

AN ORDINANCE

**AN ORDINANCE TO AMEND
THE CODE OF DEKALB COUNTY, GEORGIA,
CHAPTER 27, ARTICLE III PERTAINING TO THE SCOTTDALÉ OVERLAY
DISTRICT AND FOR OTHER PURPOSES.**

WHEREAS, the DeKalb County Board of Commissioners has determined that there exists a need to amend the ordinances governing zoning for the area known as the Scottdale Overlay District; and

WHEREAS, the supplemental zoning regulation authorizing the Scottdale Overlay District was enacted to provide quality development around the Scottdale community; and,

WHEREAS, the DeKalb County Board of Commissioners finds that this amendment is consistent with the purposes and intents of the Scottdale Overlay District.

NOW THEREFORE, be it ordained by the Board of Commissioners of DeKalb County, Georgia, and it is hereby ordained by the authority of same, that Chapter 27 of the Zoning Ordinance of DeKalb County, Georgia, Article III, Division 36 is hereby amended as follows:

PART I. ENACTMENT

Section 27-3.36.4 is amended by deleting that section in its entirety and replacing it with the following new section to read as follows:

3.36.4. District boundaries and maps.

- A. Boundaries: The boundaries of the Scottdale Overlay District shall be established by a zoning map amendment, **dated July 24, 2018** which is attached hereto as Exhibit A and is adopted contemporaneously with the adoption of this section and which is incorporated by reference as if fully set forth herein and made a part of this chapter 27. The zoning map amendment shall be maintained by the director of the department of planning and sustainability and shall be available for public inspection in the office of said director.

- B. Tiers: Scottsdale Overlay District shall be divided into six (6) tiers:
1. Tier I: Scottsdale East Ponce de Leon Avenue/North Decatur Road Corridor and includes Neighborhood center;
 2. Tier I NC: Scottsdale Neighborhood Center;
 3. Tier II: Central Scottsdale/Eskimo Heights;
 4. Tier III: Scottsdale Mill Village;
 5. Tier IV: Scottsdale Perimeter; and
 6. Tier V: Scottsdale Tobie Grant.
- C. The director of the department of planning and sustainability has the discretion to determine whether any property is located within the boundaries of the Scottsdale Overlay District or any of its Tiers based upon the adopted zoning map.

* * *

Section 27-3.36.5 is amended by deleting that title sub-section in its entirety and replacing it with the following new title sub-section to read as follows:

3.36.5. Tier I: Scottsdale East Ponce de Leon Avenue/North Decatur Road Corridor and Tier I NC: Scottsdale Neighborhood Center

By deleting sub-section 27-3.36.5.A.1 and substituting in lieu thereof the following new sub-section to read as follows:

1. All uses authorized in the OI, OD, C-1, C-2 and M Zoning Districts on all property located west of East Ponce de Leon Avenue, except those uses listed in subsection B., below.

By deleting sub-section 27-3.36.5.A.2 and substituting in lieu thereof the following new sub-section to read as follows:

2. All uses authorized in the NS, OI, and C-1 Zoning Districts on all property located east of East Ponce de Leon Avenue, except those uses listed in subsection B., below.

By deleting sub-section 27-3.36.5.A.3 and substituting in lieu thereof the following new sub-section to read as follows:

3. All uses authorized in the MR-2, MU-1, and MU-2 Zoning Districts on all property located within Tier I, except those uses listed in subsection B., below.

By deleting sub-section 27-3.36.5.A.4 in its entirety. [Note to codifier to renumber the remaining sections.]

By amending sub-section 27-3.36.5.A to add the following new sub-section to read as follows:

9. The following densities shall apply to all residential property located within Tier I and Tier I-NC:
 - a. All residential and mixed-use development shall not exceed a maximum density of twelve (12) units per acre, except where noted in sub-section (b) below;
 - b. Mixed-use (MU) development in Tier I-NC, only, shall not exceed a maximum of twenty-four (24) units per acre, subject to the required minimum mix of uses under the applicable MU Zoning District found under Table 2.17, Article 2, Chapter 27.

By deleting sub-sections 27-3.36.5.B and 27-3.36.5.C and substituting in lieu thereof the following new sub-sections to read as follows:

- B. Prohibited principal uses and structures. The following principal uses of land and structures shall be prohibited within Tier I:
 1. Multifamily, except within a mixed-use development.
 2. Adult entertainment establishment.
 3. Adult service facility.
 4. Automobile and truck sales.
 5. Parking lots as a primary use.
 6. Automobile repair and paint shop.
 7. Automobile upholstery shop.
 8. Automobile wash service.
 9. Automobile, truck and trailer lease and rentals.
 10. Boat sales.
 11. Boarding/rooming house
 12. Breeding kennels.
 13. Cemetery, columbarium, or mausoleum.
 14. Check cashing establishment.
 15. Drive-in theater
 16. Dry Cleaning plant.
 17. Extended stay hotel.
 18. Fraternity house, sorority house and residence hall.
 19. Fuel dealers, manufacturers and wholesalers.
 20. Gift, novelty or souvenir store selling adult novelties.
 21. Go-cart and motorcycle or other motorized concession.
 22. Golf driving range or batting cage facility.
 23. Heavy construction contractor with outside storage areas.
 24. Heavy repair service and trade shop.
 25. Homeless shelter

26. Hospital.
27. Motel.
28. Pawn shop.
29. Radio and television broadcasting station with outdoor tower.
30. Shelter for homeless persons.
31. Storage yard for damaged or confiscated automobiles.
32. Tire retreading and recapping.
33. Trailer salesroom and sales lot.
34. Transitional housing

C. Additional uses and structures:

1. The following accessory uses shall be authorized in Tier I:
 - a. Accessory uses and structures incidental to any authorized use.
 - b. Parking lots and parking decks which are accessory to any authorized use.
 - c. Clubhouse, including meeting room or recreation room.
 - d. Swimming pools, tennis courts, and other recreation areas and similar amenities.
 - e. Signs, in accordance with the provisions of chapter 21 and this chapter.
2. Special use permits: The following uses and structures shall be authorized in Tier I and Tier I-NC only by special use permit from the Board of Commissioners:
 - a. Adult day care facility.
 - b. Child day care facility.
 - c. Child caring institution, group and community
 - d. Home occupation involving any customer contact.
 - e. Home stay bed and breakfast residence.
 - f. Neighborhood recreation club.
 - g. Personal care home, family.
 - h. Personal care home, registered.
 - i. Place of worship.

By deleting section 27-3.36.5.E in its entirety and substituting in lieu thereof the following new and renumbered sub-section 27-3-36.5.E to read as follows:

- E. Architectural guidelines: Architectural design of all mixed-use and non-residential buildings and structures within Tier I and Tier I NC shall comply with the following guidelines:
 1. Each building elevation shall be constructed of brick, stone, stucco, steel, glass, wood or any combination thereof.
 2. Roofing materials for hipped or pitched roofs shall consist of standing metal seam, tile, slate, stone, or architectural-style shingles.

3. Walls visible from roadways or parking areas shall incorporate changes in building material/color or varying design details such as trellises, false windows, landscaping, or storefronts every one hundred fifty (150) linear feet.

By deleting section 27-3.36.5.F and substituting in lieu thereof the following new and renumbered sub-section 27-3.36.5.F to read as follows:

- F. Residential Architectural guidelines. Architectural design of all residential buildings and accessory structures within Tier I and Tier I NC shall comply with the following guidelines:
 1. Each building elevation shall be constructed of brick, stone, stucco, wood, wood shake, cement fiberboard siding, or any combination thereof.
 2. Roofing materials for pitched or hip roofs shall consist of metal standing seam, tile, slate, stone, wood shake or architectural-style shingles.

By deleting section 27-3.36.5.G and all sub-sections in its entirety and substituting in lieu thereof the following new and renumbered sub-section 27-3.36.5.G to read as follows:

- G. Parking: Refer to Code Section 27-6.1.5 (as amended).

By deleting section 27-3.36.5.I [Parking] and all sub-sections in its entirety. [Note to codifier to renumber the remaining sections.]

* * *

By deleting section 27-3.36.6.A.1 in its entirety and substituting in lieu thereof the following new sub-section to read as follows:

- A. Principal uses and structures: The following principal uses of land and structures shall be authorized in Tier II:
 1. Detached single-family residences at a maximum density of six (6) units per acre.

By deleting sub-section 27-3.36.6.C.1 in its entirety and substituting in lieu thereof the following new sub-section to read as follows:

1. Special administrative permit approved by the director of planning:
 - a. Home occupation involving no customer contact and no employee other than the person residing on the premises.

By deleting sub-sections 27-3.36.6.D, 27-3.36.6.E, and 27-3.36.6.F in their entirety. [Note to codifier to renumber the remaining sections.]

By deleting sub-section 27-3.36.6.F in its entirety and substituting in lieu thereof the following new sub-section to read as follows:

- F. Building setbacks: Refer to the applicable zoning and development regulations in Section 27-5.2.1.C. Setback Averaging.

* * *

By deleting and amending sub-section 27-3.36.7.A.1 in its entirety and substituting in lieu thereof the following new sub-section to read as follows:

- 1. Detached single-family residences at a maximum density of four (4) units per acre.

By deleting sub-section 27-3.36.7.C.1 in its entirety and substituting in lieu thereof the following new sub-section to read as follows:

- 1. Special administrative permit approved by the director of planning:
 - a. Home occupation involving no customer contact and no employee other than the person residing on the premises.

By deleting sub-section 27-3.36.7.F and all sub-sections thereunder in its entirety and substituting in lieu thereof the following new sub-section to read as follows:

- G. Building setbacks: Refer to the applicable zoning and development regulations in Section 27-5.2.1.C. Setback Averaging.

* * *

By deleting sub-section 27-3.36.8.A in its entirety and substituting in lieu thereof the following new sub-section to read as follows:

- A. Principal uses and structures. The following principal uses of land and structures shall be authorized in Tier IV:
 - 1. Detached single-family residential at a maximum of six (6) units per acre.
 - 2. Attached single-family residential and attached fee simple multi-family at a maximum of twelve (12) units per acre in the Lantern Ridge subdivision, only.

By deleting sub-section 27-3.36.8.C.1 in its entirety and substituting in lieu thereof the following new sub-section to read as follows:

1. Special administrative permit approved by the director of planning:
 - a. Home occupation involving no customer contact and no employee other than the person residing on the premises.

By deleting section 27-3.36.8.D in its entirety and renumbering the remaining sections.

By deleting section 27-3.36.8.F in its entirety and renumbering the remaining sections.

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By deleting section 27-3.36.10 in its entirety and substituting in lieu thereof the following new sub-section to read as follows:

Sec. 3.36.10. Building Standards

1. Standards for detached single-family residences, cottages (CO) and urban single family detached residences (U-SF) (Tiers I, II, III, IV):

	Min. Lot size (sq. ft.)	Min. Lot width (ft.)	Min. House size (sq. ft.)	Min. Front yard setback (ft.)*	Min. Side yard setback (ft.)	Min. Side corner yard (ft.)	Min. Rear yard setback (ft.)	Max. Height
Tier I	5,000/ 2,000 (CO)/ 1,350 (U-SF)	50 for CO/ 20 for U-SF	Min. 1,000/ Min. 800 for CO Max. 1,200 for CO / Min. 1,100 for U-SF	20/10 w/ rear alley access	3/10 separation of buildings/ or 3 for U- SF	10	10	35
Tier II	5,000	50	1,000	30	7.5	15	30	28**
Tier III	7,500	70	650	35	7.5	15	30	28
Tier IV	6,000	60	1,200	30	7.5	15	30	35

*Setback averaging may apply. See 5.2.1.C.

**Max. 32 feet (ft.) height if non-conforming lot or building

2. Standards for attached single-family residences (townhomes) in Tier I and Tier IV Lantern Ridge:

	Min. Lot size* (sq. ft.) if subdivided	Min. Lot width for total property/lot width if subdivided	Min. House size (sq. ft.)	Min. Front yard setback	Min. Side yard /separation (sep.) of buildings	Min. Side corner yard set-back (ft.)	Min. Rear yard setback	Max. Height
Tier I	1,000	100/20	1,200	5	10	10	10	35/45
Tier IV	1,000	100/20	1,200	5	10	10	10	45

* Lot size, width, and setbacks not applicable fee-simple condominiums. See Chapter 27.

3. Standards for Two-Family and Three-Family (TTF) residential (attached, not stacked) in Tier 1.

	Min. Lot size* (sf.) if subdivided	Min. Lot width /Lot width if subdivided (ft.)	Min House size (sq. ft.)	Front yard setback (ft.)	Min. side yard/ Min. separation of buildings (ft.)	Min. Side corner yard setback (ft.)	Min. Rear yard set-back (ft.)	Max. Height (ft.)
Two & Three Family	4,000	100/50 per unit	1,000	Min.10 /Max. 20	3/10	10	10	35

*Lot size, width and setbacks not applicable fee-simple condominiums. See Chapter 27.

4. Standards for Mixed-Use and Non-residential in Tier I and Tier I-NC

	Min. Lot size (sf.)	Min. Lot width (ft.)	Min. Unit size (sf.)	Front yard setback (ft.) (Min./Max.)	Min. side yard for total property/Min. separation (sep.) of buildings (ft.)	Min. Side corner yard (ft.)	Min. Rear yard setback (ft.)	Max. Height (ft.)*
Tier I	N/A	N/A	650	0/25	0/15 sep. for 2-story blg / 20 if one blg is 3-story	0	15	35
Tier I-NC	N/A	N/A	650	0/15	0/20 sep.	0	15	70

*Subject to transitional height plane standards. See Chapter 27.

5. Miscellaneous building standards for all Tiers:
 - a. Corner lots shall not be required to have an additional 15 feet of street frontage.
 - b. Setback averaging shall apply pursuant to Section 27-5.2.1.C. otherwise the front yard setback shall be as shown above.
 - c. Street facing garages shall be set back at least two feet from the edge of the front porch or portico along the front façade of the house (defined as where the front door is located).
 - d. No lot shall be developed to exceed the maximum allowable coverage by buildings, structures, driveways or parking areas, or any other impervious surface specified as follows:
 - 1) Detached Single-Family Residential – 35%
 - 2) Attached Single-Family Residential – 75%
 - 3) Two- and Three-Family Residential – 55%
 - 4) Mixed-Use and Non-Residential – 80%
 - e. In addition to the maximum impervious surface amount, pervious materials may add up to a maximum amount of fifteen percent (15%) of the total lot area for driveways, walkways, patios and pool decks.
 - f. Measurement of building height. See Section 27-5.25 of the Zoning Ordinance.
 - g. Fences along public right of way shall be four (4) feet maximum. Fence height shall be measured from ground level. If ground level is lower than the level of the adjoining street pavement, then a fence may be higher so that it may be four (4) feet above the level of the pavement. The level of ground shall not be altered in such a way to provided additional fence height.

* * *

By deleting the unnumbered introductory paragraph and sub-section A of section 27-3.36.11.A in its entirety and substituting in lieu thereof the following new sub-section to read as follows:

A. Landscape strips:

1. The landscape strip in the front yard shall be planted with a row of street trees of at least three and one-half (3.5) inches in caliper, and planted not less than thirty (30) feet on center. Trees shall be selected

from the list of street trees species identified herein and in the Design Guidelines for the Scottdale Overlay District, originally dated May 2008, as amended, a copy of which shall be maintained by the planning director and available for public inspection. Continuous landscaped strips shall be constructed along public rights-of-way except at points of ingress or egress into the facility.

2. Major and Minor Arterials: Ten (10) foot wide landscape strip along interior side of sidewalk.
3. Collector streets: Five (5) foot wide landscape strip along interior side of sidewalk.
4. Local streets: Four (4) foot wide landscape strip along interior side of sidewalk.
5. Interior yards: Five (5) foot landscape strip along interior side and rear yards for non-residential and multi-family development only.

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By deleting section 27-3.36.12 in its entirety and substituting in lieu thereof the following new section to read as follows:

Sec. 3.36.12. Sidewalks

A. Sidewalk Widths:

1. Sidewalks on public streets. There shall be a public sidewalk constructed along all public street frontages contiguous to all properties within all tiers of the Scottdale Overlay District. The sidewalk shall be located a minimum of four (4) feet from the curb. New sidewalks shall match existing sidewalk patterns. In places where sidewalks are not present, new sidewalks shall be established. In blocks where there are overhead utility lines, the planning director or designee may authorize exceptions to allow for a landscape plan that will not interfere with such utilities. All such conditions will be subject to review and approval by the planning director or designee in addition to the DeKalb County Arborist.
2. Sidewalk widths shall be as follows:
 - a. Major and Minor Arterials in Tier I-NC: Minimum ten (10) foot wide sidewalk along public streets.
 - b. Collector and local streets: Minimum five (5) foot wide sidewalk.

- c. Wider sidewalks in Tier 1 and Tier I-NC may be expanded subject to review by the Director of Planning to accommodate outdoor dining.
 - d. Tier III is exempt from sidewalk requirements.
- B. Sidewalks are required to be installed in all Tiers pursuant to all land disturbance permits, new building permits or major changes or re-development of non-residential, multi-family residential, mixed use and individual detached single family homes, as defined by Chapter 27.
- C. Sidewalk Landscaping
- 1. Major and Minor Arterials: Ten (10) foot wide landscape strip along interior side of sidewalk.
 - 2. Collector and local streets: Five (5) foot wide landscape strip along interior side of sidewalk.
 - 3. The four (4) foot strip between the curb and the sidewalk may be used toward the total width of the landscape strip if the four (4) foot strip is planted with street trees.

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By deleting sub-section 27-3.36.21.D.1 in its entirety and substituting in lieu thereof the following new sub-section to read as follows:

- 1. Special administrative permit approved by the director of planning:
 - a. Home occupation involving no customer contact and no employee other than the person residing on the premises.

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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. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are repealed.

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 _____, 2018.

JEFF RADER
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this ____ day of _____, 2018.

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:

TERRI N. GORDON
Supervising County Attorney

APPROVED AS TO SUBSTANCE:

ANDREW BAKER
Director of Planning