

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

WHEREAS, the Board of Commissioners is authorized to exercise zoning powers to protect and promote the County's health, safety, and general welfare; and;

WHEREAS, single-family cottage developments can encourage a stronger sense of community, promote stronger variety of housing choice and encourage affordability;

WHEREAS, the County desires to encourage the development of cottage housing by amending the regulations around cottage housing; and

WHEREAS, cottage style development can represent a valuable housing tool to promote more efficient use of existing residentially zoned land for infill development, capture contemporary innovative housing design at smaller sizes than currently permitted, and potentially reduce home construction costs.

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 1988, is hereby amended as follows.

PART I. ENACTMENT

By amending Section 2.2.1, Table 2.2; Section 2.11.2, Table 2.4; Section 2.18.3, Table 2.17; Section 4.1.3, Table 4.1; Section 5.7.5; Section 5.7.9; Section 6.1.4, Table 6.2; and Section 9.1.3 of Chapter 27, of the Code of DeKalb County, as revised 1988, as follows:

Sec. 2.2.1. Dimensional requirements.

Dimensional requirements, such as overall site requirements, individual lot dimensions, and setbacks for residential zoning districts are established in Table 2.2, "Residential Zoning Districts Dimensional Requirements." Residential infill development may also be subject to compatibility regulations as specified in sections 5.2.3 and 5.2.4.

Table 2.2 Residential Zoning Districts Dimensional Requirements

Residential Single-Family Zoning Districts								
KEY: Housing Types: SF: Single-Family, TF: Two-Family, TRF: Three-Family, MF: Multi-Family Character Areas: RC: Regional Center, TC: Town Center, NC: Neighborhood Center, SUB: Suburban								
Element	RE	RLG	R-100	R-85	R-75	R-60	MHP	RNC*
Lot Dimensions (minimum)								
Lot area (square feet)	43,560 (1 acre)	20,000	15,000	12,000	10,000	6,000	Parks: 20 acres Lots: 4,000	*
Unit Size, heated living area (minimum)								
Unit size (square feet)	2,000	2,000	2,000	1,800	1,600	1,200/350 cottage	N/A	*

* See division 10 of this article

Sec. 2.11.2. - Dimensional requirements.

Dimensional requirements, including overall site requirements, individual lot dimensions, setbacks, and heights for Medium and High Density Residential Zoning Districts, are provided in Table 2.4, "Medium and High Density Residential Zoning Districts Dimensional Requirements." In addition, compatibility and transitional buffers as defined and required in article 5 may apply.

Table 2.4 Medium and High-Density Residential Zoning Districts Dimensional Requirements.

Medium and High Density Residential					
KEY: Housing Types: SFD: Single-Family Detached, SFA: Single-Family Attached, TTF: Two/Three-Family, MF: Multi-Family, MU: Mixed-Use, U-SF: Urban Single-Family Character Areas: RC: Regional Center, TC: Town Center, TN: Traditional Neighborhood, NC: Neighborhood Center, SUB: Suburban					
Elements	RSM	MR-1	MR-2	HR-1	HR-2 and HR-3

Overall Site Requirements (minimum, unless otherwise specified)					
Dwelling units per acre (maximum base density and maximum possible with bonuses)	4—8	8—12	12—24	24—40	HR-2: 40—60 HR-3: 60—120
Lot Requirements (minimum, unless otherwise specified)					
Single-Family Detached Conventional (SFD)**					
Lot area (square feet)	5,000	5,000	5,000	Not permitted	Not permitted
Lot width, street frontage (feet)	50/20 detached townhome	45/20 detached townhome	40/20 detached townhome	Not permitted	Not permitted
Unit Size, heated living area (square feet, minimum)					
Single-Family Detached (SFD)- Cottage	350	350	350	Not permitted	Not permitted

Sec. 2.18.3. Mixed-Use dimensional requirements.

Dimensional requirements including overall site requirements, individual lot dimensions, setbacks, and heights for Mixed-Use Districts are provided in Table 2.17, "Mixed-Use Zoning Districts Dimensional Requirements." Compatibility rules and transitional buffers as defined and required in article 5 may apply.

Table 2.17 Mixed-Use Zoning Districts Dimensional Requirements.

Mixed-Use Districts				
KEY: Development Types: SFD: Single-Family Detached, SFA: Single-Family Attached, TTF: Two/Three-Family, MF: Multi-Family, U-SF: Urban Single-Family, MU: Mixed-Use, CM: Commercial, OF: Office Character Areas: SUB: Suburban, TN: Traditional Neighborhood, NC: Neighborhood Center, TC: Town Center, RC: Regional Center				
Element	MU-1	MU-2	MU-3	MU-4 and MU-5
Overall Site Requirements (minimum, unless otherwise specified)				
Dwelling units per acre (with bonus)	4—8	8—12	12—24	MU-4=24—40;

				MU-5=40— 60
Individual Lot Dimensions by Residential Type (minimum, unless specified)				
Single-Family Detached (SFD) **				
Lot area (square feet)	3,500	3,500	3,500	Not permitted
Lot width (feet)	35	35	35	16
Unit Size, heated living area (minimum, unless specified)				
Single-Family Detached (square feet)	1,200 / 350 cottage	1,200 / 350 cottage	1,200 / 350 cottage	Not permitted

** SFD Cottage type exempt; see article 5 for standards

Sec. 4.1.3. Use table.

KEY:	P - Permitted use												
	Pa - Permitted as an accessory use												
Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	
RESIDENTIAL													
Dwellings													
Dwelling, cottage home						P	P	P	P				P

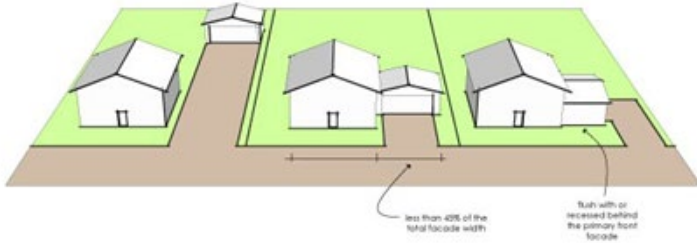
KEY:	SA - Special administrative permit from Director of Planning													
	SP - Special land use permit from BoC (SLUP)													
Use	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2	
RESIDENTIAL														
Dwellings														
Dwelling, cottage home									P	P	P		✓	

Section 27-5.7.5. – Detached houses.

- A. This section shall apply to the following housing types:
 1. *Conventional single-family detached.* A development with one (1) dwelling unit per lot of record with private yards on all four (4) sides.
 2. *Urban single-family detached.* A development with single-family detached dwelling units located on small lots. Urban single-family (Urban-SF) residential buildings share similar configurations to townhouse developments; however, they are detached and may have lot lines that coincide with the building envelope, provided that a yard area is provided in the dimensions required by the zoning district.
- B. Dimensional and use requirements. Minimum lot size, width, and setbacks shall meet the dimensional requirements set forth for the applicable base zoning district in article 2.

- C. Orientation.
1. Lots along the perimeter of a development of single family detached residences shall be oriented so that dwellings front internal local streets instead of a thoroughfare. Lots with rear yards abutting a thoroughfare shall provide a ten-foot no access easement and: a twenty-foot landscape strip, a six-foot-high decorative fence, or a five-foot-high landscaped berm to screen the rear view of houses from the thoroughfare.
 2. Street frontage requirements in section 14-258 of the Code shall not apply to individual lots within an urban type residential development provided the overall site complies with minimum street frontage requirements and an alley or private drive provides access directly to a public street.
- D. Each dwelling unit shall be metered for water individually.
- E. An easement for water and sewer shall be required and subject to the approval of the watershed division of the public works department.
- F. Access driveway, internal private drive and alley standards.
1. Urban residences shall have vehicular access from the rear of the property from an alley or similar private drive, or may have an off-street parking area located on the side or rear of the development. Such parking area may not occupy more than thirty (30) feet of frontage and be located no more than two hundred (200) feet from the unit's entrance. The alley shall be at least twenty (20) feet in width and meet the standards of International Fire Code (IFC) 503, unless another width is approved by the director for one-way direction only.
 2. Single-family detached residences may share a driveway serving two (2) lots, provided that the width of the driveway at the street shall not exceed the width requirements established in chapter 14 of the Code, and that the driveway width not increase for the first ten (10) feet of drive.
- G. Urban single-family dwellings may gain access through private drives that meet the standards of section 5.6.7C.4.
- H. Driveways shall not exceed ten (10) feet between garage door and sidewalk.
- I. Conventional, single-family, detached residences shall follow the size requirements set forth in article 2.
- J. Architectural variability.
1. Residential subdivisions of three (3) or more lots intended for conventional single-family detached residences shall include distinctly different front façade designs within each phase of the development. "Distinctly different" shall mean that each front façade must differ from adjacent buildings' front façades in at least four (4) of the following six (6) ways:
 - a. The use of different primary exterior materials;
 - b. Variation in the width or height of the front façade by four (4) feet or more;

- c. Variation of the type, placement or size of windows and doors on the front façades;
 - d. Variations in rooflines, including the use of dormers and changes in the orientation of rooflines;
 - e. Variation in the location and proportion of front porches; and
 - f. Variation in the location or proportion of garages and garage doors.
2. No conventional single-family detached residence shall be of the same front façade design as any other conventional single-family detached residence along the same block face within eight (8) lots of the subject residence. Mirror images of the same configuration are not permitted on the same block face.
 3. No single front façade design may be used for more than twenty-five (25) percent of the total units of any single phase of a conventional single-family detached residence subdivision.
 4. This subsection shall not apply to single family cottage homes.
- K. Porches and stoops. Any porch shall have minimum dimensions of four (4) feet by eight (8) feet for porches, and any stoop shall have minimum dimensions of and four (4) feet by four (4) feet. Porches and stoops shall be no closer than two (2) feet from a utility easement.
- L. Façades. Any conventional single-family detached residence with a front façade width of forty (40) feet or more shall incorporate wall offsets in the form of projections or recesses in the front façade plane. Wall offsets shall have a minimum depth or projection of two (2) feet so that no single wall plane exceeds twenty-five (25) feet in width.
- M. Roof and overhangs. Conventional single-family detached residences shall incorporate the following standards:
1. Roofs covering the main body of the structure shall be symmetrical gables, hip-style, or mono-pitch (shed) style.
 2. Mono-pitch roofs shall have a minimum pitch of 4:12, and all other roofs covering the main body of a detached house shall have a minimum roof pitch of 6:12.
 3. Overhanging eaves shall extend at least twelve (12) inches beyond the exterior wall.
 4. To the maximum extent practicable, all roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear façades or configured to have a minimal visual impact as seen from an adjacent street.
- N. Garages. The following standards shall apply:
1. Street-facing garage façades shall not comprise more than forty-five (45) percent of the total width of the conventional single family detached residence's front façade. Street-facing garages shall be at least two (2) feet behind the primary front façade plane of a conventional single-family detached residence.



Acceptable garage configurations

- O. Clubhouse/pool amenity areas, greens, playgrounds, pocket parks, neighborhood parks, or detention facilities designed to serve as amenities shall meet dimensional requirements in the base zoning district (article 2) and the standards of article 5, division 5, open space standards.

Section 27-5.7.9. – Single-Family, Cottage Development.

- A. The purpose of single-family, cottage development design is to:

1. Encourage a stronger sense of community and security among nearby neighbors, while preserving personal privacy;
2. Promote a variety of housing choices to meet the needs of a population diverse in age, income, household composition and individual needs; especially small households (one to three-person households);
3. Encourage affordability, innovation and variety in housing design and site development while ensuring compatibility with surrounding land uses;
4. Encourage the creation of more usable open space for residents of the development through flexibility in density and lot standards;
5. Maximize resident- and pedestrian-oriented outdoor spaces, and minimize impact of automobile traffic and parking.

- B. This section shall apply to this specific housing development style: cottage development (also referred to as a “single-family, cottage development”). A development with small, single-family, detached dwelling units that are one (1), one and one-half (1.5) and/or two (2) stories arranged whereby they are clustered around an enhanced open space with a mandatory homeowners’ association that maintains the common shared space and other common elements.

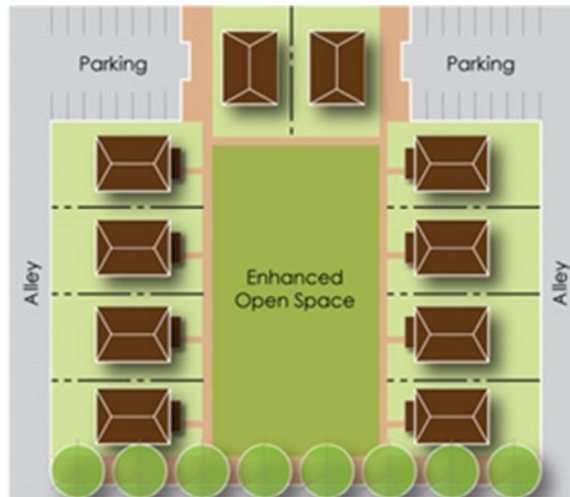


Figure 5.7.9A

- C. Use Restrictions. Cottage homes shall be owner-occupied only. Multi-family dwelling units (including duplexes, triplexes, etc.) and short-term rental services are not permissible in this living arrangement. Accessory dwelling units are not permitted.
- D. Development Standards.
1. Development Arrangement shall consist of one of two forms (no mixing):
 - a. A development with each proposed dwelling unit on an individual lot; or
 - b. A development with multiple dwelling units on a single lot with a condominium ownership arrangement.
 2. Individual lots or building sites within the cottage development are exempt from the base zoning district standards for lot area, lot width, setbacks, and lot coverage. However, lot area, lot width, setbacks, and lot coverage apply to the overall cottage development parcel. A minimum of 20% of total site area shall be reserved for open space. Maximum lot coverage for the total cottage development shall not exceed 60%. Dwelling units oriented toward the common open space area shall provide a five-foot minimum setback from the common area. Such setback does not count toward any required common area.
 3. Nothing herein shall preclude the combination of multiple, contiguous lots to achieve the minimum required lot area. The minimum total lot area required for a cottage development is determined by calculating the cumulative lot area required by the base zoning district for the number of dwelling units to be constructed and reducing the result by 50%. For example, 4 cottage dwelling units under RSM zoning (minimum 5,000sf lot area) equals a minimum total lot area of 10,000sf ($(4 \times 5,000\text{sf}) \times 0.50 = 10,000\text{sf}$).
 4. A cottage development shall consist of a minimum of four (4) and no more than thirty (30) dwelling units. Within the aforementioned range, the maximum number of dwelling units per acre shall be determined by the future land use character area and any applicable bonus density.

5. Cottage unit size shall be no less than 350 square feet and shall not exceed twelve hundred (1,200) square feet, heated living area.
 6. Separation distance between buildings shall be no less than ten (10) feet. However, this distance may be decreased to six (6) feet if the enhanced open space is increased by an equivalent or greater amount.
 7. Single-family cottage lots or home sites shall be oriented toward the enhanced open space or a street. Street frontage requirements of Section 14-258 of the *Land Development Code (Chapter 14)* shall not apply to individual lots within a cottage development provided the overall site complies with minimum street frontage requirements and an alley or private drive provides access from parking area(s) directly to a public street.
- F. Required off-street parking may be provided on individual lots for each dwelling unit within the cottage development or in a shared parking area serving multiple dwellings on-site. Parking shall not be located between principal structures and the street, or within any common open space area. Single-family, cottages shall have vehicular access from the rear of the property from an alley or similar private drive or may have an off-street parking area located on the side or rear of the development. Such parking area may not occupy more than thirty (30) feet of frontage and be located no more than two hundred (200) feet from the unit's entrance. Use of alleys, subject to applicable fire code requirements, is encouraged.
- G. Porches. Any porch shall have minimum dimensions of four (4) feet by eight (8) feet for porches, and any stoop shall have minimum dimensions of and four (4) feet by four (4) feet. Porches and stoops shall be no closer than two (2) feet from a utility easement.
1. Additional Porch Requirements on single-family, cottages:
 - a. Location. Every dwelling shall have a covered entry porch oriented toward the common open space or street. This porch shall be open on at least two sides and shall not be enclosed. Screened-in porches are acceptable. Back and side, wrap porches allowed and encouraged.
 - b. Size. The covered porch shall be greater than 70 square feet in area, with a minimum of dimension of 6 feet in depth.
 - i. Exception: Dwellings less than 700 square feet in size may have a porch greater than 50 square feet in area and 5 feet minimum dimension.
- H. Façades. Any residence with a front façade width of twenty-five (25) feet or more shall incorporate wall offsets in the form of projections or recesses in the front façade plane. Wall offsets shall have a minimum depth or projection of at least two (2) feet.
1. Street-Facing Facades. All street-facing facades of dwellings shall avoid blank walls and include a porch with one or more of the following elements, features, or treatments:

- a. Windows (including bay windows) or other fenestration;
- b. Dormers;
- c. Changes in exterior material or paint color;
- d. Building modulation/articulation with a depth measuring at least one foot; or
- e. Entry enhancements (e.g., multi-panel door).

I. Central enhanced open space.

- a. Single-family, cottages shall be clustered around an enhanced open space green that is a minimum of three thousand (3,000) square feet or four hundred (400) square feet per cottage served by the enhanced open space, whichever is greater.
- b. The enhanced open space green shall have a minimum dimension of twenty (20) feet on each side.
- c. At least two (2) sides of the enhanced open space green shall have cottages along its perimeter.
- d. Accessory structures, serving all residents in the cottage development, may be included in the required area. No more than 30% of the common enhanced open space area shall be impervious.
- e. Parking areas, yard setbacks, spaces between buildings of 15 feet or less in width, private open space, and driveways do not qualify as common open space.
- f. Proximity to Enhanced Open Space. At least 75 percent of the dwelling units of a cottage development shall abut an enhanced common open space; and all of the dwelling units shall be within sixty (60) feet walking distance (measured from the nearest entrance of the dwelling along the shortest safe walking route to the nearest point of the common open space).
- g. Cottage lots or homesites shall be planted with a minimum of one (1) new 2.5" caliper canopy tree or alternatively three (3) understory trees.

J. Additional Cottage Development Elements:

- 1. Community Buildings and Elements.
 - a. Every cottage development shall contain at least two of the following elements (under common ownership):
 - i. Barbeque grill, pizza oven, or outdoor terrace;
 - ii. Picnic table(s) and/or shelter;
 - iii. Community building (built in residential form);
 - iv. Kitchen garden, flower garden, or productive urban landscape; or
 - v. Other community element as approved by Director of Planning.
- 2. Fences. Fences are not required, but if installed, then the following requirements shall apply:
 - a. Fence height requirements:
 - i. Front yard: maximum 24-inch height

- ii. Side yard: maximum 36-inch height when located from property line to face of dwelling, and maximum 72 inches (6 feet) behind the face of dwelling for open slat fences only;
 - iii. Rear yard: maximum 72 inches for open slat fences only
 - iv. Street Facing: maximum 36-inch height.
 - b. Permitted materials include: wood, metal (excluding chain link), vinyl, or fiberglass.
 - c. Hedges shall be limited to the same height requirements as subsection K2a above.
- 3. Pedestrian Network. Cottage developments shall provide a network of pedestrian pathways, including sidewalks along at least one side of streets, mid-block walkways, and shared local streets and access alleyways. Connections to the wider neighborhood shall be made where appropriate and required. All such pathways shall be accessible by the general public, except that walkways into and through the cottage development clusters may be limited to residents and their guests.
- K. Maintenance. The applicant shall demonstrate to the County, based upon review by the planning director, that there will be a suitable legally binding system in place, such as homeowner or condominium association agreements; conservation easement; deed restrictions; or an equivalent form, to ensure proper maintenance and funding of shared facilities, such as storm water facilities and detention ponds, shared parking areas, common open spaces, alleys and other improvements.
- L. Lighting. All developments shall comply with Section 5.6.1 (Outdoor lighting).
- M. For any provisions not captured in this section, then Sec. 5.7.5 shall apply.

Table 6.2: Off-street Parking Ratios

Minimum and Maximum Parking Spaces		
Residential		
Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
Detached single-family dwelling	Two (2) spaces per dwelling unit.	Four (4) spaces per dwelling unit.
Single-Family cottage dwellings	One (1) space per dwelling unit, plus one-quarter (0.25) space per dwelling unit to accommodate guest parking.	Two (2) spaces per dwelling unit, plus one-quarter (0.25) space per dwelling unit to accommodate guest parking.

Sec. 9.1.3. Definitions.

Dwelling unit, single-family, cottage: a detached dwelling unit that is one (1) to two (2) stories (not to exceed twenty-two (22) feet) in height; no greater than 1,200 square feet; and arranged or clustered around a commonly shared open space.

Productive Urban Landscape: is a landscape that integrates some elements of traditional landscaping (like organized planting patterns and areas to sit, eat, and play), and creatively incorporates elements of the natural world (like biodiversity, pollinator habitats, etc.), and plants that provide us with food (like vegetables, berries, and fruit trees).

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 _____, 2023.

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

12/11/2023

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

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

CEDRIC G. HUDSON
Interim Planning & Sustainability Director