

Public Hearing: YES NO

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): All Districts

Application of the Director of Planning & Sustainability for a text amendment to Chapter 27-5.1.10 (Maximum Lot Coverage) of the *Zoning Ordinance* to remove the non-vehicular use restriction on pervious materials.

PETITION NO: N19-2022-2271 TA-22-1246102

PROPOSED USE: Amendment to Chapter 27-5.1.10, to remove the non-vehicular use restriction on pervious materials.

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 a text amendment to Chapter 27-5.1.10 (Maximum Lot Coverage) of the *Zoning Ordinance* to remove the non-vehicular use restriction on pervious materials. This text amendment is County-wide.

RECOMMENDATION:

COMMUNITY COUNCIL: CC-1: Approval; CC-2: Denial; CC-3: Approval; CC-4: Approval; CC-5: Approval.

PLANNING COMMISSION: Approval.

PLANNING STAFF: Approval.

STAFF ANALYSIS: See attached report.

PLANNING COMMISSION VOTE: Approval 7-1-0. Jan Costello moved, April Atkins seconded for approval, per Staff recommendation. Jon West opposed.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: CC-1: Approval 6-0-0; CC-2: Denial 9-0-0. CC-2 members Council members did not like the idea of removing the non-vehicular use restriction on pervious materials and believed the amendment would significantly increase the allowable lot coverage; CC-3: Approval 5-0-1; CC-4: Approval 8-0-0; CC-5: Approval 6-0-0.



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.: N19 **ZONING CASE NO.:** TA-22-1246102 **COMMISSION DISTRICTS:** All
(2022-2271)

APPLICANT: Department of Planning & Sustainability

SECTIONS OF ZONING ORDINANCE AFFECTED BY AMENDMENTS: CHAPTER 27-ZONING ORDINANCE, SECTION 5.1.10 (MAXIMUM LOT COVERAGE) OF THE *ZONING ORDINANCE* TO REMOVE THE NON-VEHICULAR USE RESTRICTION ON PERVIOUS MATERIALS.

REASON FOR REQUEST:

The *Zoning Ordinance* contains maximum lot coverage ratios for each zoning district (and in some instances per development type). Lot coverage ratio is a customary zoning technique designed to limit the intensity of development and/or the amount of a site devoted to impervious (i.e., does not absorb water naturally or prevents percolation) coverage (e.g., streets, buildings, paved parking areas, other structures, etc.). The ratio ranges from 30% in residential districts up to 90% in nonresidential zoning districts.

Presently, in addition to the maximum lot coverage, an additional 15% of total lot area may be used for pervious materials (i.e., does absorb water naturally or allows percolation); however, the exception cannot be applied to areas devoted to vehicular uses. We have received many inquiries requesting that the limitation be removed to permit pervious driveways. This proposal does not change the maximum lot coverage ratio for any zoning district or development type. It only removes the pervious material prohibition on areas dedicated to vehicular activity. Consistent with current practice, any request to use pervious materials (including their effectiveness and durability) will be evaluated by the civil engineers of the Land Development Section during land development permit reviews.

Staff recommends approval.

STAFF RECOMMENDATION: Approval.

**AN ORDINANCE TO AMEND CHAPTER 27 OF THE CODE OF DEKALB COUNTY,
GEORGIA, AND FOR OTHER PURPOSES.**

WHEREAS, maximum lot coverage is a customary zoning technique designed to limit the intensity of development upon individual lots for the purpose of protecting the health, safety and welfare of persons and property within the unincorporated area of DeKalb County; and

WHEREAS, there is no deviation proposed to alter the prescribed standards of the *Zoning Ordinance* as it relates to maximum lot coverage or impervious surfaces; and

WHEREAS, technological improvements and engineering innovation have precipitated a need to modify Section 5.1.10 (Maximum Lot Coverage) to permit greater flexibility in the use of pervious or permeable materials within the prescribed limits of current regulations; and

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 in 2015, is hereby amended as follows.

PART I. ENACTMENT

Section 5.1.10 (Maximum Lot Coverage) shall be amended as follows:

No lot shall be developed to exceed the maximum allowable coverage by buildings, structures, driveways or parking areas, or any other impervious surface specified for the zoning district in which the lot is located. In addition to the maximum impervious surface amount, pervious materials may be added up to a maximum amount of fifteen (15) percent of the total lot area ~~for non-vehicular uses only, such as walkways, patios and pool decks.~~

PART II. EFFECTIVE DATE

This ordinance shall become effective immediately on the date of 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. 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

ATTEST:

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

DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:

ANDREW A. BAKER
Director of Planning and Sustainability

APPROVED AS TO FORM:

VIVIANE H. ERNSTES
County Attorney