

2017

# Kensington-Memorial Drive Overlay District



Map not included

**DeKalb County Planning and  
Sustainability Department**

1/1/2017

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

### **Sec. 3.41.1. - The scope of regulations.**

This Overlay District establishes standards and procedures that apply to any development, use, alteration, 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" and/or "Overlay"), as amended. This Overlay District shall take precedence over the underlying zoning district regulations. However, where not in conflict with this Overlay, the regulations of the underlying zoning districts shall continue to function the same.

### **Sec. 3.41.2. - Applicability of regulations.**

This Overlay 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 the portion of the subject property within the boundaries of the district. Design criteria shall meet the design requirements herein, and shall be consistent with article 5 of the zoning ordinance. The director of planning is authorized to interpret this district's regulations, and to approve construction, uses, design and landscaping not in conflict with this Overlay or the zoning ordinance.

### **Sec. 3.41.3. - Statement of purpose and intent.**

The Kensington-Memorial Drive Overlay District will initially consist of two (2) tiers (tiers I and III), with the anticipation that additional tiers may be adopted via future amendments to the district. The purpose and intent of the board of commissioners in adopting the two (2) tiers as part of this initial adoption are as follows:

- A. **Tier I:** Covington Gateway — The intent of this tier is to implement the recommendation of Covington Highway Corridor Study from the DeKalb County Board of Health Master Active Living Plan (MALP). The goal for this area is to revitalize underutilized commercial and multifamily properties into a mix of employment, housing, retail, civic and open spaces, and to make Covington Highway a multimodal transportation corridor that promotes healthy living.
- B. **Tier III:** Indian Creek Wellness Center — The intent of this tier is to implement the recommendations of the Indian Creek Master Active Plan (MALP), while developing a multimodal, transit-oriented area that integrates physical activity by enhancing connectivity to trails, parks and open space (both internally and near developed areas). These areas will also connect with mixed use, recreational, residential, and senior facilities. This tier is envisioned to be a premier regional recreation destination with accessory restaurant, retail and office space. Transit oriented development (TOD) is encouraged in this area to increase MARTA ridership and mixed use development around the Indian Creek MARTA station.

### **Sec. 3.41.4. - District boundaries and map.**

This Overlay shall be read in conjunction with the DeKalb County 2035 Comprehensive Plan Future Land Use Map. The boundaries of the Overlay shall be established by a zoning map amendment (the "Overlay Map"), which is incorporated by reference as Exhibit A as if fully set forth herein and made a part of this chapter. The Overlay Map shall be adopted as a map amendment to the Official Zoning Map of DeKalb County. The adopted Overlay Map and any amendments will be maintained by the planning director. Any changes to the Overlay Map will require a zoning map and text amendment.

### **Sec. 3.41.5. - Definitions.**

The following definitions shall only apply to the Overlay, as amended:

- A. Motel: A building or a group of buildings used primarily for providing lodging to long-term or temporary guests or travelers, the individual rooms of which are accessed through exterior doors, corridors, or hallways.
- B. Stand-alone multi-family housing: One (1) or more residential buildings, each containing four (4) or more dwelling units, that are not located in a mixed-use development as defined herein and pursuant to chapter 27 of the zoning ordinance.
- C. Mixed-use development: A development consisting of two (2) or more different types of land uses such as residential, office, retail, services or recreational uses, which are planned as a unified, complementary whole with shared inter-parcel access. All mixed-use developments shall also be governed by chapter 27, article 2 of the zoning ordinance.
- D. Outdoor recreational facility: An outdoor area used for activities such as organized games and sports, which may consist of fitness training courses, challenge trails, tennis courts, basketball courts, soccer fields, baseball fields, and similar facilities.
- E. Sports complex: An indoor facility with seating for spectators, and providing accommodation for a variety of individual, organized, or franchised sports. Such facilities may also provide other regular organized or franchised events, health and fitness clubs, swimming pools, snack bars, restaurants, lounges, retail sales of sporting goods, health or fitness items, conference centers, exhibit halls, movie or performance theatres, and arcades. At the discretion of the director of planning, outdoor fields or courts may be permitted when part of an overall development plan which includes indoor facilities as part of a mixed-use development.

### **Sec. 3.41.6. - Principal uses and structures.**

The principal uses of land and structures which are allowed in the Kensington-Memorial Drive Overlay District and its respective tiers are as is provided by the applicable underlying zoning district regulations, subject to the superseding and additional regulations and standards contained in this division as follows:

- A. **Permitted uses.** The following principal uses of land and structures shall be expressly authorized within the identified tier(s) of this Overlay District:
  - 1. Sports complexes (tier III only).
- B. **Prohibited uses.** The following principal uses of land and structures shall be expressly prohibited within all tiers of the Overlay District:
  - 1. Breeding kennels, commercial or breeding (grooming and pet daycare permitted);
  - 2. Non-commercial kennels;
  - 3. Multi-family housing, unless part of a mixed-use development;
  - 4. Drive-through restaurants, except when vehicular access is provided from the interior of mixed-use or commercial development;
  - 5. Storage yards;
  - 6. Used tire dealers and tire repair establishments;
  - 7. Adult entertainment establishments;
  - 8. Adult service facilities/retail;
  - 9. Outdoor storage;
  - 10. Outdoor displays;

11. Outdoor recreational facility, unless part of a sports complex;
  12. Thrift or second-hand retailers;
  13. Appliance and equipment repair shops;
  14. Motels and extended stay motels;
  15. Used motor vehicles dealers, unless located on a parcel not less than three (3) acres and including a building that is six thousand (6,000) square feet or greater;
  16. Temporary and seasonal outdoor sales;
  17. Pawn shops;
  18. Liquor stores;
  19. Salvage yards and junk yards;
  20. Self-storage facilities;
  21. Fuel pumps (unless within one thousand (1,000) feet of an intersection with an interstate);
  22. Major and minor automobile repair and maintenance shops (except as an accessory use to a film or production studio);
  23. Automotive rental and leasing;
  24. Commercial parking lots;
  25. Carwashes and detail shops;
  26. Check cashing establishments;
  27. Automobile emission testing facilities; and
  28. Drive-through restaurants where vehicular access is not provided from the interior of a mixed-use or commercial development.
- C. **Accessory uses and structures.** The following accessory uses of land and structures shall be expressly authorized within all tiers of the Overlay District:
1. Accessory uses and structures incidental to any authorized use;
  2. Structures and uses incidental to new or used motor vehicle dealers (automobile-rental, major and minor automobile repair, new tire sales, emissions testing, non-public fuel pumps and car washes, outdoor storage and automobile display);
  3. Parking lots and parking garages;
  4. Club houses, including meeting rooms or recreation rooms;
  5. Community gardens; and
  6. Swimming pools, tennis courts, and other recreation areas and similar amenities.

### **Sec. 3.41.7. - Design standards.**

All design and building standards required under article 5, chapter 27 of the DeKalb County Code of Ordinances, shall apply to all properties located within the Kensington-Memorial Drive Overlay District, except where otherwise noted in this Overlay:

A. **Site design requirements.**

1. Buildings shall be set back from the property line adjoining a public street, or private drive not more than twenty (20) feet. For nonresidential uses, there shall be a functioning, pedestrian-accessible entrance from the public street.

2. All loading and service areas shall be screened from view from the street and residential uses with buildings, landscaping, or decorative fencing.
  3. Fencing that is visible from any public plaza, open space, ground level or sidewalk level outdoor dining area, internal main private drive, or public street or right-of-way shall be made only of brick, stone, brick or stone veneer, hard-coat or synthetic stucco, wrought iron, wood, or materials simulating wrought iron or wood, subject to the approval of the planning director. Fencing in the front yard of any property along a public right-of-way shall not be higher than four (4) feet. Fencing to the rear or side of a building shall not be higher than six (6) feet.
  4. No barbed wire, razor wire, chain-link fence or similar elements shall be visible from any public plaza, open space, ground level or sidewalk level outdoor dining area, internal main private drive or public street or right-of-way. Fencing materials for a detention area must be approved prior to installation by the planning director.
  5. The minimum interior side yard setback from property line may be zero (0) feet, but if the property is adjacent to an existing building with windows facing the property line, the setback shall be a minimum of twenty (20) feet from the face of the existing building. In mixed-use developments, there shall be a minimum of ten (10) feet between buildings less than three (3) stories in height and a minimum of fifteen (15) feet between buildings when one (1) is three (3) stories or greater in height.
  6. The minimum rear yard setback is ten (10) feet.
- B. **Height of building and structures.** Buildings in the respective tiers of the district may exceed the height limitations specified in this section by obtaining a special land use permit from the board of commissioners. However, a parking deck may not exceed the height of the principal building, either as a separate deck structure or as part of the building. The maximum allowable heights for buildings in each tier, in the absence of a special land use permit, are as follows:
1. *Tier I.* Buildings in tier I shall not exceed six (6) stories or ninety (90) feet in height.
  2. *Tier III.* Buildings in tier III shall not exceed six (6) stories or ninety (90) feet in height.
- C. **Density.** Density is as permitted by the 2035 DeKalb County Comprehensive Plan, as amended. Density may be increased based on the density bonuses reflected in Table 2.6 of chapter 27 of the Code.
- D. **Development standards for live-work units.**
1. All off-street parking shall be behind or within individual units. Individual garages for units may not face a primary street.
  2. The front entrance to each unit shall be open directly onto the public sidewalk or a publicly accessible open space.
- E. **Development standards for commercial and mixed-use buildings.**
1. Ground-floor commercial and retail uses shall have entrances at grade opening directly onto a public sidewalk or publicly accessible open space adjacent to the public sidewalk.
  2. Canopies over retail and commercial entrances and/or windows shall be required.
  3. A minimum of seventy-five (75) percent of the ground-floor facade of nonresidential windows shall be clear or tinted so that at least seventy (70) percent of light filters through the window. At least twenty-five (25) percent of the ground floor of a single tenant building shall consist of clear or tinted windows, so that at least seventy (70) percent of light filters through the window.
  4. Pedestrian access shall be provided from any parking area directly to a public sidewalk through the ground floor of the building or via sidewalks between buildings.
- F. **Development standards for residential buildings.**

1. Ground-floor residential units that adjoin a street shall have entrances with a stoop or porch between the sidewalk and the building facade no less than two (2) feet above grade. A sidewalk shall connect the ground floor front entrance to the public sidewalk.
  2. Residential buildings shall be set back between five (5) and fifteen (15) feet from the property line along primary and secondary streets. The area between the public sidewalk and the building facade shall contain only steps, front porches or stoops, balconies, or landscaping. Mechanical equipment and other building service items located within the setback area between the public sidewalk and the building facade must be screened from public view.
- G. **Complete streets.** The Kensington-Memorial Drive Overlay District shall comply with the 2014 Transportation Plan Appendix, 2. Appendix Document B — Complete Streets Policy, in maintaining 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.

### **Sec. 3.41.8. - Architectural regulations.**

The following architectural regulations shall apply to all uses and structures within all tiers of the Overlay:

- 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 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 any window(s) shall not be used in the calculation. Secondary building materials may be used per section 5.7.4.3.
- 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. Only vinyl coated chain-link fences that are screened from the public right-of-way may be used.
- 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. 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. 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 contain letters or words shall be considered signs, and are not prohibited as linear lighting under this subsection.

### **Sec. 3.41.9. - Signs.**

All signs in the Kensington-Memorial Drive Overlay District shall comply with all requirements of chapter 21, subject to the following additional regulations:

- A. All ground signs shall be monument style signs with a base and framework made of brick or stone;
- B. The sign area of ground signs shall not exceed thirty-two (32) square feet, unless the lot contains a shopping center, as defined in chapter 27 of the Code, in which case ground signs are limited to sixty-four (64) square feet.
- C. Ground signs shall not exceed a height of six (6) feet, unless the lot contains a shopping center, as defined in chapter 27 of the Code, in which case ground signs shall not exceed a height of fifteen (15) feet;
- D. Each separate store front may have a maximum of two (2) wall signs, each of which shall not exceed ten (10) percent of the square footage of the façade on the ground floor of the building, or seventy-five (75) square feet, whichever is less;
- E. Wall signs for newly constructed buildings shall be located on the primary building façade;
- F. Window signs are prohibited;
- G. Banners are prohibited;
- H. Wall mounted signs shall be composed of channel cut letters applied directly to the building façade. Flashing, animated, marquee, sound emitting, fluorescent, rotating or otherwise moving signs are prohibited; and
- I. 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 eighteen (18) inches in height; and
  5. Sign lettering shall be of an opaque material.

### **Sec. 3.41.10. - Transitional buffer zone requirements.**

Developments shall provide a transitional buffer when adjacent to single-family attached and detached land uses as follows:

1. Non-residential and multi-family developments within the district shall provide a minimum fifty-foot transitional buffer; and
2. All other residential developments within the district shall provide a minimum twenty-foot buffer.

### **Sec. 3.41.11. - Street standards.**

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

- A. Streets shall be constructed with travel lanes a minimum of eleven (11) feet, 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 in length;
  - 2. No alley shall have a slope greater than seven (7) percent;
  - 3. The paved width of an alley shall not be less than twelve (12) feet;
  - 4. Alleys shall be constructed with flush curbs;
  - 5. Alleys shall be bordered on both sides by unobstructed seven-foot wide shoulders constructed of grass sod or gravel; and
  - 6. Buildings shall be set back at least ten (10) feet from the back curb of an alley.
- C. All properties located in the Kensington-Memorial Drive Overlay District shall comply with the 2014 Transportation Plan Appendix, 2. Appendix Document B — Complete Streets Policy, in maintaining 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.

#### **Sec. 3.41.12. - 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. Examples of such conditions include but are not limited to: conflicting underground structures or utilities, shallow rock, high water table, or other similar geologic or hydrologic conditions. This regulation only applies to newly constructed roads within a proposed development (new development).

#### **Sec. 3.41.13. - Interparcel access.**

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

#### **Sec. 3.41.14. - Multi-modal access plans required.**

Each new application for a development permit within the Kensington-Memorial Drive Overlay District shall be accompanied by a multi-modal access plan prepared at a scale not greater than one inch equals one hundred feet (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.

**Sec. 3.41.15. - 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 the district. 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; the legal mechanism for protecting and maintaining public space, as required in section 27-719.5(a)(1)[sic];
  2. A site location map showing the proposed development, abutting property, the relationship of the proposed development to surrounding and existing development, and transitional buffer zones, if required; and
  3. A multimodal access plan meeting the requirements of section 27-729.16[3.41.14].
- B. Ten (10) copies of a site plan drawn to a designated scale of not less than one (1) inch equals one hundred (100) feet, certified by a professional engineer or land surveyor licensed by the State 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-inch reduction of the plan. If presented on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. Such plan shall contain the following information:
1. All proposed buildings, parking and greenspace.
  2. Surveyed boundaries of the entire property proposed to be included in the development, with bearings and distances of the perimeter property lines.
  3. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
  4. Location and approximate dimensions in length and width, for landscape strips and required transitional buffers, if any.
  5. Existing topography with a maximum contour interval of five (5) feet and a statement indicating whether it is an air survey or field run.
  6. Approximate delineation of any stream or floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or DeKalb County.
  7. The delineation of any jurisdictional wetlands as defined by section 404 of the Federal Clean Water Act.
  8. 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.
  9. A delineation of all existing structures and whether they will be retained or demolished.
  10. General location, in conceptual form, of proposed uses, lots, buildings, building types and building entrances.
  11. Height and setback of all buildings and structures.
  12. Approximate areas and development density for each type of proposed use.

13. Location, size and number of all on-street and off-street parking spaces, including a shared parking analysis, if shared parking is proposed.
14. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets.
15. Conceptual plans for drainage with approximate location and estimated size of all proposed storm water management facilities and a statement as to the type of facility proposed.
16. Development density and lot sizes for each type of use.
17. Areas to be held in joint ownership, common ownership or control.
18. Location of proposed sidewalks and bicycle facilities trails recreation areas, parks, and other public or community uses, facilities, or structures on the site.
19. Conceptual layout of utilities and location of all existing or proposed utility easements having a width of ten (10) feet or more.
20. 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 article 5, section 4.
21. Conceptual layout of building designs including elevations showing architectural details of proposed buildings, exterior materials, all of which shall demonstrate that the proposed design is in compliance with all of the requirements of the overlay district regulations.
22. Seal and signature of professional preparing the site plan.
23. Proposed plan for compliance with the Americans with Disabilities Act (ADA).

### **Sec. 3.41.16. - Final design package review and approval process.**

- A. **Submission of 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, in addition to the requirements found under article V of the zoning ordinance. The submitted plans must include a site plan, architectural elevations and sections; renderings 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, all of which shall demonstrate that the proposed design is in compliance with all requirements of this Kensington-Memorial Drive Overlay District and the underlying zoning regulations. 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 submission for permitting.
- B. **Review.** The planning director shall provide all new development proposals to the chairperson of the affected community council via electronic mail. The chair shall host a community meeting within three (3) weeks of notification of the development proposal. The developer representative shall present the project to the community council. Community council may submit a report summarizing any community meeting to the planning department, district commissioner and super district commissioner. This provision shall be applicable to all proposed developments within the district.
- C. **Decision and notice of approval or denial.** The director of planning shall review each application for compliance with all requirements of the Kensington-Memorial Drive Overlay District and the underlying zoning regulations and development regulations. Where the director determines that said plans comply with the requirements of the district, a certificate of compliance shall be issued in the form of the director or the director's designee signing the plans and drawings after which the applicant may then apply for a land disturbance, building or sign permit. Where the director

determines that said plans do not comply with the requirements of this chapter, then the director 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 within thirty (30) days of receipt of a complete application. Any appeal of the director of planning's decision under this ordinance shall be made to the zoning board of appeals pursuant to The DeKalb Code of Ordinances, section 27-7.5.2, and subject to the appeal procedures therein.

( [Ord. No. 17-02](#), Pt. I, 9-26-2017)