



DeKalb County Department of Planning & Sustainability

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**Planning Commission Hearing Date: May 1, 2018, 6:30 P.M.
Board of Commissioners Hearing Date: May 22, 2018, 6:30 P.M.
(Deferred from March 27, 2018)**

TEXT AMENDMENT ANALYSIS

AGENDA NO.: D. 2 ZONING CASE NO.: TA-18-22052 COMMISSION DISTRICTS: 3 and 6

APPLICANT: DeKalb County Board of Commissioners

SECTIONS OF ZONING ORDINANCE AFFECTED BY AMENDMENTS:

The Bouldercrest-Cedar Grove-Moreland Overlay District Table of Uses as referenced in Section 3.39.3(A)

REASON FOR REQUEST:

The proposed amendment to the Bouldercrest-Cedar Grove-Moreland Overlay District regulations is to allow a child day care facility as an allowed use with a Special Land Use Permit in Tier 5.

The Overlay District was approved by the Board of Commissioners in January, 2013. Tier 5 encompasses the single-family residential neighborhoods in the Overlay District. Tier 5 has approximately five square miles of land area and numerous residential subdivisions. Unlike other single-family residential areas of the DeKalb County, however, child day care facilities are not allowed in Tier 5, either by right or with Special Land Use Permit approval. As defined in the Zoning Ordinance, a child day care facility is an establishment that provides for the care, supervision, and protection of up to six children under the age of eighteen for less than 24 hours a day. Child day care facilities are commonly operated in private homes, but the operator must be certified by the State of Georgia, obtain a County certificate of occupancy, and have a County business license, which must be renewed every year.

Because Tier 5 is a large and diverse residential area, there is a need for a process that would allow consideration of the child-care needs and preferences of homeowners in different parts of the Tier. This text amendment is intended to provide a mechanism by which individual applications for child day care facilities may be evaluated through an established public review process, in the form of the Special Land Use Permit process.

RECOMMENDATION: Approval.

Child day care facilities are consistent with the description of uses that require a Special Land Use Permit contained in Section 27-7.4.1(A), as follows: Special Land Use Permits are granted to uses that might be compatible with the uses and structures authorized as a matter of right within a particular zoning district, but which have operational characteristics and/or impacts that are significantly different from the zoning district’s principal authorized uses and therefore required individual review pursuant to the standards and criteria for Special Land Use Permits as outlined in Section 7.4.6.

BOULDERCREST-CEDAR GROVE-MORELAND OVERLAY DISTRICT

TABLE OF USES

This "Table of Uses" is cross-referenced in Sec. 27-730-6.3 (a)

LEGEND:					
YES = Permitted Use					
NO = Prohibited Use					
SP = Allowed with Special Land Use Permit ("SLUP") Granted by the DeKalb County Board of Commissioners					
SA = Allowed With Special Administrative Permit from the Director of the Department of Planning and Sustainability					
MX = Mixed Use Development					
DESCRIPTION OF USES:	TIER 1 GATEWAY 1	TIER 2	TIER 3	TIERS 4 & 4(a) GATEWAY 2 CORRIDOR 2	TIER 5 CORRIDOR 1
MIXED USE DEVELOPMENT					
Mixed use development (MX) A37 shall include two or more different uses that include both permitted primary residential and non residential uses with residential not to exceed seventy percent (70%) of the total development floor area in a single structure.	YES	NO	YES	NO	NO
AGRICULTURAL					
AGRICULTURE & FORESTRY:					
Agricultural produce stand, off-site	SA	SA	SA	YES	NO
Agricultural produce stand, on-site	NO	NO	NO	NO	NO
Agricultural crop production, processing and product storage	NO	NO	NO	NO	NO
Commercial greenhouse or plant nursery	NO	YES	NO	YES	NO
Community garden	SA	SA	SA	NO	SA
Temporary or portable sawmill	NO	NO	NO	NO	NO
ANIMAL ORIENTED AGRICULTURE:					
Dairy	NO	NO	NO	NO	NO
Grazing and pasture land	NO	NO	NO	NO	NO
Keeping of livestock	NO	NO	NO	NO	NO
Keeping of poultry/pigeons	NO	NO	NO	NO	NO
Kennels (Commercial)	NO	NO	NO	NO	NO
Kennels (Non-commercial)	NO	NO	NO	NO	NO
Livestock sales pavilion	NO	NO	NO	NO	NO
Riding academies and stables	NO	NO	NO	NO	NO
RESIDENTIAL					
DWELLINGS:					
Dwelling, cluster home	YES	NO	YES	NO	NO
Dwelling, mobile home	NO	NO	NO	NO	NO
Dwelling, multi-family	YES	NO	NO/unless MX	NO	NO
Dwelling, multi-family age restricted, 55 and over	YES	NO	YES	NO	NO
Dwelling, multi-family supportive living	YES	NO	YES	NO	NO
Dwelling, single-family (accessory, owner-occupied additional dwelling)	YES	NO	YES	NO	NO
Dwelling, single family (attached)	YES	NO	YES	NO	NO
Dwelling, single-family (detached)	NO	NO	NO	NO	YES
Dwelling, three family	NO	NO	NO	NO	NO
Dwelling, two-family	NO	NO	NO	NO	NO
High-rise apartment	NO	NO	NO	NO	NO
Home occupation (type I) - No customer contact	YES	NO	YES	NO	YES
Home occupation (type II) - Customer contact	YES	NO	YES	NO	SP
Live work unit	YES	NO	YES	NO	NO

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DESCRIPTION OF USES:	TIER 1 GATEWAY 1	TIER 2	TIER 3	TIERS 4 & 4(a) GATEWAY 2 CORRIDOR 2	TIER 5 CORRIDOR 1
Mobile home park	NO	NO	NO	NO	NO
LODGING:					
Bed & breakfast inn	YES	NO	YES	NO	SP
Boarding/rooming house	NO	NO	NO	NO	NO
Convents and monasteries	NO	NO	NO	NO	NO
Dormitory	NO	NO	NO	NO	NO
Extended stay hotel/motel	NO	NO	NO	NO	NO
Fraternity house or sorority house	NO	NO	NO	NO	NO
Home stay bed and breakfast	YES	NO	YES	NO	NO
Hotel/Motel with exterior access to rooms	NO	NO	NO	NO	NO
Hotel/Motel with only interior access to rooms	YES	YES	NO	YES	NO
Nursing or convalescent home/hospice	YES	NO	NO	NO	NO
Personal care home, community	NO	NO	NO	NO	NO
Personal care home, group	NO	NO	NO	NO	NO
Senior housing	YES	NO	YES	NO	NO
Shelter for homeless persons	NO	NO	NO	NO	NO
Shelter for homeless persons for no more than six (6) persons	NO	NO	NO	NO	NO
Transitional housing facility	NO	NO	NO	NO	NO
Transitional housing facility for no more than six (6) persons	NO	NO	NO	NO	NO
INSTITUTIONAL / PUBLIC					
COMMUNITY FACILITIES:					
Cemetery, columbarium, mausoleum	NO	NO	NO	NO	NO
Coliseum or stadium/gymnasium	NO	NO	NO	NO	NO
Fraternal club or lodge	YES	YES	NO	NO	NO
Funeral home, mortuary	YES	NO	NO	NO	NO
Golf course and clubhouse, public and private	NO	NO	NO	NO	NO
Hospital and accessory ambulance service	YES	YES	NO	NO	NO
Library	YES	NO	YES	NO	NO
Museums and cultural facilities	YES	NO	YES	NO	NO
Neighborhood recreation club (center-pool allowed)	YES	NO	YES	NO	NO
Non-commercial clubs or lodge (except fraternal club or lodge)	NO	NO	NO	NO	NO
Parks and open space	YES	YES	YES	YES	NO
Post Office	YES	YES	YES	NO	NO
Places of worship	SP	SP	SP	NO	NO
Recreation, outdoor	YES	NO	NO	NO	NO
Swimming pools	YES	NO	YES	NO	YES
Temporary art shows, carnival rides and special events of community interest	SA	SA	SA	SA	NO
Temporary outdoor social, religious, entertainment or recreation activity	SA	SA	SA	SA/4a-NO	NO
Temporary rodeos, horse shows, carnivals, athletic events and community fairs	SA	SA	NO	SA	NO
Tennis courts and other play and recreation areas, public	YES	NO	YES	NO	YES

BOULDERCREST-CEDAR GROVE-MORELAND OVERLAY DISTRICT

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EDUCATION:					
Colleges, universities (research and training facilities) and accessory dormitories	YES	YES	NO	NO	NO
Private kindergarten, elementary middle and high schools	YES	NO	YES	NO	NO
Specialized degree or non-degree school focusing on fine arts and culture, to include ballet, music, martial arts and sports	YES	NO	YES	NO	NO
Vocational and specialized schools	YES	YES	YES	YES	NO
COMMERCIAL					
AUTOMOBILE, BOAT AND TRAILER SALES AND SERVICE:					
Automobile and truck rental and leasing facilities	NO	YES	NO	#VALUE!	NO
Automobile/truck broker, office only	YES	YES	YES	YES	NO
Automobile/truck parking lots or parking garages, commercial	NO	YES	NO	YES	NO
Automobile/truck repair and maintenance (minor)	SP	SP	NO	YES/4a NO	NO
Automobile repair and paint (major)	NO	SP	NO	YES/4a NO	NO
Automobile sales and truck sales (new and used dealerships)	NO	YES	NO	YES/4a NO	NO
Automobile service stations, including gasoline sales	SP	SP	SP	YES	NO
Automobile upholstery shop	NO	YES	NO	YES	NO
Automobile wash/wax centers	YES	YES	NO	YES	NO
Boat sales	NO	YES	NO	YES	NO
Retail automobile parts and tire store	YES	YES	NO	YES	NO
Self-service car wash and detailing	NO	NO	NO	NO	NO
Tire store where the majority of the tires offered for sale are used tires	NO	NO	NO	NO	NO
Trailer salesroom and sales lot	NO	YES	NO	YES/4a NO	NO
Truck repair, major	NO	NO	NO	YES/4a NO	NO
Truck stop, service station including sales of gasoline	NO	SP	NO	YES/4a NO	NO
OFFICE:					
Accounting Office	YES	YES	YES	YES	NO
Building and Construction Office, including offices for general, heavy and special trade contractors	YES	YES	YES	YES	NO
Engineering and Architecture Office	YES	YES	YES	YES	NO
Finance Office	YES	YES	YES	YES	NO
Insurance Office	YES	YES	YES	YES	NO
Legal Office	YES	YES	YES	YES	NO
Medical Office	YES	YES	YES	YES	NO
Real Estate Office	YES	YES	YES	YES	NO
RECREATION AND ENTERTAINMENT:					
Adult entertainment establishments	NO	NO	NO	NO	NO
Adult service facility	NO	NO	NO	NO	NO
Drive-in theater	NO	NO	NO	NO	NO
Fairground and amusement park	NO	NO	NO	NO	NO
Indoor recreation (bowling alleys, movie theaters & other activities wholly indoors)	YES	YES	YES	YES	NO
Nightclub and/or late night establishment	NO	NO	NO	NO	NO
Special events facility	YES	NO	SP	NO	NO

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Theaters, assembly or concert halls, or similar entertainment within enclosed building	YES	NO	YES	NO	NO
RETAIL:					
Adult materials	NO	NO	NO	NO	NO
Apparel and accessories store	YES	YES	YES	NO	NO
Art gallery and art supply store and art theatre	YES	YES	YES	NO	NO
Book, greeting card, and stationery store	YES	YES	YES	NO	NO
Camera and photographic supply store	YES	YES	YES	NO	NO
Commercial greenhouse or plant nursery	YES	YES	NO	NO	NO
Computer and computer software store	YES	YES	YES	NO	NO
Convenience store	YES	YES	YES	NO	NO
Drive-through facilities	SP	SP	NO	NO	NO
Farm and garden supply store	YES	YES	YES	NO	NO
Farmer's market, permanent	YES	NO	NO	NO	NO
Farmer's market, temporary	SA	NO	SA	NO	NO
Florist	YES	YES	YES	NO	NO
Food stores, including bakeries	YES	YES	YES	NO	NO
Fuel dealers, manufacturers and wholesalers	NO	YES	NO	YES/NO 4a	NO
General merchandise store	YES	YES	YES	NO	NO
Gift, novelty and souvenir store	YES	YES	YES	NO	NO
Gold and precious metal buying establishments	NO	NO	NO	NO	NO
Grocery stores including bakery	YES	YES	YES	NO	NO
Hardware store and other building materials (larger = > 25,000 square feet of floor area)	YES	YES	NO	YES	NO
Hardware store and other building materials (neighborhood under 25,000 square feet of floor area)	YES	YES	YES	YES	NO
Hobby, toy and game store	YES	YES	YES	NO	NO
Jewelry store	YES	YES	YES	NO	NO
Music and music equipment store (retail)	YES	YES	YES	NO	NO
News dealer and newsstand	YES	YES	YES	NO	NO
Office supplies and equipment store	YES	YES	YES	NO	NO
Outdoor open sales and flea market	NO	NO	NO	NO/T4- YES	NO
Paint, glass and wall paper store	YES	YES	YES	YES	NO
Pawn shop, title loan	NO	SP	NO	NO/G2-SP	NO
Pet supply store	YES	YES	YES	NO	NO
Pharmacy and drug store	YES	YES	YES	NO	NO
Radio, television and consumer electronics store	YES	YES	YES	NO	NO
Retail automobile parts and tire store	YES	YES	YES	NO	NO
Retail, Large Scale at least 75,000 square feet (see also shopping center)	SP	NO	NO	NO/G2 YES	NO
Retail Liquor store	SP	SP	NO	NO/G2-SP	NO
Retail warehouses/wholes providing sales of merchandise with no outdoor storage	NO	YES	NO	NO/G2,4a YES	NO
Shopping Center A223	YES	YES	YES	NO	NO
Specialty store	YES	YES	YES	NO	NO

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Sporting goods and bicycle sale	YES	YES	YES	NO	NO
Telephone, retail and/or business office	YES	YES	YES	YES	NO
Temporary outdoor sales of merchandise as an accessory to on-site principal use	SA	SA	SA	SA	NO
Temporary outdoor sales of Christmas trees, pumpkins or other seasonal sales	SA	SA	SA	SA	NO
Thrift and consignment store, which is an establishment selling pre-owned merchandise	NO	NO	NO	NO	NO
Trade shops, including electrical, plumbing, heating/cooling, and roofing/siding, having no outside storage	YES	YES	NO	YES	NO
Variety store	YES	YES	YES	NO	NO
Video tape sales and rental store	NO	NO	NO	NO	NO
RESTAURANTS/FOOD ESTABLISHMENTS:					
Brewpub	YES	YES	YES	SP	NO
Catering establishments	YES	YES	NO	YES	NO
Restaurants (non-drive-through)	YES	YES	YES	YES	NO
Restaurants with a drive-through configuration	SP	SP	NO	SP	NO
TRANSPORTATION AND STORAGE:					
Bus and rail stations and terminals for passengers, publically owned and run	YES	YES	NO	YES	NO
Heliport	SP	SP	SP	SP	NO
Parking, commercial lot	NO	YES	NO	YES	NO
Parking, commercial garage	NO	NO	NO	NO	NO
Taxi stand and dispatching office with no permanent car storage	NO	YES	NO	YES	NO
Taxi stand and dispatching office with permanent car storage	NO	YES	NO	YES	NO
SERVICES:					
Adult day care center	NO	NO	NO	NO	NO
Adult day care facility	YES	NO	YES	NO	NO
Animal hospitals, veterinary clinic, boarding, with indoor runs only	YES	YES	YES	YES	NO
Animal shelter/rescue center	NO	NO	NO	NO	NO
Banks, credit unions and other similar financial institutions	YES	YES	YES	YES	NO
Barbers shop, beauty salon, nail salon and day spa	YES	YES	YES	YES	NO
Breeding kennel	NO	NO	NO	NO	NO
Check cashing establishment Primary	NO	SP	NO	NO	NO
Child caring institution, group	NO	NO	NO	NO	NO
Child day care center (Kindergarten)	YES	YES	YES	NO	NO
Child day care facility	YES	YES	YES	NO	NO SP
Child caring institution, community	NO	NO	NO	NO	NO
Coin laundry/self service laundry, only with hours 7am-10pm & attendant on duty	SP	SP	NO	NO	NO
Dog day care, indoor runs only	YES	YES	YES	YES	NO
Dog grooming, indoor runs only	YES	YES	YES	YES	NO
Dry cleaning agencies, pressing establishments, and laundry pick-up service	YES	YES	YES	NO	NO
Fitness center	YES	YES	YES	NO	NO
Kennel (commercial)	NO	NO	NO	NO	NO

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Landscape business	NO	YES	NO	YES	NO
Personal services establishment	NO	NO	NO	NO	NO
Photoengraving, typesetting, electrotyping	NO	YES	NO	YES	NO
Photographic studios	YES	YES	YES	NO	NO
Plumbing, heating an air-conditioning equipment establishments having no outdoor storage	YES	YES	NO	YES	NO
Production studio for movie, television and/or music	NO	YES	NO	YES	NO
Publishing and printing establishments	YES	YES	YES	YES	NO
Tattoo establishment	NO	NO	NO	NO	NO
Quick copy, printing store	YES	YES	YES	NO	NO
SERVICES, MEDICAL AND HEALTH:					
Ambulance service and emergency medical services, private	YES	YES	NO	YES	NO
Blood collection center, donation only	YES	NO	NO	NO	NO
Health services clinic	YES	YES	YES	YES	NO
Home healthcare service	YES	NO	YES	NO	NO
Kidney dialysis center	YES	NO	NO	NO	NO
Medical and dental laboratories	YES	YES	NO	YES	NO
SERVICES, REPAIR:					
Furniture upholstery and repair shop, home appliance repair and service, with no outdoor storage or display	YES	YES	NO	YES	NO
Personal service, repair (watch and jewelry), with no outdoor storage	YES	YES	YES	NO	NO
INDUSTRIAL					
Alcohol or alcoholic beverage manufacturing, providing noise and odors are restricted per zoning and environmental codes	NO	YES	NO	YES	NO
Automobile and truck manufacturing	NO	YES	NO	NO/T4-YES	NO
Biomedical waste disposal facility, disposal facility, landfill, materials recovery center, solid waste landfill, private industry solid waste disposal facility, recovered materials processing facility, solid waste handling facility, solid waste thermal treatment technology facility, and disposal facility for hazardous and/or toxic materials including radioactive materials	NO	NO	NO	NO	NO
Brick, clay, tile or concrete products, terra cotta manufacturing	NO	NO	NO	NO/T4-YES	NO
Building materials and lumber supply establishment	YES	YES	NO	YES	NO
Cement, lime, gypsum or plaster of Paris manufacturing	NO	NO	NO	NO	NO
Chemical manufacture, organic or inorganic	NO	NO	NO	NO	NO
Contractor, general	NO	YES	NO	YES	NO
Contractor, heavy construction	NO	NO	NO	NO/T4-YES	NO
Contractor, special trade	NO	NO	NO	YES	NO
Crematoriums	NO	NO	NO	NO/T4-YES	NO
Distillation of bones and glue manufacture	NO	NO	NO	NO	NO
Dry cleaning plant	NO	YES	NO	YES	NO
Dye works	NO	NO	NO	NO	NO
Explosive manufacture or storage	NO	NO	NO	NO	NO

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Fabricated metal manufacture	NO	YES	NO	YES	NO
Fat rendering and fertilizer manufacture	NO	NO	NO	NO	NO
Fuel and ice dealers, manufacturers and wholesalers	NO	YES	NO	YES	NO
General aviation airport	NO	NO	NO	NO	NO
Heavy equipment repair service	NO	NO	NO	NO/T4-YES	NO
Ice manufacturing plant	NO	YES	NO	YES	NO
Incidental retail sales of goods produced and processed on the premises	YES	YES	YES	YES	NO
Incineration of garbage or refuse when conducted within an enclosed plant	NO	NO	NO	NO	NO
Industrial establishments engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning or assembly of goods, merchandise or equipment, or the wholesale or distribution of said goods, merchandise or equipment	NO	YES	NO	YES	NO
Industrial or business service activities which utilize, manufacture or process radioactive materials which emit or could emit radioactive levels of one thousand (1,000) curies or more and are licensed by the radiological health division of the Georgia Department of Human Resources	NO	NO	NO	NO	NO
Intermodal freight terminal, buss or rail freight or passenger terminal, or truck terminal	NO	SP	NO	NO/4a-YES	NO
Leather manufacturing and processing	NO	NO	NO	NO	NO
Light malt beverage manufacturer	NO	YES	NO	YES	NO
Light manufacturing establishment	NO	YES	NO	YES	NO
Manufacturing operations not housed within a building	NO	NO	NO	NO/T4-YES	NO
Mines and mining operations, quarries, asphalt plants, gravel pits and sand pits	NO	NO	NO	NO	NO
Mini warehouse and storage buildings, with only inside access to storage units and only if climate controlled	YES	NO	NO	YES	NO
Paper and pulp manufacture	NO	NO	NO	NO	NO
Petroleum or inflammable liquids production, refining	NO	NO	NO	NO	NO
Railroad car classification yards and team truck yards	NO	NO	NO	NO	NO
Recycling plant, indoor	NO	NO	NO	YES/G1-NO	NO
Recycling plant with any outdoor activities or outdoor storage	NO	NO	NO	NO/T4-SP	NO
Repair and manufacture of clocks, watches, toys, novelties, electrical appliances, electronic devices, light sheet metal products, mining equipment, machine tools, and machinery not requiring the use of press punch over 100 tons rated capacity or drop hammer	NO	YES	NO	YES	NO
Research, experimental or testing laboratories	NO	SP	NO	YES	NO
Rubber and plastics manufacture	NO	NO	NO	NO	NO
Salvage yard (Junkyard)	NO	NO	NO	NO	NO
Smelting of copper, iron, zinc or ore	NO	NO	NO	NO	NO
Storage yard	NO	NO	NO	NO/T4-SP	NO
Storage yard for damaged or confiscated vehicles	NO	NO	NO	NO	NO
Sugar refineries	NO	NO	NO	NO	NO

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Tire retreading & recapping establishment with NO outdoor storage	NO	YES	NO	NO/T4-YES	NO
Towing and wreckage service if wrecked/non-running vehicles are at rear of property, storage area is no greater than 1/2 acre, and wrecked/non-running vehicles must be screened from public view behind a fence	NO	SP	NO	SP	NO
Transportation equipment manufacture	NO	NO	NO	SP	NO
Transportation equipment storage and maintenance (vehicle) if wrecked/non-running vehicles are at rear of property, storage area is no greater than 1/2 acre in Tier 2, and wrecked/non-running vehicles must be screened from public view behind a fence	NO	SP	NO	YES	NO
Truck stop or terminal	NO	YES	NO	YES	NO
Waste oil transfer station, applicant must present a plan showing anti-pollution safe guards that satisfy the Commission	NO	NO	NO	NO/T4-SP	NO
Warehousing and storage	NO	YES	NO	YES	NO
COMMUNICATION - UTILITY					
Amateur radio service and antenna	YES	YES	NO	YES	NO
Communication equipment and temporary utility structures	SA	SA	SA	SA	NO
Electric transformer station, gas regulator station and telephone exchange	NO	NO	NO	NO/T4-YES	NO
Public utility facilities	NO	NO	NO	YES	NO
Radio and television broadcasting studio	YES	YES	NO	YES	NO
Radio and television broadcasting transmission	SP	SP	NO	SP	NO
Telecommunications facility/tower and alternative antenna	SP	SP	SP	SP/T4-YES	NO
Telecommunications antenna on existing tower	SA	SA	SA	SA	SA
Utility structures for the transmission or distribution of services	SA	SA	SP	SP/T4-YES	SP

Child day care facilities are generally similar in impact on surrounding land uses to home occupations with customer contact, and to bed and breakfast inns, which are allowed with Special Land Use Permits in Tier 5.

Tier 5, which constitutes the areas in the Overlay District that are developed with single-family detached homes, is similar in character to other single-family residential districts in which only single-family detached homes are allowed, but in which child day care facilities are also allowed; i.e., RE (Residential Estate), RLG (Residential Large Lot), R-100 (Residential Medium Lot-100), R-85 (Residential Medium Lot-85), R-75 (Residential Medium Lot-75), and R-60 (Residential Small Lot-60).

It is suitable for child day care facilities to be located in neighborhoods that are comprised of single-family detached homes. The convenience of having a day care facility located close to home can reduce automobile travel distance between the two destinations. By providing convenience to working parents, a close-by facility can help support family life. If the day care facility is located in the same neighborhood as a child's home, the familiarity of the surroundings can provide comfort and a sense of security to the child.

Therefore, the Department of Planning and Sustainability recommends "Approval" of the proposed text amendment.



