



## Legislation Details (With Text)

**File #:** 2022-2270    **Version:** 1    **Name:**

**Type:** Ordinance    **Status:** Public Hearing

**File created:** 9/27/2022    **In control:** Board of Commissioners

**On agenda:** 11/14/2023    **Final action:**

**Title:** COMMISSION DISTRICT(S): Countywide  
Application of the Director of Planning & Sustainability to amend the DeKalb County Zoning Ordinance (Chapter 27) to create Section 5.7.9 to consolidate regulations specific to cottage housing developments and to amend other related and applicable sections of Chapter 27.

**Indexes:**

**Attachments:** 1. Substitute 2023 12.12 Item 2022-2270, 2. TA-22-1246101 Sept. 2023 Cottage Development Staff Report BOC 9-28-23, 3. TA-22-1246101 March 2023 BOC - Cottage Home Text Amendment, 4. TA-22-1246101 Nov 2022 Staff Report Cottage Housing TA-22-1246101, 5. CC-2 Comments for TA-22-1246101 Cottage Housing Development, 6. 2022-2270 Cottage Home Text Amendment Final Draft CLEAN, 7. 2022-2270 Cottage Home Text Amendment 4.0 Redline Draft 12-6-23

Date	Ver.	Action By	Action	Result
12/12/2023	1	Board of Commissioners	approved substitute	Pass
11/14/2023	1	Board of Commissioners	deferred	Pass
9/28/2023	1	Board of Commissioners - Zoning Meeting	deferred for 45 days	Pass
9/12/2023	1	Planning Commission		
5/25/2023	1	Board of Commissioners - Zoning Meeting	deferred for two full cycles	Pass
5/2/2023	1	Planning Commission		
3/30/2023	1	Board of Commissioners - Zoning Meeting	deferred for a full cycle	Pass
3/7/2023	1	Planning Commission	deferred for two full cycles	Pass
11/17/2022	1	Board of Commissioners - Zoning Meeting	deferred for two full cycles	Pass
11/1/2022	1	Planning Commission	deferred for a full cycle	Pass

### SUBSTITUTE

**Public Hearing:** YES  NO     **Department:** Planning & Sustainability

**SUBJECT:**

**COMMISSION DISTRICT(S):** Countywide  
Application of the Director of Planning & Sustainability to amend the *DeKalb County Zoning Ordinance* (Chapter 27) to create Section 5.7.9 to consolidate regulations specific to cottage housing developments and to amend other related and applicable sections of Chapter 27.

**PETITION NO:** TA-22-1246101 (2022-2270)

**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 to amend the *DeKalb County Zoning Ordinance* (Chapter 27) to update and consolidate regulations regarding cottage housing developments; to amend Article 2 (Residential Zoning Districts: Dimensional Requirements) for the facilitation of cottage housing development in various zoning districts; to amend Section 5.7.5 (Detached Houses) related to cottage housing development, and to revise other applicable sections of the *Zoning Ordinance* to accommodate cottage housing development. This text amendment is County-wide.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** (September 5, 2023) CC-2: Approval; (August 2023) CC-1: Approval w/condition; CC-2: Deferral; CC-3: Approval; CC-4: Approval w/conditions; CC-5: No Quorum. (Apr. 2023) CC-1: Approval w/conditions; CC-2: Deferral; CC-3: Deferral; CC-4: Approval; CC-5: Approval. (Feb. 2023) CC-1: Deferral; CC-2: No Vote; CC-3: No Vote; CC-4: Deferral; CC-5: No Vote. (Oct. 2022) C-1: Deferral; CC-2: No Vote; CC-3: Deferral; CC-4: No Vote; CC-5: No Vote.

**PLANNING COMMISSION:** (Sep. 12, 2023) Defer to BOC. (March 7, 2023) Two-Cycle Deferral. (Nov. 1, 2022) Full Cycle Deferral.

**PLANNING STAFF:** Defer to the November 14, 2023 Board of Commissioners meeting.

**STAFF ANALYSIS:** This draft represents a more scaled down version of the initial proposal. Further discussions with residential development stakeholders, the Planning, Economic Development, & Community Services (PECS) Committee, Legal staff, and the County Development Oversight Committee are recommended to ensure the proposal is properly calibrated. Therefore, staff recommends a “Deferral to the November 14, 2023 Board of Commissioners meeting.”

**PLANNING COMMISSION VOTE:** (September 12, 2023) Deferral to BOC 7-0-0. Jan Costello moved, Edward Patton seconded for a deferral to the Board of Commissioners’ September 28, 2023 meeting. (May 2, 2023) Two-Cycle Deferral 8-0-0. Jan Costello moved, Edward Patton seconded for a 2-cycle deferral to the Sept. 2023 zoning agenda, per Staff recommendation. (March 7, 2023) Two-Cycle Deferral 9-0-0. Jana Johnson moved, April Atkins seconded for a Two-Cycle Deferral to the July 2023 zoning agenda, per Staff recommendation. November 1, 2022) Full Cycle Deferral 8-0-0. Jon West moved, Jan Costello seconded for a full cycle deferral to the January 2023 zoning agenda.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION:** (August 2023) CC-1: Approval with one (1) condition 6-0-1. Approved with the condition that the minimum house size change from 200 square feet to 600 square feet. CC-1 felt that 200 feet was simply too small and that it (as well as a 400 square foot home) would create an anomaly on the market. The issue was that if the cottage homes fell out of favor with the buying market, then the real small homes would become an albatross and sit vacant. A 600 foot or larger home would be more marketable to a potential buyer and would have cross market appeal. There is not even a 200 or 400 square foot apartment that anyone could think of that would show any relative market demand for living spaces this small. As we discussed in the prior CC meeting, a 200 square foot area is a one car garage. A 400 square

foot area is a two- car garage. The group feels that those areas are just too small. **CC-2: Deferral 7-0-0.** Community Council 2 voted for deferral with the following conditions: 1) They would like to see a final version before Planning Commission on Sept 12, 2023 and 2) Page numbers should be added. They also had the following comment: It is insulting to have a document that is red lined and missing page numbers and expect volunteers to review and give comment; **CC-3: Approval 7-0-0; CC-4: Approval w/condition 10-0-0.** Approval with conditions to define small tree diameter and to add native plantings as a requirement for new planting in cottage developments; **CC-5: No Quorum;** Members present voted for deferral for further review and discussion of regulations pertaining to cottage houses developments. **(April 2023) CC-1: Approval w/conditions 5-0-0.** Condition #1: Cottage Housing development is not permitted in districts RE through R-75; Condition #2: DeKalb County Planning and Sustainability Zoning Staff shall create a new Cottage Housing Zoning Classification; **CC-2: Deferral 8-0-0; CC-3: Deferral 6-0-0.** Deferral to allow amendment to be finalized and further vetted; **CC-4: Approval 10-0-0; CC-5: Approval 9-0-0.** **(Feb. 2023) CC-1: Deferral 8-0-0; CC-2: No vote,** discussion only; **CC-3: No vote.** The motion to approve, failed due to a tied vote. Discussion included the appropriateness of allowing cottages by right in R-75 and R-85 districts and their potential impact on adjacent single-family subdivision and the need for affordable housing. **CC-4: Deferral 11-0-0; CC-5: No vote.** The motion for approval failed 4-6-0. There was no substitute motion. **(Oct. 2022) CC-1: Deferral 6-0-0.** CC-1 voted to defer until a text amendment is provided; **CC-2: No Vote.** CC-2 recommended that a joint public meeting be arranged to include all community council boards, the Planning Department to discuss proposed amendment changes; **CC-3: Deferral 6-0-0.** CC-3 voted to defer to allow the request to be more fully vetted with specific proposed changes to the zoning ordinance regarding cottages; **CC-4: No vote; CC-5: No vote.**