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TEXT AMENDMENT ANALYSIS

AGENDA NO: N-2 ZONING CASE NO: TA-17-21605 MEETING DATE: July 6, 2017

APPLICANT: Dekalb County Board Of Commissioners

SECTIONS OF ZONING ORDINANCE AFFECTED BY AMENDMENTS:

CHAPTER 27 ZONING; ARTICLE 3. SECTION 27-3.41, DIVISION 41

REASON OF REQUEST:

To amend Chapter 27 of the DeKalb County Code for the adoption of the Kensington-Memorial Drive Overlay District as defined with the associated boundary map and the Design Guidelines. The Kensington-Memorial Drive Overlay District addresses appropriate land uses, encourage economic development, and regulate site design, signage, landscaping and architectural standards. The district is intended to encourage transit oriented developments, mixed-use developments with varying residential densities, walkable communities, recreational and entertainment uses, government and corporate offices, educational institutions and retail establishments.

RECOMMENDATION(S):

PLANNING DEPARTMENT:

DEFERRAL The proposed Kensington-Memorial Drive Overlay draft is still being reviewed and additional public meetings for the project needs to occur.

BACKGROUND:

The proposed Kensington-Memorial Drive Overlay District has been a cooperative effort between the community, the Department of Planning and Sustainability and the Community Core Team (Stakeholders). The Community Core Team (Stakeholders) consist of Residents, Business Owners, Institutions, and Government Officials. The overlay character area runs along Memorial Drive from Hambrick Road to Covington Highway and along Covington Highway from Memorial Drive to I-285. The Kensington-Memorial Drive Overlay District is divided into 6 identifiable Tiers. The residential area surrounding the nodes and corridor are located within the defined boundaries but are not impacted by the overlay standards. The underlying residential zoning districts will continue to regulate the residential areas.

The creation of the Kensington-Memorial Drive Overlay District will set the tone for encouraging existing property owners to upgrade and reinvest in their properties. The standards will reduce the size and number of signs to help alleviate clutter and unsafe conditions, encourage assemblage and redevelopment of under-utilized and vacant parcels which over time will eliminate nonconforming and intrusive uses. (See attached - PowerPoint Presentation & Overlay Draft)

PLANNING COMMISSION:

COMMUNITY COUNCIL:

Other: CC 5 vote a recommendation of other(0-0-0)

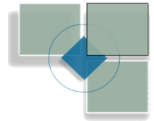
Denial: CC 4 vote a recommendation of denial(9-0-1)

Approval: CC 3 vote a recommendation of approval(10-0-0)

Kensington-Memorial Drive Overlay Planning Commission Meeting



DeKalb County
GEORGIA



Topics of Discussion

- Purpose
- What is an Overlay District (OVD) and how it works
- Kensington-Memorial Drive OVD Overview
- Snapshot of Tiers
- Public Feedback
- Project Schedule
- Next Steps

Purpose

- *To establish a zoning district superimposed on the existing underlying zoning district.*
- *Governing the use of the property on the corridor.*
- *To establish a set of regulatory criteria relating to certain characteristics that encourage the quality of development opportunities in the Memorial Drive Overlay*



What is an Overlay?

An overlay district is a planning implementation tool that provides flexibility to the existing underlying zoning designations. It also regulates prohibited uses, permitted uses, and urban design guidelines to enhance the aesthetics of structures.

What does an Overlay do?



Supersede the underlying zoning for the designated parcels.

Implement uniform design for designated areas and place use restrictions in areas deemed incompatible with desired uses.



Protect Community from unwanted development

A zoning tool used for the implementation of visioning studies.



Existing Overlays

Northlake

- Allowable and Prohibited Uses
- Density and Intensity Guidelines
- Building Materials and Signage Controls
- Landscape Enhancements

Stonecrest (portion still unincorporated)

I-20 East

Scottdale

Bouldercrest

Hidden Hills

Overlay District Process Flow

Step 1. Creation

Project Need

- Implement Community Plan
- Vision & Boundaries
- Commissioner Input

Public Outreach

- Stakeholders Committee
- Public Meetings
- Public Recommendation
- Create Overlay Draft

Public Hearing

- BOC Committee Meetings
- Community Council
- Planning Commission
- BOC Recommendation
- Approved – Go to Step 2, Admin
- Deny – Project Ends

Step 2. Administration

Development Review

- Land Development (LDP) Application process (see website/land development staff for details)
- Director/Rep Sign-Off

Planning Review

- Pre-App Conference
- Submit Application
- Notify Commissioners & Community Rep
- Completeness Checklist
- Director/Rep Sign-Off

Building/Trades Review

- Building Permit Application Process (see website/building permit staff for details)
- Director/Rep Sign-off
- Inspections
- Certificate of Occupancy

Note: Also referred to as the Overlay Submittal Process

How We Got Here

Community Outcry

- Nothing is happening to Memorial Drive
- We need to stimulate redevelopment and new development along this corridor.
- We need to do something about so many beauty salons, wing places, auto mobile repair.

Planning Efforts

- Robert Charles Lesser Study
- Indian Creek Master Active Living Plan (MALP)
- Covington Master Active Living Plan (MALP)
- Kensington Livable Centers Initiative (LCI)
- Kensington Livable Centers Initiatives Supplemental Plan
- One Possible Solution -- Overlay District

Kensington-Memorial Drive Proposed Overlay District Tiers

The proposed tiers allows the large linear area to be broken down into smaller thematic districts with specific permitted uses and design guidelines to promote branding of each particular area.

Proposed Overlay District Tiers (commission districts)

- Tier 1 - Covington Gateway (3,6)
- Tier 2 – DeKalb Business and Lifestyle Center (4,5,6)
- Tier 3 – Indian Creek Wellness Community (5,7)
- Tier 4 – Memorial Gateway (4,6)
- Tier 5 - Cultural and Educational Center (4,7)
- Tier 6 – The District (4,7)



City Hall / Administration



Core Team Input To Date

Core Team Meetings

- Residents, business owners, institutions & other stakeholders
- Serve as a 'sounding board' for ideas
- Engaged in 4 meetings



Name	Ken Hall
Ashlee Wright	Kyle LeCain
Betsy Hall	Lee May
Carlos Arenas	Linda Hamby
Chaz Lazarian	MaLika Hakeem
Cynthia Dorsey Edwards	Marvin Billups
Davis Fox	Na'Imah Gill
Edward Patton	Neal Hendel
Felipe Castellanos	Patrece Keeter
Gail Fargason	Patrick Allen
James Humphrey	Ramesh Vakamudi, AICP
Jana Johnson	Robert Zeff
Jason Yowell	Rolanda Daniel
Joe Arrington	Russ Seagren
Joel Alvarado	Scott Towler
Karren L. Yarbrough	Tameka Wimberly
Katelyn L. Digioia	Tasew Tesfaye
Kathy Zahul	Terry Brantley
Kaycee Mertz	Tony Nastri
Kemerudi Omer	Warsameh Bured

Thanks for your Commitment!

Public Input to Date

July 30th

- Over 40 in attendance
- Meeting Focus: Purpose, Background & Vision
- Collected Input on Vision, Challenges & Bold Ideas

August 11th

- Over 110 in attendance
- Meeting Focus: Overlay Myths, Purpose, Process, Tiers & Vision
- Collected Input on Proposed Uses & Branding

September 8th

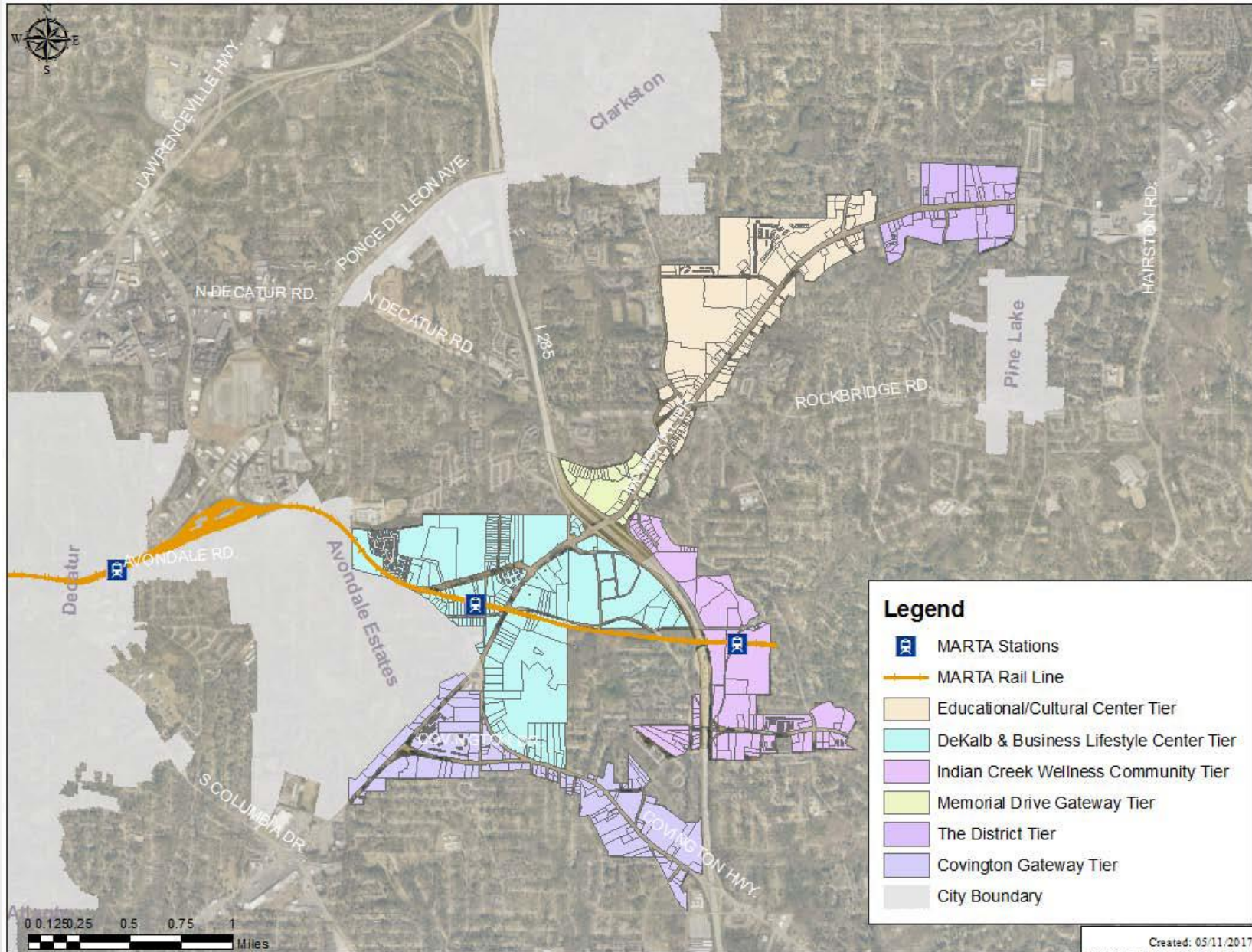
- Over 110 in attendance
- Meeting Focus: Overlay Purpose & Tier Overview
- Collected Input to Validate Tier Vision, Theme & Uses

December 8th

- Over 37 in attendance
- Meeting Focus: Tier VI
- Collected Input on uses



Kensington-Memorial Drive Overlay Boundary Area



Tier I: Covington Gateway

Theme: Showcase

Vision: A recognizable entrance into the three communities where physical activity and other healthy behaviors are integrated into the daily routines of residents.

Character: Walkable, Focus on Health, Gateway to Avondale Estates, Belvedere-East Lake, and Decatur

- ***All amenities located within ¼ mile radius (5 minute walk).***
- ***Three roundabouts at Redwing Circle, Paul Erwin and Covington to produce a “string of pearls”***
- ***Other policy recommendations of the Covington Highway Corridor Master Active Living Plan (MALP).***

Scale: Small to Medium Center: 1 – 6 stories



Tier II: DeKalb Business and Lifestyle Center

Theme: Community

Vision: A downtown DeKalb that serves the unincorporated DeKalb government services, facilities and administration which will enrich the lives of the community.

Character:

Walkable, Transit-Oriented hub for DeKalb Citizens and County Services.

Scale: Large Center
6+ stories



Tier III: Indian Creek Wellness Community

Theme: Sustainable

Vision: The Indian Creek MARTA Station encourages higher density transit oriented development and integrates physical activity and other healthy behaviors into the daily routines of DeKalb County

Character: Walkable, Focus on Health and Transit Oriented Development.

Scale: Medium to Large Center
4+ stories



Tier IV: Memorial Drive Gateway

Theme: Gateway

Vision: A “family entertainment” district with major anchors such as a movie theaters, bowling alleys, sit-down restaurants, hotels and venues that offer hands-on educational learning experiences for kids and adults.

Character: Family-friendly Destination and Gateway to Stone Mountain Park.

Key Features:

- *A signature attraction such as a Discovery Museum, Splash & Spray Park, Ferris Wheel, Carousel, climbing wall, or zip line.*

Scale: Large Center: 6+ stories



Tier V: Educational and Cultural Center

Theme: Educational

Vision: The Georgia Piedmont Technical College, Georgia State University and the Clarkston multi-cultural community combine as the catalyst for a unique DeKalb experience.

Character: Walkable educational and cultural destination

Key Features:

- *Integration of educational institutions through lifelong learning opportunities*
- *Multi-purpose venue for concerts, festivals, tastes, etc.*
- *International Cultural Village*

Scale: Medium Center: 4 – 6 stories



Tier VI: The District

Theme: Innovative

Vision: An opportunity for upscale entertainment with a focus on facilities that cater to film production, chic restaurants, theaters, and other experiences.

Character: Upscale destination and gateway to Stone Mountain.

Key Features:

- *Well-lit pedestrian pathways*
- *Outdoor dining*
- *Wide sidewalks to connect various pocket parks, patios, courtyards to various venues and experiences*
- *Flex or co-working space*
- *Robocop/Hub*

Scale: Small to Medium Center: 1 – 6 stories



Memorial Drive Project Schedule

TASK	Role Players	PROJECTED COMPLETION				STATUS
		1 ST QTR JAN-MAR	2 ND QTR APR-JUN	3 RD QTR JUL-SEP	4 TH QTR OCT-DEC	
Public Outreach Report	Sycamore, Staff, Stakeholders, Public	X				Complete
Commissioner 1-1 Meetings Gannon Mereda Johnson Bradshaw Adams	Commissioners, Planning Staff	X				Complete
OVD Draft Development and Review	Planning & Zoning Staff		X			In Progress
Follow-up Meetings w/ Commissioners	Planning staff and commissioners		X			Ongoing
Stakeholder Meetings	Staff and Stakeholders Committee		X	X		Ongoing
BOC Hearing Cycle						
Community Council Meeting	Community Council & Planning Staff			X		Complete
Planning Commission Meeting	Planning Commission & Planning Staff			X		In Progress
BOC Public Hearing	BOC and Planning Staff			X		Forthcoming

Next Steps

- Further Law Review
 - Update website with most recent Overlay Draft
 - Planning Commission – July 6, 2017 (Recommend Deferral)
 - Board of Commissioners – July 25, 2017 (Recommend Deferral)
 - Public Meetings
 - Adoption
-
- Website: <http://memorialcorridoroverlay.weebly.com/uploads>

27-3.41 DIVISION 41. KENSINGTON-MEMORIAL DRIVE OVERLAY DISTRICT

3.41.1 Scope of regulations.

This division establishes standards and procedures that apply to any development, use, or redevelopment on any lot or portion thereof which is, in whole or in part, contained within the boundaries of the Kensington-Memorial Drive Overlay District, hereinafter referred to as the "District." This overlay district takes precedence over the underlying zoning districts. However, the regulations for underlying districts will continue to function the same.

3.41.2 Applicability of regulations.

This division applies to each application for any permit which involves the development, use, construction, exterior alteration or modification of any structure where the subject property is, in whole or in part, contained within the boundaries of the District. The procedures, standards, and criteria herein apply only to that portion of the subject property within the boundaries of the District. The applicant will be required to provide enhancements consistent with the overlay standards.

3.41.3 Statement of purpose and intent.

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

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

3.41.4 District boundaries and Map.

- A. The boundaries of the Kensington-Memorial Overlay District shall be divided into six (6) development tiers as follows:
 - 1. **Tier I: Covington Gateway** – The intent of this tier is to serve as a gateway into Avondale Estates, Decatur and Atlanta into 285 east. It is envisioned that through redevelopment with fitness trails, connectivity of trails and parks, mixed use residential will promote health and wellness through the encouragement of appropriate relationships between parks, trails, open space and surrounding developments.
 - 2. **Tier II: DeKalb Business and Lifestyle Center: Community** - The intent of this tier is to create a DeKalb County Employment and Civic Center that will serve as a welcome center destination hub for unincorporated DeKalb government services, facilities and administration. The new government anchored center encourages the development of both public (civic, judicial, and institutional offices) and private offices (regional headquarters, professional and medical offices) with pedestrian orientation including plazas, open space, landscaped walkways and outdoor activities. Transit Oriented Development is encouraged in this area to increase MARTA ridership at the Kensington Station.

3. **Tier III: Indian Creek Wellness Community: Sustainable** – The intent of this tier is to develop a multi-modal, transit oriented district that integrates physical activity through connectivity with trails to parks and open space (both internal and in close proximity to redeveloped spaces), with mixed use, residential, and senior facilities. This area is envisioned be a premier regional recreation destination with accessory restaurant, retail and office space. Transit Oriented Development is encouraged in this area to increase MARTA ridership at the Indian Creek Station.
 4. **Tier IV: Memorial Drive Gateway District: Gateway** – The intent of this tier is to create a family oriented entertainment district. It is envisioned that this site would attract large anchor commercial uses such as: movie theaters, bowling alleys, food Truck Park, restaurants, and indoor and outdoor amusement facilities, and other principle uses.
 5. **Tier V: Educational and Cultural District: Heartbeat** – The intent of this tier is to build upon colleges and universities, and the multi-cultural community to repurpose, reposition, and redevelop this area so that it may continue to provide a unique DeKalb experience.
 6. **Tier VI: Hambrick District:** – The intent of this tier is to repurpose, reposition, and redevelop this district into an opportunity to create upscale entertainment with a focus on businesses that cater to film production, chic restaurants, open air café, and flex space, theaters, and other uses.
- B. The boundaries of the District composed of tiers I, II, III, IV, V and VI shall be established by a zoning map amendment dated May, 2017, which is incorporated by reference as if fully set forth herein and made a part of this chapter, a copy of which is attached hereto as Exhibit A and adopted as a map amendment to the Official Zoning Map of DeKalb County. The adopted Kensington-Memorial District Map and all its amendments will be maintained by the planning director. Any changes to the Overlay District Map dated May, 2017 will require a map amendment and a text amendment revising this section to reflect the revised map for the district.

3.41.5 Covington Gateway Showcase: Showcase (Tier I).

Principal uses and structures. All properties within Tier I shall be governed by the requirements of this section except as prohibited in Section 3.41.5 B. All properties within Tiers shall be governed by the requirements of this section. Uses not mentioned in A or B, defaults to the underlying districts. Refer to Article 4 Use Regulations, Chapter 27.

- A.
1. *Challenge Course/Fitness Trails;*
 2. *Community Gardens;*
 3. *Office and Institutional Buildings;*
 4. *Multi-family within mixed use development;*
 5. *Outdoor/Indoor recreational activities;*
 6. *Professional Offices;*
 7. Single-family housing (attached or detached) as part of a mixed use project;
 8. *Restaurants (drive-thru must still require a SLUP);*
 9. *Retail establishments (including bike shops, fitness gear);and,*
 10. *Community Center (seniors, youth/recreational, etc.).*

B. **Prohibited uses.** The following principal uses of land and structures shall be prohibited within Tier I: High-rise mixed use zone of the Overlay District:

1. Single-use multi-family development
2. Drive thru restaurants internal to the tier
3. Places of worship
4. Kennels (doggie daycare allowed)
5. Storage yards.
6. Tire dealers and tire repair.
7. Adult entertainment establishments.
8. Adult service facilities.
9. Outdoor storage.
10. Appliance and equipment repair shops.
11. Motels, Extended Stay Motels
12. Used motor vehicles dealers.
13. Temporary and seasonal outdoor sales.
14. Automobile title loan establishments.
15. Pawn shops.
16. Liquor stores.
17. Salvage yards and junk yards.
18. Self-storage facilities.
19. Gasoline service stations (unless within 4500' of major interstate interchange)
20. Major and minor automobile repair and maintenance shops.
21. Automotive rental and leasing.
22. Carwashes and detail shops.
23. Check cashing establishments.
24. Automobile emission testing facilities.
25. Senior Housing as part of a mixed use development
26. Personal Care Homes

C. **Accessory uses and structures.** The following accessory uses of land and structures shall be authorized in the Tier I::

1. Accessory uses and structures incidental to any authorized use.
2. Parking lots and parking garages.
3. Club house, including meeting room or recreation room.
4. Swimming pools, tennis courts, and other recreation areas and similar amenities.
5. Fueling stations related to sustainability practices (electric, CNG, Hybrid)

6. Signs, in accordance with the provisions of chapter 21 and this chapter.
- D. *Height of buildings and structures.* A building in the Gateway may exceed the five-story height limit without the necessity of obtaining a special land use permit. A parking deck may not exceed the height of the principal building either as a separate deck structure or as part of the building.

3.41.6 DeKalb Business and Lifestyle Center: Community (Tier II).

- A. ***Principal uses and structures.*** All properties within Tier II shall be governed by requirements of this section except as prohibited in Section 3.41.6 B. All properties within Tiers shall be governed by the requirements of this section. Uses not mentioned in A or B, defaults to the underlying districts. Refer to Article 4 Use Regulations, Chapter 27
- B. **Prohibited Uses.**
 1. Convention and Conference Centers
 2. Government Offices and Facilities
 3. Hotels
 4. Mixed Use Development
 5. Outdoor activities, fields, and facilities related to all sports
 6. Amphitheaters
 7. Professional Offices, Law Offices and Institutional Uses
 8. Single-family housing (attached or detached) as part of a mixed use project
 9. Retail, Establishments, Consumer Goods/Services, Restaurants
 10. Welcome Center
 11. Youth/Recreational Spaces
 12. Medical and Clinical Facilities
 13. Senior Housing
- C. ***Prohibited uses.*** The following principal uses of land and structures shall be prohibited within Tier II:
 1. Drive thru Restaurants internal to the tier
 2. Kennels (doggie daycare allowed)
 3. Storage yards.
 4. Tire dealers and tire repair.
 5. Adult entertainment establishments.
 6. Adult service facilities.
 7. Nightclubs
 8. Late night establishments
 9. Industrial Uses
 10. Outdoor storage.

11. Appliance and equipment repair shops.
12. Motels, Extended Stay Motels
13. Temporary and seasonal outdoor sales.
14. Automobile title loan establishments.
15. Pawn shops.
16. Liquor stores.
17. Salvage yards and junk yards.
18. Self-storage facilities.
19. Gasoline service station (unless within 500' of major interstate)
20. Major and minor automobile repair and maintenance shops.
21. Automotive rental and leasing.
22. Commercial parking lots (unless MARTA Ride in Share lot)
23. Carwashes and detail shops.
24. Check cashing establishments.
25. Automobile emission testing facilities.
26. New and used automobile sales
27. Place of Worship

D. **Accessory uses and structures.** The following accessory uses of land and structures shall be authorized in the Tier II: High-Rise Mixed-Use Zone of the Overlay District.

1. Accessory uses and structures incidental to any authorized use.
2. Parking lots and parking garages.
3. Club house, including meeting room or recreation room.
4. Swimming pools, tennis courts, and other recreation areas and similar amenities.
5. Signs, in accordance with the provisions of Chapter 21 and this chapter.

E. **Height of buildings and structures.** *Height of buildings and structures.* A building in the Gateway may exceed the six-story height limit without the necessity of obtaining a special land use permit. A parking deck may not exceed the height of the principal building either as a separate deck structure or as part of the building.

3.41.7 Indian Creek Wellness Community: Sustainable (Tier III).

- A. **Principal uses and structures.** All properties within Tier I shall be governed by the underlying zoning district and the requirements of this section except as prohibited in Section 3.41.7 B. All properties within Tiers shall be governed by the requirements of this section. Uses not mentioned in A or B, defaults to the underlying districts. Refer to Article 4 Use Regulations, Chapter 27
1. Challenge Course/Fitness Trails
 2. Office and Institutional Buildings
 3. Outdoor recreational activities

4. Professional and Law Offices
 5. Single-family residential (attached or detached) as a part of a mixed use project
 6. Restaurants (drive-thru must still be approved via SLUP application)
 7. Retail
 8. Senior Housing
 9. Sports Complex (*need to define*)
 10. Youth/Recreational Spaces
- B. **Prohibited uses.** The following principal uses of land and structures shall be prohibited within Tier III: Mid-rise mixed use zone of the Overlay District:
1. Drive thru restaurants internal to the tier
 2. Kennels (doggie daycare allowed)
 3. Storage yards.
 4. Tire dealers and tire repair.
 5. Adult Entertainment and Adult Service Facilities.
 6. Outdoor amusement and recreation services facilities.
 7. Outdoor storage.
 8. Appliance and equipment repair shops.
 9. Used motor vehicles dealers, except those used motor vehicle dealers satisfying the requirements of section 3.5.15(K).
 10. Temporary and seasonal outdoor sales.
 11. Automobile title loan establishments.
 12. Pawn shops.
 13. Liquor stores.
 14. Salvage yards and junk yards.
 15. Self-storage facilities.
 16. Major and minor automobile repair and maintenance shops.
 17. Automotive rental and leasing.
 18. Commercial parking lots.
 19. Carwashes and detail shops.
 20. Check cashing establishments.
 21. Automobile emission testing facilities.
 22. Place of Worship
- C. **Accessory uses and structures.** The following accessory uses of land and structures shall be authorized in the Tier III: Low-Rise Mixed-Use Zone of the Overlay District:
1. Accessory uses and structures incidental to any authorized use.
 2. Parking lots and parking garages.

3. Clubhouse, including meeting room or recreation room.
 4. Swimming pools, tennis courts, and other recreation areas and similar amenities.
 5. Signs, in accordance with the provisions of Chapter 21 and this chapter.
 6. Community Gardens
 7. Accessory uses and structures incidental to any authorized new or used motor vehicle dealer; including automobile rental/leasing, major and minor automobile repair, new tire sales, emissions testing, non-public fuel pumps and carwashes, and outdoor storage and automobile display.
- D. **Height of buildings and structures.** *Height of buildings and structures.* A building in the Gateway may exceed the four-story height limit without the necessity of obtaining a special land use permit. A parking deck may not exceed the height of the principal building either as a separate deck structure or as part of the building.

3.41.8 Memorial Drive at Interstate 285: Gateway (Tier IV).

- A. **Principal uses and structures.** All properties within Tier IV shall be governed by the requirements of this section except as prohibited in Section 3.41.8 B. All properties within Tiers shall be governed by the requirements of this section. Uses not mentioned in A or B, defaults to the underlying districts. Refer to Article 4 Use Regulations, Chapter 27
1. Outdoor & indoor amusement and recreation services facilities
 2. Hotels
 3. Office and Institutional Uses
 4. Multi-family attached units as a part of a mixed use development
 5. Restaurants (drive-thru must still be approved via SLUP application)
 6. Retail Establishments, Consumer Goods/Services , Restaurants
- B. **Prohibited uses.** The following principal uses of land and structures shall be prohibited within Tier IV:
1. Kennels (doggie daycare allowed)
 2. Storage yards.
 3. Tire dealers and tire repair.
 4. Adult entertainment establishments and Adult Service Facilities.
 5. Outdoor storage.
 6. Outdoor displays
 7. Thrift or Second-hand retailers.
 8. Appliance and equipment repair shops.
 9. Motels and Extended Stay
 10. Temporary and seasonal outdoor sales.
 11. Automobile title loan establishments.
 12. Pawn shops.

13. Liquor stores.
 14. Salvage yards and junk yards.
 15. Self-storage facilities.
 16. Gasoline service stations.
 17. Major and minor automobile repair and maintenance shops.
 18. Automotive rental and leasing.
 19. Commercial parking lots.
 20. Carwashes and detail shops.
 21. Night clubs.
 22. Check cashing establishments.
 23. Automobile emission testing facilities.
 24. New and used automobile sales
 25. Place of worship
- C. **Accessory uses and structures.** The following accessory uses of land and structures shall be authorized in the Tier II: Mid-Rise Mixed-Use Zone of the Overlay District.
6. Accessory uses and structures incidental to any authorized use.
 7. Parking lots and parking garages.
 8. Club house, including meeting room or recreation room.
 9. Swimming pools, tennis courts, and other recreation areas and similar amenities.
 10. Signs, in accordance with the provisions of Chapter 21 and this chapter.
- D. **Height of buildings and structures.** A building in the Gateway may exceed the ten-story height limit without the necessity of obtaining a special land use permit. A parking deck may not exceed the height of the principal building either as a separate deck structure or as part of the building.

3.41.9 Educational and Cultural District: Heartbeat (Tier V).

- A. **Principal uses and structures.** All properties within Tier V shall be governed by the requirements of this section except as prohibited in Section 3.41.9 B. All properties within Tiers shall be governed by the requirements of this section. Uses not mentioned in A or B, defaults to the underlying districts. Refer to Article 4 Use Regulations, Chapter 27
1. Art Galleries
 2. Bookstores
 3. Childcare facilities
 4. Educational Institutions
 5. Live Theater/Small Concert Venue
 6. Medical Office
 7. Mixed Use Development
 8. Multi-family units, Student Housing, Dormitories

9. Office and Institutional Buildings
10. Open farmer's market
11. Restaurants, Coffee Shops, Open Air Cafes
12. Retail Establishments (cultural)
13. Stadiums, Sports Fields, Amphitheaters
- 14.
15. Youth/Recreational Spaces

B. ***Prohibited uses.*** The following principal uses of land and structures shall be prohibited within Tier V:

1. Breeding Kennels
2. Non Commercial Kennels
3. Storage yards.
4. Tire dealers and tire repair.
5. Adult entertainment establishments.
6. Adult service facilities.
7. Outdoor storage.
8. Outdoor displays
9. Appliance and equipment repair shops.
10. Motels and Extended Stay
11. Used motor vehicles dealers.
12. Temporary and seasonal outdoor sales.
13. Automobile title loan establishments.
14. Pawn shops.
15. Liquor stores.
16. Salvage yards and junk yards.
17. Self-storage facilities.
18. Gasoline service stations.
19. Major and minor automobile repair and maintenance shops.
20. Automotive rental and leasing.
21. Commercial parking lots.
22. Carwashes and detail shops.
23. Night clubs.
24. Check cashing establishments.
25. Automobile emission testing facilities.
26. New and used automobile sales

27. Place of worship (SLUP required)

- C. **Accessory uses and structures.** The following accessory uses of land and structures shall be authorized in the Tier V: Mid-Rise Mixed-Use Zone of the Overlay District.
1. Accessory uses and structures incidental to any authorized use.
 2. Parking lots and parking garages.
 3. Club house, including meeting room or recreation room.
 4. Swimming pools, tennis courts, and other recreation areas and similar amenities.
 5. Signs, in accordance with the provisions of Chapter 21 and this chapter.
- D. **Height of buildings and structures.** Maximum height is between four (4) and six (6) stories. A building in the Mid-Rise Mixed-Use Zone may exceed the five (5) stories without the necessity of obtaining a special land use permit. A parking deck may exceed five (5) stories in height; however, a parking deck shall not exceed six (6) stories either as a separate deck structure or as part of an office building.

3.41.10 The Hambrick District: Green (Tier VI).

- A. **Principal uses and structures.** All properties within Tier VI shall be governed by the requirements of this section except as prohibited in Section 3.41.5 B. All properties within Tiers shall be governed by the requirements of this section. Uses not mentioned in A or B, defaults to the underlying districts. Refer to Article 4 Use Regulations, Chapter 27
1. Convention/Event Center
 2. Late Night Establishments
 3. Film and Production Studios
 4. Flex Office Space for Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts and Screen Actors Guild
 5. Music & Digital Entertainment Offices
 6. Restaurants (could include bars & lounges & Open Air Cafe)
 7. Retail Establishments
 8. Pool/Billiards Establishments
 9. Hotels
- B. **Prohibited uses.** The following principal uses of land and structures shall be prohibited within Tier VI:
1. Breeding Kennels
 2. Non Commercial Kennels
 3. Storage yards.
 4. Tire dealers and tire repair.
 5. Adult entertainment establishments.
 6. Adult service facilities.
 7. Vape Shops
 8. Outdoor storage.

9. Outdoor displays
 10. Thrift or Second-hand retailers.
 11. Appliance and equipment repair shops.
 12. Motels and Extended Stay
 13. Used motor vehicles dealers.
 14. Temporary and seasonal outdoor sales.
 15. Automobile title loan establishments.
 16. Pawn shops.
 17. Liquor stores.
 18. Salvage yards and junk yards.
 19. Self-storage facilities.
 20. Gasoline service stations.
 21. Major and minor automobile repair and maintenance shops.
 22. Automotive rental and leasing.
 23. Commercial parking lots.
 24. Carwashes and detail shops.
 25. Check cashing establishments.
 26. Automobile emission testing facilities.
 27. New and used automobile sales
 28. Place of worship
- C. **Accessory uses and structures.** The following accessory uses of land and structures shall be authorized in the Tier VI: Mid-Rise Mixed-Use Zone of the Overlay District.
1. Accessory uses and structures incidental to any authorized use.
 2. Parking lots and parking garages.
 3. Club house, including meeting room or recreation room.
 4. Swimming pools, tennis courts, and other recreation areas and similar amenities.
 5. Signs, in accordance with the provisions of Chapter 21 and this chapter.
- E. **Height of buildings and structures.** A building in the Gateway may exceed the ten-story height limit without the necessity of obtaining a special land use permit. A parking deck may not exceed the height of the principal building either as a separate deck structure or as part of the building.

3.41.11 Parking and Sidewalks

- A. **Required parking.** Required parking may be provided through a combination of off-street, on-street, or shared parking provided that all required parking is located within seven hundred (700) feet of the principal entrance of buildings which it is intended to serve. The minimum number of required parking spaces shall be as provided in Article 6, except as follows: (standards in Article 6 will be more up to date can reference)

1. Retail uses, personal service uses, and other commercial and general business uses, including food stores—Minimum of four (4.0) spaces per one thousand (1,000) square feet of gross floor area.
 2. Office and clinic uses—Minimum of three (3.0) spaces per one thousand (1,000) square feet of gross floor area.
 3. Hotel and motel uses—Minimum of one (1.00) space per unit.
 4. Multifamily residential uses—Minimum of one and one and one quarter (1.25) spaces per dwelling unit.
4. Parking space area requirements shall comply with the provisions of section 6.1.3.
5. Sidewalks. Sidewalks at least five (5) feet in width shall be provided on both sides along the right of way of all streets.
6. *Complete Streets [add from Transportation Plan]*. Sidewalks at least five (5) feet in width shall be provided on both sides of all public streets. Sidewalks along streets and in front of proposed high-rise buildings shall be a minimum of ten (10) feet in width on major and minor arterials

3.41.12 Architectural regulations.

The following architectural regulations shall apply to all uses and structures within the District. However, exemptions are provided in Tier V when the applicant is creating a cultural theme and based on the submitted site plan and illustrations.

A. Building exteriors shall be limited solely to the following materials:

1. Brick or brick veneers;
 2. Stone or stone veneers of natural stone such as granite, limestone and marble. Terra Cotta and/or cast stone, which simulate natural stone, are also allowed. Painted stone is not allowed;
 3. Pre-cast concrete;
 4. Painted concrete block, which may only be used on a side or rear facade that does not face a public right-of-way;
 5. Split-face block/concrete masonry unit; and
 6. Hard coat stucco and synthetic stucco.
- B. Architectural accents, where utilized, shall consist of metal, non-reflective glass, glass block, natural stone, pre-cast concrete, brick, or terra cotta. Architectural accents shall only cover ten (10) percent of the surface area of each exterior wall. When calculating the ten (10) percent limitation on architectural accents, the surface area covered by a window(s) shall not be used in the calculation.
- C. Service bays for automobile service and repair uses shall be designed or screened so that the openings of service bays are not visible from a public right-of-way.
- D. Chain-link fences shall be screened from the public right-of-way and shall be galvanized or vinyl coated. Uncoated chain-link is prohibited.
- E. Within a front or exterior side yard, the keeping of goods, materials, merchandise, or inoperable vehicles in the same place for more than twenty-four (24) consecutive hours is prohibited.
- F. Within a side yard that adjoins a public right-of-way, the keeping of goods, materials, merchandise, or inoperable vehicles in the same place for more than twenty-four (24) consecutive hours is only permitted when the side yard is fenced, screened, or otherwise screened from view from the public right-of-way.

- G. Outdoor storage that is not prohibited by this section, and outdoor areas housing service areas, trash dumpsters, trash compactors, equipment, or mechanical devices shall be screened so that such outdoor area cannot be seen from any public right-of-way. Screening shall be permitted to include landscaping, and/or fencing and walls with architectural treatment of color and material similar to the building.
- H. Any linear lighting around windows, rooflines, doors, signs or building structures is prohibited. Linear lighting may include, but is not limited to neon tubes, rope lighting, and other similar lighting devices. Linear lighting devices that for letters or words shall be considered signs.

Sec. 3.47.1 Signage

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

A. Definitions

- 1. Portable sign shall mean any sign designed to be transported by trailer or by a design element that includes wheels attached to the sign, or wheels attached to the sign but detachable, the removal of such wheels creating an "A" or "T" frame sign that may attach temporarily or permanently to the ground. Portable sign shall also include vehicles with signs painted or mounted thereon that are parked or immobilized in a single location for more than fourteen (14) consecutive days.
- 2. Sandwich board sign shall mean any sign that rests on the ground that is not anchored or otherwise securely attached thereto.

B. Prohibited signs:

- 1. Sandwich board signs are prohibited except within five (5) feet of a building entrance;
- 2. Banner signs of any size, except as a special event sign.

C. *Convenience Store and Service Stations.* Convenience store and service stations with pump islands may have one (1) sign per canopy face per public street frontage up to a maximum of thirty-six (36) square feet of total canopy sign space.

D. *Directional Signs.* Directional signs are permitted up to six (6) feet above the ground.

E. Non-residential zoning districts.

- 1. All lots located in non-residential districts not developed as a planned commercial center may display signs as follows:

	Ground Sign	Canopy or Wall Sign	Projecting Sign	Directional Sign	Entrance Sign	Subdivision Sign	Window Sign
Maximum height	20 ft.	N/A	20 ft. or height of building	6 ft.	8 ft.	12 ft.	N/A 2
Maximum Width	15 ft.	80% of the wall or canopy width	N/A	4 ft.	10 ft.	15 ft.	N/A
Maximum sq. ft.	160 sq. ft.	30 sq. ft. or 2 sq. ft. per linear foot of the wall or canopy, whichever is	40 sq. ft.	16 sq. ft.	60 sq. ft.	100 sq. ft.	10% of the window space

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		greater, up to a maximum of 150 sq. ft. for buildings Under 12 stories and up to 500 sq. ft. for buildings 12 stories or more. (See Sec. 21-17(b))					
Maximum number allowed	1/façade (See Note 1)	1/primary façade and 1/secondary façade	1/primary façade and 1/secondary façade	2/authorized curb cut	1/entrance	1/subdivision	N/A
Maximum projection from structure	N/A	2 ft.	N/A	N/A	N/A	N/A	N/A
Required setback from electrical transmission lines	10 ft.	N/A	0 ft.	10 ft.	N/A		

2 N/A means not applicable.

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

	Ground Sign	Canopy or Wall Sign	Directional Sign	Entrance Sign	Window Sign
Maximum Height	20 ft.	N/A	6 ft.	8 ft.	N/A
Maximum width	20 ft.	80% of the wall or canopy width	4 ft.	10 ft.	N/A
Maximum sq. ft.	200 sq. ft.	30 sq. ft. or 2 sq. ft. of the wall or canopy, whichever is greater, up to a maximum of 150 sq. ft. for buildings under 12 stories and up to 500 sq. ft. for buildings 12 stories or more (See Sec. 21-17(b))	16 sq. ft.	60 sq. ft.	30% of the window space for buildings under 50,000 sq. ft.; 10% of the window area for buildings 50,000 sq. ft. or over
Maximum number allowed	One per façade (See Note 1)	1/primary façade and 1/secondary façade	2/authorized curb cut	1/entrance	N/A
Required setback from	10 ft.	N/A	0 ft.	10 ft.	N/A

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

3.42 Landscaping requirements.

- A. *Landscape strips.* The landscape strip in the front yard shall be a minimum of ten (10) feet in width and shall be planted with a row of street trees of at least three and one-half (3½) inches in caliper selected from the list of street trees species identified in the design guidelines for the District and planted not less than seventy five (75) feet on center. Continuous landscaped strips shall be constructed along public rights-of-way where surface parking lots are adjacent to such sidewalks or public right-of-way except at points of ingress or egress into the facility.
- B. *Ground cover.* Ground cover shall also be provided in accordance with the design guidelines for the 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.
- C. Newly planted trees shall be subject to the approval of the DeKalb County Arborist.
- D. 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. Parking lots shall be landscaped as follows:
 1. Each such parking lot shall have a minimum of five (5) percent of the total lot area of the interior of the parking lot in landscaped space.
 2. A minimum of one (1) tree per twelve (12) parking spaces shall be included in the required landscaped areas. For the purpose of satisfying this requirement, existing trees that are three (3) inches or more in caliper as measured at a height of thirty-six (36) inches above the ground level shall be considered to be equivalent to one (1) or more newly planted trees on the basis of one (1) tree for each three (3) inches of caliper.
 3. Where the landscaped area is in the interior of a parking lot, the landscaped area shall be a minimum of six (6) feet in width and six (6) feet in length, with a minimum area of thirty-six (36) square feet.
 4. All landscaped areas shall be properly maintained in accordance with approved landscape plans. In the event that a tree or any plant material dies, it shall be replaced within ninety (90) days of such occurrence, so as to meet all requirements of this section and to allow for planting in the appropriate planting season. Subject to DeKalb County Arborist.
 5. All trees planted pursuant to the requirements of section 5.4.4 shall be counted for the purpose of meeting the tree planting and tree replacement requirements imposed by section 14-39.

3.41.81. Transitional buffer zone requirements. (reference Article 5.4)

A. Intent. Transitional buffers are intended to create a visual screen in order to diminish the potential negative impacts of non-residential and mixed land uses on adjacent residential land uses. Similarly, transitional buffers diminish the potential negative impacts of higher intensity residential development on adjacent single-family residential land uses.

B. General requirements. Natural or planted transitional buffers required by this Article shall be established and permanently maintained by the property owner as follows:

1. The required transitional buffer shall be depicted in detail on each site plan or plat prior to final approval. Type and location of natural and planted vegetation shall be included.
2. Within the transitional buffer, the natural topography of the land shall be preserved and existing growth shall not be disturbed except where necessary to remove dead or diseased trees and undergrowth or to enhance the buffer with additional landscaping in order to provide a screen so as to prevent view of the higher density development from the lower density development.
3. Grading or construction adjacent to the transitional buffer zone shall not disturb or encroach upon the transitional buffer zone.
4. Notwithstanding subsection (3), if grading is required in the transitional buffer in order to prevent or control erosion, the area of such grading shall cover no more than twenty (20) percent of the required transitional buffer, shall be immediately replanted upon completion of easement improvements and shall avoid disturbance of the soil within the dripline of trees within the transitional buffer.
5. Any approved utility crossings shall be perpendicular to the transitional buffer.
6. A pedestrian walkway, a maximum width of five (5) feet, may be located in the buffer to provide pedestrian access to the adjoining property. Where a pedestrian walkway is provided, a gate shall be installed in the required screening fence.
7. If existing vegetation in a buffer area does not meet the transitional buffer standards, a five (5) foot high, landscaped berm may be installed subject to the approval of the County Arborist. Grading to construct the berm shall not remove significant plants designated by the County Arborist as part of the approval of the landscaped berm.

(Reference Article 5.4, Chapter 27 for additional regulations and Table 5.2a & b)

Streets standards.

Streets within the District may be either public or private streets. Private streets shall comply with requirements of private streets found in Chapter 14 and all other applicable sections of the DeKalb County Code, with the following exceptions:

- A. Streets in the Kensington-Memorial Overlay District may be constructed with travel lanes at eleven (11) feet in width minimum, measured inside curb and gutter.
- B. Private or public alleys shall be permitted, providing secondary or service access within developments consisting of at least four (4) occupied structures. An alley shall provide a continuous connection between two (2) streets. Alleys shall be paved and constructed to the same standards as the connecting streets except that:
 1. No alley shall be longer than four hundred (400) feet;
 2. No alley shall have a slope greater than seven (7) percent;
 3. The paved width of an alley shall be not less than twelve (12) feet;
 4. Alleys shall be constructed with flush curbs;

5. Alleys shall be bordered on both sides by unobstructed seven (7) foot wide shoulders constructed of grass sod or gravel; and
 6. Buildings shall be set back at least ten (10) feet from the back of curb of an alley.
- C. The Kensington-Memorial Drive Overlay District shall comply with the 2014 Transportation Plan Appendix, 2. Appendix Document B – Complete Streets Policy in maintain a safe and efficient transportation system for motorists, bicyclists, pedestrians, and transit users. This includes both new and retrofit/reconstruction projects to incorporate bicycle, pedestrian and transit facilities, street lights, pedestrian sidewalks/trails.

3.43 Underground utilities.

All utilities except for major electric transmission lines and substations are required to be placed underground except where the director of development determines that underground utilities are not feasible due to pre-existing physical conditions, such as conflicting underground structures or utilities, shallow rock, high water table, or other similar geologic or hydrologic conditions. This regulation applies to newly constructed roads within a proposed development (new).

3.44 Streetlights.

Streetlights are required for all public streets and shall conform to the design guidelines for the Kensington-Memorial Overlay District.

3.45 Interparcel access.

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

3.46 Multi-modal access plans required.

Each new application for a development permit within the Kensington-Memorial Overlay District shall be accompanied by a multi-modal access plan prepared at a scale not greater than 1"=100'. The multi-modal access plan shall cover the full extent of the proposed development along with public rights of way of adjoining streets and any other property lying between the subject property and the nearest public streets on all sides. The purpose of the multi-modal access plan is to demonstrate a unified plan of continuous access to and between all buildings in the proposed development and adjacent properties. Connections to available transportation modes, such as driveways, sidewalks, and bike paths shall be shown along adjacent streets and those entering adjoining properties. Safe and convenient pedestrian ways shall be provided from sidewalks along streets to each building entrance, including pedestrian access routes across parking lots and between adjacent buildings within the same development. Where an existing or planned public transportation station or stop is within one thousand two hundred fifty (1,250) feet (straight line distance) from any boundary of the subject property, the access plan shall show how pedestrians may safely travel from such station or stop to the subject property. Where an existing or planned bike path is located within one thousand five hundred (1,500) feet of the subject property, the access plan shall show how safe, continuous and convenient bicycle access shall be provided to the subject property.

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