

# Agenda Item

**File ID:** 2022-2271

**Substitute:** 12/13/22

**Public Hearing:** YES  NO

**Department:** Planning & Sustainability

**SUBJECT:**

**COMMISSION DISTRICT(S):** Countywide

**Application of the Director of Planning & Sustainability for a text amendment to Chapter 27-5.1.10 (Maximum Lot Coverage) of the Zoning Ordinance to remove the non-vehicular use restriction on pervious materials.**

**PETITION NO:** TA-22-1246102 (2022-2271)

**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 a text amendment to Chapter 27-5.1.10 (Maximum Lot Coverage) of the Zoning Ordinance to remove the non-vehicular use restriction on pervious materials.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** CC-1: Approval; CC-2: Denial; CC-3: Approval; CC-4: Approval; CC-5: Approval.

**PLANNING COMMISSION:** Approval.

**PLANNING STAFF:** Approval.

**STAFF ANALYSIS:** See attached report.

**PLANNING COMMISSION VOTE:** Approval 7-1-0. Jan Costello moved, April Atkins seconded for approval, per Staff recommendation. Jon West opposed.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION:** CC-1: Approval 6-0-0; CC-2: Denial 9-0-0. CC-2 members Council members did not like the idea of removing the non-vehicular use restriction on pervious materials and believed the amendment would significantly increase the allowable lot coverage; CC-3: Approval 5-0-1; CC-4: Approval 8-0-0; CC-5: Approval 6-0-0.

**AN ORDINANCE**

**AN ORDINANCE TO AMEND  
THE CODE OF DEKALB COUNTY, GEORGIA, AS REVISED 1988,  
CHAPTER 27, ARTICLE 5, DIVISION 1 TO MODIFY THE TIER 5 SPECIAL  
PERMITS, AND FOR OTHER PURPOSES.**

**WHEREAS**, maximum lot coverage is a customary zoning technique designed to limit the intensity of development upon individual lots for the purpose of protecting the health, safety and welfare of persons and property within the unincorporated area of DeKalb County; and

**WHEREAS**, there is no deviation proposed to alter the prescribed standards of the Zoning Ordinance as it relates to maximum lot coverage or impervious surfaces; and

**WHEREAS**, technological improvements and engineering innovation have precipitated a need to modify Section 5.1.10 (Maximum Lot Coverage) to permit greater flexibility in the use of pervious or permeable materials within the prescribed limits of current regulations; 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 5, Division 1, of the Code of DeKalb County, as Revised in 1988, is hereby amended as follows:

**PART I. ENACTMENT**

*By amending Section 5.1.10 of Chapter 27, Article 5, Division 1 of the Code of DeKalb County, as Revised 1988, to as follows:*

Sec. 5.1.10. Maximum Lot Coverage.

No lot shall be developed to exceed the maximum allowable coverage by buildings, structures, driveways or parking areas, or any other impervious surface specified for the zoning district in which the lot is located. In addition to the maximum impervious surface amount, pervious materials may be added up to a maximum amount of fifteen (15) percent of the total lot area ~~for non-vehicular uses only, such as walkways, patios and pool decks.~~

**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.

\_\_\_\_\_  
**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:**

November 16, 2022

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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:**

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VIVIANE H. ERNSTES  
County Attorney

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ANDREW A. BAKER  
Planning & Sustainability Director

Public Hearing: YES  NO

Department: Planning & Sustainability

**SUBJECT:**

**COMMISSION DISTRICT(S):** All Districts

**Application of the Director of Planning & Sustainability for a text amendment to Chapter 27-5.1.10 (Maximum Lot Coverage) of the *Zoning Ordinance* to remove the non-vehicular use restriction on pervious materials.**

**PETITION NO:** N19-2022-2271 TA-22-1246102

**PROPOSED USE:** Amendment to Chapter 27-5.1.10, to remove the non-vehicular use restriction on pervious materials.

**LOCATION:** County-wide.

**PARCEL NO. :** N/A

**INFO. CONTACT:** Planning & Sustainability

**PHONE NUMBER:** 404-371-2155

**PURPOSE:**

Application of the Director of Planning & Sustainability for a text amendment to Chapter 27-5.1.10 (Maximum Lot Coverage) of the *Zoning Ordinance* to remove the non-vehicular use restriction on pervious materials. This text amendment is County-wide.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** CC-1: Approval; CC-2: Denial; CC-3: Approval; CC-4: Approval; CC-5: Approval.

**PLANNING COMMISSION:** Approval.

**PLANNING STAFF:** Approval.

**STAFF ANALYSIS:** See attached report.

**PLANNING COMMISSION VOTE:** Approval 7-1-0. Jan Costello moved, April Atkins seconded for approval, per Staff recommendation. Jon West opposed.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION:** CC-1: Approval 6-0-0; CC-2: Denial 9-0-0. CC-2 members Council members did not like the idea of removing the non-vehicular use restriction on pervious materials and believed the amendment would significantly increase the allowable lot coverage; CC-3: Approval 5-0-1; CC-4: Approval 8-0-0; CC-5: 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.:** N19      **ZONING CASE NO.:** TA-22-1246102      **COMMISSION DISTRICTS:** All  
(2022-2271)

**APPLICANT:** Department of Planning & Sustainability

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**SECTIONS OF ZONING ORDINANCE AFFECTED BY AMENDMENTS:** CHAPTER 27-ZONING ORDINANCE, SECTION 5.1.10 (MAXIMUM LOT COVERAGE) OF THE *ZONING ORDINANCE* TO REMOVE THE NON-VEHICULAR USE RESTRICTION ON PERVIOUS MATERIALS.

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**REASON FOR REQUEST:**

The *Zoning Ordinance* contains maximum lot coverage ratios for each zoning district (and in some instances per development type). Lot coverage ratio is a customary zoning technique designed to limit the intensity of development and/or the amount of a site devoted to impervious (i.e., does not absorb water naturally or prevents percolation) coverage (e.g., streets, buildings, paved parking areas, other structures, etc.). The ratio ranges from 30% in residential districts up to 90% in nonresidential zoning districts.

Presently, in addition to the maximum lot coverage, an additional 15% of total lot area may be used for pervious materials (i.e., does absorb water naturally or allows percolation); however, the exception cannot be applied to areas devoted to vehicular uses. We have received many inquiries requesting that the limitation be removed to permit pervious driveways. This proposal does not change the maximum lot coverage ratio for any zoning district or development type. It only removes the pervious material prohibition on areas dedicated to vehicular activity. Consistent with current practice, any request to use pervious materials (including their effectiveness and durability) will be evaluated by the civil engineers of the Land Development Section during land development permit reviews.

Staff recommends approval.

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**STAFF RECOMMENDATION:** Approval.

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

**WHEREAS**, maximum lot coverage is a customary zoning technique designed to limit the intensity of development upon individual lots for the purpose of protecting the health, safety and welfare of persons and property within the unincorporated area of DeKalb County; and

**WHEREAS**, there is no deviation proposed to alter the prescribed standards of the *Zoning Ordinance* as it relates to maximum lot coverage or impervious surfaces; and

**WHEREAS**, technological improvements and engineering innovation have precipitated a need to modify Section 5.1.10 (Maximum Lot Coverage) to permit greater flexibility in the use of pervious or permeable materials within the prescribed limits of current regulations; 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 5.1.10 (Maximum Lot Coverage) shall be amended as follows:

No lot shall be developed to exceed the maximum allowable coverage by buildings, structures, driveways or parking areas, or any other impervious surface specified for the zoning district in which the lot is located. In addition to the maximum impervious surface amount, pervious materials may be added up to a maximum amount of fifteen (15) percent of the total lot area ~~for non-vehicular uses only, such as walkways, patios and pool decks.~~

## **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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**ADOPTED** by the DeKalb County Board of Commissioners, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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

**APPROVED** by the Chief Executive Officer of DeKalb County, this \_\_\_\_\_ day of \_\_\_\_\_, 2022

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**MICHAEL L. THURMOND**  
Chief Executive Officer DeKalb County, Georgia

**ATTEST:**

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

DeKalb County, Georgia

**APPROVED AS TO SUBSTANCE:**

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**ANDREW A. BAKER**  
Director of Planning and Sustainability

**APPROVED AS TO FORM:**

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**VIVIANE H. ERNSTES**  
County Attorney