



DeKalb County Government

178 Sams Street
Decatur, GA 30030

Agenda Item

File #: 2024-0114
File Status: Preliminary Item

5/23/2024

Public Hearing: YES ☒ NO ☐

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): COMMISSION DISTRICTS 03, 04 & 05; SUPER DISTRICT 06 & 07
Application of the Director of the DeKalb County Planning & Sustainability department to request text amendments to the Zoning Ordinance, 27-3.41 DIVISION 41. - COVINGTON AND INDIAN CREEK DISTRICTS. This text amendment is for properties within the boundary of the Covington and Indian Creek Districts.

PETITION NO: N9-2024-0114 TA-24-1246831

PROPOSED USE: Text amendments to Zoning Ordinance, 27-3.41; Division 41. - Covington and Indian Creek Districts.

LOCATION: N/A

PARCEL NO. : N/A

INFO. CONTACT: John Reid, Sr. Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of the Director of the Dekalb County Planning & Sustainability department to request text amendments to the Zoning Ordinance, 27-3.41 DIVISION 41. - COVINGTON AND INDIAN CREEK DISTRICT. This text amendment is for properties within the boundary of the Covington and Indian Creek Districts.

RECOMMENDATION:

COMMUNITY COUNCIL: CC-3: Denial; CC-4: Approval; CC-5: Denial.

PLANNING COMMISSION: (May 2, 2024) Approval.

PLANNING STAFF: Approval.

STAFF ANALYSIS: Approval.

PLANNING COMMISSION VOTE: (May 2, 2024) Approval 7-0-0. Jon West moved, Jan Costello seconded for approval, per Staff recommendation.

File #: 2024-0114

5/23/2024

File Status: Preliminary Item

COMMUNITY COUNCIL VOTE/RECOMMENDATION: **CC-3:** Denial 10-2-0. Community Council-3 recommended denial and indicated that MARTA needed to focus on expanding rail service before attempting to redevelop the property; **CC-4:** Approval 9-0-1; **CC-5:** Denial 7-2-0.

**AN ORDINANCE TO AMEND CHAPTER 27, SECTION 27-3.41 INDIAN CREEK
AND COVINGTON DISTRICT OF THE CODE OF DEKALB COUNTY,
GEORGIA, AND FOR OTHER PURPOSES.**

WHEREAS, it is recognized that combining homes, shops, and offices can promote orderly and efficient urban and suburban growth; and;

WHEREAS, neighborhoods where amenities are within walking distance foster community engagement and vibrancy; and;

WHEREAS, proximity to work and shopping areas can help mitigate traffic congestion and reduce environmental impacts; and;

WHEREAS, diverse housing options in one area can accommodate a broader range of residents' needs and financial capabilities; and;

WHEREAS, communal spaces encourage social interaction and strengthen community ties; and;

WHEREAS, new developments can attract businesses, leading to economic growth and job creation; and;

WHEREAS, supporting such developments is deemed beneficial for the overall well-being and prosperity of the community.

NOW THEREFORE, BE IT ORDAINED by the Governing Authority of DeKalb County, Georgia, and be it hereby ordained by the Authority of same, that Chapter 27 of the Code of DeKalb County, as revised 1988, is hereby amended as follows:

PART I. ENACTMENT

- CODE OF DEKALB COUNTY
Chapter 27 - ZONING
ARTICLE 3. - OVERLAY DISTRICT REGULATIONS
27-3.41 DIVISION 41. COVINGTON AND INDIAN CREEK DISTRICTS

By amending Section. 3.41.6.; *Sec. 3.41.7. and Section. 3.41.10. of Chapter 27, of the Code of DeKalb County, as revised 1988, as follows:*

By amending Chapter 27, Section 3.41.6, to add language to Sub-section A.2.a & A.2.c and to create new Sub-sections 4, 5, 6 & 7 to read as follows:

Sec. 3.41.6. Principal uses and structures.

The principal uses of land and structures which are allowed in the Covington and Indian Creek Districts 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 additional principal uses of land and structures shall be expressly authorized within the Covington and Indian Creek Districts:
1. Sports complexes (Indian Creek District only).
 2. Film, Movie, and Television Production Studios (Indian Creek District only), only if the following conditions are met:
 - a. Studios may be located south of Redan Road only, **unless located on properties within existing or planned and approved mixed-use developments within an MU-4 or MU-5 zoning district.**
 - b. Studios must comply with all provisions of Chapter 15, Article XIV. - Film Production. All other operations, including but not limited to, set construction and fabrication must take place indoors on soundproof stages.
 - c. A 50-foot vegetated buffer from residentially zoned parcels must be provided. An undisturbed buffer, a planted buffer, or an existing vegetated buffer supplemented with additional plantings may be utilized. Whichever buffer type is utilized, the buffer must be opaque outside of the winter months. **If a proposed studio is located within an MU-4 or MU-5 zoning district north of Redan Road, a 50-foot vegetated buffer is required along any exterior MU-4 or MU-5 zoning boundary abutting residentially zoned properties.**
 - d. No use of outside generators except in the event of a power failure.
 3. Automotive rental and leasing (both Districts), only if the site design includes the following:
 - a. A landscape strip that shall meet the perimeter landscape strip standards contained in Section 5.4.4.(c) of this Chapter, except that the minimum width of the perimeter landscape strip for automotive rental or leasing shall be ten (10) feet around the perimeter of any area used to store automobiles for rental or leasing.
 - b. Car preparation and maintenance areas that are not located inside a structure shall be attached to the primary building and be screened from view from adjacent streets, from public sidewalks and sidewalks internal to the development, and from the parking lot. Screening shall be accomplished by use of opaque fencing and gates, walls that match

building materials, or a combination of berms and a minimum of 30 feet of landscaped area which may serve as a transitional buffer. Fencing and walls must be at least six feet in height.

- c. Dumpster enclosures shall be placed in the least visible location from public streets and shall be enclosed with a wall and metal gates that are at least one foot taller than what is contained in the interior. The dumpster enclosure shall be constructed of the same material as the primary structure. Dumpster enclosure doors or gates must be metal and painted to match exterior building materials.
4. **Temporary Outdoor Events (including Food Truck Festivals) shall be allowed on properties within existing or approved and planned mixed-use developments within MU-4 or MU-5 zoning districts which are at least two acres. Temporary Outdoor Events shall be allowed with a Special Administrative Permit (SAP) subject to compliance with Section 4.3.1 (Temporary outdoor uses: general requirements) and Section 4.3.5 (Use regulations, Lot and parcel restrictions, and Temporary sites for worship). Temporary Outdoor Events at such locations shall operate no more than 14 consecutive days for a maximum of 6 times per calendar year.**
5. **Bus Transfer Facilities shall be allowed on properties within an existing or planned and approved mixed-use development within the MU-4 or MU-5 districts and subject to transitional buffer requirements.**
6. **Community Centers shall be allowed on properties within an existing or planned and approved mixed-use development within the MU-4 or MU-5 districts and subject to transitional buffer requirements.**
7. **Mixed-use developments shall be allowed subject to minimum of 15% residential uses and a minimum of 20% commercial uses.**
- B. *Prohibited uses.* The following principal uses of land and structures shall be expressly prohibited within both the Covington and Indian Creek Districts:
 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, **or on properties within an existing or planned and approved mixed-use development within the MU-4 or MU-5 districts**
 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. Commercial parking lots;
 24. Carwashes and detail shops;
 25. Check cashing establishments;
 26. Automobile emission testing facilities; and
 27. 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 the Covington and Indian Creek Districts:
1. Accessory uses and structures incidental to any authorized use;
 2. Structures and uses incidental to new or used motor vehicle dealers (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.

(Ord. No. 17-02 , Pt. I, 9-26-2017; Ord. of 5-28-2020 , Pt. I)

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 Covington and Indian Creek Districts, except where otherwise noted in this division:

- 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 Covington and Indian Creek Districts 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 height for buildings in both Districts, in the absence of a special land use permit, is 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. **In mixed-use buildings, residential uses shall not occupy more than fifty (50) percent of the floor area of the ground level. All levels above ground level shall only be occupied by residential, professional office or service uses. This restriction shall not prevent outdoor recreation uses, roof top bars or restaurants from occupying the top floor of a building.**
 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.

-
5. **There shall be no maximum standalone commercial total floor area in the MU-4 or MU-5 zoning districts.**
- 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 Covington and Indian Creek Districts shall comply with the 2014 Transportation Plan Appendix 2. Appendix Document 8 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~~**streetlights**, pedestrian sidewalks/trails.

(~~Ord.~~**Ord.** No. 17-02 , Pt. I, 9-26-2017; Ord. of 5-28-2020 , Pt. I)

Sec. 3.41.10. Transitional buffer zone requirements.

Developments shall provide a transitional buffer when adjacent to single-family attached and detached land uses **along any exterior zoning boundary** as follows:

1. Non-residential, ~~and~~ multi-family developments, **and mixed-use 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.

(~~Ord.~~**Ord.** No. 17-02 , Pt. I, 9-26-2017)

Sec. 3.41.11. Street standards.

Private streets are permitted within both Districts. Such 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 wide, measured inside curb and gutter.
- B. 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, **unless the block is directly adjacent to a MARTA station, includes a parking structure designated for MARTA patrons, and is no longer than 500 feet.**
 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 Covington and Indian Creek Districts 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.

(Ord. No. 17-02 , Pt. I, 9-26-2017; Ord. of 5-28-2020 , Pt. I)

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).

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

Sec. 3.41.13. Interparcel access.

To the maximum extent possible, sidewalks and parking lots serving adjacent lots within the Covington and Indian Creek Districts 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.

(Ord. No. 17-02 , Pt. I, 9-26-2017; Ord. of 5-28-2020 , Pt. I)

Sec. 3.41.14. Multi-modal access plans required.

Each new application for a development permit within the Covington or Indian Creek Districts shall be accompanied by a multi-modal access plan prepared at a scale not greater than one (1) inch equals one hundred (100) 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.

(Ord. No. 17-02 , Pt. I, 9-26-2017; Ord. of 5-28-2020 , Pt. I)

Sec. 3.41.15. Conceptual plan package review.

A. The conceptual plan package shall consist of the following:

1. A narrative addressing the proposed development explaining how it meets the purpose, intent, and standards of the District in which it is located. 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;
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 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 often (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 complies with all the requirements of these regulations.
 22. Seal and signature of professional preparing the site plan.
 23. Proposed plan for compliance with the Americans with Disabilities Act (ADA).

(Ord. No. 17-02 , Pt. I, 9-26-2017; Ord. of 5-28-2020 , Pt. I)

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 the Covington or Indian Creek 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 Districts.

- C. *Decision and notice of approval or denial.* The director of planning shall review each application for compliance with all requirements of the Covington or Indian Creek District and the underlying zoning regulations and development regulations. Where the director determines that the plans comply with all such requirements, 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 all such requirements, then the director shall notify the applicant in writing identifying the manner in which the applicant fails to comply. 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 shall be subject to the appeal procedures therein.

(Ord. No. 17-02 , Pt. I, 9-26-2017; Ord. of 5-28-2020 , Pt. I)

Approved by the Board on 05/23/2024