

Agenda Item

File ID: 2022-2272

Substitute: 12/13/22

Public Hearing: YES NO

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): Commission District 05 Super District 07

Application of the Director of Planning & Sustainability for text amendments to the Zoning Ordinance, Section 27-3.37 (Greater Hidden Hills Overlay District) to include senior housing as a SLUP use, subject to supplemental regulations.

PETITION NO: TA-22-1246103 (2022-2272)

PROPOSED USE: N/A

LOCATION: N/A

PARCEL NO.: N/A

INFO. CONTACT: Brandon White, Current Planning Manager

PHONE NUMBER: (404) 371-2155

PURPOSE:

Application of the Director of Planning & Sustainability for text amendments to the Zoning Ordinance, Section 27-3.37 (Greater Hidden Hills Overlay District) to include senior housing as a SLUP use, subject to supplemental regulations.

RECOMMENDATION:

COMMUNITY COUNCIL: Approval.

PLANNING COMMISSION: Approval.

PLANNING STAFF: Approval.

STAFF ANALYSIS: See attached report.

PLANNING COMMISSION VOTE: Approval 7-0-1. Jana Johnson moved, Vivian Moore seconded for approval, per Staff recommendation. Jan Costello recused herself from this case and abstained.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval 6-0-0.

AN ORDINANCE

**AN ORDINANCE TO AMEND
THE CODE OF DEKALB COUNTY, GEORGIA, AS REVISED 1988,
CHAPTER 27, ARTICLE 3, DIVISION 37 TO MODIFY THE TIER 5 SPECIAL
PERMITS, AND FOR OTHER PURPOSES.**

WHEREAS, on October 28, 2011, the DeKalb County Board of Commissioners enacted the Greater Hidden Hills Overlay District to stimulate growth and development by allowing compatible uses in the Greater Hidden Hills Area, and adjacent residential areas; and

WHEREAS, the Overlay District exists to promote proper design criteria along with prescribed uses that would be beneficial to the existing community; and

WHEREAS, the DeKalb County Planning & Sustainability Department and the Hidden Hills Civic Association agree that consideration of senior housing as a redevelopment option for Tier 5 may be a beneficial so that long-term residential property owners may “age in place” and downsize within their neighborhood; and

NOW THEREFORE, BE IT ORDAINED by the DeKalb County Board of Commissioners, and it is hereby ordained by the Authority of same, that Chapter 27, Article 3, Division 37, of the Code of DeKalb County, as Revised in 1988, is hereby amended as follows:

PART I. ENACTMENT

By amending Section 3.37.19 C of Chapter 27, Article 3, Division 37, of the Code of DeKalb County, as Revised 1988, to as follows:

Sec. 3.37.19. Special permits in Tier 5.

The following uses and structures shall be authorized only by permits of the type indicated:

C. Special land use permit from the board of commissioners:

1. Adult day care facility/center.
2. Child day care facility/center.
3. Convent or monastery.
4. Home occupation involving any customer contact.
5. Home stay bed and breakfast residence.
6. Neighborhood recreation club.
7. Personal care home, group.
8. Personal care home, community.
9. Place of worship.
10. Heliport.
11. Liquor store.
12. Telecommunications tower.
13. Residential Housing Mix (single-family, attached; multi-family; and/or single-family, detached).
14. Senior Housing (see Sec. 4.2.46).

PART II. EFFECTIVE DATE

This ordinance shall become effective immediately on the date of 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. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are repealed.

ADOPTED by the DeKalb County Board of Commissioners, this ____ day of _____, 2022.

November 16, 2022

ROBERT J. PATRICK

Presiding Officer

Board of Commissioners DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this ____ day of _____, 2022.

MICHAEL L. THURMOND

Chief Executive Officer

DeKalb County, Georgia

ATTEST:

BARBARA SANDERS-NORWOOD, CCC

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

APPROVED AS TO FORM:

APPROVED AS TO SUBSTANCE:

VIVIANE H. ERNSTES
County Attorney

ANDREW A. BAKER
Planning & Sustainability Director

Public Hearing: YES NO

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): Commission District 05 Super District 07

Application of the Director of Planning & Sustainability for text amendments to the Zoning Ordinance, Section 27-3.37 (Greater Hidden Hills Overlay District) to include senior housing as a SLUP use, subject to supplemental regulations. This text amendment is for properties within the Hidden Hills Overlay District.

PETITION NO: N20-2022-2272 TA-22-1246103

PROPOSED USE: Amendments to Section 2-3.37, Greater Hidden Hills Overlay District to include senior housing, as a by-right use.

LOCATION: Greater Hidden Hills Overlay District.

PARCEL NO. : N/A

INFO. CONTACT: Planning & Sustainability

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of the Director of Planning & Sustainability for text amendments to the Zoning Ordinance, Section 27-3.37 (Greater Hidden Hills Overlay District) to include senior housing as a SLUP use, subject to supplemental regulations. This text amendment is for properties within the Hidden Hills Overlay District.

RECOMMENDATION:

COMMUNITY COUNCIL: Approval.

PLANNING COMMISSION: Approval.

PLANNING STAFF: Approval.

STAFF ANALYSIS: See attached staff report.

PLANNING COMMISSION VOTE: Approval 7-0-1. Jana Johnson moved, Vivian Moore seconded for approval, per Staff recommendation. Jan Costello recused herself from this case and abstained.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval 6-0-0.



DeKalb County Department of Planning & Sustainability

**178 Sams Street
Decatur, GA 30030**

(404) 371-2155 / plandev@dekalbcountyga.gov

**Planning Commission Hearing Date: November 1, 2022
Board of Commissioners Hearing Date: November 17, 2022**

TEXT AMENDMENT ANALYSIS

AGENDA NO: N20 **ZONING CASE NO.:** TA-22-1246103 **COMMISSION DISTRICTS:** 5 & 7
(2022-2272)

APPLICANT: Department of Planning & Sustainability

SECTIONS OF ZONING ORDINANCE AFFECTED BY AMENDMENTS: CHAPTER 27-ZONING ORDINANCE, SECTION 27-3.37 (GREATER HIDDEN HILLS OVERLAY DISTRICT) TO INCLUDE SENIOR HOUSING OR A RESIDENTIAL MIX OF HOUSING OPTIONS AS PERMISSIBLE USES, SUBJECT TO SPECIAL LAND USE PERMIT APPROVAL.

REASON FOR REQUEST:

Established in 2011, the Greater Hidden Hills Overlay District was created to promote proper design criteria for the overlay district along with prescribed uses that would be beneficial to the existing community. Central to administration of the overlay district is a tiered system designed to protect the well-established residential areas, the golf course (*which is now defunct*), other sensitive areas, while providing redevelopment opportunities along the major corridors along the perimeter of the overlay district.

In Summer of 2021, Staff canvassed the overlay district and walked the golf course grounds with members of the Hidden Hills Civic Association. As the demographics of the neighborhood has gotten older since it’s creation over thirty years ago, the Civic Association expressed a strong desire for consideration of senior housing as a redevelopment option for the golf course. This arrangement may allow long-term residential property owners to “age in place” and downsize within their neighborhood. Also, given recent developer interest, we have drafted this proposal for community consideration.

The proposal is fairly straightforward. Senior housing development would be a permissible use in Tier 5, only, subject to special land use permit approval by the Board of Commissioners. Staff recommends approval.

STAFF RECOMMENDATION: Approve

**AN ORDINANCE TO AMEND CHAPTER 27 OF THE CODE OF DEKALB COUNTY,
GEORGIA, AND FOR OTHER PURPOSES.**

WHEREAS, on October 28, 2011, the DeKalb County Board of Commissioners enacted the Greater Hidden Hills Overlay District to stimulate growth and development by allowing compatible uses in the Greater Hidden Hills Area, and adjacent residential areas; and

WHEREAS, the Overlay District exists to promote proper design criteria along with prescribed uses that would be beneficial to the existing community; and

WHEREAS, the DeKalb County Planning & Sustainability Department and the Hidden Hills Civic Association agree that consideration of senior housing as a redevelopment option for Tier 5 may be a beneficial so that long-term residential property owners may “age in place” and downsize within their neighborhood; and

NOW THEREFORE, BE IT ORDAINED by the Governing Authority of DeKalb County, Georgia, and be it hereby ordained by the Authority of same, that Chapter 27 of the Code of DeKalb County, as revised in 2015, is hereby amended as follows.

PART I. ENACTMENT

Section 3.37.19 C (Special permits in Tier 5) shall be amended as follows:

The following uses and structures shall be authorized only by permits of the type indicated:

C. Special land use permit from the board of commissioners:

1. Adult day care facility/center.
2. Child day care facility/center.
3. Convent or monastery.
4. Home occupation involving any customer contact.
5. Home stay bed and breakfast residence.
6. Neighborhood recreation club.
7. Personal care home, group.
8. Personal care home, community.
9. Place of worship.
10. Heliport.
11. Liquor store.
- ~~12. Telecommunications tower.~~
12. [Residential Housing Mix \(single-family, attached; multi-family; and/or single-family, detached;\)](#)
13. [Senior Housing \(see Sec. 4.2.46\)](#)
14. [Telecommunications tower.](#)

PART II. EFFECTIVE DATE

This ordinance shall become effective immediately on the date of adoption by the board of commissioners and approval by the chief executive officer.

PART III. SEVERABILITY

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DRAFT

ADOPTED by the DeKalb County Board of Commissioners, this _____ day of _____, 2022.

ROBERT J. PATRICK
Presiding Officer
Board of Commissioners DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this _____ day of _____, 2022

MICHAEL L. THURMOND
Chief Executive Officer DeKalb County, Georgia

ATTEST:

BARBARA SANDERS-NORWOOD, CCC
Clerk to the Board of Commissioners and
Chief Executive Officer

DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:

ANDREW A. BAKER
Director of Planning and Sustainability

APPROVED AS TO FORM:

VIVIANE H. ERNSTES
County Attorney