



DeKalb County Government

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

Agenda Item

File #: 2019-4123
File Status: Preliminary Item

9/24/2019

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 the Zoning Ordinance, Chapter 27, Article 2 to correct scriveners' errors.

PETITION NO: N14. TA-19-1243417

PROPOSED USE: Correct scriveners' errors

LOCATION: DeKalb County

PARCEL NO. : All Districts

INFO. CONTACT: Marian Eisenberg

PHONE NUMBER: 404-371-4922

PURPOSE:

Application of the Director of Planning and Sustainability for a text amendment to the Zoning Ordinance, Chapter 27, Article 2, to correct scriveners' errors. The amendment affects all properties throughout DeKalb County.

RECOMMENDATION:

COMMUNITY COUNCIL: CC-1 APPROVAL; CC-2 DEFERRAL; CC-3 NO RECOMMENDATION; CC-4 DENIAL; CC-5 APPROVAL.

PLANNING COMMISSION: FULL CYCLE DEFERRAL

PLANNING STAFF: DEFERRAL FULL CYCLE

STAFF ANALYSIS: This text amendment seeks to correct scriveners' errors throughout the DeKalb County Zoning Ordinance, Chapter 27, Article 2.

PLANNING COMMISSION VOTE: Full Cycle Deferral 8-0-0. J. West moved, P. Womack, Jr. seconded for a full cycle deferral, per Staff recommendation.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: CC-1 Approval 7-0-0; CC-2 Deferral 6-0-0;

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Council would like to see a full document of all scriveners errors in Article 2; **CC-3 No Recommendation;** **CC-4 Denial 7-2-1**, Council recommended denial since there were no specific scriveners errors identified in the text amendment; **CC-5 Approval 7-0-0**, Council voted for Approval of this text amendment.

27-2.2 DIVISION 2. - RESIDENTIAL ZONING DISTRICTS: DIMENSIONAL REQUIREMENTS

Sec. 2.2.1. - Dimensional requirements.

Dimensional requirements, such as overall site requirements, individual lot dimensions, and setbacks for residential zoning districts are established in Table 2.2, "Residential Zoning Districts Dimensional Requirements." Residential infill development may also be subject to compatibility regulations as specified in sections 5.2.3 and 5.2.4. (Amended 3/24/15).

Table 2.2 Residential Zoning Districts Dimensional Requirements

Residential Single-Family Zoning Districts								
KEY: Housing Types: SF: Single-Family, TF: Two-Family, TRF: Three-Family, MF: Multi-Family Character Areas: RC: Regional Center, TC: Town Center, NC: Neighborhood Center, SUB: Suburban								
Element	RE	RLG	R-100	R-85	R-75	R-60	MHP	RNC ¹
Lot Dimensions (minimum)								
Lot area (square feet)	43,560 (1 acre)	20,000	15,000	12,000	10,000	6,000/3,500 cottage	Parks: 20 acres Lots: 4,000	1
Lot width, street frontage (feet)	150	65	100	85	75	60	Parks: 400 Lots: 50	1
Lot width at building line (feet)	150	65	100	85	75	60	N/A	1
Lot width fronting cul-de-sac (feet)	35	35	35	35	35	35	N/A	1
Lot coverage (maximum %)	25	30	35	35	35	35-50	N/A	1
Building Setbacks (minimum) Subject to Article 5, Averaging Requirements								
Front, Single Lots in Existing Development	Front setback established by average, existing setbacks on street. See Art. 5.2.1.C							
Front thoroughfares	60	70	50	50	45	30	Parks: 250	1

Major arterial (feet)							Lots: 10	
Front minor arterial (feet)	50	60	40	40	35	20	150	1
Front collector and all other streets (feet)	45	55	35	35	30	If RC/TC/NC: 15 If SUB: 20	100	1
Front with alley access(feet)	N/A	25	25	25	25	10	Parks: N/A Lots: 10	1
Side - interior building setback (feet)	20	10	10	8.5	7.5	7.5	Parks: 50 Lots: 7.5	1
Side - corner lot on public street (feet) ²	Same as district indicates front setback, following street type along the corner side property line							
Rear (feet)	40	40	40	40	40	30	Parks: 40 ⁴ Lots: 7.5*****	1
Unit Size, heated living area (minimum)								
Unit size (square feet)	2,000	2,000	2,000	1,800	1,600	1,200 If cottage: 800— 1,200	N/A	1
Height (maximum)								
Main building (feet) (Residential infill overlay = 28 feet)	35	35	35	35	35	35	35	1
Accessory building (feet)	24	24	24	24	24	24	N/A	1
Open Space (minimum %)								
Open space ³	20%	20%	20%	20%	20%	20%	20 10%	1

- 1 See division 10 of this article
- 2 See article 5, corner lots section for reduction eligibility
- 3 Open space requirements shall apply to new subdivisions if project is > 5 acres or > 36 units (chapter 14)
- 4 100 feet if adjacent to property zoned or used for residential purposes

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

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

Sec. 2.11.2. - Dimensional requirements.

Dimensional requirements, including overall site requirements, individual lot dimensions, setbacks, and heights for Medium and High Density Residential Zoning Districts, are provided in Table 2.4, "Medium and High Density Residential Zoning Districts Dimensional Requirements." In addition, compatibility and transitional buffers as defined and required in article 5 may apply.

Table 2.4 Medium and High Density Residential Zoning Districts Dimensional Requirements

Medium and High Density Residential					
<p>KEY: Housing Types: SFD: Single-Family Detached, SFA: Single-Family Attached, TTF: Two/Three-Family, MF: Multi-Family, MU: Mixed-Use, U-SF: Urban Single-Family Character Areas: RC: Regional Center, TC: Town Center, TN: Traditional Neighborhood, NC: Neighborhood Center, SUB: Suburban</p>					
Elements	RSM	MR-1	MR-2	HR-1	HR-2 and HR-3
Overall Site Requirements (minimum, unless otherwise specified)					
Dwelling units per acre (maximum base density and maximum possible with bonuses)	4—8	8—12	12—24	24—40	HR-2: 40—60 HR-3: 60—120
Open space required (minimum %) ¹	20%	20%	15%	15%	15%
Transitional buffers (feet)	See article 5				
Lot Requirements (minimum, unless otherwise specified)					
Single-Family Detached Conventional (SFD)²					
Lot area (square	5,000/2,000	5,000/2,000	5,000/2,000	Not	Not

feet) ²	cottage	cottage	cottage	permitted 5,000/2,000 cottage	permitted 5,000/2,000 cottage
Lot width, street frontage (feet) ²	50/20 cottage and detached townhome -Urban SF	45/20 cottage and detached townhome Urban SF	40/20 cottage and detached townhome Urban SF	Not permitted 40/20 cottage and Urban SF	Not permitted 40/20 cottage and Urban SF
Lot coverage (maximum % per lot or total parcel acreage)	50	60	65	Not permitted 65	Not permitted 65
Single-Family Attached (SFA)					
Lot area (square feet)	1,000	1,000	1,000	1,000	1,000
Lot width (feet)	25	25	20	20	20
Lot coverage (maximum % per lot or total parcel acreage)	70	80	85	85	85
Urban Single-Family (detached)					
Lot area (square feet)	1,350	1,350	1,000	1,000	1,000
Lot width (feet)	25	25	20	20	20
Lot coverage (maximum % per lot or total parcel acreage)	70	80	85	85	85
Two/Three-Family (TTF)					

Lot area (square feet)	4,000	4,000	4,000	Not permitted 4,000	Not permitted 4,000
Lot width (feet)	60	55	50	Not permitted 50	Not permitted 50
Lot coverage (maximum % per lot or total parcel acreage)	50%	55%	55%	Not permitted 55	Not permitted 55
Multi-Family (MF) and Mixed-Use (MU)					
Lot width, street frontage (feet)	Not permitted	100	100	100	100
Lot coverage (maximum % of total parcel acreage)	Not permitted	65%	75%	85%	85%
Building Setbacks: SF and SFA for Individual Internal Lots; MF, SFA, MU for Overall Site****					
From thoroughfares and arterials (min. and max. feet)	All: min. 20, max. 30	SFD: min. 15, max. 25 Other: 10—20	All: min. 10, max. 20	All: min. 10, max. 20	All: min. 10, max. 20
Front - all other streets by character area (min. feet)	RC/NC/TC: 15 SUB: 20	0 - Determined only by utility placement, ROW, and streetscape (article 5)			
Front with alley access (min. feet)	10	SFD & TTF: 10 SFA & MF: 5	SFD & TTF: 10 SFA & MF: 5	5	5
Side - interior lot (feet) ³	SFD & TTF: 3 ft. with minimum 10 ft. separation between buildings; SFA; N/A; MF & MU; N/A; U-SF; 0 ft. side setback with minimum 3 ft. separation between building				

Side - corner lot on public street (feet)	Same as front setback (see also article 5, corner lot)				
Rear without alley (feet)	SFD: 20; SFA: 15; TTF: 15; All others: 20	SFD: 20; SFA: 15; MF & MU: 20; MF: 20; CM/OF/MU: 15 (see also transitional buffers, article 5)			
Rear with alley (feet)	10	10	10	10	10
Unit Size, heated living area (square feet, minimum)					
Single-Family Detached (SFD)- Conventional	1,200	1,200	1,000	Not permitted 1,000	Not permitted 1,000
Single-Family Detached (SFD)- Cottage	800	800	800	Not permitted 800	Not permitted 800
Single-Family Attached (SFA) ³	1,200	1,200	1,000	1,000	Not permitted 1,000
Urban Single-Family (U-SF) Detached ³	1,100	1,100	1,100	1,100	Not permitted 1,000
Two/Three-Family (TTF)	1,000	1,000	1,000	1,000	Not permitted 1,000
Multi-Family (MF) ³	Not permitted for new developments	650	650	650	650
Height (maximum and whichever is less when indicated as stories or feet)⁴					

Single-Family Detached (SFD) Except Res Infill Overlays = 28 feet	35 feet	35 feet	35 feet	Not permitted 35 feet	Not permitted 35 feet
Single-Family Attached (SFA) and Urban Single-Family (U-SF) ³	3 -stories or 45 feet	3 -stories or 45 feet	3 -stories or 45 feet	Not permitted 45 feet	Tables 2.13 and 2.15 45 feet
Two/Three-Family (TTF) ⁴	35 feet	35 feet	3 -stories or 45 feet	Not permitted 45 feet	Not permitted 45 feet
Multi-Family (MF) ⁴	N/A	4 -stories or 60 feet	Table 2.9 ⁴	Tables 2.13 and 2.15 ⁴	Tables 2.13 and 2.15 ⁴
Mixed-Use (MU) ⁴	N/A	4 -stories or 60 feet	Table 2.9 ⁴	Table 2.11 ⁴	Tables 2.13 and 2.15 ⁴

¹ Open space requirement shall apply to new ~~subdivisions residential development~~ if project is > 5 acres or ≥ 36 units (see chapter 14). See article 5 for enhanced open space requirements.

² Where two numbers are indicated, the first number is the standard and the second number applies only to housing type that is indicated, e.g., cottage or urban SF.

³ See Article 5 for building separation and minimum multi-family, ~~single family attached~~ unit size details; Urban-SF with 0' side setback must meet fire walls, sprinklers and any other fire code applicable to attached townhouse dwellings.

⁴ Table refer to bonus height

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

Sec. 2.18.3. - Mixed-Use dimensional requirements.

Dimensional requirements including overall site requirements, individual lot dimensions, setbacks, and heights for Mixed-Use Districts are provided in Table 2.17, "Mixed-Use Zoning Districts Dimensional Requirements." Compatibility rules and transitional buffers as defined and required in article 5 may apply.

Table 2.17 Mixed-Use Zoning Districts Dimensional Requirements

Mixed-Use Districts				
KEY: Development Types: SFD: Single-Family Detached, SFA: Single-Family Attached, TTF: Two/Three-Family, MF: Multi-Family, U-SF: Urban Single-Family, MU: Mixed-Use, CM: Commercial, OF: Office Character Areas: SUB: Suburban, TN: Traditional Neighborhood, NC: Neighborhood Center, TC: Town Center, RC: Regional Center				
Element	MU-1	MU-2	MU-3	MU-4 and MU-5
Overall Site Requirements (minimum, unless otherwise specified)				
Dwelling units per acre (with bonus)	4—8	8—12	12—24	MU-4=24—40; MU-5=40—60
Minimum street frontage for site (feet)	75	75	50	50
Minimum site size	0	0	0	0
Overall site setback rear (feet)	20	20	20	10
Overall site setback side (feet)	15	15	15	N/A (Art. V buffers apply)
Open space required (minimum %) ¹	10% of total parcel acreage	10% of total parcel acreage	10% of total parcel acreage	10% of total parcel acreage
Transitional buffers (feet)	See article 5			
Required minimum mix of uses				

Non-residential (percentage square footage of building)	10%	15%	20%	20%
Residential (percentage square footage of building)	15%	10%	0	0
Individual Lot Dimensions by Residential Type (minimum, unless specified)				
Single-Family Detached (SFD)				
Lot area (square feet)	3,500	3,500/2,000 cottage	3,500	Not permitted
Lot width (feet)	35	35/20	35	Not permitted
Lot coverage (maximum percentage)	55	55	55	Not permitted
Single-Family Attached (SFA) and Urban Single-Family				
Lot area (square feet)	1,000	1,000	1,000	1,000
Lot width (feet)	20	16	16	20
Lot coverage (maximum % per lot or total parcel acreage)	50%	75%	80%	90%
Two/Three-Family (TTF)				
Lot area (square feet)	4,000	4,000	4,000	4,000
Lot width (feet)	55	55	55	55

Lot coverage (maximum % per lot or total parcel acreage)	55	55	75	75
Multi-Family (MF) - See Building Type Standards in article 5				
Lot area (square feet)	12,500	12,500	12,500	12,500
Lot width (feet)	1 bldg: 50 2 or more bldgs: 100	1 bldg: 50 2 or more bldgs: 100	1 bldg: 50 2 or more bldgs: 100	1 bldg: 50 2 or more bldgs: 100
Lot coverage (maximum percentage)	N/A	N/A	N/A	N/A
Building Setbacks (minimum, unless specified)				
Single-Family Detached and Two-Family				
Front (feet)	Min. 10/Max. 25	Min. 5/Max. 20	Min. 5/Max. 20	Not permitted
Side - interior lot (feet)	7.5	7.5	7.5	Not permitted
Side - corner lot on public street (feet)	15	15	15	Not permitted
Rear (feet)	10	10	10	Not permitted
Rear - w/alley (feet)	15	10	10	Not permitted
Single-Family Attached and Urban Single-Family				
Front (feet)	Min. 10/Max. 20, Min. 5/Max. 10 with alley garage	Min. 10/Max. 20, Min. 5 with alley garage	No Min./Max	No Min./Max.

Side - interior lot (feet)	N/A	N/A	No Min./Max.	No Min./Max.
Side - corner lot on public street (feet)	Min. 10/Max. 20	Min. 10/Max. 20	10	5
Rear (feet)	20	15	10	10
Rear - w/alley (feet)	15	10	5	5
Mixed-Use/Commercial/Multi-Family²				
Front (feet)	Min. 10/Max. 50	Min. 10/Max. 50	No Min./Max.	No Min./Max.
Side - interior lot (feet)	Min. 10./Max. 20	Min. 10./Max. 20	No Min./Max.	No Min./Max.
Side - corner lot on public street (feet)	20	15	No Min./Max.	No Min./Max.
Rear (feet)	15, 0 if parking deck, liner building or party wall present	10, 0 if parking deck, liner building or party wall present	10, 0 if parking deck, liner building or party wall present	10, 0 if parking deck, liner building or party wall present
Rear - w/alley (feet)	10	10	5	5
Unit Size, heated living area (minimum, unless specified)				
Single-Family Detached (square feet)	1,200	1,200/800 cottage	1,200/800 cottage	Not permitted
Single-Family Detached, Urban (square feet)	1,000	1,000	1,000	1,000
Two- and Three-Family (square feet)	1,000	1,000	1,000	Not permitted

Single-Family Attached (square feet)	850	850	850	850
Multi-Family - one bedroom (square feet)	550	500	500	500
Multi-Family - two bedroom (square feet)	700	650	650	650
Multi-Family - three bedroom (square feet)	850	800	800	800
Accessory Unit Dwelling (square feet)	650 800	650 800	Not permitted 800	Not permitted 800
Live/Work (residential portion square feet)	400	400	400	400

1 See article 5 for enhanced open space requirements

2 See article 5 for building separation ~~and minimum multi-family unit size details details~~

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

27-2.24 DIVISION 24. - NON-RESIDENTIAL ZONING DISTRICTS: DIMENSIONAL REQUIREMENTS

Sec. 2.24.1. - Dimensional requirements.

Dimensional requirements including overall site requirements, lot dimensions, setbacks, and heights for Non-Residential Districts are provided in Table 2.24, "Non-Residential Zoning Districts Dimensional Requirements." Building setback, height and lot width may be tied to lot size compatibility, averaging as defined and required in article 5.

Table 2.24 Non-Residential Zoning Districts Dimensional Requirements

Non-Residential Districts								
KEY: Character Areas: RC: Regional Center, TC: Town Center, NC: Neighborhood Center, SUB: Suburban								
Element	OIT	OI	NS	C-1	C-2	OD	M	M2
Overall Site Requirements (minimum, unless otherwise specified)								
Dimensional Requirements								
Lot area (min. square feet)	7,500	20,000	20,000	20,000	30,000	30,000	30,000	2 acres for heavy ind. & uses req'g SLUP, 1 acre for all other uses
Single-Family Attached Lot Area (Avg. per dwelling unit sq. ft.)	4,000	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted
Lot width, street frontage (feet)	75	100	100	100	100	100	100	150
Lot coverage (maximum)	80	80	80	TC/RC: 90 All other:	TC/RC: 90 All other:	80	80	80

percentage)				80	80			
Open Space Requirements								
Sites with 5,000—39,999 sq. ft. gross floor area (minimum %)	15	15	15	10	10	15	15 20	15 20
Sites with 40,000 [sq. ft.] gross floor area (minimum %)	20	20	20	20	20	20	20 N/A	20 N/A
Transitional buffer (feet)	Article 5, division 4							
Building Setback Requirements (minimum, unless otherwise specified)								
Urban Character Areas (Town Center, Regional Center)								
Front thoroughfares and arterials (min./max. feet)	20/60	20/50	10/60	20/60	20/60	Not permitted	Not permitted	Not permitted
Front - all other streets (min./max. feet)	10/60	10/60	5/60	10/60	10/60	Not permitted	Not permitted	Not permitted
Side - interior lot (feet)	20	20	20	15	15	Not permitted	Not permitted	Not permitted
Side - corner lot on public	30	15	15	30	30	Not permitted	Not permitted	Not permitted

streets (feet)								
Rear (feet)	20	20	20	20	20	Not permitted	Not permitted	Not permitted
All Other Character Areas								
Front thoroughfares and arterial (feet)	40	60	30	60	60	75	60	60
Front - all other streets (feet)	30	50	20	50	50	75	60	60
Side - interior lot (feet)	20	20	20	20	20	20	20	20
Side - corner lot on public streets (feet)	40	50	15	50	50	50	60	60
Rear (feet)	30	30	20	30	30	30	30	30
Unit Size (residential: heated living area)								
Floor area of attached dwelling unit or Multi-Family (min. sq. ft.)	1,000	1,000	Not permitted	Not permitted	Not permitted	Not permitted	1,000	Not permitted
Floor area of live/work dwelling unit (residential portion only - min. sq. ft.)	650	650	650	650	Not permitted	Not permitted	650	Not permitted

Floor area per individual building (maximum sq. ft.)(non-res)	N/A	N/A	50,000	No maximum	No maximum	No maximum	No maximum	No maximum
Height (maximum without a special land use permit (SLUP))²								
Height (feet) ⁴	2 story/35 feet	5 story/70 feet ^{1,3}	2 story/35 feet	2 story/35 feet	2 story/35 feet	2 story/35 feet	**	**
Transitional height plane (see article 5)	No	Yes	No	No	No	Yes	Yes	Yes

1 If located next to single-family residential and the building will exceed 35 feet in height, the ~~building-setback transitional buffer from adjacent to~~ SF residential shall be increased 50%.

2 Fire department and rescue services must approve over 3 stories to assure adequacy of fire protection facilities.

3 5 story/70 feet if in an activity ~~node center~~, ~~2-story/35 feet~~ outside an activity ~~node center~~, unless obtaining a SLUP for up to ~~5-story/70 feet~~.

4 A Special Land Use Permit (SLUP) is required to exceed maximum height, unless otherwise indicated.

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

Sec. 2.20.1. - District requirements, standards and criteria.

All provisions found in the MU-1 (Mixed Use Low Density) District shall apply to the MU-2 (Mixed-Use Low-Medium Density) District, except that the ~~reference to Table 2.19 for MU-1~~ density shall be to Table 2.20 for MU-2 density.

Table 2.20. MU-2 Character Area and Bonus Residential Density Maximum

Character Area	MU-2 Dwelling Units per Acre	
	Base Max	Bonus Max
Traditional Neighborhood	6	12
All other character areas	8	12

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

27-2.21 DIVISION 21. - MU-3 (MIXED-USE MEDIUM DENSITY) DISTRICT

Sec. 2.21.1. - District requirements, standards and criteria.

All provisions found in the MU-2 (Mixed-Use Medium Density) District shall apply to the MU-3 (Mixed-Use Medium Density) District, except that:

- A. The reference to ~~Table 2.20 for MU-2~~ density shall be to Table 2.21 for MU-3 density.

Table 2.21. MU-3 Character Area and Bonus Residential Density Maximum

Character Area	MU-3 Dwelling Units per Acre	
	Base Max	Bonus Max
Town Center	12	24
Regional Center	12	24
Neighborhood Center	12	24
All other character areas	12	24

- B. Section 2.19.8 regarding retail size restrictions shall not apply.
- C. Height restrictions apply to the MU-3 (Mixed-Use Low-Medium Density) District based on a relationship of density, as achieved through bonuses, in accordance with Tables 2.9 or 2.11, as applicable.

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

27-2.22 DIVISION 22. - MU-4 (MIXED-USE HIGH DENSITY) DISTRICT

Sec. 2.22.1. - District requirements, standards and criteria.

All provisions found in the MU-3 (Mixed-Use Medium Density) District shall also apply to the MU-4 (Mixed-Use High Density) District, except that:

- A. ~~The reference to Table 2.21 for MU-3~~ Density shall be to Table 2.22 for MU-4 density.

Table 2.22. MU-4 Character Area and Bonus Residential Density Maximum

Character Area	MU-4 Dwelling Units per Acre	
	Base Max	Bonus Max
Town Center	24	40
Regional Center	24	40
Office Park	24	30
Highway Corridor	24	30

- B. Height restrictions apply to the MU-4 (Mixed-Use High Density) District in accordance with Table 2.9, 2.11, or 2.13, as applicable.

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

27-2.23 DIVISION 23. - MU-5 (MIXED-USE VERY HIGH DENSITY) DISTRICT

Sec. 2.23.1. - District requirements, standards and criteria.

All provisions found in the MU-3 (Mixed-Use Medium Density) District shall also apply to the MU-5 (Mixed-Use Very High Density) District, except as identified below:

- A. ~~The reference to Table 2.21 for MU-3~~ Density shall be to Table 2.23 for MU-5 density.

Table 2.23. MU-5 Character Area and Bonus Residential Density Maximum

Character Area	MU-5 Dwelling Units per Acre	
	Base Max	Bonus Max
Town Center	40	60
Regional Center	40	120

- B. Height restrictions apply to MU-5 in accordance with Table 2.13 and 2.15, as applicable.

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