



DeKalb County Department of Planning & Sustainability

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**Planning Commission Hearing Date: March 7, 2023
Board of Commissioners Hearing Date: March 30, 2023**

TEXT AMENDMENT ANALYSIS

AGENDA NO.: 2022-2270 **ZONING CASE NO.:** TA-22-1246101 **COMMISSION DISTRICTS:** All

APPLICANT: Department of Planning & Sustainability

SECTIONS OF ZONING ORDINANCE AFFECTED BY AMENDMENTS: CHAPTER 27-ZONING ORDINANCE, TO AMEND SECTION 9.1.3 (DEFINITIONS); TO AMEND ARTICLE 7 TO CREATE DIVISION 8 (WORK FORCE HOUSING REGULATIONS); AND TO REVISE OTHER APPLICABLE SECTIONS OF THE *ZONING ORDINANCE* TO ACCOMMODATE COTTAGE HOUSING DEVELOPMENT.

REASON FOR REQUEST:

DeKalb County’s 2050 Comprehensive Plan, Chapter 8 Implementation, identifies workforce housing as a supplemental policy guideline, that includes the following conditions: density bonus, reserved units, rental housing, homeownership units, proof of guarantees, qualifying households. This text amendment proposes to implement the promotion of workforce housing throughout to county.

Affected sections of the *Zoning Ordinance* include, but may not be limited to:

- 1. Section 9.1.3 Definitions
 - a. Table 2.2 Residential Zoning Districts Dimensional Requirements
- 2. Section 7.8.1-16 Work Force Housing Regulations
 - a. Sec. 7.8.1. - Findings, purpose, and intent.
 - b. Sec. 7.8.2 Applicability and exemptions.
 - c. Sec. 7.8.3. - Density bonuses.
 - d. Sec. 7.8.4. - Priority in required County reviews.
 - e. Sec. 7.8.5 - Construction of workforce housing units.
 - f. Sec. 7.8.6 - Letter of compliance with Workforce housing unit requirements
 - g. Sec. 7.8.7. - Plan submittal, review and approval.

STAFF RECOMMENDATION: Approval.

AN ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF DEKALB COUNTY, GEORGIA, CHAPTER 27 TO PROVIDE FOR WORKFORCE HOUSING IN DEKALB COUNTY'S EMPLOYMENT CENTERS, ACTIVITY CENTERS, JOB CLUSTERS; AND FOR OTHER PURPOSES

WHEREAS, pursuant to the Georgia Constitution, the Official Code of Georgia, and the Code of DeKalb County, the Board of Commissioners of DeKalb County has the authority to regulate land use within unincorporated DeKalb County; and

WHEREAS, the Board of Commissioners adopted a Zoning Ordinance amending Chapter 27 of the Code of DeKalb County providing for the regulation of land use and zoning related activity in DeKalb County and for other purposes at its regular meeting of August 25, 2015; and

WHEREAS, the Board of Commissioners recognizes that housing is an issue of paramount concern that affects the health, welfare, and safety of the citizens of the County; and

WHEREAS, housing is an issue that affects the economic viability and growth of communities in DeKalb County; and

WHEREAS, the County's current 2035 Comprehensive Plan, Chapter 8 Implementation, identifies workforce housing as a supplemental policy guideline, that includes the following conditions: density bonus, reserved units, rental housing, homeownership units, proof of guarantees, qualifying households, water and sewer, compatibility, land use applicability and zoning; and

WHEREAS, Section 1.1.3 (O) of the Code of DeKalb County identifies the provision for, and promotion of housing for all income groups and citizens within the County as one of the many purposes of this chapter; and

WHEREAS, the Board of Commissioners wishes to promote homeownership and the development of moderately priced units available for lease in DeKalb County; and

WHEREAS, the private and non-profit sectors, whether operating independently or in collaboration with each other, possess the resources and expertise to provide moderately priced housing needed in the County; and

WHEREAS, the County wishes to encourage collaboration between developers in the private and non-profit sector for the development of workforce housing available for both lease and sale; and

WHEREAS, the 2020 Atlanta-Sandy Springs-Roswell, GA HUD Metro FMR Area includes DeKalb, and lists the median income as \$82,700; and

WHEREAS, the housing made available by this ordinance will be purchased or available for lease by the private, public, and non-profit sector of DeKalb County's workforce who earn greater than 60% and up to 120% of the County's area median household income, including but not limited to, healthcare workers, teachers, law enforcement officers, fire and rescue workers, other civil service workers, and persons employed in the retail and hospitality industry within DeKalb County; and

WHEREAS, in 2020, the Atlanta-Sandy Springs-Roswell, GA HUD Metro FMR area Income Limit for households of one person earning 60% of the AMI is \$34,740, and 120% is \$69,480; and

WHEREAS, in 2020, the Atlanta-Sandy Springs-Roswell, GA HUD Metro FMR area Income Limit for monthly rent earning 60% of the AMI is \$1,117 and 80% is \$1,490, both for a two bedroom; and

WHEREAS, in 2020, the Atlanta-Sandy Springs-Roswell, GA HUD Metro FMR area Income Limit for owner housing earning 60% of the AMI is \$154,890 and 120% is \$309,780, both for a three bedroom; and

WHEREAS, in 2019, the household income that falls within that range is a household that earns between \$31,023 and \$64,632 and the cost of a house that a person earning \$31,023 can afford to purchase, based on a calculation of housing costs as 30% of income, is \$94,623 and the cost of a house that a person earning \$64,632 can purchase, based on a calculation of housing costs as 30% of income, is \$193, 896; and

WHEREAS, in 2020, the Zillow Home Value Index, which is seasonally adjusted, lists the middle-priced tier homes in DeKalb County as \$237,760; and

WHEREAS, the County has identified several areas of the County, in which there is significant economic activity that creates a large number of jobs but within which the workforce for those areas cannot buy moderately priced housing; and

WHEREAS, the County has considered the mix of office, retail, service and civic uses with residential housing, the number of employers and eligible employees and access to major transportation corridors, and the County has concluded that those areas should be designated as

activity centers and should be the focus of any effort to provide moderately priced housing for purchase by the workforce that works in or otherwise serves those activity centers; and

WHEREAS, many of the identified activity centers are or have been the subject of a Livable Centers Initiative Studies and Small area Plans; and

WHEREAS, the emerging appeal of mixed-use developments in the County and elsewhere in the Metropolitan Atlanta region signals a trend towards more compact residential development combining commercial uses which could be used to provide housing therein for a broader range of incomes; and

WHEREAS, it is the goal of this ordinance to make moderately priced housing available for sale or lease to private, public, and non-profit sector individuals who earn greater than 60% and up to 120% of the County's median household income in identified centers of employment within DeKalb County; and

WHEREAS, it is in the best interests of the health, safety and welfare of the citizens of DeKalb County, Georgia that the Zoning Ordinance be further amended to address the need for affordable housing.

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 Code of DeKalb County, Georgia is amended to read as follows:

PART I. ENACTMENT

Chapter 27, Article 9, entitled "Definitions" is hereby amended by adding the following definitions in alphabetical order to Section 27-9.1.3 to read as follows:

Sec. 9.1.3 Define Terms.

Words or terms not defined in this article but defined in applicable state law or the Code of DeKalb County, as Revised 1988, shall be given that meaning. All other words or phrases shall be given their common, ordinary meaning unless the context requires otherwise. The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them below except where the text clearly indicates a different meaning:

"AMI" means area median income, and it is a statistic used by the United States Department of Housing and Urban Development (HUD) to determine the eligibility of applicants that fall within the middle range of income in a defined boundary.

“Activity center:” A character area designated by the comprehensive plan as a regional center, town center, or neighborhood center. In the workforce housing regulations, it means an area of the County in which the County has determined from objective empirical data that the convergence of economic, educational, healthcare-related or research activity creates a hub of significant employment opportunities. In DeKalb County such areas are designated as activity centers on the future development plan and map as part of the *2050 Comprehensive Plan*. They are also further defined in the *2050 Comprehensive Plan* as Neighborhood, Town and Regional Centers.

“Applicant:” any person, firm, partnership, association, or any other entity that seeks county permits and approvals or the agent of such person or entity. ~~A person who acts in his or her own behalf or as the agent of a property owner, who seeks a zoning decision, or who seeks a decision regarding a permit or approval by the director of planning.~~

“Density bonus:” a density increase over the otherwise maximum residential density as permitted by the DeKalb County Comprehensive Plan and this chapter as an incentive for providing workforce housing to public and private sector eligible employees who earn moderate incomes.

“Developer:” means a person, firm, corporation, partnership, agency, or other legal entity that proposes to divide, subdivide, or construct improvements on real property for others.

“Development(s) for residential use:” means any development of residential units whether attached or detached, single-family or multi-family, for rent or for sale as fee simple or otherwise.

“Eligible employees:” people who earn greater than 60% and up to 120% of the county’s median household income working within DeKalb County, including all of the incorporated areas of DeKalb County.

“Income limit:” that for an affordable housing program, it is the maximum amount of income a household can earn to qualify to receive assistance

“Employment Center:” is a defined geographical area that contain job clusters and is the focal point for targeted local and regional labor force activities to produce goods and services.

“Job clusters:” in the workforce housing regulations, means areas of the County where there are more than eight (8) jobs per acre or equivalent to 5,000 jobs per square mile but in excess of the regional average for the southeastern United States.

“Market units” or *“Market-rate units:”* a dwelling unit that is not restricted to those prices deemed affordable to qualified households.

“Monitoring agency:” the DeKalb County Community Development Department.

“Qualified household:” a household meeting the income restrictions established for workforce housing units.

"*Workforce housing unit ("WHU")*:" a dwelling unit that a household earning between 60% and 120% percent of the county's median household income, as determined by the most recent census from the American Community Survey, can afford to purchase or lease. ~~For sale housing that is affordable to those households earning eighty (80) percent of median household income for the Atlanta Metropolitan Statistical Area (MSA) as determined by the current fiscal year HUD income limit table at the time the building is built.~~

Chapter 27, Article 7, is hereby amended by creating Division 8 and adding sections 1 through 16 to read as follows:

Division 8. Workforce Housing Regulations.

Sec. 7.8.1. - Findings, purpose, and intent.

- (a) The county finds that it is a public purpose of the county, and the stated public policy of the state of Georgia, to make available an adequate supply of housing for all segments of the community, while at the same time maintaining an economically sound and healthy environment.
- (b) The county finds that there is a shortage of quality and moderately priced housing for persons living or employed in DeKalb County who earn between 60% and 120% of the county's median household income, and such a shortage is detrimental to the public health, safety, and welfare.
- (c) The county finds that there is insufficient federal and state support for programs to assist the county in meeting the housing needs of the segment of the public, private and non-profit sector of DeKalb County's workforce that earn between 60% and 120% of the county's median household income in the identified activity centers and job clusters.
- (d) The goal of the county is to ensure the availability of housing for persons of all income levels and to make housing available to the public, private and non-profit workforce in the areas of the county where they work.
- (e) The county finds that it is a legitimate public purpose to seek assistance and cooperation from the private and non-profit sector in making available an adequate supply of housing for persons in all economic segments of the community.

The purpose of this ordinance is to ensure that future residential development in the county, contributing to the attainment of the housing goals of the county's comprehensive plan by increasing the production of units available for sale to qualified households, in order to meet the needs documented in the housing element of DeKalb's Comprehensive Plan.

Sec. 7.8.2 Applicability and exemptions.

- (a) Developments for residential use in the county activity centers with at least twenty-four (24) dwelling units per acre may voluntarily choose to provide workforce housing and shall be entitled to a density bonus subject to as set forth in this division.
- (b) Developments for residential use in job clusters with at least thirty (30) dwelling units may voluntarily choose to provide workforce housing and shall be entitled to a density bonus as set forth in this division.
- (c) Developments for residential use within a tax allocation district that receive financing from bonds or funds for the district shall be required to designate at least fifteen percent (15%) of the proposed dwelling units as workforce housing and shall be entitled to a density bonus as set forth in this division.
- (d) Developments for residential use within an enterprise zone and opportunity zones and the beneficiary of tax exemptions and tax abatement pursuant to state law and chapter 23 of this code shall be required to designate at least fifteen percent (15%) of the proposed dwelling units as workforce housing and shall be entitled to a density bonus as set forth in this division.

Sec. 7.8.3. - Density bonuses.

- (a) Notwithstanding any contrary provisions in this chapter, any residential development in unincorporated DeKalb County that includes at least twenty-four (24) units per acre within an activity center or a job cluster which includes at least thirty (30) dwelling units shall be permitted to increase density up to 25% beyond that which is currently authorized by the code and/or comprehensive plan provided that:
 - (1) At least sixty-five (65%) percent of the additional units built are workforce housing units, and
 - (2) The workforce housing units with a range of sales prices and rental rates are equitably distributed throughout the development.
- (b) The density bonus may be accomplished by, but is not limited to, the use of, any or all of the following:
 - (1) A reduction in minimum on-site or off-street parking spaces;
 - (2) A reduction in minimum unit size (i.e., square footage of heated floor area);
 - (3) An increase in maximum lot coverage;
 - (4) A reduction in minimum setbacks; and/or
 - (5) An increase in maximum building height.

Sec. 7.8.4. - Priority in required County reviews.

- (a) The Planning & Sustainability Director shall prioritize the applications for and issuance of permits and the scheduling of inspections for all residential development that include a workforce housing allocation pursuant to the requirements of this division.
- (b) The Department of Watershed Management shall prioritize processing sewer capacity requests for all residential developments that include a workforce housing allocation pursuant to the requirements of this division.

Sec. 7.8.5 - Construction of workforce housing units.

- (a) Unless otherwise permitted by the Planning & Sustainability Director, WHUs shall be constructed and completed at the same time as market-rate units. In the event that a project is being built in phases, the completion of WHUs in a project shall be equally proportional to the completion of the market-rate units.
- (b) Approved site plans and/or subdivision plats shall identify:
 - (1) the specific number and/or percentage of for-sale units and/or units for rent which are to be regulated as workforce housing units.
 - (2) specific workforce housing units which are for-sale and/or for rent.
 - (3) the number of each type of unit, by bedroom count, square footage, dimensions, or other descriptive feature, which shall be maintained as workforce housing.
- (c) WHUs shall be distributed throughout the development and shall not be clustered together or segregated away from market-rate units. Distribution of units may take into account the number of required WHUs in the project.
- (d) The exterior appearance of WHUs and the quality of materials, interior finishes and appliances shall be the same as the market-rate units.

Sec. 7.8.6 - Letter of compliance with Workforce housing unit requirements

The County shall not issue any land disturbance permits or development permits, nor shall any sketch plat be approved by the Planning Commission that includes any density bonus allowed by this division unless the applicant for the residential development project has received a letter of compliance from the director of planning. The issuance of a letter of compliance by the director of planning shall relieve the developer from any obligation to submit an application for any variance of approved bonuses to the Zoning Board of Appeals. Any increase in density approved by the director of planning shall not be the basis for the denial of a sketch plat by the planning commission. At a minimum, the letter of compliance shall include:

- (a) The specific number of Market Rate Units and WHUs that will be constructed within a specified period and the applicable control period as defined in this division;
- (b) A requirement that each WHU in a single-family dwelling shall have at least two (2) bedrooms;

- (c) A requirement that in multi-family dwellings, that the number of one-bedroom WHUs does not exceed the number of market rate one-bedrooms in the development;
- (d) The permitted density bonus(es) and the means which have been authorized to accomplish the approved increase in density.
- (e) The project shall comply with Chapter ???, Article ???, {insert Ordinance Name}.

Sec. 7.8.7. - Plan submittal, review and approval.

- (a) *Pre-application review.* Prior to application, and to minimize development-planning costs, avoid error and misinterpretation, and increase compliance, a pre-application conference between an applicant and the planning staff shall be required. The applicant shall submit to the planning and development director an architectural building plan and a site plan for the pre-application review and may submit any other information helpful to a preliminary review of the proposed development and its compliance with requirements applicable to workforce housing units. After said conference is held, the planning and development director shall issue a written statement to the developer stating that the preliminary review meeting for the proposed development has taken place.
- (b) *Application and plans required.* An applicant for any land disturbance permit, building permit, or other permit required for construction or alteration of structures or sites that include workforce housing units shall submit an application for letter of compliance with the workforce housing code on an approved form to the planning and development director. Each package must include full architectural and landscape plans and specifications. The submitted plans must include a site plan, architectural elevations and sections; renderings depicting the building design including elevations and architectural details of proposed buildings, exterior materials and colors, and plans and elevations of all hardscape, landscape and signs, all of which shall demonstrate that the proposed design is in compliance with all the requirements of the workforce housing code, any applicable overlay district and the underlying zoning classification. The director of planning shall provide a copy of the submittals to the district commissioners, at-large commissioners for review and comment. If the proposed development is also located in an historic overlay district as designated in the Code, the development shall also comply with the regulations established for the historic overlay district in chapter 13.5 of the Code.
- (c) *Review by staff.* Staff will review the conceptual plans for compliance with specifications and design guidelines contained in this zoning ordinance. If the application fails to comply with any section in this zoning ordinance, the application shall be marked "failed compliance," shall be returned to the applicant with any comments and/or redlines for revisions, and may be re-submitted with corrections addressing the staff's comments and/or redlines for further consideration. Once the application is found to be in compliance, the final design shall be forwarded to the director of planning for approval.
 - (1) Where the director of planning determines that said plans comply with the requirements of the zoning ordinance, the director of planning shall issue a written letter of compliance as contemplated by Section 7.8.6 of this Code as a part of the application for land disturbance, building or other permits.

- (2) Where the director of planning determines that submitted conceptual plans do not comply with the requirements of this chapter, then the director of planning shall notify the applicant in writing of the manner in which the conceptual plans fail to comply with such requirements. All applications shall be considered and decided by the director of planning within thirty (30) calendar days of receipt of a complete application.
- (d) *Fees.* Plans shall be accompanied by an application and payment of a fee in an amount determined by the board of commissioners.

PART II. EFFECTIVE DATE

This ordinance shall become effective one hundred and twenty (120) days after 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 _____, 2023.

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

APPROVED by the Chief Executive Officer of DeKalb County, this ___ day of _____, 2023.

MICHAEL L. THURMOND
Chief Executive Officer

March 31, 2022

DeKalb County, Georgia

ATTEST:

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

APPROVED AS TO SUBSTANCE:

APPROVED AS TO FORM:

CEDRIC HUDSON
Interim Director, Planning & Sustainability

VIVIANE H. ERNSTES
County Attorney

DRAFT