

AN ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF DEKALB COUNTY, GEORGIA, CHAPTER 27, ARTICLE 2 DISTRICT REGULATIONS, TABLE 2.4 MEDIUM AND HIGH- DENSITY RESIDENTIAL ZONING DISTRICT DIMENSIONAL REQUIREMENTS, AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners desires to amend the Use Table to add a footnote that states that multifamily dwelling units constructed using HUD 202 funds for affordable senior housing will be exempt from the minimum unit size in the respective zoning districts.

WHEREAS, Retirement Housing Foundation (RHF) is desirous to develop Phase II of Lane Manor at 4695 Redan Road.

WHEREAS, Phase I of Lane Manor was developed using the Federal HUD 202 housing program, and will apply for this funding to construct a second phase

WHEREAS, the current zoning ordinance has a minimum unit size of 650 square feet, and the maximum size allowed for one-bedroom units built with the HUD 202 funds is 540 square feet.

WHEREAS, these funds are not made available often and the deadline is the end of August, thereby necessitating a decision by July 23, 2019.

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 of the Code of DeKalb County, be the same is hereby amended as follows:

PART I: ENACTMENT

Table 2.4 Medium and High Density Residential Zoning Districts Dimensional Requirements, Continued

Medium and High Density Residential (continued)					
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					
Elements	RSM	MR-1	MR-2	HR-1	HR-2 and HR-3
Building Setbacks: SF and SFA for Individual Internal Lots; MF, SFA, MU for Overall Site****					
Front 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)****	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 Art 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	Not Permitted
Single-Family Detached (SFD) - Cottage	800	800	800	Not Permitted	Not Permitted
Single-Family Attached (SFA) ***	1,200	1,200	1,000	1,000	Not Permitted
Urban Single-Family (U-SF) - Detached	1,100	1,100	1,100	1,100	Not Permitted
Two/Three Family (TTF)	1,000	1,000	1,000	1,000	Not Permitted
Multi-Family (MF)3 & 4	Not Permitted for New Developments	650	650	650	650
Height (maximum and whichever is less when indicated as stories or feet)					
Single-Family Detached (SFD) Except Res Infill Overlays = 28 feet	35 feet	35 feet	35 feet	Not Permitted	Not Permitted
Single-Family Attached (SFA) and Urban Single-Family (U-SF)	3 stories or 45 feet	3 stories or 45 feet	3 stories or 45 feet	Not Permitted	Table 2.13 and 2.15
Two/Three Family (TTF)	35 feet	35 feet	3 stories or 45 feet	Not Permitted	Not Permitted
Multi-Family (MF)	N/A	4 stories or 60 feet	Table 2.9	Table 2.13 and 2.15	Table 2.13 and 2.15
Mixed-Use (MU)	N/A	4 stories or 60 feet	Table 2.9	Table 2.11	Table 2.13 and 2.15

1 Open space requirement shall apply to new subdivisions 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 townhome.

3 See Article 5 for building separation and minimum multi-family 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 Units funded by the Federal HUD 202 program for senior affordable housing are exempt from the minimum unit sizes otherwise required, and shall comply with all government funding requirements.

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
Interim County Attorney