign facing shall be flat in profile and shall not exceed a thickness of eight (8) inches.
 - 3. Sign faces shall be parallel.
 - 4. Sign lettering shall consist of block lettering in which individual letters are proportional in size to the overall size of the sign, but in no event shall individual letters exceed twenty-four (24) inches in height.
- L. Sign lettering shall be of an opaque material.
- M. Multitenant developments: A master sign plan shall be submitted to the planning director or designee for review and approval prior to issuance of any sign permit for any new development having multiple tenants. All owners, tenants, subtenants and purchasers of individual units within a multitenant development shall comply with the approved master sign plan and the provisions of chapter 21. The master sign plan shall include:
 - 1. *General location of signs:* The proposed location of any ground signs, entrance signs or directional signs on a lot shall be identified on the master sign plan. The proposed locations for any projecting sign, wall sign, canopy sign, or window sign shall be clearly identified on renderings of the building elevation(s).
 - 2. *Types of signs:* The proposed types of signs (e.g., ground sign, projecting sign, individual channel letters, box mount, painted, electronic variable message signs, etc.) shall be identified in the master sign plan.
 - 3. *Materials:* The proposed materials for all sign structures and sign surfaces shall be identified in the master sign plan.
 - 4. *Size and number of signs:* The maximum number and maximum size of proposed signs, including maximum height, maximum width, and maximum square footage, should be identified in the master sign plan.
 - 5. *Style and color :* The proposed style and color palette for all signs shall be identified in the master sign plan. The style and color shall be consistent with the design details of the primary structure on the lot.
 - 6. *Illumination:* The type of illumination, if any, proposed for all signs shall be identified in the master sign plan.
 - 7. *Individual sign approval:* Prior to the issuance of a sign permit for an individual sign, all proposed signs shall be reviewed for conformity with the master sign plan and the provisions of chapter 21. No sign shall be erected, located, or placed on a property that has been developed for occupancy by multiple tenants which does not conform to the guidelines of the master sign plan for said development.
 - 8. *Amendment:* A master sign plan may be amended upon submission of a revised master sign plan to the planning director or designee; and approval of planning director or designee.

([Ord. No. 15-06](#), 8-25-2015)

Sec. 3.36.14. - Variances and special exceptions.

Any request for a variance or special exception for property located in whole or in part within the boundaries of the Scottsdale Overlay District shall be submitted by the applicant to the then current president of the Scottsdale Community Alliance at least ten (10) business days prior to the first public hearing before the zoning board of appeals.

([Ord. No. 15-06](#) , 8-25-2015)

Sec. 3.36.15. - Permits for uses.

Any use authorized by this division shall require that a development permit be issued before property improvements can be made in accordance with section 7.7.2 and a building permit required in accordance with the provisions of section 7.7.3. No permit shall be issued prior to the issuance of a certificate of compliance described in section 3.36.17.

([Ord. No. 15-06](#) , 8-25-2015)

Sec. 3.36.16. - Design guidelines for the Scottsdale Area Compatible Use Overlay District.

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

([Ord. No. 15-06](#) , 8-25-2015)

Sec. 3.36.17. - Plans required; certificates of compliance.

- A. *Plans required:* Prior to the issuance of any land-disturbance permit, building permit, or sign permit, the applicant shall submit to the district commissioners and the director of planning or designee an application which shall include a conceptual plan package as defined by this chapter which shall demonstrate that the proposed design is in compliance with all of the requirements of this Scottsdale Overlay District and the underlying zoning classification. The director of planning shall notify the president of the Scottsdale Community Alliance and the co-chair of the Avondale-Rockbridge Civic Alliance of any application for so long as both groups or entities remain in existence. Copies of all applications shall be posted to the website for the DeKalb County Planning Department by the director of planning or designee at least ten (10) business days before any certificate of compliance is issued.
- B. *Fees:* Plans shall be accompanied by an application and payment of a fee in an amount to be determined by the board of commissioners.
- C. *Review:* The director of planning or designee shall review each application for compliance with all requirements of the Scottsdale Overlay District and the underlying zoning classification. Where the director or designee determines that said plans comply with the requirements of the Scottsdale Overlay District a certificate of compliance shall be issued in the form of the director or designee's signature on the plans and drawings after which the applicant shall then apply for land disturbance, building or signs permits. Where the director or designee determines that said plans do not comply with the requirements of this section, then the director or designee shall notify the applicant in writing stating the manner in which said applicant fails to comply with such requirements. All applications shall be considered and decided by the director of planning or designee within thirty (30) days of

receipt of a complete application. Any appeal of the decision in this regard shall be to the zoning board of appeals pursuant to section 7.5.2.

([Ord. No. 15-06](#) , 8-25-2015; [Ord. No. 18-04](#) , Pt. I, 9-25-2018)

Sec. 3.36.18. - Conceptual plan package review.

A. The conceptual plan package shall be composed of the following:

1. A narrative addressing the proposed development explaining how it meets the purpose, intent, and standards of this chapter. The narrative shall include a tabulation of the approximate number of acres in each land use, the approximate number of dwelling units by type, the approximate gross residential density, the approximate commercial density, the approximate public space acreage, the anticipated number, type and size of recreational facilities and other public amenities; and a site location map showing the proposed development, abutting property, the relationship of the proposed development to surrounding natural features and existing development, and transitional buffer zones, if required.

B. The plan to be submitted in the conceptual plan package shall contain the following information:

1. Six (6) copies of a plan drawn to a designated scale of not less than one inch equals one hundred feet (1"=100'), certified by a professional engineer or land surveyor licensed by the State of Georgia, presented on a sheet having a maximum size of twenty-four (24) inches by thirty-six (36) inches, and one (1) eight and one-half (8½) by eleven-inch reduction of the plan. If presented on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. Such plan shall contain the following information:
 - a. Boundaries of the entire property proposed to be included in the development, with bearings and distances of the perimeter property lines.
 - b. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - c. Location and approximate dimensions in length and width, for landscape strips and required transitional buffers, if any.
 - d. Existing topography with a maximum contour interval of five (5) feet and a statement indicating whether it is an air survey or field run.
 - e. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or DeKalb County.
 - f. The delineation of any jurisdictional wetlands as defined by Section 404 of the Federal Clean Water Act.
 - g. Approximate delineation of any significant historic or archaeological feature, grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact it.
 - h. A delineation of all existing structures and whether they will be retained or demolished.
 - i. General location, in conceptual form, of proposed uses, lots, buildings, building types and building entrances.
 - j. Height and setback of all buildings and structures.
 - k. Approximate areas and development density for each type of proposed use.
 - l. Location, size, and number of all on-street and off-street parking spaces, including a shared parking analysis, if shared parking is proposed.
 - m. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets.

- n. Conceptual plans for drainage with approximate location and estimated size of all proposed stormwater management facilities and a statement as to the type of facility proposed.
- o. Development density and lot sizes for each type of use.
- p. Areas to be held in joint ownership, common ownership or control.
- q. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets.
- r. Location of proposed sidewalks and bicycle facilities trails, recreation areas, parks, and other public or community uses, facilities, or structures on the site.
- s. Conceptual layout of utilities and location of all existing or proposed utility easements having a width of twenty-five (25) feet or more.
- t. Standard details of signs, sidewalks, streetlights, driveways, medians, curbs and gutters, landscaped areas, fencing, grating, street furniture, bicycle lanes, streets, alleys, and other public improvements demonstrating compliance with the design guidelines for the Scottsdale Overlay District.
- u. Seal and signature of professional preparing the plan.

([Ord. No. 15-06](#) , 8-25-2015)

Sec. 3.36.19. - Final design package review and approval process.

- A. *[Final design package.]* Upon receiving comments on the conceptual design package, the applicant will submit the final design package for review and approval. The final design package must include full architectural and landscape architectural plans and specifications. The submitted plans must include the following, demonstrating that the final design package is in compliance with all requirements of the Scottsdale Overlay District and the underlying zoning classification: a site plan; architectural elevations and sections; rendering depicting the building design, including elevations and architectural details of proposed buildings, exterior materials and colors; and plans and elevations of all hardscape, landscape and signage. The final design package must be signed and sealed by a professional engineer/architect. The final design package must contain all plans, elevations, sections and specifications necessary for obtaining development and building permits. The applicant may submit the final design package simultaneously with the permit application.
- B. *Review.* The director of planning or designee shall review each application for compliance with all requirements of the Scottsdale Overlay District and the underlying zoning classification. Where the director or designee determines that said plans comply with the requirements of the Scottsdale Overlay District a certificate of compliance shall be issued in the form of the director or designee's signature on the plans and drawings after which the applicant shall then apply for land disturbance, building or signs permits. Where the director or designee determines that said plans do not comply with the requirements of this chapter, then the director or designee shall notify the applicant in writing stating the manner in which said applicant fails to comply with such requirements. All applications shall be considered and decided by the director of planning or designee within thirty (30) days of receipt of a complete application. Any appeal of the decision in this regard shall be to the zoning board of appeals pursuant to section 7.5.2.

([Ord. No. 15-06](#) , 8-25-2015)

Sec. 3.36.20. - Final approval of plans.

Prior to issuance of any development or building permit, the application shall be submitted to and approved by the director of planning or designee. A final site plan shall be submitted and shall be consistent with the Scottsdale Overlay District. By enacting the Scottsdale Overlay District, the board of

commissioners authorizes the planning and development director or designee to accept, review and determine the compliance of all proposed development that provides for unique site features and innovative design in concert with the design guidelines and all related requirements of this ordinance.

([Ord. No. 15-06](#) , 8-25-2015)

Sec. 3.36.21. - Tier V: Scottsdale Tobie Grant.

- A. *Principal uses and structures*: The following principal uses of land and structures shall be authorized within Tier V, regardless of the underlying zoning of the property:
1. Detached single-family residences.
 2. Attached single-family residences.
 3. Multi-family residences.
 4. Adult day care centers.
 5. Child day care centers.
 6. Places of worship, provided that the requirements of section 4.2.41 are also satisfied.
 7. Retail uses as part of a mixed-use development, subject to the requirements set forth in this section.
- B. *Accessory uses and structures*: Accessory uses, buildings and structures shall only be located within the rear yard of a single-family residence. Accessory buildings and structures shall not exceed the lesser of thirty-five (35) feet in height or the height of the principal structure to which it relates. Accessory uses shall include, but are not limited to:
1. Clubhouses, including meeting rooms or recreation rooms.
 2. Garages for parking of automobiles.
 3. Laundry facilities for residents.
 4. Leasing offices.
 5. Mail rooms.
 6. Storage buildings.
 7. Swimming pools.
 8. Tennis courts and other play and recreation areas.
- C. *Density*: The entire Tier V property shall not exceed twelve (12) units per acre.
- D. *Special permits*: The following uses and structures shall be authorized only by permits of the type indicated:
1. Special administrative permit approved by the director of planning:
 - a. Home occupation involving no customer contact and no employee other than the person residing on the premises.
 2. Special exception permit from the zoning board of appeals:
 - a. Utility structures necessary for the transmission or distribution of service.
 - b. Shared parking arrangements.
 3. Special land use permit from the board of commissioners:
 - a. Home occupations involving any customer contact.

- b. Home stay bed and breakfast residences.
 - c. Personal care homes, community.
 - d. Personal care homes, group.
 - e. Private elementary, middle and high schools.
 - f. Child day care facilities.
 - g. Adult day care facilities.
- E. *Minimum lot area:* Lots within Tier V developed for detached single-family residences shall be no less than six thousand (6,000) square feet in area. Fee simple townhomes shall not have a minimum lot area, but the townhome development as a whole shall not be less than two (2) acres. Multifamily developments shall also require a minimum lot area of two (2) acres. Retail uses on the ground floor of a multi-family structure do not have a minimum lot size. Freestanding retail uses require a minimum lot area of ten thousand (10,000) square feet.
- F. *Lot width:*
- 1. *Single-family detached residences:* Lots shall be no less than sixty (60) feet in width as measured along road frontage.
 - 2. *Single-family attached and multi-family residences:* Lots on which a condominium, townhome units as a complex, and on which a multi-family project is located shall be no less than one hundred (100) feet in width as measured along the road frontage.
 - 3. *Freestanding retail uses:* Lots on which a freestanding retail use is located shall have a lot width of at least one hundred (100) feet.
- G. *Building setbacks:* The following requirements shall apply to all structures within Tier V:
- 1. *Single-family detached residences :*
 - a. The minimum front yard setback shall be as follows:
 - i. From major thoroughfares: Forty-five (45) feet.
 - ii. From minor thoroughfares: Thirty-five (35) feet.
 - iii. From collector streets: Twenty (20) feet.
 - iv. From other streets: Twenty (20) feet.
 - b. Minimum side yard setback: Seven and one-half (7.5) feet.
 - c. Minimum rear yard setback: Thirty (30) feet.
 - 2. *Single-family attached residences, whether condominium or townhomes :*
 - a. Minimum front yard setback: Five (5) feet, except that where a garage door faces the street, the façade of said garage shall be set back no less than twenty (20) feet from the sidewalk.
 - b. Minimum interior side yard setback: Fifteen (15) feet.
 - c. Minimum rear yard setback: Thirty (30) feet.
 - 3. *Multi-family development :*
 - a. Minimum front-yard setback: Five (5) feet.
 - b. Minimum interior side yard setback: Fifteen (15) feet.
 - c. Minimum rear yard setback: Twenty (20) feet.
- H. *Height of buildings and structures:* No multi-family building or structure within Tier V shall exceed sixty (60) feet in height. No single-family building or accessory structure shall exceed thirty-five (35)

feet in height. No free-standing retail use shall exceed twenty-five (25) feet in height. No transitional height planes are required within Tier V itself.

- I. *Floor area of dwellings:* The floor area of each single-family attached or detached dwelling shall be no less than one thousand two hundred (1,200) square feet of heated floor area. The minimum floor area of each multi-family unit shall be as follows:
 1. One (1) bedroom: Six hundred fifty (650) square feet. However, twenty (20) percent of the total units in a multifamily development may have a floor area of not less than five hundred twenty (520) square feet.
 2. Two (2) bedrooms: Eight hundred (800) square feet.
 3. Three (3) or more bedrooms: One thousand (1,000) square feet.
 4. Multifamily dwellings, supportive living: Three hundred (300) square feet.
- J. *Architectural guidelines:* Architectural design of all buildings and structures within Tier V shall comply with the following guidelines:
 1. Each building elevation shall be constructed of brick, stone, cement stucco, EFIS (not exceeding twenty (20) percent), wood, wood shake, cement fiberboard siding, or any combination thereof.
 2. Roofing materials for pitched or hip roofs shall consist of metal standing seam, tile, slate, stone, wood shake, asphalt or architectural-style shingles.
- K. *Parking:* Off-street parking requirements for uses and structures authorized and permitted in Tier V are as follows:
 1. Detached single-family dwelling: Two (2) spaces.
 2. Attached single-family dwelling: Two (2) spaces.
 3. Multifamily dwelling, general: One and one-half (1.5) spaces per dwelling unit (and parallel parking on street may be counted towards the final parking count).
 4. Multifamily dwelling for senior citizens: One space per dwelling unit.
 5. Freestanding community center: Three (3) spaces per thousand (1,000) square feet of heated space.
 6. All other uses shall satisfy the requirements of section 27-387 [sic]. Notwithstanding the foregoing, shared parking is encouraged subject to the approval of the director of the department of planning and sustainability.
- L. *Sidewalks:* Sidewalks shall be provided along both sides of the right-of-way of all public streets in accordance with section 3.36.12.
- M. *Streets:* No culs-de-sac are allowed, but eyebrows are allowed. Driveway curb cuts shall not exceed a width of twenty-four (24) feet. Alleys may be used for rear access to single-family detached and attached homes.
- N. *Regulations relative to the retail component of a mixed-use development:*
 1. No individual freestanding building shall exceed an area of twenty-five thousand (25,000) square feet.
 2. Uses shall be restricted to those allowed by the NS and C-1 zoning district regulations found at section 2.25.1 et seq. and section 2.26.1 et seq. Notwithstanding the foregoing, the following uses are prohibited: motels, hotels, pawn shops, adult entertainment establishments, and billiard parlors.
- O. *Subdivision:* The subdivision of property within any mixed-use development is allowed. Newly-created property lines created by the subdivision of property are not required to satisfy setback,

buffer or other requirements, provided that the layout for the project as a whole complies with those regulations.

([Ord. No. 15-06](#), 8-25-2015; [Ord. No. 18-04](#), Pt. I, 9-25-2018)