



Michael L. Thumond  
Chief Executive Officer

**DeKalb County Planning & Development**  
**Department**  
330 Ponce De Leon Avenue, Suite 500  
Decatur, GA 30030 404/371-2155 or 404/371-2813 (Fax)



**TEXT AMENDMENT ANALYSIS**

**AGENDA NO: D-1    ZONING CASE NO: TA-17-21605    MEETING DATE: September 26, 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. 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. Therefore, staff recommends full cycle deferral to the September 26, 2017 BOC hearing date.

**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) consists 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 - 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)

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

### 3.41.1 The 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 shall take precedence over the underlying zoning districts. However, the regulations for underlying districts shall 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 the portion of the subject property within the boundaries of the District. The applicant shall 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 are 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 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 the following six (6) development tiers:
  1. **Tier I: Covington Gateway:** The intent of this tier is to serve as a gateway into Avondale Estates, Decatur, and Atlanta into I-285 east. It is suggested through redevelopment of underutilized shopping centers or mixed use development with fitness trails, connectivity of trails, parks that will promote health and wellness through the encouragement of appropriate relationships between parks, trails, open space and surrounding developments (commercial, residential, office).
  2. **Tier II: DeKalb Business and Lifestyle Center:** - 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 will encourage the development of both public (civic, judicial, and institutional offices) and private offices (regional headquarters, professional and medical offices) with pedestrian-oriented landscapes 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:** – The intent of this tier is to develop a multi-modal, transit-oriented district that integrates physical activity by enhancing connectivity to trails, parks and open space (both internally and near redeveloped 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 is encouraged in this area to increase MARTA ridership at the Indian Creek Station.
  
  4. **Tier IV: Memorial Drive Gateway District:**– 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, a food truck park, restaurants, and indoor and outdoor amusement facilities, and other principal uses.
  
  5. **Tier V: Educational and Cultural District:**– The intent of this tier is to build upon colleges and universities, and the multi-cultural community. The goal is to repurpose, reposition, and redevelop this area so that it may continue to provide a unique DeKalb cultural experience.
  
  6. **Tier VI: The Film District:** – The intent of this tier is to repurpose, reposition, and redevelop this district into an upscale film and entertainment district with a focus on businesses. The tier will cater to film production, restaurants, office 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.
- C. **“Mixed-use development” as used in this Overlay shall be defined as:**

### 3.41.5 Covington Gateway (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 provisions of this section. Uses not mentioned in A or B, defaults to the underlying zoning districts. Refer to Article 4 Use Regulations, Chapter 27.

#### Permitted Uses

1. Challenge Course/Fitness Trails;
2. Community Gardens;
3. Office and Institutional;
4. Multi-family within mixed use development (defined here or in Code? ie 20% commercial uses);
5. Outdoor/Indoor recreational activities;
6. Professional Offices (repeats No. 3 – or defined in code?);
7. Single-family housing (attached or detached) as part of a mixed use project;
8. Restaurants (drive-thru shall 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:
1. Single-use multi-family development;
  2. Drive thru restaurants internal to this tier;
  3. Place of Worship;
  4. Kennels (grooming and doggie daycare permitted);
  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 and 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 and
  26. Personal Care Homes
- C. **Accessory uses and structures.** The following accessory uses of land and structures shall be authorized in 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); and
  6. Signs, under the provisions of Chapter 21 and this chapter
- D. *The height of buildings and structures.* The allowable height for a building in Tier I is up to six stories maximum. 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 (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 zoning districts. Refer to Article 4 Use Regulations, Chapter 27
- B. **Permitted uses**
1. Convention and Conference Centers;
  2. Government Offices and Facilities;
  3. Hotels;
  4. Mixed Use Development including multi-family;
  5. Outdoor activities, fields, and facilities related to all sports;
  6. Amphitheaters;
  7. Professional Offices and Institutional;
  8. Single-family housing (attached or detached) as part of a mixed use project;
  9. Retail establishments and Restaurants;
  10. Welcome Center;
  11. Youth/Recreational Spaces;
  12. Medical and Clinical Facilities; and
  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 (grooming and doggie daycare permitted);
  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 and Extended Stay Motels;
13. Temporary and seasonal outdoor sales;
14. Automobile title loan establishments;
15. Pawn shops;
16. Liquor stores, package stores;
17. Thrift shops
18. Salvage yards and junk yards;
19. Self-storage facilities;
20. Gasoline service station (unless within 500' of major interstate);
21. Major and minor automobile repair and maintenance shops;
22. Automotive rental and leasing;
23. Commercial parking lots (unless MARTA Park n Ride Share lot);
24. Carwashes and detail shops;
25. Check cashing establishments;
26. Automobile emission testing facilities;
27. New and used automobile sales; and
28. Place of Worship

D. **Accessory uses and structures.** The following accessory uses of land and structures shall be authorized in Tier II of the Overlay District:

1. Accessory uses and structures incidental to authorized uses;
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; and
5. Signs, under the provisions of Chapter 21 and this chapter.

E. **The height of buildings and structures.** The allowable height for a building in Tier II is six stories and above (no maximum). 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 III 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 Tier shall be governed by the requirements of this section. Uses not mentioned in A or B, defaults to the underlying zoning districts. Refer to Article 4 Use Regulations, Chapter 27.

**B. Principal Uses**

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. Multi-family residential as a part of a mixed use project;
  7. Restaurants (drive-thru shall be approved via SLUP application);
  8. Retail;
  9. Community Gardens;
  10. Bookstore;
  11. Senior Housing;
  12. Healthy eating establishments
  13. Community meeting space
  14. Dry cleaner
  15. Sports Complex; and
  16. Youth/Recreational Spaces
  17. Hotels
- C. **Permitted uses.** The following uses of land and structures shall be prohibited within Tier III of the Overlay District:
1. Drive thru restaurants internal to the tier;
  2. Fast food establishments
  3. Kennels (grooming and doggie daycare permitted);
  4. Storage yards;
  5. Stand-alone Multi-family housing
  6. Tire dealers and tire repair;
  7. Adult Entertainment;
  8. Adult Service Facilities;
  9. Outdoor amusement ;
  10. Outdoor storage;
  11. Convenience stores with gas stations
  12. Used motor vehicles dealers, except those used motor vehicle dealers satisfying the requirements of section 3.5.15(K);
  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. Major and minor automobile repair and maintenance shops;
  20. Automotive rental and leasing;
  21. Car washes
  22. Commercial parking lots;
  23. Check cashing establishments;
  24. Pay day lenders



25. Motels
  26. Automobile emission testing facilities; and
  27. Place of Worship
- D. **Accessory uses and structures.** The following accessory uses of land and structures shall be authorized in Tier III:
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, under the provisions of Chapter 21 and this chapter;
  6. Community Gardens; and
  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.
- E. **The height of buildings and structures.** The allowable height for a building in Tier II is six stories and above (no maximum). The allowable maximum height of a building in Tier III is six stories, but may exceed the 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 Gateway District (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
- B. **Permitted Uses**
1. Outdoor & indoor amusement and recreation services facilities;
  2. Hotels;
  3. Office and Institutional Uses;
  4. Food Truck Park
  5. Multi-family attached units as a part of a mixed use development;
  6. Restaurants (drive-thru required through SLUP);
  7. Retail Establishments
  8. Consumer Goods/Services; and
  9. Late-night establishment (required through SLUP)
- C. **Prohibited uses.** The following principal uses of land and structures shall be prohibited within Tier IV:
1. Exclusive drive-thru/take-out restaurants (sit down dining required);
  2. Kennels (grooming and doggie daycare permitted);

3. Storage yards;
  4. Tire dealers and tire repair;
  5. Adult entertainment establishments and Adult Service Facilities;
  6. Outdoor storage;
  7. Outdoor displays;
  8. Thrift or Second-hand retailers;
  9. Appliance and equipment repair shops;
  10. Motels and Extended Stay Motels;
  11. Temporary and seasonal outdoor sales;
  12. Automobile title loan establishments;
  13. Pawn shops;
  14. Liquor stores;
  15. Salvage yards and junk yards;
  16. Self-storage facilities;
  17. Gasoline service stations;
  18. Major and minor automobile repair and maintenance shops;
  19. Automotive rental and leasing;
  20. Commercial parking lots;
  21. Carwashes and detail shops;
  22. Night clubs;
  23. Check cashing establishments;
  24. Automobile emission testing facilities;
  25. New and used automobile sales; and
  26. Place of Worship
- D. **Accessory uses and structures.** The following accessory uses of land and structures shall be authorized in Tier IV 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; and
  5. Signs, under the provisions of Chapter 21 and this chapter.
- E. **The height of buildings and structures.** The allowable height for a building in Tier IV is six stories and above (no maximum), but may exceed the 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 (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

B. **Permitted Uses**

1. Art Galleries;
2. Bookstores;
3. Childcare facilities;
4. Educational Institutions;
5. Live Theater/Small Concert Venue;
6. Medical Office;
7. YMCA
8. Mixed Use Development;
9. Multi-family units, Student Housing, Dormitories;
10. Office and Institutional Buildings;
11. Open farmer's market;
12. Restaurants, Coffee Shops, Open Air Cafes;
13. Food court
14. Retail Establishments (cultural);
15. Stadiums, Sports Fields, Amphitheaters; and
16. Youth/Recreational Spaces

C. **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. Dollar stores
  17. Salvage yards and junk yards;
  18. Self-storage facilities;
  19. Gasoline service stations;
  20. Major and minor automobile repair and maintenance shops;
  21. Automotive rental and leasing;
  22. Commercial parking lots;
  23. Carwashes and detail shops;
  24. Night clubs;
  25. Check cashing establishments;
  26. Automobile emission testing facilities;
  27. New and used automobile sales; and
  28. Place of worship (SLUP required)
- D. **Accessory uses and structures.** The following accessory uses of land and structures shall be authorized in Tier V:
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; and
  5. Signs, under the provisions of Chapter 21 and this chapter.
- E. **The height of buildings and structures.** Maximum height is between four (4) and six (6) stories. A building 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 Film District: (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
- B. **Permitted Uses**
1. Convention/Event Center;
  2. Film and Production Studios;
  3. Flex Office Space for Film school and training; Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts and Screen Actors Guild;

4. Music & Digital Entertainment Offices;
5. Live Entertainment (music) (define)
6. Food Trucks
7. Co-working space (Define)
8. Restaurants, bars & lounges & Open Air Café (limited);
9. Retail Establishments; and
10. Hotels

C. **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. Pay Day Loan Establishments
6. Adult entertainment establishments;
7. Adult service facilities/retail;
8. Vape Shops;
9. Outdoor storage;
10. Outdoor displays;
11. Thrift or Second-hand retailers;
12. Dollar stores
13. Appliance and equipment repair shops;
14. Motels and Extended Stay;
15. Used motor vehicles dealers;
16. Temporary and seasonal outdoor sales;
17. Automobile title loan establishments;
18. Pawn shops;
19. Liquor stores;
20. Salvage yards and junk yards;
21. Self-storage facilities;
22. Gasoline service stations (except where required as an accessory use to a film or production studio);
23. Major and minor automobile repair and maintenance shops ((except where required as an accessory use to a film or production studio));
24. Automotive rental and leasing;
25. Commercial parking lots;

26. Carwashes and detail shops;
  27. Check cashing establishments;
  28. Automobile emission testing facilities;
  29. New and used automobile sales; and
  30. Place of worship
- D. **Accessory uses and structures.** The following accessory uses of land and structures shall be authorized in Tier VI:
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; and
  5. Signs, under the provisions of Chapter 21 and this chapter.
- F. **A height of buildings and structures.** The allowable height for a building in Tier VI is four stories, but may exceed the 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.
- G. **Hours of Operation.** Permitted uses of Late night establishments, Live Entertainment, bars, restaurants, and all other establishments serving or pouring alcohol must be approved by Special Land Use Permit and closed by 2:30 A.M.

#### 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 (300) feet of the principal entrance of the building(s) which it is intended to serve. The minimum number of required parking spaces shall be as provided in Article 6, except as follows:
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-quarter (1.25) spaces per dwelling unit;
  5. Parking space area requirements shall comply with the provisions of section 6.1.3.;
  6. Sidewalks. Sidewalks at least five (5) feet in width shall be provided on both sides along the right of way of all public and private streets; and
  7. 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.

### 3.41.12 Architectural regulations.

The following architectural regulations shall apply to all uses and structures within the Kensington Memorial 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 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.
- 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 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

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

- A. All ground signs shall be monument style signs with a base and framework made of brick;
- B. Each lot shall have no more than one ground sign.
- C. 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.
- D. 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;
- E. 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;
- F. Wall signs for newly constructed buildings shall be located on the primary building façade and within fifteen feet (15) of the public right of way
- G. Window signs are prohibited;
- H. Banners are prohibited;
- I. Wall mounted signs shall be channel cut letters applied directly to the building façade. Flashing, animated, marquee, sound emitting, fluorescent, rotating or otherwise moving signs are prohibited;
- J. Sign shape and lettering shall be limited as follows:
- K. Signs with more than two (2) faces are prohibited;
- L. Sign facing shall be flat in profile and shall not exceed a thickness of eight (8) inches;
- M. Sign faces shall be parallel;
- N. 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 18 inches in height; and
- O. Sign lettering shall be of an opaque material.
- P. Thematic signage allowed in Tier V.

### 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 under the design guidelines for the District 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 under approved landscape plans. If a tree or any plant material dies, it shall be replaced within ninety (90) days of such occurrence, 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 under the requirements of section 5.4.4 shall be counted to meet 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 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 before 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 three (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)*

**Street standards.**

Streets within the District 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 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 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 in length;
  - 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 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.

**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. 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 applies to newly constructed roads within a proposed development (new development).

**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 and pedestrian connections between adjoining lots and streets. However, 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 community, commercial, office, mixed use and multi-family developments.

### 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.

### 3.47 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; the legal mechanism for protecting and maintaining public space, as required in subsection 27-719.5(a)(1);
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.

B. Ten (10) copies of a site plan drawn to a designated scale of not less than one (1) inch equals one hundred (100) feet, certified by a professional engineer or land surveyor licensed by the state, presented on a sheet having a maximum size of twenty-four (24) inches 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 the design guidelines for the Greater Hidden Hills overlay district.
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).

### 3.48 Final design package review and approval process.

- A. *Review, approval 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. 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 classification. 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 director of planning shall review each application for compliance with all requirements of the Kensington Memorial Drive overlay district and the underlying zoning classification. Where the director determines that said plans comply with the requirements of the Kensington Memorial Drive overlay 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 shall then apply for land disturbance, building or signs permits. 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 in this regard shall be to the zoning board of appeals pursuant to section 27-912. Any appeal of the director of planning's decision in this regard shall be to the zoning board of appeals pursuant to section 27-912.

**3.49 Final approval of plans.**

Prior to issuance of any development or building permit, the conceptual design package and final design package shall be submitted to and approved by the planning and development director after consultation with the district commissioner(s) and super district commissioner(s), consistent with the Kensington Memorial Drive overlay district requirements.

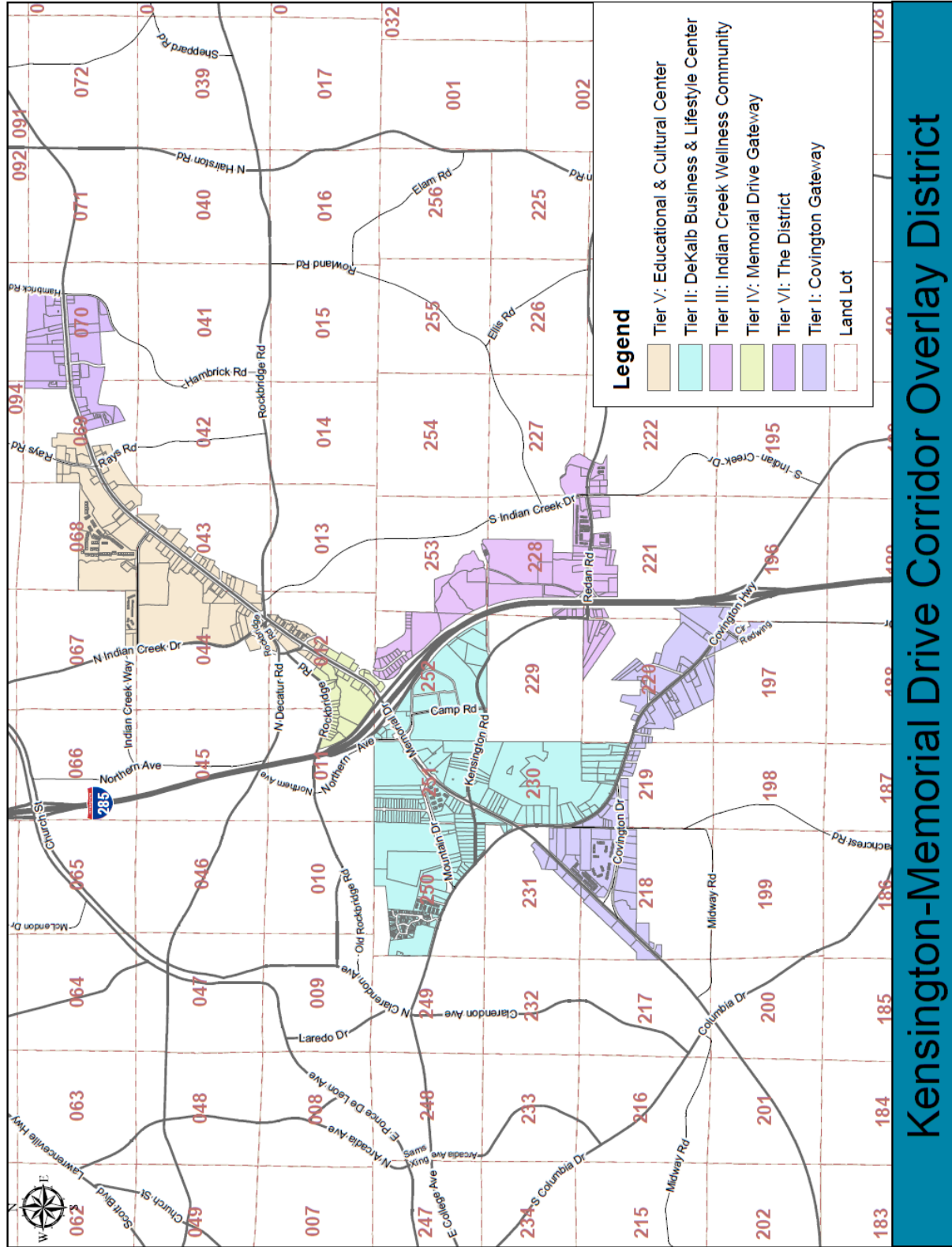
By enacting the Kensington Memorial Drive overlay, the BOC authorizes the planning and development department director to approve the proposed development that provides for unique site features and innovative design in concert with the design guidelines and all related requirements of this division.

**3.50 SEVERABILITY**

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole nor any part thereof other than the part so declared to be invalid or unconstitutional. All ordinances or resolutions, or parts thereof, in conflict with the ordinance are repealed.

# Kensington Memorial Drive Overlay District

August 9, 2017

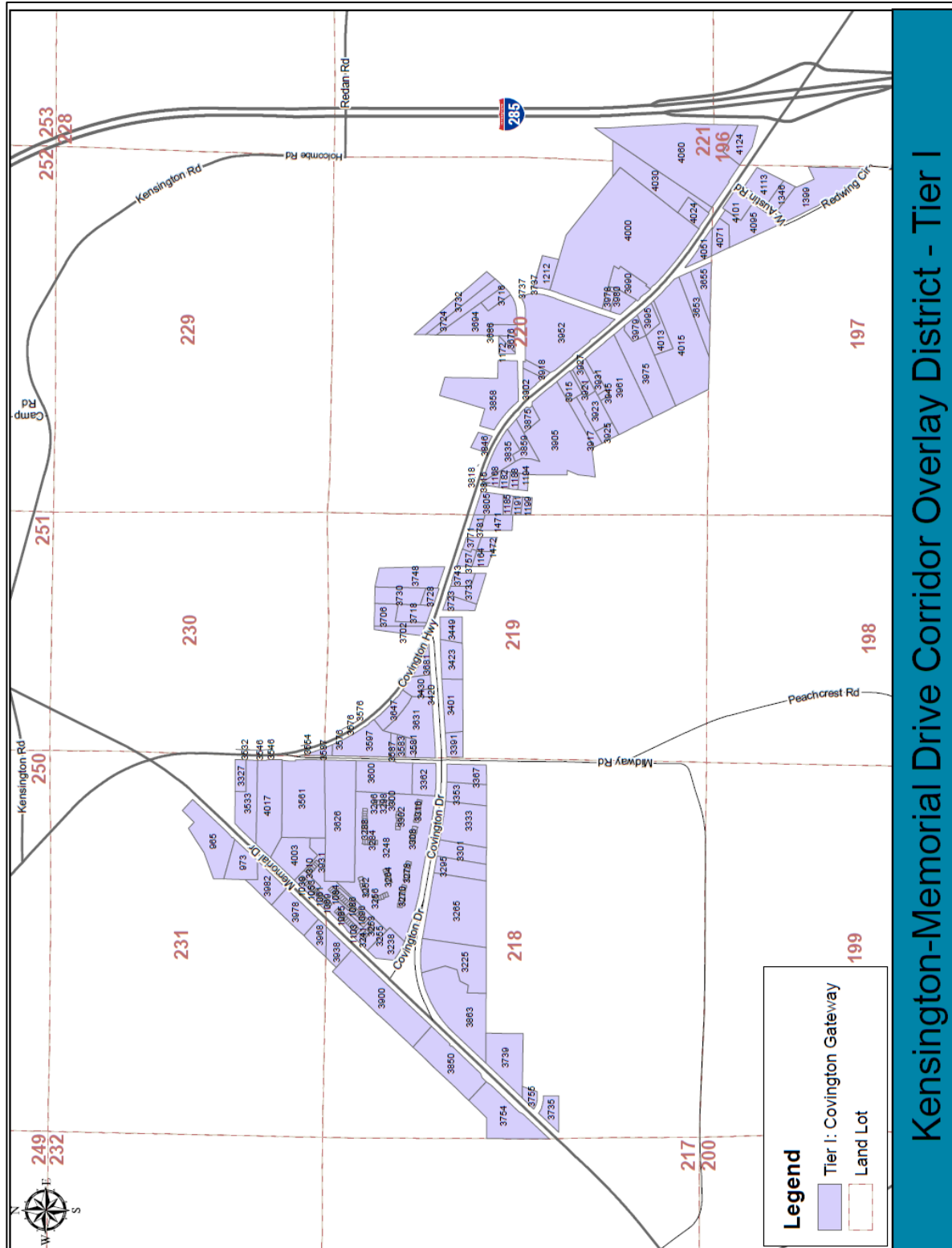


# Kensington-Memorial Drive Corridor Overlay District

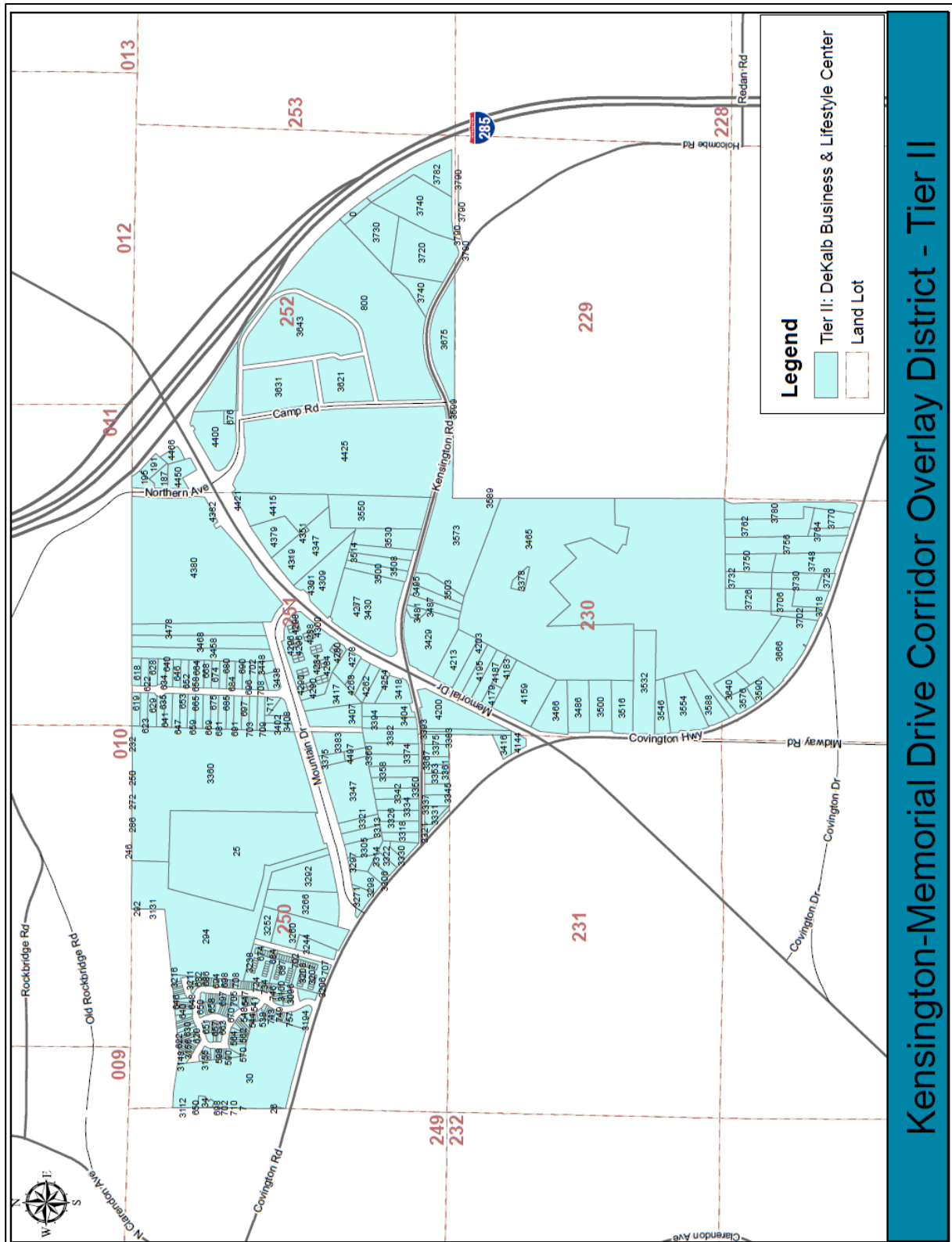


# Kensington Memorial Drive Overlay District

August 9, 2017

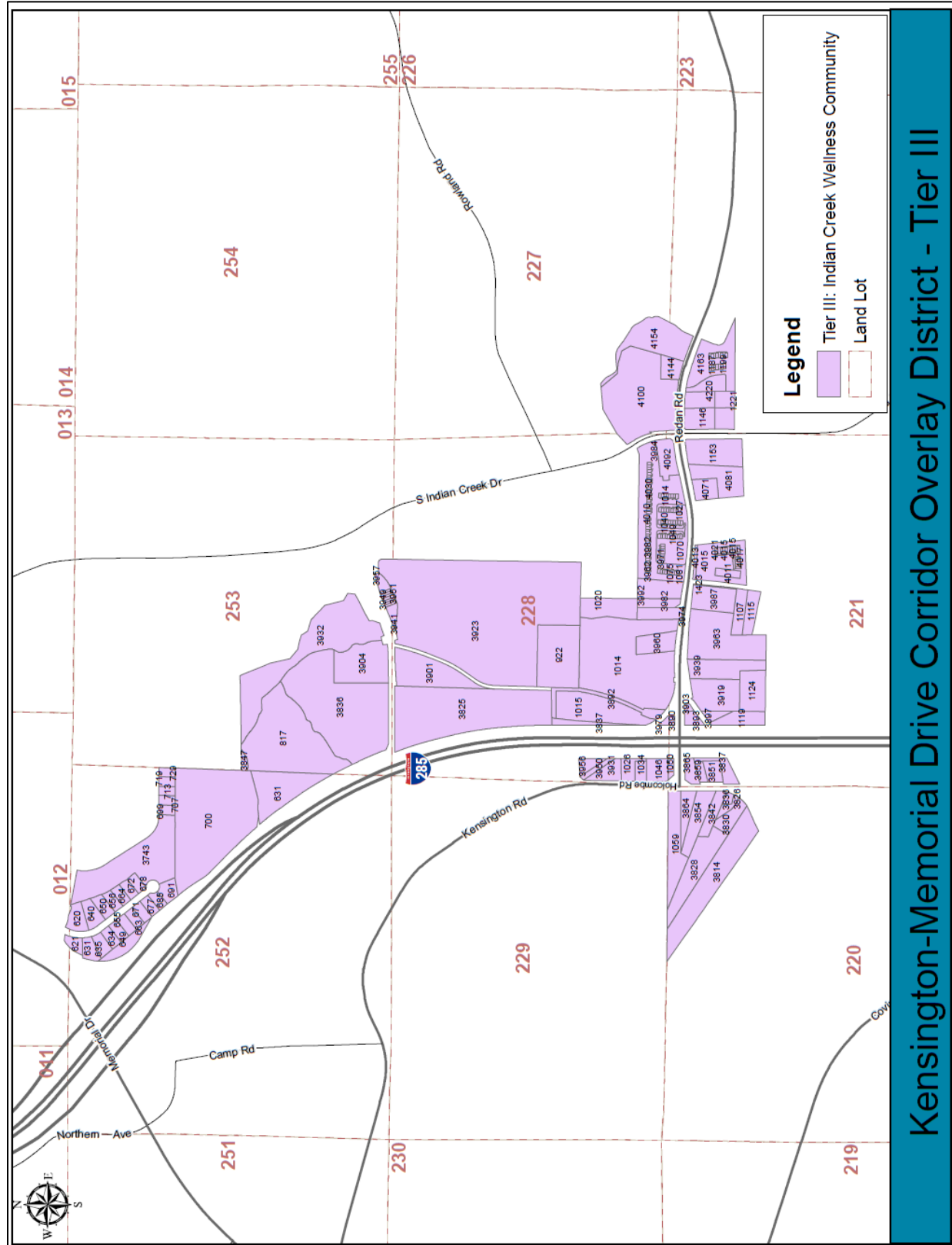


## Kensington-Memorial Drive Corridor Overlay District - Tier I



**Kensington-Memorial Drive Corridor Overlay District - Tier II**

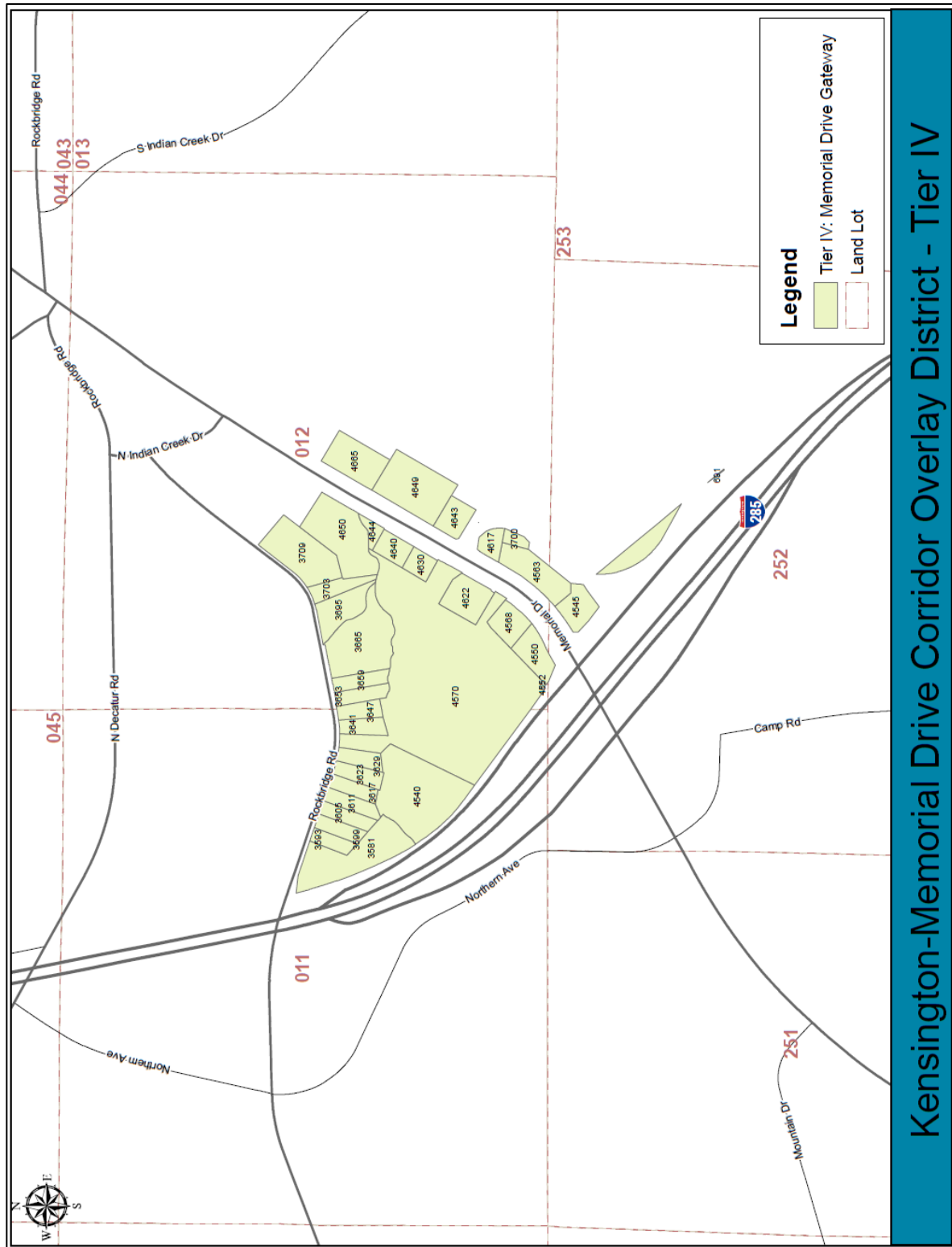




Kensington-Memorial Drive Corridor Overlay District - Tier III

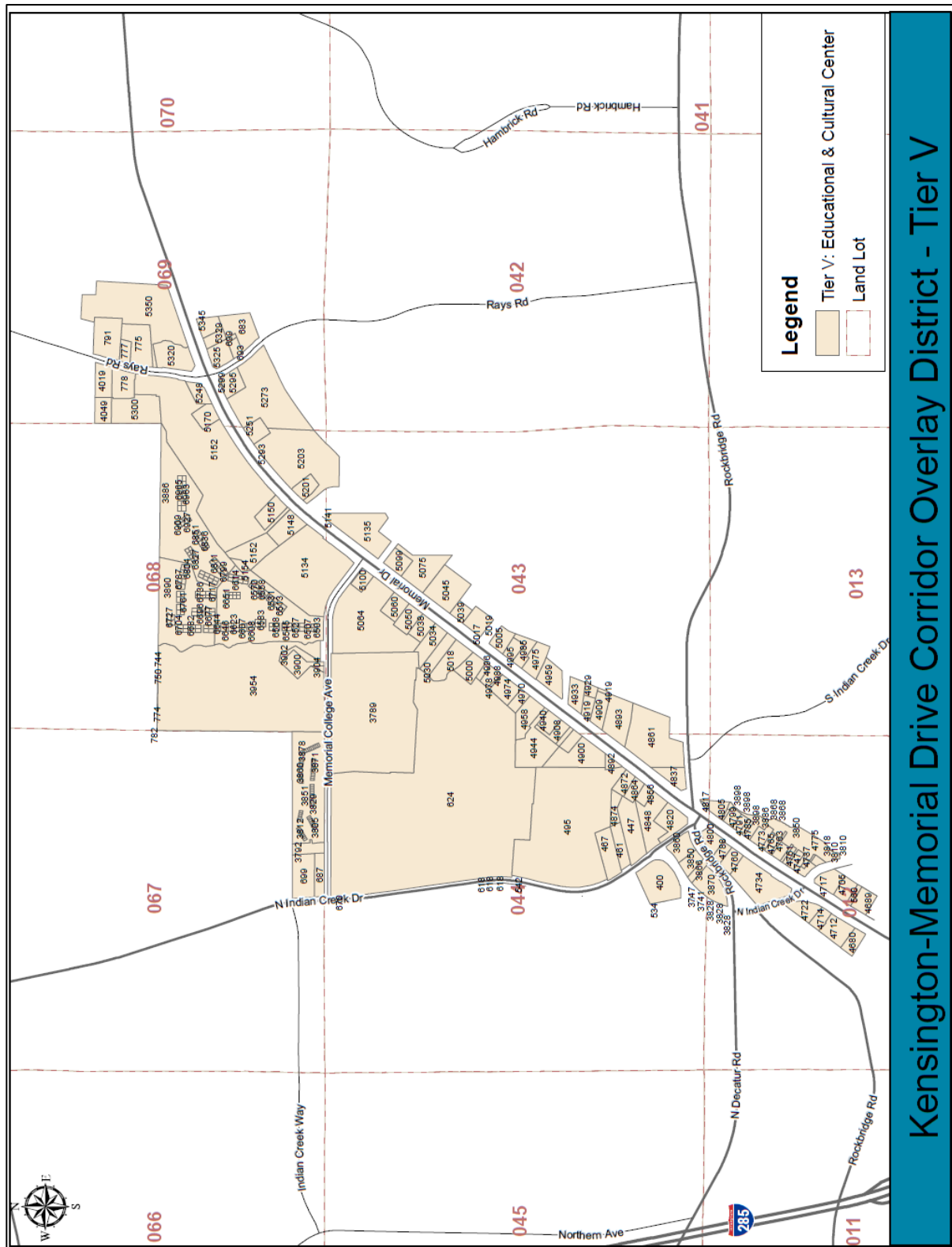
# Kensington Memorial Drive Overlay District

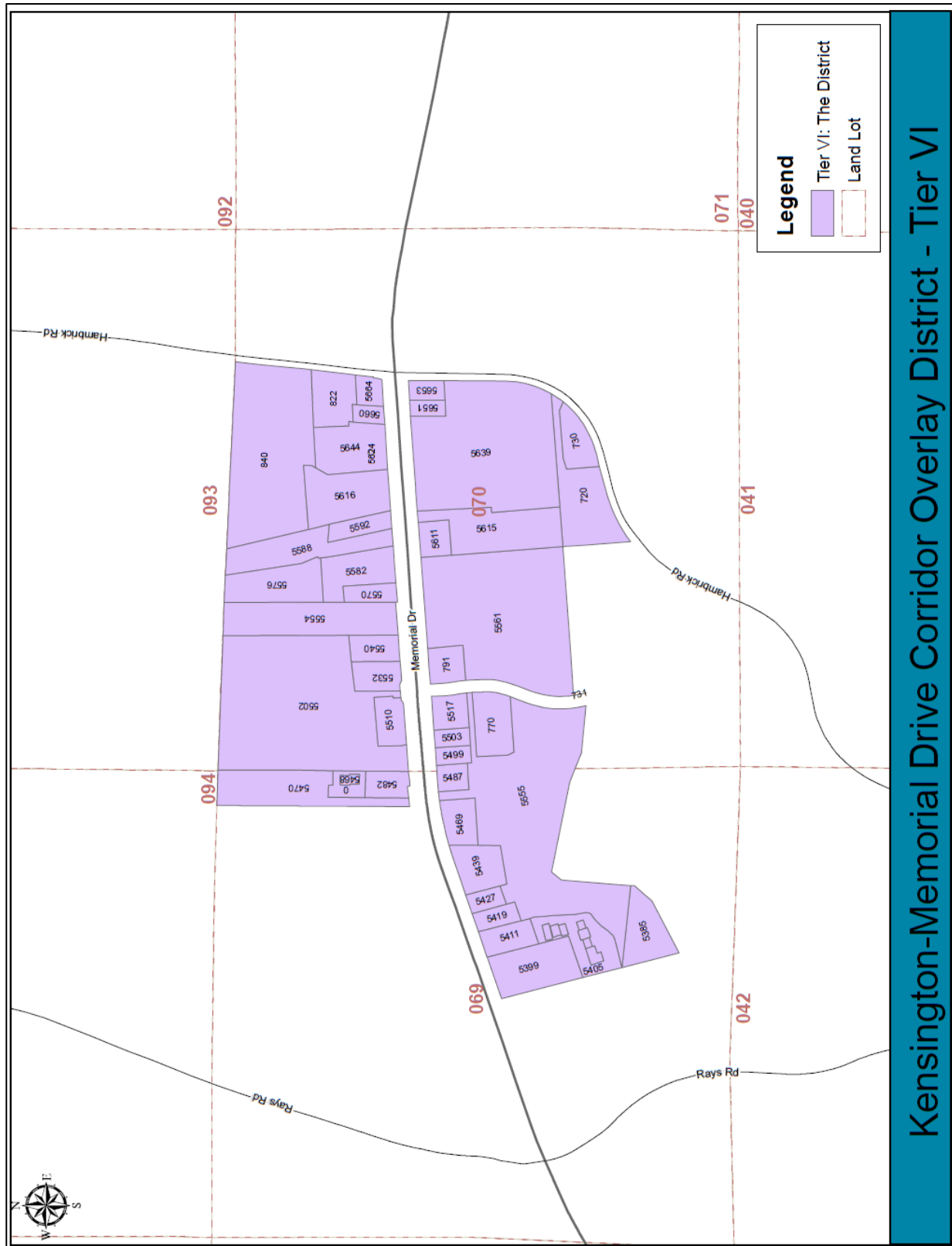
August 9, 2017



# Kensington Memorial Drive Overlay District

August 9, 2017





Kensington-Memorial Drive Corridor Overlay District - Tier VI