

Public Hearing: YES NO

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): All Districts

Application of the Director of Planning & Sustainability for text amendments to the *Zoning Ordinance*, Chapter 27, to create Section 5.7.9 to consolidate regulations specific to cottage housing development; to amend Article 2 (Residential Zoning Districts: Dimensional Requirements) for the facilitation of cottage housing development in various zoning districts; to amend Section 5.7.5 (Detached Houses) related to cottage housing development, and to revise other applicable sections of the *Zoning Ordinance* to accommodate cottage housing development.

PETITION NO: N18-2022-2270 TA-22-1246101

PROPOSED USE: To create Section 5.7.9 in Chapter 7 of the DeKalb County Zoning Ordinance.

LOCATION: County-wide.

PARCEL NO. : N/A

INFO. CONTACT: Planning & Sustainability

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of the Director of Planning & Sustainability for text amendments to the *Zoning Ordinance*, Chapter 27, to create Section 5.7.9 to consolidate regulations specific to cottage housing development; to amend Article 2 (Residential Zoning Districts: Dimensional Requirements) for the facilitation of cottage housing development in various zoning districts; to amend Section 5.7.5 (Detached Houses) related to cottage housing development, and to revise other applicable sections of the *Zoning Ordinance* to accommodate cottage housing development. This text amendment is County-wide.

RECOMMENDATION:

COMMUNITY COUNCIL: CC-1: Deferral; CC-2: No Vote; CC-3: Deferral; CC-4: No Vote; CC-5: No Vote.

PLANNING COMMISSION: Full Cycle Deferral.

PLANNING STAFF: Full Cycle Deferral.

STAFF ANALYSIS: This zoning cycle is the kickoff to further consideration of these text amendments. With the direction of the BOC, staff will provide a formal text amendment packet for community engagement and feedback. Representatives from Commissioner Terry's office have worked diligently on this item and will be available to discuss the proposal with the Planning Commission. At this time, staff recommends a "Full-cycle deferral".

PLANNING COMMISSION VOTE: Full Cycle Deferral 8-0-0. Jon West moved, Jan Costello seconded for a full cycle deferral to the January 2023 zoning agenda.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: CC-1: Deferral 6-0-0. CC-1 voted to defer until a text amendment is provided; CC-2: No Vote. CC-2 recommended that a joint public meeting be arranged to include all community council boards, the Planning Department to discuss proposed amendment changes; CC-3:

Deferral 6-0-0. CC-3 voted to defer to allow the request to be more fully vetted with specific proposed changes to the zoning ordinance regarding cottages; **CC-4:** No vote; **CC-5:** No vote.



DeKalb County Department of Planning & Sustainability

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**Planning Commission Hearing Date: November 1, 2022
Board of Commissioners Hearing Date: November 17, 2022**

TEXT AMENDMENT ANALYSIS

AGENDA NO.: N18 **ZONING CASE NO.:** TA-22-1246101 **COMMISSION DISTRICTS:** All
(2022-2270)

APPLICANT: Department of Planning & Sustainability

SECTIONS OF ZONING ORDINANCE AFFECTED BY AMENDMENTS: CHAPTER 27-ZONING ORDINANCE, TO CREATE SECTION 5.7.9 TO CONSOLIDATE REGULATIONS SPECIFIC TO COTTAGE HOUSING DEVELOPMENT; TO AMEND ARTICLE 2 (RESIDENTIAL ZONING DISTRICTS: DIMENSIONAL REQUIREMENTS) FOR THE FACILITATION OF COTTAGE HOUSING DEVELOPMENT IN VARIOUS ZONING DISTRICTS; TO AMEND SECTION 5.7.5 (DETACHED HOUSES) RELATED TO COTTAGE HOUSING DEVELOPMENT; AND TO REVISE OTHER APPLICABLE SECTIONS OF THE *ZONING ORDINANCE* TO ACCOMMODATE COTTAGE HOUSING DEVELOPMENT.

REASON FOR REQUEST:

The *Zoning Ordinance* authorizes *cottage dwelling units* and *cottage development* by-right in the following zoning districts: R-60 (Residential Small Lot-60); MR-1 (Medium Density Residential-1); MR-2 (Medium Density Residential-2); HR-1,2,3 (High Density Residential-1, 2, & 3); and RNC (Residential Neighborhood Conservation). The cottage dwelling unit is characterized as small (800-1,200 square feet) and cottage development is categorized by the arrangement of dwelling units around a common open space instead of a linear arrangement along a residential street.

Given the housing challenges that we presently face (cost, availability, affordability, changing preferences, demographic changes, etc.), Commissioner Terry (Super District 6) initiated exploration of cottage dwelling units and cottage development as a potential public policy solution. The Board of Commissioners’ Planning, Economic Development, and Community Service (PECS) Committee was briefed on this topic in May of this year. Given the wide-ranging reach of this proposal, it would be prudent for the Board of Commissioners (BOC) to give formal policy direction to proceed further with this proposal.

Affected sections of the *Zoning Ordinance* include, but may not be limited to:

1. Section 2.2.1. Dimensional requirements.
 - a. Table 2.2 Residential Zoning Districts Dimensional Requirements
2. Section 2.11.2. Dimensional requirements.
 - a. Table 2.4 Medium and High Density Residential Zoning Districts Dimensional Requirements
3. Section 2.11.1. Medium and high density ranges.
 - a. Table 2.4 Summary of Density Ranges for Medium and High Density Residential Zoning Districts
4. Section 2.18.3. Mixed-Use dimensional requirements.
 - a. Table 2.17 Mixed-Use Zoning Districts Dimensional Requirements
5. Section 4.1.3 Use Table
6. Section 5.7.5. Detached houses

- 7. **Section 5.7.9. Cottage Development (NEW)**
- 8. Section 6.1.3. Parking regulations, off-street parking spaces.
- 9. Section 6.1.4. Off-street parking ratios.

This zoning cycle is the kickoff to further consideration of these text amendments. With the direction of the BOC, staff will provide a formal text amendment packet for community engagement and feedback. Representatives from Commissioner Terry’s office have worked diligently on this item and will be available to discuss the proposal with the Planning Commission. At this time, staff recommends a full-cycle deferral.

STAFF RECOMMENDATION: full-cycle deferral.

November 3, 2022

TO:

Chair Tess Snipes

Vice Chair Jon West

Commissioner Laurene Blaszyk – District 1

Commissioner April Atkins – District 2

Commissioner Vivian Moore – District 3

Commissioner Lasonya D. Osler – District 4

Commissioner Jan Costello – District 5

Commissioner Jana Johnson – District 6

Commissioner Edward Patton – District 7

RE: Text Amendment TA-22-1246101

Application of the Director of Planning & Sustainability for text amendments to the Zoning Ordinance, Chapter 27, to create Section 5.7.9 to consolidate regulations specific to cottage housing development; to amend Article 2 (Residential Zoning Districts: Dimensional Requirements) for the facilitation of cottage housing development in various zoning districts; to amend Section 5.7.5 (Detached Houses) related to cottage housing development, and to revise other applicable sections of the Zoning Ordinance to accommodate cottage housing development. This text amendment is County-wide.

Dear Commissioners:

At the Planning Commission meeting on November 1, there was no opportunity for public comment on this item because of the late hour. I would like to submit comments to you now through this document.

This text amendment was on our October Community Council agenda three weeks ago. There was a brief presentation from Mr. Will Johnston from the Microlife Institute, who said he has been working closely with Planning Staff and Commissioner Terry on this item.

I think cottage developments are an important and necessary component to the available housing options in DeKalb County. I support them in concept. The challenge in any new option like this is to define how and where they would be allowed, which of course is the purpose of the text amendment.

We have not yet seen the text amendment draft for review. However, in the presentation, it was mentioned that one of the changes in the Zoning regulations for cottage developments was to allow, by right, cottage developments in Zoning districts R-85, R-75 and R-60, and by administrative approval in R-100. I had a subsequent telephone conversation with Mr. Johnston, and he confirmed this.

In the November 1 Planning Commission meeting there were two cottage development applications [Items Z-22-1245935 and Z-22-1245936] to rezone from R-75 to RSM to allow for the development of cottage style housing. There was discussion for and against, as is typically the case in rezoning applications. There was opportunity for that public review.

If proposed cottage developments are given approval to redevelop single unit parcels to multi-unit parcels BY RIGHT, this is a major shift in zoning policy, and in my opinion, an unwarranted one. It is my understanding that 'BY RIGHT' would allow this redevelopment without any rezoning or SLUP

application process, and no public zoning review process. Further, allowing cottage style developments in R-100 zoning districts by administrative approval only also sets a bad precedent with no public review.

Both development allowances [by right in R-85, R-75, R60, and by administrative approval only in R-100] puts cottage developments in a preferential class that other developments do not have when seeking rezoning. This needs thoughtful consideration and broad public buy-in before moving forward on this path.

At the end of the presentation in our Community Council meeting, I suggested to Mr. Brandon White that they call together a work session for all Community Councils between the time of issuing this text amendment draft and the next zoning cycle so that we have ample opportunity to understand and discuss this significant set of zoning changes for cottage developments before we get into the next zoning approval cycle to make a recommendation. The usual 10-minute presentation and public comment period is not nearly sufficient for this complex issue. In my conversation with Mr. Johnston, he supported such a work session for discussion.

I hope this work session can happen. And I think it would be productive if the planning commissioners would also be a part of this work session together with the community councils and planning staff.

Thank you for your consideration.

Respectfully,

John Turner
Chair, Community Council – District 2
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