



DeKalb County Department of Planning & Sustainability

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**Planning Commission Hearing Date: November 4, 2021
Board of Commissioners Hearing Date: November 18, 2021**

TEXT AMENDMENT ANALYSIS

AGENDA NO.: N.5 **ZONING CASE NO.:** TA-21-1244986 **COMMISSION DISTRICTS:** All Districts

APPLICANT: Director of Planning & Sustainability

SECTIONS OF ZONING ORDINANCE AFFECTED BY AMENDMENTS: SECTION 27-7.4.6 (SPECIAL LAND USE PERMIT ; CRITERIA TO BE CONSIDERED)

REASON FOR REQUEST:

The Zoning Ordinance currently prescribes nineteen (19) criteria to be considered by the planning department, planning commission, and board of commissioners regarding review of Special Land Use Permits (SLUPs). The large number of criteria can be cumbersome to review if there are a large number of items for consideration on the agenda. Additionally, some of these criteria appear to be duplicative and could be consolidated with other criteria for easier and quicker review as well as a less cumbersome process for applicants submitting SLUP applications. The intent of this text amendment is to consolidate and reduce the number of criteria from nineteen (19) to twelve (12) to address these issues.

PROPOSED CHANGES:

The proposed amendment reduces and consolidates the amount of SLUP criteria from nineteen (19) to twelve (12) to allow for ease of review and administration. The following changes are proposed (Also see attached for proposed additions in **blue bold** and deletions in ~~red strikethrough~~):

1. Eliminate Criteria "L" regarding transitional buffer compliance and consolidate with Criteria "A" relating to adequacy of the site.
2. Eliminate Criteria "G" regarding adverse impacts on adjacent properties and consolidate with Criteria "B" relating to compatibility with adjacent and surrounding properties.
3. Eliminate Criteria "D" regarding adequacy of the public street on which the use is proposed and consolidate with Criteria "C" relating to adequacy of public services and facilities.
4. Eliminate Criteria "E" regarding regarding whether existing land uses along access routes to the site will be adversely affected by volume of traffic of proposed use. This issue should be sufficiently addressed by Criteria "B" which deals with compatibility of use with adjacent and surrounding properties.
5. Eliminate Criteria "I" regarding whether proposed use will create adverse impacts upon adjoining land uses by reason of manner of operation and consolidate with Criteria H which relates to adverse impacts by hours of operation.
6. Eliminate Criteria "R" regarding creating a negative shadow impact on adjoining lots with Criteria "O" which relates to appropriateness of size, scale, and massing of proposed buildings with the size, scale, and massing of adjoining buildings.
7. Eliminate Criteria "S" regarding consistency with the needs of the neighborhood and the comprehensive plan. These issues should already be sufficiently addressed in Criteria "B" relating to compatibility with surrounding properties and Criteria "K" regarding consistency with comprehensive plan.

RECOMMENDATION(S):

Sec. 7.4.6. Special land use permit; criteria to be considered.

The following criteria shall be considered by the planning department, the planning commission, and the board of commissioners in evaluating and deciding any application for a special land use permit. No application for a special land use permit shall be granted by the board of commissioners unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application, and the application is in compliance with all applicable regulations of this Code:

- A. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, [transitional buffer zones](#), and all other applicable requirements of the zoning district in which the use is proposed to be located.
- B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district, [and whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.](#)
- C. Adequacy of public services, public facilities, [public streets](#), and utilities to serve the proposed use.
- D. ~~Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.~~
- E. ~~Whether existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use.~~
- F. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency.
- G. ~~Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.~~
- H. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the [manner and](#) hours of operation of the proposed use.
- I. ~~Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.~~
- J. Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.
- K. Whether the proposed use is consistent with the policies of the comprehensive plan.
- L. ~~Whether the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.~~
- M. Whether there is adequate provision of refuse and service areas.
- N. Whether the length of time for which the special land use permit is granted should be limited in duration.
- O. Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings, [and whether the proposed use will create any shadow impact on any adjoining lot or building as a result of the proposed building height.](#)

P. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.

Q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.

~~R. Whether the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.~~

~~S. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan.~~

(Ord. No. 15-06 , 8-25-2015; Ord. No. 17-01 , Pt. I, 5-23-2017)