

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:

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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.

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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.

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ordinance amends the zoning ordinance of DeKalb County, and all other conflicting ordinances or resolutions are hereby repealed, provided that nothing herein shall be construed as repealing the conditions of use, operation, or site development accompanying permits lawfully issued under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