



**DeKalb County Department of Planning & Sustainability**

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Decatur, GA 30030**

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**Planning Commission Hearing Date: January 5, 2023  
Board of Commissioners Hearing Date: January 26, 2023**

**TEXT AMENDMENT ANALYSIS**

**AGENDA NO:** 2022-2542      **ZONING CASE NO.:** TA-23-1246147      **COMMISSION DISTRICTS:** ALL

**APPLICANT:** Department of Planning & Sustainability

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**SECTIONS OF ZONING ORDINANCE AFFECTED BY AMENDMENTS:** CHAPTER 27-ZONING ORDINANCE, SECTION 2.24.1, TABLE 2.2 (NON-RESIDENTIAL ZONING DISTRICTS DIMENSIONAL REQUIREMENTS) TO REDUCE OR ELIMINATE THE MINIMUM MULTI-FAMILY UNIT SIZE IN THE O-I (OFFICE INSTITUTIONAL) ZONING DISTRICT.

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**REASON FOR REQUEST:**

Presently, multi-family dwelling units are permissible in the O-I (Office-Institutional) Zoning District by-right. Each dwelling unit within an apartment building must be at least 1,000 square feet (heated living area) in size. While the purpose of the unit size restriction is unstated in the *Zoning Ordinance*, it may be grounded in the desire to achieve or preserve a particular quality and/or level of property value.

As the *2050 Unified Plan* and other regional entities have noted, the County is struggling with a lack of housing affordability, supply, diversity, and proximity to employment/amenities. These struggles are regional, statewide, and national as well. As we seek ways to creatively combat these struggles, this proposal represents a small step towards meeting a number of our housing/land use goals.

The proposal grants a limited exception to the multi-family minimum dwelling unit requirement (1,000sf) for the conversion of existing high-rise structures in existing O-I (Office-Institutional) zoning districts to multi-family developments. A minimum 400 square foot unit size would incentivize construction of efficiency/studio apartment units, which currently is cost prohibitive at the required 1,000 square foot threshold. Acceptance of this text amendment would permit reuse of existing structures and developed sites, introduce additional multi-family dwelling units into the housing supply, contribute to diversity of housing choices, channel residential density to designated activity centers and employment nodes.

Staff recommends approval.

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**STAFF RECOMMENDATION:** Approval

**AN ORDINANCE**

**AN ORDINANCE TO AMEND CHAPTER 27 OF  
THE CODE OF DEKALB COUNTY, GEORGIA, AS REVISED 1988, 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**, the Board of Commissioners seeks to increase DeKalb County's housing supply and provide a wider variety of unit sizes;

**WHEREAS**, the Board of Commissioners seeks to encourage the redevelopment and reuse of vacant structures in O-I (Office-Institutional) Zoning Districts to support multifamily housing in harmony with scale, intensity, and design with surrounding development; and

**WHEREAS**, eliminating the minimum unit size for multi-family dwelling units in vacant structures in O-I zoning districts will help boost the County's housing supply and provide a wider variety of unit sizes;

**NOW THEREFORE, BE IT ORDAINED** by the DeKalb County Board of Commissioners that Chapter 27 of the Code of DeKalb County, as Revised in 1988, is hereby amended as follows:

**PART I. ENACTMENT**

*By amending Section 2.24.1 of Chapter 27, Article 2, Division 24, of the Code of DeKalb County, as Revised 1988, as follows:*

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**Sec. 2.24.1. - Dimensional requirements.**

Dimensional requirements including overall site requirements, lot dimensions, setbacks, and heights for Non-Residential Districts are provided in Table 2.24, "Non-Residential Zoning Districts Dimensional Requirements." Building setback, height and lot width may be tied to lot size compatibility, averaging as defined and required in [article 5](#).

**Table 2.2 Non-Residential Zoning Districts Dimensional Requirements**

| Non-Residential Districts   |       |                    |               |               |               |               |       |               |
|---|-------|--------------------|---------------|---------------|---------------|---------------|-------|---------------|
| KEY:<br>Character Areas: RC: Regional Center, TC: Town Center, NC: Neighborhood Center, SUB: Suburban |       |                    |               |               |               |               |       |               |
| Element   | OIT   | OI                 | NS            | C-1           | C-2           | OD            | M     | M2            |
| Unit Size (residential: heated living area)   |       |                    |               |               |               |               |       |               |
| Floor area of attached dwelling unit of Multi-Family (min. sq. ft.)                                   | 1,000 | 1,000 <sup>1</sup> | Not permitted | Not permitted | Not permitted | Not permitted | 1,000 | Not permitted |

<sup>1</sup> For existing O-I zoned properties in activity centers, existing, high-rise structures that have been vacant for longer than 3 years may be adaptively reused for residential development with a minimum dwelling unit size of no less than 400 square feet.

\* If located next to single-family residential and the building will exceed 35 feet, the building setback from SF residential shall be increased 50%.

\*\* Fire department and rescue services must approve over 3 stories to assure adequacy of fire protection facilities.

\*\*\* 5 story/70 feet if in an activity node, 2 story/35 feet outside an activity node, unless obtaining a SLUP for up to 5 story/70 feet.

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**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.

January 17, 2023

**ADOPTED** by the DeKalb County Board of Commissioners, this 26th day of January, 2023.

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

**APPROVED** by the Chief Executive Officer of DeKalb County, this 26th day of January, 2023.

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**MICHAEL L. 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 AS TO FORM:**

**APPROVED AS TO SUBSTANCE:**

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VIVIANE H. ERNSTES  
County Attorney

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CEDRIC HUDSON  
Planning & Sustainability Director (Interim)