

Agenda Item

File ID: 2019-0610

Substitute

7/29/2020

Public Hearing: YES NO

Department: Planning and Sustainability

SUBJECT:

COMMISSION DISTRICTS: All Districts

Application of the Director of Planning and Sustainability for a Text Amendment to revise Section 4.1.3 (Table 4.1 Use Table) to allow veterinary clinics in the MU-4 (Mixed Use- 4) and MU-5 (Mixed Use-5) Districts and Section 4.2 (Supplemental Regulations) of Chapter 27 of the Code of DeKalb County to reduce impacts of veterinary clinics on surrounding land uses in the MU-1, MU-2, MU-3, MU-4, and MU-5 Districts, and for other purposes.

Petition No.: N13. TA-20-1244029 2020-0610

Proposed Use: Text Amendment

Location: County-wide

Parcel No.: N/A

Information Contact: Melora Furman

Phone Number: (470) 542-3022

PURPOSE:

Application TA-20-1244029 of the Director of Planning and Sustainability for a Text Amendment to revise Section 4.1.3 (Table 4.1 Use Table) to allow veterinary clinics in the MU-4 (Mixed Use- 4) and MU-5 (Mixed Use-5) Districts and Section 4.2 (Supplemental Regulations) of Chapter 27 of the Code of DeKalb County to reduce impacts of veterinary clinics on surrounding land uses in the MU-1, MU-2, MU-3, MU-4, and MU-5 Districts, and for other purposes.

RECOMMENDATION:

COMMUNITY COUNCIL: District 1: Approval; District 2: Approval as Amended; District 3: Full Cycle Deferral; District 4: Full Cycle Deferral; District 5: Approval as Amended.

PLANNING COMMISSION: Approval.

PLANNING STAFF: Approval.

PLANNING STAFF ANALYSIS: The purpose of the text amendment is to 1) allow animal hospitals/veterinary clinics in MU-3, MU-4, and MU-5 districts with certain controls to reduce their impacts; and 2) to regulate animal hospitals/veterinary clinics in all districts with such controls. Studies have shown that negative health effects are experienced by residents who are subjected to noise above 50 decibels; thus the

maximum allowed noise level in districts MU-3, MU-4, and MU-5 in the proposed supplemental regulations is 50 decibels. In addition, the Department of Planning & Sustainability recommends that the size of veterinary clinics in MU-3, MU-4, and MU-5 districts be capped, that services to animals in these districts don't include overnight boarding, and that a dog waste disposal station be provided near the entrance to the facility. The additional proposed supplemental regulations would be added to the supplemental regulations that are already in place for animal hospitals/veterinary clinics.

PLANNING COMMISSION VOTE: Approval 8-0-0. J. West moved and P. Womack, Jr. seconded for approval, as per the staff recommendation.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: CC1 – Approval 4-0-0; CC2 – Approval 7-0-0; CC3 – Deferral 8-0-0 to allow Planning staff time to conduct additional research on the maximum decibel limit for sound transmission that would protect citizens, as some research indicates that 45 decibels may have harmful effects; **CC4: Deferral 11-0-0** to allow coordination with enforcement personnel to ensure that the text amendment is enforceable; **CC5: Approval with an Amendment 8-0-0** to allow veterinary clinics in the MU-3 District.

July 29, 2020

AN ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 27, ARTICLES 4 AND 9 OF THE CODE OF DEKALB COUNTY, GEORGIA, AS REVISED 1988, TO ADOPT A USE AMENDMENT, AND FOR OTHER PURPOSES.

WHEREAS, the Governing Authority of DeKalb County is tasked with the protection of the County's health, safety, and general welfare, and the Board of Commissioners is authorized to exercise zoning powers; and

WHEREAS, among the purposes and intent of the MU-3, MU-4, and MU-5 zoning districts is the intent that they will be mixtures of commercial, high-density residential, and office uses in a compact urban form; and

WHEREAS, animal hospitals and veterinary clinics, if regulated by certain controls to prevent negative impacts on surrounding land uses, are compatible with the land uses allowed in said MU-3, MU-4, and MU-5 zoning districts; and

WHEREAS, it is appropriate to reduce possible negative impacts on adjoining and surrounding land uses of animal hospitals and veterinary clinics that are located in the MU-1 and MU-2 zoning districts; 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, Articles 4 and 9 of the Code of DeKalb County, as Revised 1988, is hereby amended as follows:

PART I. ENACTMENT

By amending Table 4.1 of Section 4.1, amending Section 4.2.11(A) and amending a defined term in Section 9.1.3 of Chapter 27 of the Code of DeKalb County, as Revised 1988, to as follows:

Sec. 4.1.3. - Use table.

Table 4.1 Use Table

(See Exhibit 1)

Sec. 4.2.11. - Animal care facilities.

A. Animal hospitals and veterinary clinics.

1. Any building or enclosed structure used as an animal hospital or veterinary clinic, except those located in the MU-1, MU-2, MU-3, MU-4, and MU-5 districts, shall be located and the activities associated with the use shall be conducted at least one hundred (100) feet from any single-family residential property zoned or used for residential purposes.
2. No boarding shall be allowed unless required in connection with medical treatment.
3. Outside runs or kennels are prohibited.
4. An animal hospital or veterinary clinic shall be managed in such a way that objectionable odors shall be minimized.
5. When located in the ground floor of a mixed use or multi-tenant building such that it adjoins and/or shares a wall, ceiling, or floor of another land use/tenant, an animal hospital or veterinary clinic shall be constructed so that sound transmission from the veterinary clinic to the adjoining land use(s) shall not exceed 50 dB (decibels).
6. An animal hospital or veterinary clinic in a MU-1, MU-2, MU-3, MU-4, or MU-5 District shall be limited to no more than 2,500 square feet.
7. An animal hospital or veterinary clinic in a MU-1, MU-2, MU-3, MU-4, or MU-5 District shall provide services for outpatients only. No animal shall be kept overnight unless required in connection with medical treatment.
8. Sidewalks adjacent to an animal hospital or veterinary clinic shall be kept clean. A doggy waste disposal station shall be provided immediately outside the facility and shall be emptied daily by the owner or operator of the facility.
9. An animal hospital or veterinary clinic that is accessory to or combined with a pet supply store shall be subject to these provisions.

Sec. 9.1.3. - Defined terms.

Animal hospital: A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use of an animal hospital for boarding shall only be in connection with medical treatment and only incidental to such hospital use.

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.

ADOPTED by the DeKalb County Board of Commissioners, this ____ day of _____, 2020.

STEPHEN R. BRADSHAW
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this ____ day of _____, 2020

MICHAEL L. THURMOND
Chief Executive Officer
DeKalb County, Georgia

July 29, 2020

ATTEST:

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

APPROVED AS TO FORM:

VIVIANE H. ERNSTES
County Attorney

APPROVED AS TO SUBSTANCE:

ANDREW A. BAKER
Planning & Sustainability Director

Exhibit 1

Use	KEY: P – Permitted use Pa – Permitted as an accessory use														SA – Special administrative permit from director of planning SP – Special land use permit from BoC (SLUP)										See Section 4.2	
	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5		
INSTITUTIONAL / PUBLIC																										
Community Facilities																										
Cemetery, columbarium, mausoleum	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP				P	P			P								✓
Club, order or lodge, fraternal, non-commercial														P	P		P	P	P		P	P	P	P		
Coliseum or stadium/not associated with church or school																P	P	P					SP	P		✓
Funeral home, mortuary														P	P		P	P			P	P	P	P		
Golf course or clubhouse, public or private	P	P	P	P	P	P	P				P		P	P			P	P	P							✓
Government facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Hospital or accessory ambulance service														P	P				P					P	P	
Library or museum								P	P	P			P	P	P	P	P	P			P	P	P	P		
Cultural facilities								SP	SP	SP			SP	SP		SP	SP	SP	SP		SP	SP	SP	SP		
Recreation club	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP						P							SP	✓
Neighborhood or subdivision clubhouse or amenities	P	P	P	P	P	P	P	P	P	P	P	P	P	P							P	P	P	P		✓
Places of worship	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP	P	P	P	P	P	P	P	P	P	P	P	P	P	✓
Recreation, outdoor																	P	P	P	P						✓
Swimming pools, commercial	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	P		P	P	P	P				Pa	Pa	Pa	✓
Tennis courts, swimming pools, play or recreation areas, community	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	P	P		P	P	P	P				Pa	Pa	Pa	✓
Education																										
Colleges, universities, research & training facilities														P	P		P	P	P	P		P	P	P	P	
Private educational services, home occupation	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa		Pa					P				Pa	Pa				✓
Private kindergarten, elementary, middle or high schools	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	P		P	P	P				SP	SP	SP	SP	✓
Vocational schools													P	P		P	P	P	SP	SP	P	P	P	P		✓
Specialized schools								SP	SP	SP			P	P	P	P	P	P	SP	SP	P	P	P	P		✓
COMMERCIAL																										
Automobile, boat and trailer sales and service																										
Automobile or truck rental or leasing facilities																P	P		P	P						✓
Automobile brokerage													P	P					P			P	P	P		✓
Auto recovery, storage																			P	P						✓
Automobile repair or maintenance, minor																P	P		P	P						✓
Automobile repair, major																		P	P	P	P					✓
Automobile sales or truck sales																P	P		P	P						✓
Automobile service stations															SP	SP	SP		P	P						✓
Automobile upholstery shop																		P	P	P						✓
Automobile wash/wax service																	P	P		P						✓
Boat sales																	P	P		P						✓
Retail automobile parts or tire store																	P	P		P						✓
Service area, outdoor																	Pa		Pa	Pa						✓
Trailer or RV salesroom & lot																P	P		P							✓
Office																										
Accounting office								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P		
Building or construction office								Pa	Pa	Pa			P	P		P	P	P	P							✓
Building, landscape, heavy construction contractor office (material, equipment, storage)																	P	P	P	P						✓
Engineering or architecture office								Pa	Pa	Pa			P	P	P	P	P	P	P		P	P	P	P		
Finance office or banking								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P		

DRAFT
July 29, 2019

Use	KEY: P – Permitted use Pa – Permitted as an accessory use																SA – Special administrative permit from director of planning SP – Special land use permit from BoC (SLUP)					See Section 4.2			
	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1		MU-2	MU-3	MU-4,5
Fuel pumps, accessory to large scale retail w/in 1000 feet of interstate highway interchange measured from RW to property line																Pa	Pa	Pa	Pa						✓
Gift, novelty, or souvenir store													Pa		P	P	P	P			P	P	P	P	
Gold buying, precious metals																Pa	P	P							
Grocery stores (see alcohol outlet)								Pa	Pa	Pa					P	P	P	P			P	P	P	P	
Hardware store or other building materials store															P	P	P	P	P	P	P	P	P	P	
Hobby, toy or game store															P	P	P	P			P	P	P	P	
Jewelry store															P	P	P	P			P	P	P	P	
Music or music equipment store (retail)															P	P	P	P			P	P	P	P	
Liquor store (see alcohol outlet)													Pa		SP	SP	SP	P	P						✓
News dealer or news store													P	P	P	P	P	P	P	P	P	P	P	P	
Office supplies & equipment store															P	P	P	P	P		P	P	P	P	

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	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2		MU-1	MU-2	MU-3	MU-4,5	
Check cashing establishment, accessory																P	P		P	P	P	P	P	P	✓	
COMMERCIAL (cont'd)																										
Services (cont'd)																										
Child day care center (Kindergarten) - 7 or more								P	P	P	P		P	P	P	P	P	P	P		P	P	P	P	✓	
Child day care facility - up to 6	SP	SP	SP	SP	SP	SP	SP	P	P	P		SP	P	P	P	P	P					P	P	P	✓	
Coin laundry								Pa	Pa	Pa		Pa			P	P	P						P	P	P	
Dog day care								SP	SP	SP						P	P		P	P	P	SP	SP	SP	✓	
Dog grooming								Pa	Pa	Pa						P	P		P	P	P	P	P	P	✓	
Dry cleaning agencies, pressing establishments, or laundry pick-up stations								Pa	Pa	Pa			P	P	P	P	P		P	P	P	P	P	P		
Fitness center	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa		P	P	P	P	P		P	P	P	P	P	P		
Kennel, breeding or boarding	SP															Pa	Pa	P		P	P				✓	
Kennel, commercial	SP															P	P		P	P						
Kennel, noncommercial	P	SP	SP	SP	SP																					
Landscape business																P	P		P	P						
Mini-warehouse														SP		P	P	P	P	P						
Outdoor storage, commercial																	P		P	P					✓	
Personal services establishment								Pa	Pa	P		Pa	Pa	Pa	P	P	P		P		P	P	P	P		
Photoengraving, typesetting, electrotyping																	P		P	P	P	P				
Photographic studios													P	P	P	P	P		P		P	P	P	P		
Plumbing, HV/AC equipment establishments with no outdoor storage																P	P		P	P						
Publishing or printing establishments													P	P			P		P	P						
Quick copy printing store													P	P	P	P	P		P	P	P	P	P	P		
Services, Medical and Health																										
Ambulance service or emergency medical services, private																P	P		P							
Health services clinic													P	P	P	P	P	P		P	P	P	P			
Home healthcare service													P	P		P	P		P		P	P	P	P		
Kidney dialysis center													P	P		P	P		P		P	P	P	P		
Medical or dental laboratories													P	P		P	P		P	P			SA	SA		
Services, Repair																										
Furniture upholstery or repair; home appliance repair or service																P	P		P	P						
Personal service, repair (watch, shoes, jewelry)								Pa	Pa	Pa			P	P	P	P	P		P		P	P	P	P		
Service area, outdoor																	Pa		Pa	P					✓	
INDUSTRIAL																										
Alcohol or alcoholic beverage manufacturing																			P	P						
Alternative energy production																	SP	SP	SP							
Automobile/truck manufacturing																				P						
Brick, clay, tile, or concrete products terra cotta manufacturing																				P						
Building materials or lumber supply establishment																P		P								
Cement, lime, gypsum, or plaster of Paris manufacturing																				P						
Compressed gas fuel station																	SP		P	P						
Chemical manufacture, organic or inorganic																				P						
Contractor, general (See also Building or Construction Office)																		P		P	P		P	P	✓	
Contractor, heavy construction, outside storage																			P		P	P			✓	
Contractor, special trade																		P		P	P					
Crematoriums													SP			SP	SP		SP	SP					✓	

Use	KEY: P – Permitted use Pa – Permitted as an accessory use														SA – Special administrative permit from director of planning SP – Special land use permit from BoC (SLUP)					See Section 4.2							
	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M		M-2	MU-1	MU-2	MU-3	MU-4,5		
Distillation of bones or glue manufacture																					P						
INDUSTRIAL (cont'd)																											
Dry cleaning plant																					P	P					
Dye works																						P					
Explosive manufacture or storage																						SP					
Fabricated metal manufacture																						P					
Fat rendering or fertilizer manufacture																						SP					
Fuel dealers, manufactures or wholesalers																					P	P					
General aviation airport																					SP	SP					✓
Heavy equipment repair service or trade																	P				P	P					
Ice manufacturing plant																					P	P					
Incidental retail sales of goods produced or processed on the premises																					Pa	Pa					
Incineration of garbage or refuse when conducted within an enclosed plant																						SP					
Industrial, heavy																						SP					
Industrial, light																					P	P					
Intermodal freight terminal, bus or rail freight or passenger terminal, or truck terminal																						SP					
Leather manufacturing or processing																						P					
Light malt beverage manufacturer (See also Brewpub)																Pa	Pa	Pa			P	P	Pa	Pa	Pa	Pa	
Light manufacturing																					P	P					
Manufacturing, heavy																						SP					✓
Manufacturing operations not housed within a building																							SP				✓
Mines or mining operations, quarries, asphalt plants, gravel pits or soil pits																						SP	SP				✓
Outdoor storage, industrial																						P	P				✓
Paper or pulp manufacture																							SP				✓
Petroleum or inflammable liquids production, refining																							SP				✓
Radioactive materials: utilization, manufacture, processing or emission																							SP				✓
Railroad car classification yards or team truck yards																						SP	SP				✓
Recovered materials facility wholly within a building																						P	P				✓
Recovered materials processing wholly within a building																						P	P				✓
Recycling collection													Pa		Pa	Pa	Pa					SP	SP				
Recycling plant																						SP	SP				
Repair/manufacture of clocks, watches, toys, electrical appliances, electronic, light sheet metal products, equipment, machine tools, or machinery not requiring the use of press punch over 100 tons rated capacity or drop hammer																						P	P				
Research, experimental or testing laboratories																						P	P				
Rubber or plastics manufacture																						P	P				
Salvage yard (Junkyard)																						SP	SP				✓
Solid waste: general disposal, landfill, private industry disposal, handling facility, thermal treatment technology or hazardous/toxic materials including radioactive materials																							SP				✓
Smelting: copper, iron, zinc, or ore																						SP					

