



DeKalb County Government

Manuel J. Maloof Center
1300 Commerce Drive
Decatur, Georgia 30030

Agenda Item

File #: 2019-4397

1/28/2020

File Status: Approval Review

Public Hearing: YES ☒ NO ☐

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): ALL DISTRICTS

Application of the Director of Planning and Sustainability for a text amendment to amend Table 5.2 to clarify buffer width requirements when adjacent to “R” districts whether adjoining use is single family attached or detached.

PETITION NO: D4. TA-19-1243554 (2019-4397)

PROPOSED USE: Residential Buffer Requirements

LOCATION: County Wide

PARCEL NO. : N/A

INFO. CONTACT: Marian Eisenberg

PHONE NUMBER: 404-371-4922

PURPOSE:

Application of the Director of Planning and Sustainability for a text amendment to amend Table 5.2 to clarify buffer width requirements when adjacent to “R” districts whether adjoining use is single family attached or detached.

RECOMMENDATION:

COMMUNITY COUNCIL: (December 2019) CC-1 No Quorum; CC-2 Approval with a change; CC-3 No Quorum; CC-4 Approval; CC-5 No vote. (October 2019) CC-1 Approval with a condition; CC-2 Full Cycle Deferral; CC-3: No Quorum; CC-4 Approval; CC-5 No Quorum.

PLANNING COMMISSION: (1/7/2020) Approval. (11/7/19) Full Cycle Deferral.

PLANNING STAFF: (1/7/2020) Approval. (11/21/19) Full cycle deferral.

STAFF ANALYSIS: (1/7/2020) Approval. (11/2019) This text amendment seeks to amend Table 5.2 by adding and clarifying buffer width requirements when adjacent to “R” districts whether adjoining use is single family attached or single family detached. A 20 ft undisturbed buffer is proposed when adjacent to “R” districts for single family attached.

PLANNING COMMISSION VOTE: (1/7/2020) Approval 9-0-0. J. West moved, A. Atkins seconded for

Approval per Staff recommendation. **(11/7/19) Full Cycle Deferral 8-0-0.** J. West moved, A. Atkins seconded for a full cycle deferral per Staff recommendation.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (December 2019) CC-1 No Quorum, those in attendance voted for approval with a condition to amend the language to increase the width of the transitional buffer from 20 ft to 30 ft for a new single-family attached development adjacent to single-family detached development; **CC-2 Approval 5-0-0; CC-3 No Quorum; CC-4 Approval 9-1-1; CC-5 No Vote**, Meeting time expired. **(October 2019) CC-1 Approval with a condition (3-0-0)** that the proposed buffer be 30 ft instead of 20 ft. **CC-2 Full Cycle Deferral (6-0-0); CC-3 No Quorum; CC-4 Approval (9-0-0); CC-5 No Quorum.**

AN ORDINANCE

**AN ORDINANCE TO AMEND THE CODE OF DEKALB COUNTY, GEORGIA,
AS REVISED 1988, CHAPTER 27, ARTICLE 5, PERTAINING TO
TRANSITIONAL BUFFERS, AND FOR OTHER PURPOSES.**

WHEREAS, the Board of Commissioners of DeKalb County is vested with authority to regulate land use through the adoption of planning and zoning ordinances which reasonably relate to the public health, safety, morality and general welfare of the County and its citizens; and

WHEREAS, Table 5.2(a) of Chapter 27 identifies the transitional buffer class required for each zoning district based on the zoning district to which it is adjacent; and

WHEREAS, the Board of Commissioners finds that amendments to Table 5.2(a) are needed to clarify the distinction between single-family detached and single-family attached units, and to clarify that a transitional buffer is only required where new single-family attached units will adjoin existing single-family detached units; and

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

PART I: ENACTMENT

Section 5.4.5. of the Code of DeKalb County, as revised 1988, shall be amended by deleting Table 5.2(a) in its entirety and substituting in lieu thereof the new Table 5.2(a), attached hereto as Exhibit 1:

* * *

Sec. 5.4.5. – Transitional buffers.

* * *

Note to codifier: please delete Table 5.2(a) and insert in its place the new Table 5.2(a), attached hereto as Exhibit 1.

* * *

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.

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 _____, 2019.

JEFF RADER
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this _____ day of _____, 2019.

MICHAEL L. THURMOND
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

BARBARA NORWOOD-SANDERS, CCC

Clerk to the Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:

ANDREW BAKER

Planning & Sustainability Director

APPROVED AS TO FORM:

VIVIANE H. ERNSTES

County Attorney

EXHIBIT 1

Sec. 5.4.5. - Transitional buffers.

- A. *Intent.* Transitional buffers are intended to create a visual screen in order to diminish the potential negative impacts of non-residential and mixed land uses on adjacent residential land uses. Similarly, transitional buffers diminish the potential negative impacts of higher intensity residential development on adjacent single-family residential land uses.
- B. *General requirements.* Natural or planted transitional buffers required by this article shall be established and permanently maintained by the property owner as follows:
 - 1. The required transitional buffer shall be depicted in detail on each site plan or plat prior to final approval. Type and location of natural and planted vegetation shall be included.
 - 2. Within the transitional buffer, the natural topography of the land shall be preserved and existing growth shall not be disturbed except where necessary to remove dead or diseased trees and undergrowth or to enhance the buffer with additional landscaping in order to provide a screen so as to prevent view of the higher density development from the lower density development.
 - 3. Grading or construction adjacent to the transitional buffer zone shall not disturb or encroach upon the transitional buffer zone.
 - 4. Notwithstanding subsection 3., if grading is required in the transitional buffer in order to prevent or control erosion, the area of such grading shall cover no more than twenty (20) percent of the required transitional buffer, shall be immediately replanted upon completion of easement improvements and shall avoid disturbance of the soil within the dripline of trees within the transitional buffer.
 - 5. Any approved utility crossings shall be perpendicular to the transitional buffer.
 - 6. A pedestrian walkway, a maximum width of five (5) feet, may be located in the buffer to provide pedestrian access to the adjoining property. Where a pedestrian walkway is provided, a gate shall be installed in the required screening fence.
 - 7. If existing vegetation in a buffer area does not meet the transitional buffer standards, a five-foot high, landscaped berm may be installed subject to the approval of the county arborist. Grading to construct the berm shall not remove significant plants designated by the county arborist as part of the approval of the landscaped berm.
- C. *Buffer planting and materials.* When the conditions of the existing natural topography and vegetation are insufficient to achieve the visual screening required by this section, a landscape planting plan to enhance the transitional buffer shall be prepared and implemented to supplement existing natural growth or to provide new plant materials of such growth characteristics as will provide a screen meeting the standards below:
 - 1. *Planting height.* Proposed planting as part of an enhanced transitional buffer shall have a height of at least six (6) feet at the time of planting and planted in a minimum of two (2) rows, with staggered on center spacing such that a continuous opaque screen is created within two (2) years of planting.
 - 2. *Plant types.* Plant species in an enhanced transitional buffer shall be evergreen, native, naturalized or other species well-adapted to the local climate and rainfall patterns, disease and pest-free, healthy and vigorous, and meet standard for American Nursery Stock, ANSI Z60.1.
 - 3. *Plant functions.* Plants shall be approved from a list made available from the planning department, but shall not be exclusive of other plants which may be suitable, provided they can provide a continuous opaque screen.
 - 4. *Fences.* Fences are required with transitional buffers and shall meet the requirements of section 5.4.7.
 - 5. *Wall and fence finishes.* Walls and fences shall be constructed with the finished or decorative side facing outward from the property.

- D. *Buffer dimensions and specifications.* Table 5.2(a) identifies the transitional buffer class required for each zoning district based on the zoning district to which it is adjacent. Table 5.2(b) summarizes the minimum width of the required transitional buffer for each transitional buffer class (A-E).

Table 5.2(a): Transitional Buffer Class by District

Transitional Buffer Class by District												
Districts	Adjacent District											
Residential Districts	R*	MHP	RNC	RSM	MR-1	MR-2	HR-1-3	MU-1	MU-2	MU-3	MU-4	MU-5
MHP	C	-	-	-	-	-	-	-	-	-	-	-
RNC	B	-	-	-	-	-	-	-	-	-	-	-
Mixed Residential Districts												
RSM**	A	C	A	-	-	-	-	-	-	-	-	-
MR-1**	B	C	B	B	-	-	-	-	-	-	-	-
MR-2**	C	C	C	C	C	-	-	-	-	-	-	-
HR-1-3**	C	C	C	C	B	B	-	-	-	-	-	-
Mixed-Use Districts												
MU-1	B	B	B	B	-	-	-	-	-	-	-	-
MU-2	C	B	B	B	B	-	-	-	-	-	-	-
MU-3	C	C	C	B	A	B	B	B	B	-	-	-
MU-4	C	C	C	B	A	B	B	B	B	-	-	-
MU-5	C	C	C	B	A	B	B	B	B	-	-	-
Non-Residential Districts												
OI	C	C	C	C	C	C	C	B	B	B	-	-

OIT	C	C	C	C	C	C	C	B	B	B	-	-
NS	C	C	C	C	C	C	C	A	A	A	-	-
C-1	C	C	C	C	C	C	C	B	B	B	-	-
OD	D	D	D	D	D	D	D	D	D	D	D	D
C-2	C	C	C	C	C	C	C	B	B	B	B	B
M	D	D	D	D	D	D	D	D	D	D	D	D
M-2	E	E	E	E	E	E	E	E	E	E	E	E

¹ Where new single-family detached residential units are to be located adjacent to existing single-family detached units, then no transitional buffer is required. However, where new single-family attached units are to be located adjacent to existing single-family detached units, then a 20-foot buffer is required.

² R= RE, RLG, R-100, R-85, R-75, and R-60 (except when R-60 use is single-family attached)

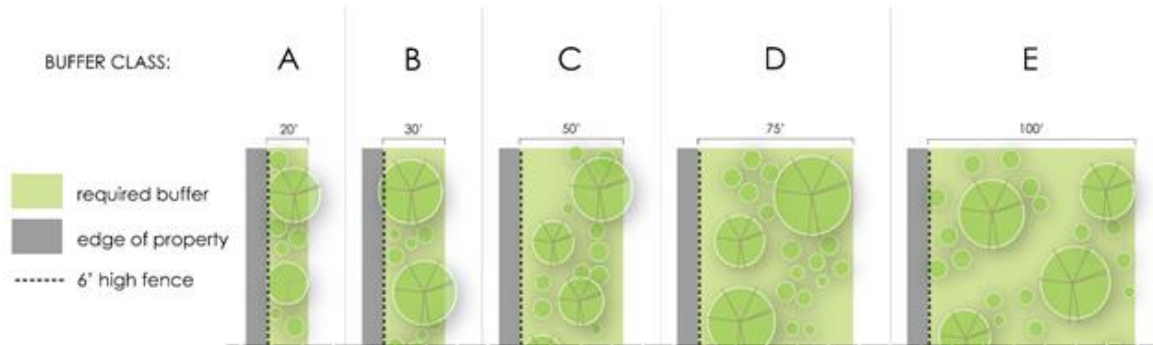
* R= RE, RLG, R-100, R-85, R-75, R-60 (except when R-60 use is single-family attached)

** Where the Mixed Residential District has single family units along an adjacent residential (R) boundary, then a transitional buffer is not required.

Table 5.2(b):Transitional Buffer Minimum by Buffer Class

Transitional Buffer Minimum Width by Buffer Class	
Buffer Class	Width
A	20'
B	30'
C	50'
D	75'

E	100' with fence
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Transitional Buffers Figure

([Ord. No. 15-06](#), 8-25-2015)