

Public Hearing: YES NO

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): All Districts

Application of Director of Planning & Sustainability for a text amendment to modify Section 5.7.5.I.2 (Detached Houses- Maximum Size) to modify the maximum size of single-family cottages. This text amendment is County-wide.

PETITION NO: N17. TA-22-1245693 (2022-1485)

PROPOSED USE: Modify size of single-family cottages.

LOCATION: County-wide.

PARCEL NO. : N/A

INFO. CONTACT: Brandon White, Current Planning Manager

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of the Director of Planning & Sustainability for a text amendment to modify Section 5.7.5.I.2 (Detached Houses- Maximum Size) to modify the maximum size of single-family cottages. This text amendment is County-wide.

RECOMMENDATION:

COMMUNITY COUNCIL: **CC-1:** Approval w/modifications; **CC-2:** Approval w/modification; **CC-3:** Approval; **CC-4:** Approval; **CC-5:** Approval w/additional language.

PLANNING COMMISSION: Approval.

PLANNING STAFF: Approval.

STAFF ANALYSIS: Approval.

PLANNING COMMISSION VOTE: **Approval 6-0-0.** Lauren Blaszyk moved, Gwendolyn McCoy seconded for Approval, per Staff recommendation.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: **CC-1:** Approval 7-0-0. The board recommended the following: 1) Clarify the language about size maximum and minimum; and 2) Revise "whereas" clause regarding accessibility. **CC-2:** Approval 8-1-1. Approved without the age restriction. **CC-3:** Approval 10-0-0; **CC-4:** Approval 10-0-0; **CC-5:** Approval w/additional language 8-0-0. Approved w/addition of language that states, "Porch space does not count against minimum building footprint".



DeKalb County Department of Planning & Sustainability

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Board of Commissioners Hearing Date: May 26, 2022

TEXT AMENDMENT ANALYSIS

AGENDA NO.: N17 **ZONING CASE NO.:** 2022-1485

COMMISSION DISTRICTS:
Countywide

APPLICANT: Department of Planning & Sustainability

SECTIONS OF ZONING ORDINANCE AFFECTED BY AMENDMENTS: CHAPTER 27-ZONING ORDINANCE, SECTION 5.7.5.I.2 (DETACHED HOUSES) TO MODIFY THE MAXIMUM BUILDING FOOTPRINT FOR SINGLE-FAMILY, DETACHED COTTAGE HOMES.

REASON FOR REQUEST:

Presently, Section 5.7.5.I.2 (Detached Houses) limits cottage unit types to a maximum building footprint of 800 square feet. However, these units may be constructed up to 1,200 gross square feet. These requirements force the additional area beyond 800 square feet to be provided vertically. This works generally for younger residents. However, when considering accessibility specifically for senior-age populations, vertical construction presents a dilemma. According to *Housing America’s Older Adults: Meeting the Needs of an Aging Population*¹, a 2014 report published by the Joint Center for Housing Studies of Harvard University, *single-floor living* is one key accessibility feature to accommodate older community members seeking to age in place and/or transition to safer living arrangements. To the degree that zoning regulations hinder such housing needs, it is prudent to amend the *Zoning Ordinance*.

Moreover, we have two cases during this current zoning cycle that are predicated upon this text amendment. Cases Z-22-1245558 (2022-1483) and SLUP-22-1245692 (2022-1484) propose a senior housing development that comprises of 23 cottage-style dwelling units. Beyond this project, the effect of the proposed text amendment should be beneficial from cost and design perspectives.

STAFF RECOMMENDATION: Approval

1. https://www.jchs.harvard.edu/sites/jchs.harvard.edu/files/jchs-housing_americas_older_adults_2014.pdf

AN ORDINANCE

**AN ORDINANCE TO AMEND
THE CODE OF DEKALB COUNTY, GEORGIA, AS REVISED 1988,
CHAPTER 27, ARTICLE 5, RELATING TO THE MINIMUM BUILDING FOOTPRINT
SIZE OF SINGLE-FAMILY COTTAGES, AND FOR OTHER PURPOSES.**

WHEREAS, the Governing Authority of DeKalb County is tasked with the protection of the County's health, safety, and general welfare, and the Board of Commissioners is authorized to exercise zoning powers; and

WHEREAS, in order to provide a diversity of housing options for seniors ages 55 and older that improve residential accessibility; and

WHEREAS, Section 5.7.5.I.2. of Chapter 27 requires all single-family detached cottages to have a building footprint that does not exceed 800 sq. ft.; and

WHEREAS, the ability to provide single-family detached cottages that improve accessibility for seniors may be enhanced by a modest increase not to exceed the current 1,200 sq. ft maximum gross floor area requirement set forth in Section 5.7.5.I.2 of Chapter 27;

NOW THEREFORE, BE IT ORDAINED by the DeKalb County Board of Commissioners, and it is hereby ordained by the Authority of same, that Chapter 27, Article 5 of the Code of DeKalb County, as Revised 1988, is hereby amended as follows:

PART I. ENACTMENT

By amending Section 5.7.5 I. 2. of Chapter 27 of the Code of DeKalb County, as Revised 1988, to as follows:

Sec. 5.7.5. – Detached Houses

I. Maximum Size

* * *

2. Single-family cottages shall not exceed a building footprint of eight hundred (800) square feet and gross floor area of twelve-

hundred (1,200) square feet. Single-family, detached cottages, which are restricted to seniors ages 55 and older, shall not exceed a building footprint and gross floor area of twelve hundred (1,200) square feet.

PART II. 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 this ordinance are repealed.

ADOPTED by the DeKalb County Board of Commissioners, this ____ day of _____, 2022.

ROBERT J. PATRICK
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this ____ day of _____, 2022

MICHAEL L. THURMOND
Chief Executive Officer
DeKalb County, Georgia

April __, 2022

ATTEST:

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

APPROVED AS TO FORM:

VIVIANE H. ERNSTES
County Attorney

APPROVED AS TO SUBSTANCE:

ANDREW A. BAKER
Planning & Sustainability Director