



**DeKalb County Department of Planning & Sustainability**

**330 Ponce De Leon Avenue, Suite 500  
Decatur, GA 30030  
(404) 371-2155 / plandev@dekalbcountyga.gov**

**Planning Commission Hearing Date: July 7, 2020  
Board of Commissioners Hearing Date: July 30, 2020**

**TEXT AMENDMENT ANALYSIS**

**AGENDA NO.:** N. 13      **ZONING CASE NO.:** TA-20-1244029      **COMMISSION DISTRICTS:** All

**APPLICANT:** DeKalb County Board of Commissioners

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**SECTIONS OF ZONING ORDINANCE AFFECTED BY AMENDMENTS:** SECTION 4.1.3 (TABLE 4.1 – USE TABLE), SECTION 4.2.11(A) (SUPPLEMENTAL REGULATIONS), SECTION 9.1.3

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**REASON FOR REQUEST:**

Mixed Use Districts MU-1 and MU-2 currently allow animal hospitals/veterinary clinics, but they are not allowed in the MU-3, MU-4, or MU-5 districts. Animal hospitals/veterinary clinics are compatible with all mixed use districts, provided that certain controls, in the form of supplemental regulations, are put in place to reduce the impacts of the clinics on surrounding land uses, particularly residential land uses that may be located adjacent to a clinic in a mixed use building. 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.

A variety of noise reduction techniques are available to reduce sound from within an animal hospital/veterinary clinic. The goal of sound reduction is to prevent noise from animals in the hospital/clinic from disturbing the use and enjoyment of adjoining land uses, particularly residences. 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. The Department of Planning and Sustainability also recommends that the definition of animal hospitals be revised to include animal hospitals that are accessory with or combined with pet supply stores. 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.

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**RECOMMENDATION(S):**

**Planning Department:** Approval.

**Planning Commission:** Pending.

**Community Council:** District 1: Approval 4-0-0; District 2: Approval, ; District 3: Full Cycle 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 since some research indicates that 45 decibels may have harmful effects; District 4: Full Cycle Deferral, 11-0-0 to allow coordination with enforcement personnel to ensure that the text amendment is enforceable; District 5: Approval as Amended 8-0-0 to apply the revisions to MU-3.

## Purpose of the Text Amendment

- Allow animal hospitals and veterinary clinics in the MU-3, MU-4, and MU-5 districts, and
- Revise the supplemental regulations to apply to animal hospitals and vet clinics
  - (a) in conventional zoning districts;
  - (b) in mixed-use districts; and
  - (c) in or combined with pet supply stores.

## Existing Definitions

*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 animal hospital as a kennel shall be limited to short-term boarding and shall be only incidental to such hospital use.

*Veterinary clinic:* See animal hospital.

## Animal Hospitals and Veterinary Clinics in MU-3, MU-4, and MU-5 Districts:

- Meet the intent of the MU-3, MU-4, and MU-5 districts to be characterized by a compact combination of residential, commercial, office, and institutional uses, and
- Would have the same impact on adjoining land uses as if they were located in an MU-1, or MU-2 district, where they are currently allowed.

## Examples of Animal Hospitals/Veterinary Clinics in Mixed Use Developments



**Decatur Marketplace,  
Scott Blvd.. @ N. Decatur Rd.**



**North Decatur Square,  
Church St. @ N. Decatur Rd.**

## **Existing Regulations:**

MU-1 – allowed; supplemental regulations apply

MU-2 – allowed; supplemental regulations apply

MU-3 – not allowed

MU-4 – not allowed

MU-5 – not allowed

when accessory to/combined with pet supply stores – not regulated

## **Proposed Regulations:**

MU-1 – add supplemental regulations

MU-2 – add supplemental regulations

MU-3 – allow with supplemental regulations

MU-4 – allow with supplemental regulations

MU-5 – allow with supplemental regulations

when accessory to/combined with pet supply stores -- regulate

## Existing Supplemental Regulations

1. Any building or enclosed structure used as an animal hospital or veterinary clinic shall be located and the activities associated with the use shall be conducted at least one hundred (100) feet from any property zoned or used for residential purposes.
2. When located within a shopping center, the use shall be adequately soundproofed and odor proofed so as not to create a nuisance.
3. No boarding shall be allowed unless required in connection with medical treatment;
4. Outside runs or kennels are prohibited.

## Proposed Amendments to Definitions

*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 animal hospital as a kennel shall be limited to short-term boarding **as part of medical treatment** and shall be only incidental to such hospital use. **Animal hospitals that are accessory to, or combined with pet supply stores shall be included in this definition.**

*Veterinary clinic:* See animal hospital.

## Proposed Amendments to Supplemental Regulations

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 property zoned or used for **single-family** residential purposes.
2. No boarding shall be allowed unless required in connection with medical treatment;
3. Outside runs or kennels are prohibited.



## **Proposed Amendments to Supplemental Regulations, continued**

5. An animal hospital or veterinary clinic shall be managed in such a way that objectionable odors shall be minimized.
6. 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, 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).
7. An animal hospital or veterinary clinic in an MU-1, MU-2, MU-3, MU-4, or MU-5 District shall be limited to no more than 2,500 square feet.
8. An animal hospital or veterinary clinic in an MU-1, MU-2, MU-3, MU-4, or MU-5 District shall provide services for outpatients only. Animals may be kept overnight only as necessary for medical treatment.
9. 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.

AN ORDINANCE TO AMEND CHAPTER 27 OF  
THE CODE OF DEKALB COUNTY, GEORGIA,  
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;

**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 districts 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;

**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;

**NOW THEREFORE, BE IT ORDAINED** by the Governing Authority of DeKalb County, Georgia, and it is hereby ordained by the Authority of same, that Chapter 27 of the Code of DeKalb County, as Revised 1988 and 2015, is hereby amended as follows:

**PART I. ENACTMENT**

By amending Section 4.1.3 (Table 4.1) of Chapter 27 of the Code of DeKalb County, as Revised 1988 and 2015 by replacing it with the Use Table attached hereto as Exhibit 1, and by amending Section 4.2.11(A) and Section 9.1.3 of Chapter 27 of the of the Code of DeKalb County, as Revised 1988 and 2015, as follows:

Sec. 27-9.1.3 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 animal hospital as a kennel shall be limited to short-term boarding as part of medical treatment and shall be only incidental to such hospital use. Animal hospitals that are accessory to, or combined with pet supply stores shall be included in this definition.

**Sec. 27-4.2.11 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 an 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 an MU-1, MU-2, MU-3, MU-4, or MU-5 District shall provide services for outpatients only. Animals may be kept overnight only as necessary for 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.

**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.

Approved \_\_\_\_\_

**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.

\_\_\_\_\_  
STEVE BRADSHAW  
Presiding Officer  
Board of Commissioners  
DeKalb County, Georgia

**APPROVED** by the Chief Executive Officer of DeKalb County, this \_\_\_\_ day of \_\_\_\_\_, 2020

\_\_\_\_\_  
MICHAEL 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 \_\_\_\_\_

**APPROVED AS TO FORM:**

**APPROVED AS TO SUBSTANCE:**

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VIVIANE H. ERNSTES  
Chief Legal Officer  
DeKalb County, Georgia

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ANDREW A. BAKER  
Planning Director  
DeKalb County, Georgia