

AN ORDINANCE

**AN ORDINANCE TO AMEND
THE CODE OF DEKALB COUNTY, GEORGIA,
CHAPTER 27, ARTICLE III PERTAINING TO THE SCOTTDALÉ OVERLAY
DISTRICT AND FOR OTHER PURPOSES.**

WHEREAS, the DeKalb County Board of Commissioners has determined that there exists a need to amend the ordinances governing zoning for the area known as the Scottdale Overlay District; and

WHEREAS, the supplemental zoning regulation authorizing the Scottdale Overlay District was enacted to provide quality development around the Scottdale community; and,

WHEREAS, the DeKalb County Board of Commissioners finds that this amendment is consistent with the purposes and intents of the Scottdale Overlay District.

NOW THEREFORE, be it ordained by the Board of Commissioners of DeKalb County, Georgia, and it is hereby ordained by the authority of same, that Chapter 27 of the Zoning Ordinance of DeKalb County, Georgia, Article III, Division 36 is hereby amended as follows:

PART I. ENACTMENT

Section 27-3.36.4 is amended by deleting that section in its entirety and replacing it with the following new section to read as follows:

3.36.4. District boundaries and maps.

- A. Boundaries: The boundaries of the Scottdale Overlay District shall be established by a zoning map amendment, **dated September 11, 2018** which is attached hereto as Exhibit A and is adopted contemporaneously with the adoption of this section and which is incorporated by reference as if fully set forth herein and made a part of this chapter 27. The zoning map amendment shall be maintained by the director of the department of planning and sustainability (director of planning) and shall be available for public inspection in the office of said director.

- B. Tiers: Scottdale Overlay District shall be divided into six (6) tiers:
1. Tier I: Scottdale East Ponce de Leon Avenue/North Decatur Road Corridor and includes Neighborhood Center;
 2. Tier I-NC: Scottdale Neighborhood Center;
 3. Tier II: Central Scottdale/Eskimo Heights;
 4. Tier III: Scottdale Mill Village;
 5. Tier IV: Scottdale Perimeter; and
 6. Tier V: Scottdale Tobie Grant.
- C. The director of planning or their designee has the discretion to determine whether any property is located within the boundaries of the Scottdale Overlay District or any of its Tiers based upon the adopted zoning map.

* * *

Section 27-3.36.5 is amended by deleting that title in its entirety and replacing it with the following new title to read as follows:

3.36.5. Tier I: Scottdale East Ponce de Leon Avenue/North Decatur Road Corridor and Tier I-NC: Scottdale Neighborhood Center

By deleting sub-section 27-3.36.5.A and substituting in lieu thereof the following new sub-section to read as follows:

- A. *Principal uses and structures:* All properties located within Tier I and Tier I-NC of the Scottdale Overlay District shall be governed by all of the requirements of the underlying zoning district regulations. In addition, the following principal uses of land and structures shall also be authorized within Tier I and Tier I-NC:

By deleting sub-section 27-3.36.5.A.1 and substituting in lieu thereof the following new sub-section to read as follows:

1. All uses authorized in the OI (Office Institutional), OD (Office Distribution), C-1 (Local Commercial), C-2 (General Commercial) and M (Light Industrial) Zoning Districts on all property located west of East Ponce de Leon Avenue, except those uses listed in subsection B., below.

By deleting sub-section 27-3.36.5.A.2 and substituting in lieu thereof the following new sub-section to read as follows:

2. All uses authorized in the NS (Neighborhood Shopping), OI (Office Institutional), and C-1 (Local Commercial) Zoning Districts on all property located east of East Ponce de Leon Avenue, except those uses listed in subsection B., below.

By deleting sub-section 27-3.36.5.A.3 and substituting in lieu thereof the following new sub-section to read as follows:

3. In Tier I, only: all uses authorized in the MR-1 (Medium Density Residential-1) and MU-2 (Mixed Use-2) Zoning Districts.

By deleting sub-section 27-3.36.5.A.4 and substituting in lieu thereof the following new sub-section to read as follows:

4. In Tier I-NC, only: all uses authorized in the MR-2 (Medium Density Residential-2) and MU-3 (Mixed Use-3) Zoning Districts, except those uses in subsection B., below.

By amending sub-section 27-3.36.5.A to add the following new sub-section to read as follows:

10. The following densities shall apply to all residential property located within Tier I and Tier I-NC:
 - a. All residential and mixed-use development shall not exceed a maximum density of twelve (12) units per acre, except where noted in sub-section (b) below;
 - b. Mixed-use development in Tier I-NC, only, shall not exceed a maximum of twenty-four (24) units per acre, subject to the required minimum mix of uses under the applicable MU Zoning District found under Table 2.17, Article 2, Chapter 27.

By deleting sub-sections 27-3.36.5.B and 27-3.36.5.C and substituting in lieu thereof the following new sub-sections to read as follows:

- B. *Prohibited principal uses and structures.* The following principal uses of land and structures shall be prohibited within Tier I and Tier I-NC:
 1. Multifamily (apartments), except within a mixed-use development.
 2. Adult entertainment establishment.
 3. Adult service facility.
 4. Automobile and truck sales.
 5. Parking lots as a primary use.
 6. Automobile repair and paint shop.
 7. Automobile upholstery shop.
 8. Automobile wash service.
 9. Automobile, truck and trailer lease and rentals, except as allowed in 3.36.5. D.
 10. Boat sales.
 11. Boarding/rooming house.

12. Breeding kennels.
13. Cemetery, columbarium, or mausoleum.
14. Check cashing establishment.
15. Drive-in theater.
16. Dry Cleaning plant.
17. Extended stay hotel.
18. Fraternity house, sorority house and residence hall.
19. Fuel dealers, manufacturers and wholesalers.
20. Gift, novelty or souvenir store selling adult novelties.
21. Go-cart and motorcycle or other motorized concession.
22. Golf driving range or batting cage facility.
23. Heavy construction contractor with outside storage areas.
24. Heavy repair service and trade shop.
25. Hospital.
26. Motel.
27. Pawn shop.
28. Radio and television broadcasting station with outdoor tower.
29. Rubber and plastics manufacturing.
30. Shelter for homeless persons.
31. Storage yard for damaged or confiscated automobiles.
32. Tire retreading and recapping.
33. Trailer salesroom and sales lot.
34. Transitional housing facility.

C. *Additional uses and structures:*

1. The following accessory uses shall be authorized in Tier I and Tier I-NC:
 - a. Accessory uses and structures incidental to any authorized use.
 - b. Parking lots and parking decks which are accessory to any authorized use.
 - c. Clubhouse, including meeting room or recreation room.
 - d. Swimming pools, tennis courts, and other recreation areas and amenities.
 - e. Signs, in accordance with the provisions of chapter 21 and this chapter.
2. *Special use permits:* The following uses and structures shall be authorized in Tier I and Tier I-NC only by special use permit from the Board of Commissioners:
 - a. Adult day care, center and facility.
 - b. Child day care center and facility.
 - c. Child caring institution, group and community.
 - d. Home occupation involving any customer contact.
 - e. Bed and breakfast inn and home stay.
 - f. Recreation club.
 - g. Personal care home, group and community.
 - h. Place of worship.

By deleting section 27-3.36.5.E in its entirety and substituting in lieu thereof the following new and renumbered sub-section 27-3-36.5.E to read as follows:

- E. *Architectural guidelines for Non-residential and Mixed Use:* Architectural design of all mixed-use and non-residential buildings and structures within Tier I and Tier I-NC shall comply with the following guidelines:
1. Each building elevation shall be constructed of brick, stone, stucco, steel, glass, wood or any combination thereof.
 2. Roofing materials for hipped or pitched roofs shall consist of standing metal seam, tile, slate, stone, or architectural-style shingles.
 3. Walls visible from roadways or parking areas shall incorporate changes in building material/color or varying design details such as trellises, false windows, landscaping, or storefronts every one hundred fifty (150) linear feet.

By deleting section 27-3.36.5.F and substituting in lieu thereof the following new and renumbered sub-section 27-3.36.5.F to read as follows:

- F. *Architectural guidelines for Residential:* Architectural design of all residential buildings and accessory structures within Tier I and Tier I-NC shall comply with the following guidelines:
1. Each building elevation shall be constructed of brick, stone, stucco, wood, wood shake, cement fiberboard siding, or any combination thereof.
 2. Roofing materials for pitched or hip roofs shall consist of metal standing seam, tile, slate, stone, wood shake or architectural-style shingles.

By deleting section 27-3.36.5.G and all sub-sections in its entirety and substituting in lieu thereof the following new and renumbered sub-section 27-3.36.5.G to read as follows:

- G. Parking: Refer to Code Section 27-6.1.5 (as amended).

[Note to codifier to renumber the remaining sections.]

By deleting section 27-3.36.5.I [Parking] and all sub-sections in its entirety. [Note to codifier to renumber the remaining sections.]

* * *

By deleting section 27-3.36.6.A.1 in its entirety and substituting in lieu thereof the following new sub-section to read as follows:

A. Principal uses and structures: The following principal uses of land and structures shall be authorized in Tier II:

1. Detached single-family residences at a maximum density of six (6) units per acre.

By deleting sub-section 27-3.36.6.C.1 in its entirety and substituting in lieu thereof the following new sub-section to read as follows:

1. Special administrative permit approved by the director of planning:
 - a. Home occupation involving no customer contact and no employee other than the person residing on the premises.

By deleting sub-sections 27-3.36.6.D, 27-3.36.6.E, 27-3.36.6.F, 27-3.36.6.G and 27-3.36.6.H in their entirety. [Note to codifier to renumber the remaining sections.]

* * *

By deleting and amending sub-section 27-3.36.7.A.1 in its entirety and substituting in lieu thereof the following new sub-section to read as follows:

A. Principal uses and structures: The following principal uses of land and structures shall be authorized in Tier III:

1. Detached single-family residences at a maximum density of four (4) units per acre.

By deleting sub-section 27-3.36.7.C.1 in its entirety and substituting in lieu thereof the following new sub-section to read as follows:

1. Special administrative permit approved by the director of planning:
 - a. Home occupation involving no customer contact and no employee other than the person residing on the premises.

By deleting sub-sections 27-3.36.7.D 27-3.36.7.E 27-3.36.7.F, 27-3.36.7.G and 27-3.36.7.H and all sub-sections thereunder in their entirety. [Note to codifier to renumber the remaining sections.]

* * *

By deleting sub-section 27-3.36.8.A in its entirety and substituting in lieu thereof the following new sub-section to read as follows:

- A. *Principal uses and structures.* The following principal uses of land and structures shall be authorized in Tier IV:
1. Detached single-family residential at a maximum of six (6) units per acre.
 2. Attached single-family residential and attached fee simple multi-family residential at a maximum of twelve (12) units per acre in the Lantern Ridge subdivision, only.

By deleting sub-section 27-3.36.8.C.1 in its entirety and substituting in lieu thereof the following new sub-section to read as follows:

1. Special administrative permit approved by the director of planning:
 - a. Home occupation involving no customer contact and no employee other than the person residing on the premises.

By deleting sections 27-3.36.8.D, 27-3.36.8.E, 27-3.36.8.F, 27-3.36.8.G and 27-3.36.8.H in their entirety and renumbering the remaining sections

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By deleting section 27-3.36.10 in its entirety and substituting in lieu thereof the following new sub-section to read as follows:

Sec. 3.36.10. Building Standards

1. Standards for detached single-family residences (Tiers I, II, III, IV), cottages (CO) and urban single family (U-SF) detached residences (Tiers I, I-NC):

	Min. Lot size (sq. ft.)	Min. Lot width (ft.)	Min. House size (sq. ft.)	Min. Front yard setback (ft.)*	Min. Side yard setback (ft.)	Min. Side corner yard (ft.)	Min. Rear yard setback (ft.)	Max. Height ***
Tier I, I-NC	5,000, or 2,000 for CO, 1,350 for U-SF	50, or 20 for CO, 20 for U-SF	Min. 1,000, or Min. 800 for CO, Max. 1,200 for CO, Min. 1,100 for U-SF	20, or 10 w/ rear alley access	3 and 10 separation of buildings, or 3 for U-SF	10	10	35

	Min. Lot size (sq. ft.)	Min. Lot width (ft.)	Min. House size (sq. ft.)	Min. Front yard setback (ft.)*	Min. Side yard setback (ft.)	Min. Side corner yard (ft.)	Min. Rear yard setback (ft.)	Max. Height ***
Tier II	5,000	50	1,000	30	7.5	15	30	28**
Tier III	7,500	70	650	35	7.5	15	30	28
Tier IV	6,000	60	1,200	30, 35 for minor arterial, 45 for major arterial	7.5	15	30	35

*Setback averaging shall apply. See 5.2.1.C.

**Max. 32 feet (ft.) height if non-conforming lot or building

***Architectural projections which may include parapets, skylights and roof access enclosures are exempt from height requirements.

2. Standards for attached single-family attached residences (townhomes) in Tier I, Tier I-NC, and Tier IV Lantern Ridge:

	Min. Lot size* (sq. ft.) if subdivided	Min. Lot width for total property, or lot width if subdivided	Min. House size (sq. ft.)	Min. Front yard setback	Min. Side yard, or separation of buildings	Min. Side corner yard set-back (ft.)	Min. Rear yard setback	Max. Height
Tier I, I-NC	1,000	100, or 20 if subdivided	1,200	5	10	10	10	35 in Tier I, 45 in I-NC
Tier IV: Lantern Ridge	1,000	100, or 20 if subdivided	1,200	5	10	10	10	45

* Lot size, width, and setbacks not applicable to fee-simple condominiums. See Chapter 27-5.7.6.B.

3. Standards for Two-Family and Three-Family (TTF) attached residential (not stacked) in Tier I and Tier I-NC.

	Min. Lot size* (sf.) if subdivided	Min. Lot width, or Lot width if subdivided (ft.)	Min House size (sq. ft.)	Front yard setback (ft.)	Min. side yard, or Min. separation of buildings (ft.)	Min. Side corner yard setback (ft.)	Min. Rear yard setback (ft.)	Max. Height (ft.)
Two and Three Family	4,000	100, or 50 per unit	1,000	Min.10, or Max. 20	3, or 10	10	10	35

*Lot size, width and setbacks not applicable to fee-simple condominiums. See Chapter 27-5.7.6.B.

4. Standards for Mixed-Use and Non-residential in Tier I and Tier I-NC

	Min. Lot size (sf.)	Min. Lot width (ft.)	Min. Unit size (sf.)	Front yard setback (ft.) (Min./Max.)	Min. side yard for total property/Min. separation (sep.) of buildings (ft.)	Min. Side corner yard (ft.)	Min. Rear yard setback (ft.)	Max. Height (ft.)*
Tier I	N/A	N/A	650	0 min., 25 max.	0/15 sep. for 2-story blg, or 20 if 3-story	0	15	35
Tier I-NC	N/A	N/A	650	0 min., 15 max.	0, or 20 sep.	0	15	70

*Subject to transitional height plane standards. See Chapter 27-5.2.4.

5. *Miscellaneous building standards for all Tiers:*

- a. Corner lots shall not be required to have an additional 15 feet of street frontage.
- b. Setback averaging shall apply pursuant to Section 27-5.2.1.C. otherwise the front yard setback shall be as shown above.
- c. No lot shall be developed to exceed the maximum allowable coverage by buildings, structures, driveways or parking areas, or any other impervious surface specified as follows:

- 1) Detached Single-Family Residential – 35%

- 2) Attached Single-Family Residential – 75%
 - 3) Two- and Three-Family Residential – 55%
 - 4) Mixed-Use and Non-Residential – 80%
- d. Measurement of building height shall be in accordance with Section 27-5.25 of the Code.
 - e. Fences along public right of way shall be four (4) feet maximum. Fence height shall be measured from ground level. If ground level is lower than the level of the adjoining street pavement, then a fence may be higher so that it may be four (4) feet above the level of the pavement. The level of ground shall not be altered in such a way to provided additional fence height.

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By deleting the unnumbered introductory paragraph and sub-section 27-3.36.11.A in its entirety and substituting in lieu thereof the following new sub-sections 27-3.36.11.A and 27-3.36.11.B to read as follows: [Note to codifier to keep and renumber all remaining existing sub-sections 27-3.36.11.B – 27-3.36.11.F.]

3.36.11. – Landscaping requirements.

A. Landscape strips:

1. The landscape strip in the front yard shall be planted with a row of street trees of at least three and one-half (3.5) inches in caliper, and planted not less than thirty (30) feet on center. Trees shall be selected from the list of street trees species identified herein and in the Design Guidelines for the Scottsdale Overlay District, originally dated May 2008, as amended, a copy of which shall be maintained by the director of planning and available for public inspection. Continuous landscaped strips shall be constructed along public rights-of-way except at points of ingress or egress. Street trees shall be between the curb and sidewalk.

B. Landscape widths shall be as follows:

1. *Major and Minor Arterials:* Ten (10) foot wide landscape strip located between the curb and sidewalk.
2. *Collector and local streets:* Five (5) foot wide landscape strip located between the curb and sidewalk.
3. The four (4) foot strip between the curb and the sidewalk may be used toward the total width of the landscape strip.

4. *Interior yards*: Five (5) foot landscape strip along interior side and rear yards for non-residential and multi-family development only.

By deleting section 27-3.36.11.D in its entirety and substituting in lieu thereof the following new renumbered section 27-3.36.11.E to read as follows:

- E. *Street tree planting*: Street trees of a caliper not less than three (3) inches shall be planted no less than thirty (30) feet on center along all properties having frontage on a public street. Trees of the following types shall be used:
 1. Crape myrtle (*Lagerstroemia indica*) cultivars, with a standard trunk, but only under electric power lines.
 2. All serviceberry (*Amelanchier*) species, but only under electric power lines.
 3. All dogwood (*Cornus*) species.
 4. October Glory red maple (*Acer rubrum* ‘October Glory’).
 5. Red Sunset maple (*Acer rubrum* ‘Red Sunset’).
 6. All oak (*Quercus*) species.
 7. Japanese zelkova (*Zelkova serrata*).
 8. Ginkgo (*Ginkgo biloba*), but only male cultivars.
 9. Trident maple (*Acer buergerianum*).
 10. Allee lacebark elm (*Ulmus parvifolia* ‘Emer II’).
 11. Other varieties are subject to the review and approval of the county arborist and the director of planning or their designee.

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By deleting section 27-3.36.12 in its entirety and substituting in lieu thereof the following new section and sub-sections to read as follows:

Sec. 3.36.12. Sidewalks

A. Sidewalk Widths:

1. *Sidewalk requirements*. There shall be a public sidewalk constructed along all public street frontages contiguous to all properties within all tiers of the Scottsdale Overlay District. New sidewalks shall match the predominant pattern of existing sidewalks on contiguous properties. If there is no existing sidewalk contiguous to the property, sidewalks shall be located a minimum of four (4) feet from the curb. In places where sidewalks are not present, new sidewalks shall be established. If matching predominant pattern of existing sidewalks on contiguous properties causes the area between the sidewalk and the curb to be less than 4 feet in width, the street trees shall be planted between the sidewalk and the structure. For properties where there are overhead utility lines, the director of planning or their designee may authorize

exceptions to allow for a landscape plan that will not interfere with such utilities. All such conditions will be subject to review and approval by the director of planning or their designee in addition to the DeKalb County Arborist.

2. *Sidewalk widths shall be as follows:*

- a. *Major and Minor Arterials in Tier I and Tier I-NC:*
Minimum ten (10) foot wide sidewalk along public streets.
- b. *Major and Minor Arterials, collector, and local streets in all other tiers:* Minimum five (5) foot wide sidewalk.
- c. Wider sidewalks in Tier I and Tier I-NC may be expanded subject to review by the director of planning to accommodate outdoor dining.
- d. Tier III is exempt from sidewalk requirements.

B. Sidewalks are required to be installed in all Tiers, except for Tier III, pursuant to all land disturbance permits, new building permits or major changes or re-development of non-residential, multi-family residential, mixed use and individual detached single family homes, as defined by Chapter 27.

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By deleting section 27-3.36.17.A in its entirety and substituting in lieu thereof the following new sub-section to read as follows:

A. *Plans required:* Prior to the issuance of any land-disturbance permit, building permit, or sign permit, the applicant shall submit to the district commissioners and the director of planning or designee an application which shall include a conceptual plan package as defined by this chapter which shall demonstrate that the proposed design is in compliance with all of the requirements of this Scottdale Overlay District and the underlying zoning classification. The director of planning shall notify the president of the Scottdale Community Alliance and the co-chair of the Avondale-Rockbridge Civic Alliance of any application for so long as both groups or entities remain in existence. Copies of all applications shall be posted to the website for the DeKalb County Planning Department by the director of planning or designee at least ten (10) business days before any certificate of compliance is issued.

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By deleting sub-section 27-3.36.21.D.1 in its entirety and substituting in lieu thereof the following new sub-section to read as follows:

1. Special administrative permit approved by the director of planning:
 - a. Home occupation involving no customer contact and no employee other than the person residing on the premises.

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PART II. EFFECTIVE DATE

This ordinance shall become effective upon 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.

PART IV. REPEAL OF CONFLICTING ORDINANCES

This ordinance amends the zoning ordinance of DeKalb County, and all other conflicting ordinances or resolutions are hereby repealed, provided that nothing herein shall be construed as repealing the conditions of use, operation, or site development accompanying permits lawfully issued under previous ordinances or resolutions, and provided further that modification or repeal of those past conditions of approval may be accomplished as authorized and provided by the requirements of this zoning ordinance.

ADOPTED by the DeKalb County Board of Commissioners, this _____ day of _____, 2018.

JEFF RADER
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this _____ day of _____, 2018.

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 FORM:

VIVIANE ERNSTES
County Attorney

APPROVED AS TO SUBSTANCE:

ANDREW BAKER
Director of Planning