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DEKALB COUNTY

ITEM NO. N. 8

HEARING TYPE:
PUBLIC HEARING

BOARD OF COMMISSIONERS
ZONING AGENDA / MINUTES
MEETING DATE: March 27, 2012

ACTION TYPE:
ORDINANCE

SUBJECT: Text Amendment – Board of Commissioners

COMMISSION DISTRICTS: All

DEPARTMENT: Planning & Sustainability

PUBLIC HEARING: YES NO

ATTACHMENT: YES No
PAGES:

INFORMATION
CONTACT: Marian Eisenberg, Zoning Admin.
PHONE NUMBER: (404) 371-2155

PETITION NO: TA-12-16834

LOCATION: N/A

PARCEL No.: N/A

PURPOSE: To amend the DeKalb County Zoning Ordinance to restrict parking of business vehicle and recreation vehicles in residential zoning districts.

RECOMMENDATIONS:

COMMUNITY COUNCIL: APPROVAL.

PLANNING COMMISSION: DEFERRAL FULL CYCLE

PLANNING STAFF: APPROVAL

PLANNING COMMISSION MEETING (3/7/12) The Planning Commission recommended Full Cycle Deferral.

PLANNING COMMISSION VOTE:

APPROVAL WITH CONDITIONS 6-0-0. T. Phillips moved and L. Osler seconded for deferral. The motion unanimously passed 6-0-0 for deferral. (NOTE: V. Moore was not present for this vote.)

PLANNING STAFF ANALYSIS: This text amendment seeks to restrict parking of business vehicles in residential districts by amending the following:

1. Adding definition of "business vehicle", "recreational vehicle", "trailer", and "Portable storage container"
2. Amending definition of "paved" to include pervious pavers.
3. Adding prohibition of business vehicles exceeding 8,000 lbs from residential zoning districts
4. Adding limitation of where a recreational vehicle may be parked in a residential zoning district
5. Limiting the time a recreation vehicle may be occupied
6. Limiting the time a portable storage container and a vehicle for loading and unloading may be parked

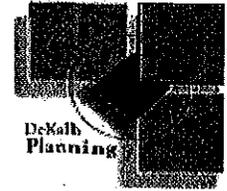
COMMUNITY COUNCIL VOTE/RECOMMENDATION:
APPROVAL



The Honorable Burrell
Ellis
Chief Executive Officer

**DeKalb County Planning & Development
Department**

330 Ponce De Leon Avenue, Suite 500
Decatur, GA 30030
404/371-2155 or 404/371-2813(Fax)



TEXT AMENDMENT ANALYSIS

AGENDA NO: N-8 ZONING CASE NO: TA-12-16834 MEETING DATE: March 27, 2012

APPLICANT: Dekalb County Board Of Commissioners

SECTIONS OF ZONING ORDINANCE AFFECTED BY AMENDMENTS:

Chapter 27 Sections 27-31, 27-766 and 27-784

REASON OF REQUEST:

To amend Chapter 27, Article 1, Section 27-31 and Article 4, Sections 27-766 and 27-784 of the Code of Dekalb County, Georgia to revise the criteria pertaining to the parking of business and recreational vehicles in residential districts.

RECOMMENDATION(S):

PLANNING DEPARTMENT:

APPROVAL The County's existing regulations pertaining to the parking of business and recreational vehicles in residential districts do not adequately address what types of business vehicles or where they are allowed to park in residential districts in order that they minimize any adverse impacts on adjacent and surrounding residential properties. The proposed amendment provides a definition for "business vehicles", and indicates that business vehicles weighing less than four (4) tons are allowed to park in residential districts. The proposed amendment also modifies the definition of "recreational vehicle" to better clarify what constitutes a recreational vehicle, and requires that any recreational vehicle must be parked within an enclosed structure, or within the side or rear yard no closer than ten (10) feet to the side or rear property line. Business vehicles must be parked on a paved surface which is connected to the main driveway of the residential structure. Recreational vehicles are allowed to park on gravel so long as there is no adverse impact on soil erosion. Therefore, the proposed text amendment is being recommended for "APPROVAL".

PLANNING COMMISSION:

FULL CYCLE DEFERRAL T. Phillips moved and L. Osler seconded for full cycle deferral. The motion unanimously passed 6-0-0 for approval of this application with added conditions. (NOTE: V. Moore was not present for this vote.)

COMMUNITY COUNCIL:

Deferral: CC 1 vote a recommendation of deferral(6-0-0)

Approval: CC 4 vote a recommendation of approval(5-1-0)

Approval: CC 2 vote a recommendation of approval(11-0-0)

Approval: CC 3 vote a recommendation of approval(7-0-0)

Approval: CC 5 vote a recommendation of approval(6-0-0)

March 14, 2012

AN ORDINANCE

**AN ORDINANCE TO AMEND
THE CODE OF DEKALB COUNTY, GEORGIA
AS REVISED 1988, CHAPTER 27, REGARDING PARKING REGULATIONS IN
RESIDENTIAL (R) AND MULTI-FAMILY (RM) ZONING DISTRICTS, 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;

WHEREAS, the Governing Authority finds that these amendments will reduce commercial uses in single-family and multi-family residential districts in DeKalb County; and

WHEREAS, the Governing Authority finds that these amendments are needed to preserve the quality of life in single-family and multi-family residential districts in DeKalb County;

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, be and the same is hereby amended below:

PART I. ENACTMENT

By amending Section 27-31 to add the following definitions in alphabetical order and to replace the current definitions of "paved" and "recreational vehicle" as set forth as follows:

Sec. 27-31. Definitions.

Business vehicle means a vehicle, or heavy construction equipment, or trailer used to transport passengers or property in furtherance of a commercial enterprise. Business vehicle may include, but is not limited to pick-up trucks, pick-up trucks with exterior equipment storage, passenger vans, passenger vehicles with or without logos or advertisements identifying the commercial enterprise, ambulances, tow trucks, earthmoving machinery such as bobcats and bulldozers, dump trucks, flatbed trucks, box vans, any vehicle with a trailer attached to it, tractors, "dually" trucks (pick-up trucks with four (4) wheels on the rear axle), heavy construction equipment, and semi-tractor cabs whether or not a trailer is attached.

Paved means an area which is covered by asphalt, concrete, pervious pavers, or a similar material that is acceptable to the Director of Public Works. For the purposes of a driveway for the parking of automobile(s), two paved tire tracks with an unpaved area between them shall be considered paved.

Portable storage container means any non-motorized vehicle, trailer or fully enclosed container intended for the temporary storage of items until relocated to another location or a long-term storage facility. Storage containers include, but are not limited to PODS, Pack-Rats and similar containers.

Recreational vehicle means any vehicle, whether or not motorized, that is intended for personal recreational use and not intended for daily transportation. Such vehicles may include, but are not limited to Class A and C motor homes, campervans, bus conversions, boats, military surplus vehicles, all terrain vehicles (ATVs), and similar vehicles intended for recreational purposes. Pick-up trucks with a fully enclosed bed that are used for daily transportation do not qualify as recreational vehicles.

Trailer means any non-motorized vehicle or wheeled attachment designed to be towable, including but not limited to landscape utility trailers, horse trailers, storage trailers, campers, recreational vehicle trailers, trailers designed for temporary living quarters while traveling or camping, fifth-wheel trailers, travel trailers, pop-up campers, transport trailers, and boat trailers.

By amending Section 27-766 related to parking regulations for off-street parking spaces and Section 27-784 related to the parking of recreational vehicles and trailers as follows:

Sec. 27-766. Parking regulations, off-street parking spaces.

Off-street parking spaces shall be provided in accordance with the following requirements:

- (a) Each application for a development permit or building permit other than for a detached single-family residence shall be accompanied by a parking plan showing all required off-street parking spaces, driveways, and the internal circulation system for each such parking lot.
- (b) All parking lots and spaces shall conform to the following requirements:
 - (1) Each parking space and parking lot shall have access to a public street. All vehicles shall be parked on a paved surface that is connected to and has continuous paved access to a public or private street, except as otherwise allowed in this section.
 - (2) Each parking space and parking lot, including all internal circulation driveways, shall comply with the requirements of chapter 14 of the Code, except as otherwise allowed in section 27-784(c).
 - (3) Each parking space, except those located on a single-family residential lot, shall be not less than one hundred fifty-three (153)

districts is prohibited. This section shall not prohibit: (1) vehicles engaged in active farming, construction activities or contractor services on the private property, or the temporary parking (12 hours or less) of vehicles for the purpose of loading/unloading within residential (R) or multi-family (RM) districts; nor (2) the parking of vehicles on property located in residential (R) or multi-family (RM) districts, where such property is used for an authorized non-residential use such as a church. Vehicles used in law enforcement are exempt from the restrictions of this paragraph. All parking lots within the RM-150, RM-100, RM-85, RM-75, RM-HD, OI, O-I-T, OD, NS, C-1, C-2, M, and M-2 districts which contain a total of twenty (20) or more parking spaces shall conform to all of the requirements of section 27-753 of this chapter.

- (c) In any case where the district regulation does not specify an off-street parking requirement for a use that is authorized or permitted within any such district, then the most restrictive off-street parking requirement within that district regulation shall apply.

Sec. 27-784. Recreational vehicles, trailers and portable storage containers, parking or storage of.

- (a) In a residential (R) or multi-family (RM) district, no trailer or recreational vehicle shall be parked in front of the principal structure, within ten (10) feet of the side yard lot line, or within twenty (20) feet of the rear lot line, unless it is parked or stored completely within an enclosed garage or roofed carport.
- (b) No recreational vehicle or trailer may be occupied for human habitation exceeding fourteen (14) consecutive days while parked within a residential (R) or multi-family (RM) district.
- (c) Recreational vehicles and trailers may be parked, for the limited purpose of storage between travel, on unpaved surfaces including gravel or a similar material that prevents the vehicle's or trailer's tires from making direct contact with the earth, soil, sod or mud so long as the unpaved surface prevents tracking of earth, soil, sod or mud onto public streets when the vehicle or trailer is moved from the property.
- (d) No recreational vehicle, trailer or storage container may be parked on a lot that does not contain a permanent dwelling unit or other structure intended for permanent human habitation as its principal use within any residential (R) or multi-family (RM) district.

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- (e) No portable storage container may be parked or stored in a residential (R) or multi-family (RM) district for a period of time exceeding fifteen (15) consecutive days, or a total of thirty (30) days during any calendar year.

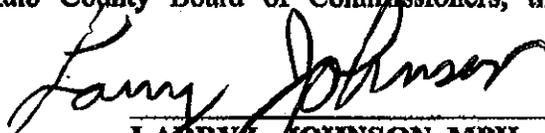
PART II. EFFECTIVE DATE

This ordinance shall become effective upon 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 _____, 2012.



LARRY L. JOHNSON, MPH
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

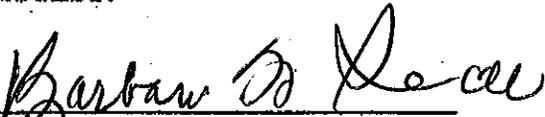
APPROVED by the Chief Executive Officer of DeKalb County, this _____ day of _____, 2012.



W. BURRELL ELLIS, JR.
Chief Executive Officer
DeKalb County, Georgia

March 14, 2012

ATTEST:



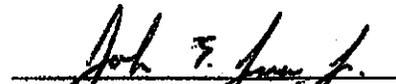
BARBARA H. SANDERS, CCC
Clerk to the Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:



ANDREW BAKER
Associate Director, Planning
DeKalb County, Georgia

APPROVED AS TO FORM:



JOHN E. JONES, JR.
Senior Assistant County Attorney
DeKalb County, Georgia