

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:** D1-2022-2270 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:** Brandon White, Planning Manager

**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:** (August 2023) CC-1: Approval w/condition; CC-2: Deferral; CC-3: Approval; CC-4: Approval w/conditions; CC-5: No Quorum. (Apr. 2023) CC-1: Approval w/conditions; CC-2: Deferral; CC-3: Deferral; CC-4: Approval; CC-5: Approval. (Feb. 2023) CC-1: Deferral; CC-2: No Vote; CC-3: No Vote; CC-4: Deferral; CC-5: No Vote. (Oct. 2022) C-1: Deferral; CC-2: No Vote; CC-3: Deferral; CC-4: No Vote; CC-5: No Vote.

**PLANNING COMMISSION:** (Sep. 12, 2023) Defer to BOC. (March 7, 2023) Two-Cycle Deferral. (Nov. 1, 2022) Full Cycle Deferral.

**PLANNING STAFF:** Defer to the November 14, 2023 Board of Commissioners meeting.

**STAFF ANALYSIS:** This draft represents a more scaled down version of the initial proposal. Further discussions with residential development stakeholders, the Planning, Economic Development, & Community Services (PECS) Committee, Legal staff, and the County Development Oversight Committee are recommended to ensure the proposal is properly calibrated. Therefore, staff recommends a “Deferral to the November 14, 2023 Board of Commissioners meeting.”

**PLANNING COMMISSION VOTE:** (September 12, 2023) Deferral to BOC 7-0-0. Jan Costello moved, Edward Patton seconded for a deferral to the Board of Commissioners’ September 28, 2023 meeting. (May 2, 2023) Two-Cycle Deferral 8-0-0. Jan Costello moved, Edward Patton seconded for a 2-cycle deferral to the

Sept. 2023 zoning agenda, per Staff recommendation. **(March 7, 2023) Two-Cycle Deferral 9-0-0.** Jana Johnson moved, April Atkins seconded for a Two-Cycle Deferral to the July 2023 zoning agenda, per Staff recommendation. **November 1, 2022) 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: (August 2023) CC-1: Approval with one (1) condition 6-0-1.** Approved with the condition that the minimum house size change from 200 square feet to 600 square feet. CC-1 felt that 200 feet was simply too small and that it (as well as a 400 square foot home) would create an anomaly on the market. The issue was that if the cottage homes fell out of favor with the buying market, then the real small homes would become an albatross and sit vacant. A 600 foot or larger home would be more marketable to a potential buyer and would have cross market appeal. There is not even a 200 or 400 square foot apartment that anyone could think of that would show any relative market demand for living spaces this small. As we discussed in the prior CC meeting, a 200 square foot area is a one car garage. A 400 square foot area is a two-car garage. The group feels that those areas are just too small. **CC-2: Deferral 7-0-0.** Community Council 2 voted for deferral with the following conditions: 1) They would like to see a final version before Planning Commission on Sept 12, 2023 and 2) Page numbers should be added. They also had the following comment: It is insulting to have a document that is red lined and missing page numbers and expect volunteers to review and give comment; **CC-3: Approval 7-0-0; CC-4: Approval w/condition 10-0-0.** Approval with conditions to define small tree diameter and to add native plantings as a requirement for new planting in cottage developments; **CC-5: No Quorum;** Members present voted for deferral for further review and discussion of regulations pertaining to cottage houses developments. **(April 2023) CC-1: Approval w/conditions 5-0-0.** Condition #1: Cottage Housing development is not permitted in districts RE through R-75; Condition #2: DeKalb County Planning and Sustainability Zoning Staff shall create a new Cottage Housing Zoning Classification; **CC-2: Deferral 8-0-0; CC-3: Deferral 6-0-0.** Deferral to allow amendment to be finalized and further vetted; **CC-4: Approval 10-0-0; CC-5: Approval 9-0-0.** **(Feb. 2023) CC-1: Deferral 8-0-0; CC-2: No vote,** discussion only; **CC-3: No vote.** The motion to approve, failed due to a tied vote. Discussion included the appropriateness of allowing cottages by right in R-75 and R-85 districts and their potential impact on adjacent single-family subdivision and the need for affordable housing. **CC-4: Deferral 11-0-0; CC-5: No vote.** The motion for approval failed 4-6-0. There was no substitute motion. **(Oct. 2022) 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: September 12, 2023**

**Board of Commissioners Hearing Date: September 28, 2023**

### **TEXT AMENDMENT ANALYSIS**

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

**APPLICANT:** Department of Planning & Sustainability

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**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.

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**STAFF RECOMMENDATION:** deferral to the November 14, 2023 Board of Commissioners meeting.

#### **REASON FOR REQUEST:**

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. 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). 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.

Cottage style development provides an alternative to conventional single-family, detached residential construction on single lots. As we grapple with the aforementioned housing challenges, this alternative adds another viable housing option for developers and potential homeowners. Cottage style development combined with smaller home sizes and adjusted development standards allow for development of undeveloped, small, and/or unusually shaped infill lots in residential zoning districts. Potential benefits include lower construction cost, lower purchase price (per unit), more efficient use of land/infrastructure, and social/communal benefits.

Alternatively, this proposal presents its share of challenges. Concerns have been raised about the size, permissibility, density, placement, and design of cottage dwelling units. Cottage dwelling units are limited to a minimum size of 800 square feet per the *Zoning Ordinance*. Permitting smaller unit sizes may contribute to greater housing supply and lower cost for potential homebuyers. The incentives to residential developers are the ability to construct a greater number of homes and to do so at a lower cost. Thus, the ability for developers to provide these units by-right may contribute positively. However, requiring a rezoning, special land use permit, or other labor-intensive process may not yield successful results.

The density guidelines of the *2050 Unified Plan* (i.e., the *Comprehensive Plan*) significantly limits the density that may be desirable for this type of development form. For example, the maximum base density for residential districts is four (4) dwelling units per acre. Double-digit units per acre (10, 12, or 16 dwelling units per acre) may be more desirable. Nonetheless, beginning conservatively may provide some balance between community concerns and market demand.

Based on the policy research and feedback from the community councils; Planning Commission; and other stakeholders, this proposal represents what Staff feels is balanced approach. Hopefully, the proposed text amendment offers an attractive concept while providing reasonable community assurances on building design/form and density limits. It is likely, however, that cottage related zoning standards will need to be recalibrated in the future based on early results.

Amendments to the *Zoning Ordinance* include but are not limited to: introduces a definition for a *single-family, cottage dwelling unit* and expands its size range from 350-1,200 square feet.

Section/Table	Amendment	Justification
Table 4.1 (Use Table)	Prohibit cottage homes in HR-1,2,3 districts.	These districts are reserved for high density, vertical development.
	permit cottage homes in MU-1,2,3 districts.	Cottage development may serve as an attractive option in low-moderate density mixed-use development.
Tables 2.2, 2.4, & 2.17	Reduce minimum unit size from 800sf to 350sf	Expands range of home size to better meet community needs. Real estate community has expressed interest in units as small as 375sf.
5.7.5	Remove references and development standards specific to cottage homes	Current arrangement is scattered and difficult to comprehend
5.7.9	Creation of a new section specifically for cottage style development	Ease of administration
5.7.9 C	Owner-occupied only. no multi-family, short-term rentals, or accessory dwelling units	Community concerns about multi-family development in single-family, detached neighborhoods.
5.7.9 D1	Permit individual fee simple lots or condo arrangement on a parent parcel	Grants greater development flexibility
5.7.9 D2	Minimum number of units = 4 Maximum number of units = 12	Community concerns about increased density in single-family, detached neighborhoods. Limited by character area density guidelines.
5.7.9 D 4-5	Relaxed lot development standards applicable to total or cumulative lot area	Grants greater development flexibility
5.7.9 D – M	Building design and architectural standards	Provides predictable design and form standards that are acceptable to the community
Table 6.2	Parking standards specifically for cottage style development that reduces minimum parking space requirement from 2 spaces per dwelling unit to 1 per dwelling unit	More efficient use of land based on fewer expected residents.

This draft represents a more scaled down version of the initial proposal. Further discussions with residential development stakeholders, the Planning, Economic Development, & Community Services (PECS) Committee, Legal staff, and the County Development Oversight Committee are recommended to ensure the proposal is properly calibrated. Therefore, staff recommends a deferral to the November 14, 2023 Board of Commissioners meeting.

**TO: Planning Commissioners  
Board of Commissioners**

**FROM: Community Council District 1**

**DATE: August 31, 2023**

**RE: D1-2022-2270 TA-22-1246101 Cottage Housing**

The vote was to approve with a single condition that the minimum house size change from 200 square feet to 600 square feet.

The group felt that 200 feet was simply too small and that it (as well as a 400 square foot home) would create an anomaly on the market. The issue was that if the cottage homes fell out of favor with the buying market, then the real small homes would become an albatross and sit vacant. A 600 foot or larger home would be more marketable to a potential buyer and would have cross market appeal. There is not even a 200 or 400 square foot apartment that anyone could think of that would show any relative market demand for living spaces this small. As we discussed in the prior CC meeting, a 200 square foot area is a one car garage. A 400 square foot area is a two-car garage. The group feels that those areas are just too small.

Of the vote, Louisa Tovar, Jenna Teston, Bob Espy, Ed Tingley, Bruce Penn, and Chuck Hunt voted to approve with conditions. Kelly McManaman abstained, but added she would proxy the group's recommendation. There are nine CC members in this email chain, so the vote creates a quorum for the group as presented in your email.

Thanks for giving us the opportunity to work on this application. The group felt like too much time was spent in the CC meeting presenting what a good product it is, but no time in dissecting the actual language of the ordinance. We had heard all about the product and its merits on two prior meetings and we were really anxious to get into the weeds on the language of the ordinance itself. We felt like a careful analysis of the ordinance (as any TA) is our duty to the community, not whether we personally like or dislike the product.

**\*\* It is the wish of Community Council District 1 that this document be presented to the Planning Commission, as well as the Board of Commissioners. And, it should be included in the official case file for record.**