

ORDINANCE No. 825

Planning and Development Department Nos:

TA2023-01 – DEKALB COUNTY-ANNEXED ZONING DISTRICT

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF CHAMBLEE, GEORGIA, “UNIFIED DEVELOPMENT ORDINANCE,” “TITLE 2: “LAND USE AND ZONING””; BY EDITING AND BY ADDING CERTAIN PROVISIONS, AND FOR ALL OTHER LAWFUL PURPOSES.

BE IT ORDAINED AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHAMBLEE, GEORGIA THAT THE FOLLOWING PROVISIONS OF THE “UNIFIED DEVELOPMENT ORDINANCE,” “TITLE 2: “LAND USE AND ZONING” BE AMENDED AS ATTACHED.

It is hereby declared to be the intention of the Mayor and City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

The foregoing was proposed by Council member Mesa with a motion that the same be adopted. Said motion was seconded by Council member Robson. Same was then put to a vote and 5 Council members voted in favor of the Ordinance and 4 Council members voted against the Ordinance. Said motion was thereupon declared passed and duly adopted this 19th day of September, 2023.

Cherron Bouie

Cherron Bouie

City Clerk, City of Chamblee, Georgia

Approved this 19th day of September, 2023

Brian Mock

The Honorable Brian Mock

Mayor, City of Chamblee, Georgia

Approved as to form:

Keri P. Ware

Keri P. Ware, Esq., City Attorney

First Reading: 08/15/2023

Second Reading: 09/19/2023

APPENDIX A
TITLE 2 – LAND USE AND ZONING
Chapter 220 – SPECIAL ZONING DISTRICTS
SECTION 220-6 DEKALB COUNTY-ANNEXED ZONING DISTRICT

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- (a) *Purpose and Intent.* The DeKalb County-Annexed (DC-A) zoning district is applied to certain properties that were annexed into the city limits of the City of Chamblee from unincorporated DeKalb County to maintain status quo Entitlements for the annexed parcels. At the discretion of the Mayor and City Council, the DC-A district may be applied to properties annexed into the City of Chamblee after the effective date of this zoning ordinance, consistent with the provision of the Zoning Procedures Law (O.C.G.A. §36-66) and the UDO.
- (b) *Entitlements Definition.* “Entitlements” is defined as zoning, zoning conditions, land use entitlements, variances, use permits and development regulations.
- (c) *Regulation of lands in the DC-A zoning district.* Any properties zoned DC-A as shown on the official Zoning Map, unless otherwise specifically approved by the Mayor and City Council, shall be regulated by Chapter 27 of the Code of DeKalb County, Georgia (“DeKalb Zoning Ordinance”) effective as of the date of annexation, including the zoning designation of the parcel in DeKalb County, and other Entitlements adopted by the DeKalb County Board of Commissioners in effect at the time of annexation. The official DeKalb County Entitlements files of properties so annexed shall become official files of the City of Chamblee and shall be maintained by the Planning and Development Department, and said conditions of the Entitlements shall constitute the zoning regulations governing said properties. The provisions of the DeKalb Zoning Ordinance in effect as of the effective date of this section shall apply to the parcels zoned DC-A.
- (d) *Development of properties in the DC-A zoning district.* Properties in DC-A shall continue to enjoy the use or uses specifically conferred by zoning or special use permit action of the DeKalb County Board of Commissioners immediately prior to annexation. Development of any properties zoned DC-A on the effective date of this Zoning Ordinance shall comply with the following:
- (1) The property-specific conditions of zoning adopted by the DeKalb County Board of Commissioners in a property-specific rezoning action by resolution and which were in effect for said property when in unincorporated DeKalb County immediately prior to annexation.
 - (2) The property-specific conditions of special use permit adopted by the DeKalb County Board of Commissioners in a property-specific special use permit action by resolution and which were in effect for said property when in unincorporated DeKalb County immediately prior to annexation.

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- (3) Any amendment of zoning or special use permit conditions granted by the DeKalb County Board of Commissioners by official action which are part of the official DeKalb County files for said property.
 - (4) Any property-specific variances granted by the DeKalb County Board of Zoning Appeals and which are a part of the official DeKalb County files for said property.
 - (5) The DeKalb Zoning Ordinance in effect as of the effective date of this section.
 - (6) Any property-specific amendment of zoning or special use permit conditions approved by the City of Chamblee.
- (e) *Remedies for additional development permission.*
- (1) In any case where a development is proposed on property zoned DC-A but such development would not be consistent with the provisions of the DC-A zoning district as specified in this chapter, there shall be the following possible remedies:
 - (a) File an application to rezone the property from DC-A to another district set forth in the UDO which will lawfully provide for the proposed development, in accordance with the applicable zoning procedures of the UDO.
 - (b) File a variance application in accordance with the provisions of the UDO..
 - (c) File an application to modify an approved site plan and/or amend zoning conditions.
 - (2) The Planning and Development Department is authorized to grant administrative variances for properties zoned DC-A, pursuant to and as specified in Article 5 of the UDO
 - (3) Minor revisions to an approved site plan or development plan may be administratively approved by the Director of Planning and Development Department if in the director's judgment such changes: (1) do not involve an increase in density or intensity of the site; and (2) do not materially alter buffers or setbacks along perimeter boundaries; and (3) do not otherwise result in a change that would be contrary to the public interest or that would be better considered via a public hearing process and a change in zoning or special use approval.
- (f) *Assumption of administrative functions.* In cases where conditions of DeKalb County zoning approval applicable to property in the DC-A require an administrative determination or decision, interpretation, or other administrative action, the Planning and Development Department shall have the authority to make such administrative determination, decision, or interpretation. To this end, the Planning and Development Department shall assume the authority of all administrative officials referred to in said conditions of zoning approval by DeKalb County; provided, however, that in cases where engineering considerations are specified, the City engineer shall have such administrative authority.
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