

DEKALB COUNTY

ITEM NO. **D5**

HEARING TYPE  
PUBLIC HEARING

BOARD OF COMMISSIONERS

ZONING AGENDA / MINUTES

MEETING DATE: February 12, 2013

ACTION TYPE  
ORDINANCE

SUBSTITUTE

SUBJECT: Text Amendment - "Mountain Industrial Overlay District". TA-12-18354

COMMISSION DISTRICTS: 4 & 7

DEPARTMENT: Planning & Sustainability

PUBLIC HEARING: YES X NO

ATTACHMENT:  YES  No  
PAGES: **08**

CONTACT:  
Commissioner Elaine  
Boyer- Staff: Madolyn  
Spann  
PHONE NUMBER:  
404 371 6283

Deferred from 1/22/13 for decision only.

PURPOSE:

Application of DeKalb County Board of Commissioners to establish the Mountain Industrial Boulevard Overlay District and Boundary Map under Chapter 27 of the DeKalb County Code of Ordinances to provide development standards pertaining to architectural standards and permitted and prohibited uses and for other purposes.

RECOMMENDATIONS

PLANNING DEPARTMENT:

**APPROVAL.** The subject text amendment establishes the boundary and standards of the Mountain Industrial Boulevard Overlay District. The boundaries of the overlay district encompasses both commercial and industrial zoned properties located along the corridor of Mountain Industrial Boulevard beginning at East Ponce de Leon Avenue extending north to the Gwinnett County line. The boundary encompasses several industrial developed areas extending east and west of the corridor. The intent of the Overlay District is to establish development standards and compatible uses for the improved aesthetics of the industrial community fostering an environment that supports new development and retention and expansion of existing businesses. The proposed Mountain Industrial Boulevard Overlay District is a resource tool of the newly established Mountain Industrial Capital Improvement District (MICID) promoting an identifiable character area with improved infrastructures and facilities. The area stakeholders have expressed a desire to further develop the standards of the overlay to establish other distinguishing features and standards such as signage, landscaping. However, the subject text amendment seeks to establish use and architectural standards while further development of the overlay is pursued. Staff recommends "APPROVAL".

PLANNING COMMISSION: "APPROVAL"

PLANNING COMMISSION VOTE: 8-0-0. Motion for approval was made by C. McDonald and seconded by M. Butts. The motion passed unanimously.

COMMUNITY COUNCIL: "DEFERRAL"

COMMUNITY COUNCIL VOTE: 6-3-0. The council requested the applicant contact each property owner within the overlay boundaries and conduct a series of information meetings.

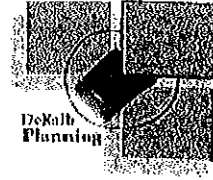




The Honorable Burrell Ellis  
Chief Executive Officer

**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: N-10 ZONING CASE NO: TA-13-18354 MEETING DATE: January 22, 2013**

**APPLICANT: Dekalb County Board Of Commissioners**

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**SECTIONS OF ZONING ORDINANCE AFFECTED BY AMENDMENTS:**

**Chapter 27-730.7.1 Division 43 Mountain Industrial Overlay District**

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**REASON OF REQUEST:**

Application of DeKalb County Board of Commissioners to establish the Mountain Industrial Boulevard Overlay District and Boundary Map under Chapter 27 of the DeKalb County Code of Ordinances to provide development standards pertaining to architectural standards and permitted and prohibited uses and for other purposes.

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**RECOMMENDATION(S):**

**PLANNING DEPARTMENT:**

**APPROVAL** The subject text amendment establishes the boundary and standards of the Mountain Industrial Boulevard Overlay District. The boundaries of the overlay district encompasses both commercial and industrial zoned properties located along the corridor of Mountain Industrial Boulevard beginning at East Ponce de Leon Avenue extending north to the Gwinnett County line. The boundary encompasses several industrial developed areas extending east and west of the corridor. The intent of the Overlay District is to establish development standards and compatible uses for the improved aesthetics of the industrial community fostering an environment that supports new development and retention and expansion of existing businesses. The proposed Mountain Industrial Boulevard Overlay District is a resource tool of the newly established Mountain Industrial Capital Improvement District (MICID) promoting an identifiable character area with improved infrastructures and facilities. The area stakeholders have expressed a desire to further develop the standards of the overlay to establish other distinguishing features and standards such as signage, landscaping. However, the subject text amendment seeks to establish use and architectural standards while further development of the overlay is pursued. Staff recommends "APPROVAL".

**PLANNING COMMISSION:**



FEBRUARY 12, 2013  
13-04

D5

January 7, 2013

**AN ORDINANCE**

**AN ORDINANCE TO AMEND THE CODE OF DEKALB COUNTY, GEORGIA, CHAPTER 27, TO ENACT THE MOUNTAIN INDUSTRIAL BOULEVARD OVERLAY DISTRICT REGULATIONS, AND FOR OTHER PURPOSES.**

**WHEREAS**, the Board of Commissioners desires to enact an overlay district to govern uses and developments in the Mountain Industrial Boulevard Overlay District;

**WHEREAS**, the Board of Commissioners desires to establish development standards and compatible uses for the improved aesthetics of the industrial community in this area;

**WHEREAS**, the Board of Commissioners desires to encourage economic development by partnering with area stakeholders for the retention and expansion of existing businesses;

**WHEREAS**, the Mountain Industrial Boulevard Overlay District is a resource tool of the newly established Stone Mountain Capital Improvement District; and

**WHEREAS**, the Mountain Industrial Boulevard Overlay District will support further development of industrial and commercial properties in the overlay district and encourage redevelopment of underdeveloped properties to attract quality businesses and area jobs.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of DeKalb County, Georgia, and it is hereby ordained by the authority of the same, that Chapter 27 of the Code of DeKalb County, as Revised, 1988, be and the same is hereby amended as follows:

**PART I: ENACTMENT**

**Division 43. Mountain Industrial Boulevard Overlay District**

**27-730.7.1. Scope of regulations.**

This division establishes standards and procedures that apply to any development, use, or redevelopment on any lot or portion thereof which is, in whole or in part, contained within the boundaries of the Mountain Industrial Boulevard Overlay District, hereinafter referred to as the "District."



January 7, 2013

**27-730.7.2. Applicability of regulations.**

This division applies to each application for a permit which involves the development, use, construction, exterior alteration or modification of any structure where the subject property is, in whole or in part, contained within the boundaries of the District. The procedures, standards, and criteria herein apply only to that portion of the subject property within the boundaries of the District. All procedures, standards, and criteria not specifically identified herein shall be as provided by the applicable underlying zoning district regulations. In cases where a conflict exists between the requirements of this District and the underlying zoning district, the requirements of this District shall apply.

**27-730.7.3. Statement of purpose and intent.**

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

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

**27-730.7.4. District boundaries and maps.**

The boundaries of the District shall be established by the zoning map amendment dated January 7, 2013, and attached hereto as Exhibit "A" which zoning map is adopted contemporaneously with the adoption of this division and is hereby incorporated by this reference as if fully set forth herein and is hereby made a part of this chapter 27. Said zoning map amendment shall be maintained by the planning director or designee and shall be available for public inspection in the office of the planning director.

**27-730.7.5. Principal uses and structures.**

The uses of land and structures which are allowed in this District as



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principal, accessory, or by special permit or special land use permit are as provided by the applicable underlying zoning district regulations, subject to the requirements, limitations and standards contained within this division.

**27-730.7.6 Prohibited uses.**

The following principal uses of land shall be prohibited within the District:

- (a) Storage yard for damaged automobiles or confiscated automobiles;
- (b) Tire retreading and recapping;
- (c) Adult entertainment establishments;
- (d) Adult service facility;
- (e) Late night establishments open after 2:00 a.m.;
- (f) Extended stay motels;
- (g) Title and pawn shops;
- (h) Salvage yards/junk yards and automobile wrecking yards, not including recovered material or recycling yards;
- (i) Self-service car wash and detailing;
- (j) Temporary and portable saw mills;
- (k) Mines and mining operations, quarries, gravel pits, and sand pits;
- (l) Sewage treatment plants;
- (m) Asphalt plants;
- (n) Fat rendering and fertilizer manufacture; and
- (o) Distillation of bones and glue manufacture.

**27-730.7.7. Architectural regulations.**

The following architectural regulations shall apply to all uses and structures within the District.

- (a) Building exteriors shall be limited solely to the following materials:



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- (1) Brick or brick veneers;
  - (2) Stone or stone veneers of natural stone such as granite, limestone and marble. Terra Cotta and/or cast stone, which simulate natural stone, are also allowed. Painted stone is not allowed;
  - (3) Pre-cast concrete;
  - (4) Painted concrete block, which may only be used on a side or rear façade 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 percent (10%) of the surface area of each exterior wall. When calculating the ten percent (10%) limitation on architectural accents, the surface area covered by a window(s) shall not be used in the calculation.
- (c) Service bays for automobile service and repair uses shall be designed or screened so that the openings of service bays are not visible from a public right-of-way.
- (d) Chain-link fences shall be screened from the public right-of-way and shall be galvanized or vinyl coated. Uncoated chain-link is prohibited.
- (e) Within a front or exterior side yard, the keeping of goods, materials, merchandise, or inoperable vehicles in the same place for more than 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 24 consecutive hours is only permitted when the side yard is fenced, screened, or otherwise screened from view from the public right-of-way.
- (g) Outdoor storage that is not prohibited by this section, and outdoor areas housing service areas, trash dumpsters, trash compactors, equipment, or mechanical devices shall be screened so that such outdoor area cannot be seen from any public right-of-way. Screening shall be permitted to include landscaping, and/or fencing and walls with architectural treatment of color and material similar to the building.



January 7, 2013

**PART II. EFFECTIVE DATE**

This ordinance shall become effective upon adoption by the Board of Commissioners and approval by the Chief Executive Officer.

**PART III. 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.

**PART IV. REPEAL OF CONFLICTING ORDINANCES**

This ordinance amends the zoning ordinance of DeKalb County, and all other conflicting ordinances or resolutions are hereby repealed, provided that nothing herein shall be construed as repealing the conditions of use, operation, or site development accompanying permits lawfully issued under previous ordinances or resolutions, and provided further that modification or repeal of those past conditions of approval may be accomplished as authorized and provided by the requirements of this zoning ordinance.

*February 2013* **ADOPTED** by the DeKalb County Board of Commissioners, this 12 day of

*Lee N. May II*

Presiding Officer  
Board of Commissioners  
DeKalb County, Georgia

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J. W. M. II

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January 7, 2013

*February* **APPROVED** by the Chief Executive Officer of DeKalb County, this 14 day of 2013



**W. BURRELL ELLIS, JR.**  
Chief Executive Officer  
DeKalb County, Georgia

**ATTEST:**



**BARBARA SANDERS, CCC**  
Clerk to the Board of Commissioners and  
Chief Executive Officer  
DeKalb County, Georgia

**APPROVED AS TO FORM:**

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**VIVIANE H. ERNSTES**  
Chief Assistant County Attorney

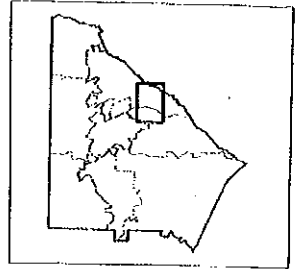
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# Gwinnett County

## Mountain Industrial Blvd Overlay









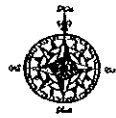
DeKalb County

Date: 1/17/2010

### Exhibit A

**Legend**

-  Stone Mountain CID Project
-  StoneMountainCID Property Parcels
-  Interstate
-  Major
-  Local; Street
-  Railroad



1 inch = 100 feet

THIS MAP IS A PRELIMINARY DRAFT AND IS NOT TO BE USED FOR CONSTRUCTION OR AS A BASIS FOR ANY LEGAL ACTION. THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND IS SUBJECT TO CHANGE WITHOUT NOTICE. THE USER OF THIS MAP ASSUMES ALL LIABILITY FOR ANY AND ALL DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM THE USE OF THIS MAP. THE USER OF THIS MAP SHALL INDEMNIFY AND HOLD HARMLESS THE CITY OF ATLANTA FROM AND AGAINST ALL SUCH DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM THE USE OF THIS MAP.

