



Article 4. Use Regulations 3

27.4.1	DIVISION 1. OVERVIEW OF USE CATEGORIES AND USE TABLE.....	3
4.1.1	Overview.....	3
4.1.2	Interpretation of unlisted uses.....	3
4.1.3	Use table.....	3
27.4.2	DIVISION 2. SUPPLEMENTAL USE REGULATIONS.....	11
4.2.1	Accessory buildings, structures, and uses.....	11
4.2.2	Accessory buildings, structures and uses: location, yard and building restrictions.....	11
4.2.3	Accessory dwelling unit, guesthouse, in-law suite.....	12
4.2.4	Adult daycare center (7 or more clients).....	13
4.2.5	Adult daycare facility (up to 6 clients).....	13
4.2.6	Adult entertainment establishments, adult services facility.....	13
4.2.7	Agriculture and forestry.....	14
4.2.8	Alcohol outlets, retail, package liquor store.....	16
4.2.9	Amateur radio service antenna structure.....	16
4.2.10	Ambulance, taxi, and limousine services, dispatch, and storage.....	16
4.2.11	Animal care facilities.....	17
4.2.12	Antennas, satellite dishes, television receivers.....	18
4.2.13	Automobile wash service, principal, accessory, detail or mobile.....	18
4.2.14	Automotive sales and service; boat, trailer sales and service.....	18
4.2.15	Bed and breakfast inn and home stay.....	19
4.2.16	Building and construction office, landscape contractors.....	20
4.2.17	Cemetery, columbarium, mausoleum, as principal use.....	20
4.2.18	Check cashing.....	20
4.2.19	Child day care facility (up to 6 children), or child day care center (7 or more children).....	20
4.2.20	Coliseum, stadium, amphitheater.....	21
4.2.21	Commercial recreation and entertainment.....	21
4.2.22	Crematories.....	23
4.2.23	Drive-through facility, restaurant.....	23
4.2.24	Dwellings: cottage, mobile home, townhouse, urban single-family, and condominium.....	23
4.2.25	Emission stations.....	24
4.2.26	Extended stay motels/hotels.....	24
4.2.27	Farmers markets, temporary seasonal.....	25
4.2.28	Fuel pumps, accessory.....	26
4.2.29	Heavy industrial uses.....	26
4.2.30	Heliport, General Aviation Airport.....	27
4.2.31	Home occupations and private educational uses.....	27
4.2.32	Late-night establishments and night clubs.....	28
4.2.33	Live-work.....	29
4.2.34	Mines, mining, quarries, gravel pits, borrow pits, and sand pits.....	29
4.2.35	Mini-warehouses.....	30
4.2.36	Moving buildings, requirements.....	30
4.2.37	Outdoor display and seating.....	30
4.2.38	Outdoor storage of materials, supplies, equipment or vehicles.....	31
4.2.39	Parking, commercial lot.....	32
4.2.40	Pawn shops.....	32
4.2.41	Personal care homes and child caring institutions.....	32
4.2.42	Places of worship, convents; monasteries; temporary religious meetings.....	33
4.2.43	Private elementary, middle and high school.....	33
4.2.44	Salvage yard, junkyard.....	34
4.2.45	School, specialized and vocational.....	34
4.2.46	Senior housing: independent and assisted living, nursing, and continuing care.....	34



4.2.47	Service areas, outdoor, for nonresidential uses.....	36
4.2.48	Shelters for homeless or battered persons and transitional housing facilities.	36
4.2.49	Solid waste facility regulations.	36
4.2.50	Swimming pool, community.....	37
4.2.51	Telecommunications towers and antennas.....	37
4.2.52	Tennis court, accessory to residential.....	37
4.2.53	Transit shelters.....	37
4.2.54	Truck stop.....	37
4.2.55	Urban garden or community gardens.....	38
4.2.56	Utility structure necessary for transmission or distribution of service.	39
4.2.57	Wireless telecommunications (cell tower).....	39
27.4.3	DIVISION 3. TEMPORARY USE REGULATIONS.....	51
4.3.1	Temporary outdoor uses: general requirements.....	51
4.3.2	Duration, frequency and hours of operation of temporary outdoor uses.	51
4.3.3	Temporary outdoor seasonal activities.	52
4.3.4	Temporary outdoor retail sales displays.	53
4.3.5	Temporary outdoor events.	54
4.3.6	Yard sales.	54
4.3.7	Temporary buildings, use and construction of.	55



Article 4. Use Regulations

27.4.1 DIVISION 1. OVERVIEW OF USE CATEGORIES AND USE TABLE

4.1.1 Overview.

The regulations contained within this Article 4 shall apply to all zoning districts within DeKalb County except as otherwise specified herein. Certain uses require imposition of additional regulations to mitigate environmental, visual and infrastructure impacts. Dimensions, site location and architectural requirements shall be indicated on required site development plans.

4.1.2 Interpretation of unlisted uses.

Where a particular use is not specifically listed in Table 4.1 Use Table, the director of planning shall have the authority to permit the use if the use is similar to uses permitted by this Article. The director of planning shall give due consideration to the purpose and intent statements contained in this Zoning Ordinance concerning the base zoning districts involved, the character of the uses specifically identified and the character of the uses in question.

4.1.3 Use table.

Table 4.1 indicates the permitted uses within the base zoning districts. Even though a use is listed as an allowable use within a particular base zoning district, additional use restrictions may apply based on the applicable overlay zoning district requirements specified in Article 3: Overlay Districts.

- A. The uses listed in Table 4.1 shall be permitted only within the zoning districts identified, and no use shall be established and no structure associated with such use shall be erected, structurally altered or enlarged unless the use is permitted as:
 1. A permitted use (P);
 2. A special use (SP) subject to the special land use permit application procedures specified in Article 7;
 3. An administratively approved use (SA) subject to the special administrative permit procedures specified in Article 7;
 4. An accessory use (Pa) as regulated by this Article 4. Table 4.1 does not list all accessory uses but clarifies uses acceptable as accessory, though not typically considered principal uses for the zoning classification.
 5. Uses lawfully established prior to the effective date of this Zoning Ordinance.
- B. Any use not listed in Table 4.1 below or interpreted to be allowed by the director of planning pursuant to Section 4.1.2 is prohibited. Any applicant denied a permit to allow a use of property in a zoning district other than as provided in this section may file an appeal before the zoning board of appeals as provided in Article 7.
- C. If there is a conflict between Table 4.1 and the text of this chapter, the text shall prevail.



Table 4.1 Use Table

Use	KEY: P – Permitted use Pa – Permitted as an accessory use																SA – Special administrative permit from director of planning SP – Special land use permit from BoC (SLUP)										See Section 4.2
	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5			
AGRICULTURAL																											
Agriculture & Forestry																											
Commercial greenhouse or plant nursery	P															P	P	P		P	P	P					✓
Temporary or portable sawmill	P																		P	P							✓
Urban, community garden, up to 5 ac.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓
Urban, community garden, over 5 ac.	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Animal Oriented Agriculture																											
Dairy	P																		P	P							✓
Keeping of livestock	P	P	P	P	P								P							P							✓
Keeping of poultry/pigeons	P	P	P	P	P								P							P							✓
Livestock sales pavilion	P																				P						✓
Riding academies or stables	P	P	P	P	P																						✓
RESIDENTIAL																											
Dwellings																											
Dwelling, cottage home						P	P	P	P	P		P															✓
Dwelling, mobile home											P									Pa	Pa						✓
Dwelling, multi-family							P	P	P				P						SP	SP	P	P	P	P			✓
Dwelling, multi-family (supportive living)							P	P	P	P	P	P										P	P	P	P		✓
Dwelling, townhouse							P	P	P	P		P		P								P	P	P	P		✓
Dwelling, urban single-family							P	P	P	P		P		P								P	P	P	P		✓
High-rise apartment										P				SP									P	P			✓
Dwelling, single-family (attached)							P	P	P	P				P								P	P	P	P		✓
Dwelling, single-family (detached)	P	P	P	P	P	P	P	P	P	P	P	P										P	P	P	P		✓
Dwelling, three-family							P	P	P	P		P										P	P	P	P		✓
Dwelling, two-family							P	P	P	P		P										P	P	P	P		✓
Dwelling, single-family, accessory (guesthouse, in-law suite)	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa												Pa	Pa	Pa	Pa		✓
Home occupation, no customer contact	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA									SA	SA	SA	SA		✓
Home occupation, with customer contact	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP									SP	SP	SP	SP		✓
Live/work unit							P	P	P			P	P		P	P		P	P		P	P	P	P	P		✓
Mobile home park											P																✓
Accessory uses or structures	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	✓
Housing and Lodging																											
Bed & breakfast	SP	SP	SP				SP	SP	SP	SP			P	P	P	P						P	P	P			✓
Bed & breakfast, home stay	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP															✓
Boarding/Rooming house								SP	P	P																	✓
Convents or monasteries	SP	SP	SP	SP	SP	SP	SP	SP	SP				P	P								P	P	P			✓
Dormitory													Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	✓
Extended stay hotel/motel													SP		SP	SP						SP	SP	SP			✓
Fraternity house or sorority house								SP	P	P			SP									P	P				✓
Hotel/Motel													P		P	P	P					P	P	P			✓
Nursing care facility or hospice							P	P					P	P	P	P						P	P	P	P		✓
Personal care home, community, 7 or more							SP	SP	P	P			P	SP	SP	P	P				P	P	P	P			✓
Personal care home, group, 4-6	SP	SP	SP	SP	SP	SP	SP	SP	P	P	P	SP	P	SP	SP	P	P					P	P	P	P		✓
Child caring institution, group, 4-6	SP	SP	SP	SP	SP	SP	SP	SP	P	P	P	SP	P	P	P	P						P	P	P	P		✓
Child caring institution, community, 7 or more							SP	SP	P	P			P	SP	SP	P	P	P				P	P	P	P		✓
Senior housing	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP								SP	SP	SP	SP		✓
Shelter for homeless persons, 7-20										SP	SP		SP	SP		P	P										✓
Shelter for homeless persons for no more than six (6) persons								SP	SP	SP			SP	SP		SP											✓
Transitional housing facility, 7-20								SP	SP	SP			SP	SP		P	P										✓



Table 4.1 Use Table, Cont'd

Use	KEY: P – Permitted use Pa – Permitted as an accessory use														SA – Special administrative permit from director of planning SP – Special land use permit from BoC (SLUP)										See Section 4.2		
	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5			
INSTITUTIONAL / PUBLIC																											
Community Facilities																											
Cemetery, columbarium, mausoleum	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP				P	P				P							✓	
Club, order or lodge, fraternal, non-commercial														P	P		P	P	P	P		P	P	P	P	✓	
Coliseum or stadium/not associated with church or school																P	P	P						SP	P	✓	
Funeral home, mortuary														P	P		P	P				P	P	P	P	✓	
Golf course or clubhouse, public or private	P	P	P	P	P	P	P						P	P			P	P	P							✓	
Government facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓	
Hospital or accessory ambulance service														P	P					P					P	P	✓
Library or museum									P	P	P			P	P	P	P	P					P	P	P	✓	
Cultural facilities									SP	SP	SP			SP	SP		SP	SP	SP	SP		SP	SP	SP	SP	✓	
Recreation club	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP					P							SP	✓	
Neighborhood or subdivision clubhouse or amenities	P	P	P	P	P	P	P	P	P	P	P	P	P	P								P	P	P	P	✓	
Places of worship	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP	P	P	P	P	P	P	P	P	P	P	P	P	P	✓	
Recreation, outdoor																		P	P	P	P					✓	
Swimming pools, commercial	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	P		P	P	P	P				Pa	Pa	Pa	✓	
Tennis courts, swimming pools, play or recreation areas, community	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	P	P		P	P	P	P				Pa	Pa	Pa	✓	
Education																											
Colleges, universities, research & training facilities														P	P		P	P	P	P		P	P	P	P	✓	
Private educational services, home occupation	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa						P			Pa	Pa			✓		
Private kindergarten, elementary, middle or high schools	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	P		P	P	P					SP	SP	SP	✓	
Vocational schools													P	P		P	P	P	SP	SP	P	P	P	P	✓		
Specialized schools									SP	SP	SP			P	P	P	P	P	P	SP	SP	P	P	P	✓		
COMMERCIAL																											
Automobile, boat and trailer sales and service																											
Automobile or truck rental or leasing facilities																	P	P		P	P					✓	
Automobile brokerage														P	P		P	P				P	P	P	✓		
Auto recovery, storage																			P	P						✓	
Automobile repair or maintenance, minor																	SP	SP		P						✓	
Automobile repair, major																		SP		P	P					✓	
Automobile sales or truck sales																			P	P	P	P				✓	
Automobile service stations																SP	SP	SP		P	P					✓	
Automobile upholstery shop																			P	P	P					✓	
Automobile wash/wax service																			P	P	P					✓	
Boat sales																			P	P	P					✓	
Retail automobile parts or tire store																			P	P	P					✓	
Service area, outdoor																			Pa		Pa	Pa				✓	
Trailer or RV salesroom & lot																			P	P		P				✓	
Office																											
Accounting office									Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P	✓	
Building or construction office									Pa	Pa	Pa			P	P		P	P	P	P						✓	
Building, landscape, heavy construction contractor office (material, equipment, storage)																			P	P	P	P				✓	
Engineering or architecture office									Pa	Pa	Pa			P	P	P	P	P	P	P		P	P	P	P	✓	
Finance office or banking									Pa	Pa	Pa			P	P	P	P	P				P	P	P	P	✓	



Table 4.1 Use Table, Cont'd

Use	KEY: P – Permitted use Pa – Permitted as an accessory use														SA – Special administrative permit from director of planning SP – Special land use permit from BoC (SLUP)					See Section 4.2						
	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M		M-2	MU-1	MU-2	MU-3	MU-4,5	
COMMERCIAL (cont'd)																										
Office (cont'd)																										
General business office									Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P	
Insurance office									Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P	
Legal office									Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P	
Medical office									Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P	
Real estate office									Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P	
Recreation and Entertainment																										
Adult entertainment establishments																		P	P							✓
Adult service facility																		P	P	P						✓
Drive-in theater																		P	P	P						✓
Fairground or amusement park																		P	P	P						✓
Indoor recreation (bowling alleys, movie theatres & other activities conducted wholly indoors)															P	P	P	P	P	P	P	P	P	P	P	
Nightclub or late night establishment													Pa				SP	SP	SP	SP	SP	SP	SP	SP	SP	✓
Outdoor recreation (miniature golf, batting cages, tennis, Go-cart & other outdoor activities)	SP																P	P	SP						✓	
Special events facility	SP													P	P	P	P	P	P			P	P	P	P	
Theaters with live performance, assembly or concert halls, or similar entertainment within enclosed building														P	P	P	P							P	P	
Retail																										
Alcohol outlet, retail sales, primary or accessory																SP	SP	SP	P	P		SP	SP	SP	SP	✓
Apparel or accessories store																P	P	P				P	P	P	P	
Art gallery									Pa	Pa	Pa					P	P	P	P			P	P	P	P	
Book, greeting card, or stationery store																P	P	P	P			P	P	P	P	
Camera or photography																P	P	P	P			P	P	P	P	
Commercial greenhouse or plant nursery																P	P	P	P			P				✓
Computer or computer software store																P	P	P	P			P	P	P	P	
Convenience store (see alcohol outlet or fuel pumps accessory)																P	P	P	P	P		P	P	P	P	✓
Drive-through facilities (other than restaurants) in Activity Center character areas																						SP	SP	SP	SP	✓
Drive-through facilities (other than restaurants) in all other character areas														P	P	P	P	P	P							
Farm or garden supply store	P																					P	P			
Farmer's market, permanent														P	P	P	P	P	P	P	P	P	P	P	P	✓
Farmer's market, temporary/seasonal	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Florist													Pa			P	P	P	P			P	P	P	P	
Specialty food stores (e.g., coffee, ice cream) (see alcohol outlet)													Pa			P	P	P	P			P	P	P	P	
Fuel dealers, manufacturers or wholesalers																		P	P							
Fuel pumps, accessory																	SP	SP	SP	P	P					✓
Gift, novelty, or souvenir store													Pa			P	P	P	P			P	P	P	P	
Gold buying, precious metals																	Pa	P	P							
Grocery stores (see alcohol outlet)									Pa	Pa	Pa					P	P	P	P			P	P	P	P	
Hardware store or other building materials store																P	P	P	P	P		P	P	P	P	
Hobby, toy or game store																P	P	P	P			P	P	P	P	
Jewelry store																P	P	P	P			P	P	P	P	
Music or music equipment store (retail)																P	P	P	P			P	P	P	P	
Liquor store (see alcohol outlet)														Pa		SP	SP	SP	P	P						✓
News dealer or news store														P	P	P	P	P	P	P	P	P	P	P	P	
Office supplies & equipment store																P	P	P	P	P		P	P	P	P	
Pawn shop, title loan																	SP	P	P							✓



Table 4.1 Use Table, Cont'd

Use	KEY: P – Permitted use Pa – Permitted as an accessory use														SA – Special administrative permit from director of planning SP – Special land use permit from BoC (SLUP)										See Section 4.2		
	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	IM-2	MU-1	MU-2	MU-3	MU-4,5			
COMMERCIAL (cont'd)																											
Retail (cont'd)																											
Pet supply store																P	P	P	P	P			P	P			
Pharmacy or drug store(see alcohol outlet)								Pa	Pa	Pa		Pa	Pa	Pa	P	P	P	P				P	P	P	P		
Radio, television or consumer electronics store																P	P	P				P	P	P	P		
Retail, 5,000 sf or less								Pa	Pa	Pa			Pa	Pa	P	P	P	P	P	P	P	P	P	P	P	P	
Retail, over 5,000 sf (see also shopping center)																P	P	P	P			P	P	P	P		
Retail warehouses/wholesales providing sales of merchandise with no outdoor storage																	P	P	P	P		P	P	P	P		
Shopping center																P	P	P	P			P	P	P	P		
Specialty store																P	P	P	P			P	P	P	P		
Sporting goods or bicycle sale																P	P	P	P			P	P	P	P		
Thrift, secondhand, antique store																	P	P		P							
Trade shops: electrical, plumbing, heating/cooling, roofing/siding, with no outside storage													P	P		P	P	P	P		P						
Variety store													Pa			P	P	P	P			P	P	P	P		
Temporary Commercial Uses																											
Temporary outdoor sales, seasonal	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Temporary produce stand	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Temporary outdoor retail sales	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Temporary outdoor events	SA	SA	SA	SA	SA	SA	SA						SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Temporary trailer, as home sales office or construction trailer	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Restaurant/Food establishments																											
Brewpub																P	P	P		P		P	P	P	P		
Catering establishments													P	P		P	P	P		P		P	P	P	P		
Restaurants (acc. to hotel/motel)													P	P		P	P	P				P	P	P	P		
Restaurants (non-drive-thru)								Pa	Pa	Pa		Pa	Pa	Pa	P	P	P		P		P	P	P	P	P		
Restaurants with a drive-thru configuration in Activity Center character area																	SP	SP				SP				✓	
Restaurants with a drive-thru configuration (all other character areas)																	P	P				P				✓	
Transportation and Storage																											
Bus or rail stations or terminals for passengers																	SP	SP		SP	SP	SP	SP	SP	SP	SP	
Heliport													SP			SP	SP	SP	P	P				SP	SP	✓	
Parking, commercial lot												Pa				P	P	P	P		P	P	P	P	P	✓	
Parking, commercial garage												Pa				P	P	P	P		P	P	P	P	P		
Taxi, ambulance or limousine service, dispatching or storage.																	P	P	P	P						✓	
Taxi, ambulance, limousine dispatch office only (no vehicle parking)													P	P	P	P	P		P	P	P	P	P	P	P		
Taxi stand													P	P	P	P	P	P	P	P	P	P	P	P	P		
Services																											
Adult day care center - 7 or more								P	P	P	P		P	P	P	P	P	P	P			P	P	P	P	✓	
Adult day care facility - up to 6	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP				P	P	P	P			P	P	P	P	✓	
Animal hospitals, veterinary clinic																	P	P	P	P	P	P	P	P	P	✓	
Animal shelter / rescue center	SP																	P	P	P	P					✓	
Banks, credit unions or other similar financial institutions								Pa	Pa	Pa			P	P	P	P	P		P		P	P	P	P			
Barber shop/ beauty salon or similar establishments								Pa	Pa	Pa			Pa	P	P	P	P	P	P		P	P	P	P			
Check cashing establishment, primary																	SP		P							✓	
Check cashing establishment, accessory																	P	P		P	P	P	P	P	P	✓	



Table 4.1 Use Table, Cont'd

Use	KEY: P – Permitted use Pa – Permitted as an accessory use														SA – Special administrative permit from director of planning SP – Special land use permit from BoC (SLUP)										See Section 4.2	
	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5		
COMMERCIAL (cont'd)																										
Services (cont'd)																										
Child day care center (Kindergarten) - 7 or more									P	P	P	P		P	P	P	P	P	P			P	P	P	P	✓
Child day care facility - up to 6	SP	SP	SP	SP	SP	SP	SP	P	P	P		SP	P	P	P	P	P					P	P	P	✓	
Coin laundry								Pa	Pa	Pa		Pa			P	P	P						P	P	P	✓
Dog day care								SP	SP	SP						P	P		P	P	P	SP	SP	SP	✓	
Dog grooming								Pa	Pa	Pa						P	P		P	P	P	P	P	P	✓	
Dry cleaning agencies, pressing establishments, or laundry pick-up stations								Pa	Pa	Pa			P	P	P	P	P		P	P	P	P	P	P		
Fitness center	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa		P	P	P	P	P		P	P	P	P	P	P		
Kennel, breeding or boarding	SP															Pa	Pa	P	P	P					✓	
Kennel, commercial	SP															P	P		P	P						
Kennel, noncommercial	P	SP	SP	SP	SP																					
Landscape business																P	P		P	P						
Mini-warehouse															SP	P	P	P	P	P						
Outdoor storage, commercial																	P		P	P					✓	
Personal services establishment								Pa	Pa	P		Pa	Pa	Pa	P	P	P		P		P	P	P	P		
Photoengraving, typesetting, electrotyping																	P		P	P	P	P				
Photographic studios													P	P	P	P	P		P		P	P	P	P		
Plumbing, HV/AC equipment establishments with no outdoor storage																P	P		P	P						
Publishing or printing establishments														P	P		P		P	P						
Quick copy printing store														P	P	P	P	P		P	P	P	P	P		
Services, Medical and Health																										
Ambulance service or emergency medical services, private																P	P		P							
Health services clinic													P	P	P	P	P	P		P	P	P	P	P		
Home healthcare service													P	P		P	P		P	P	P	P	P	P		
Kidney dialysis center													P	P		P	P		P		P	P	P	P		
Medical or dental laboratories													P	P		P	P		P				SA	SA		
Services, Repair																										
Furniture upholstery or repair; home appliance repair or service																P	P		P	P						
Personal service, repair (watch, shoes, jewelry)								Pa	Pa	Pa			P	P	P	P	P		P		P	P	P	P		
Service area, outdoor																Pa	Pa	P							✓	
INDUSTRIAL																										
Alcohol or alcoholic beverage manufacturing																			P	P						
Alternative energy production																	SP	SP	SP							
Automobile/truck manufacturing																				P						
Brick, clay, tile, or concrete products terra cotta manufacturing																				P						
Building materials or lumber supply establishment																P		P								
Cement, lime, gypsum, or plaster of Paris manufacturing																				P						
Compressed gas fuel station																SP		P	P							
Chemical manufacture, organic or inorganic																				P						
Contractor, general (See also Building or Construction Office)																	P	P	P		P	P			✓	
Contractor, heavy construction, outside storage																	P	P	P						✓	
Contractor, special trade																	P	P	P							
Crematoriums													SP			SP	SP	SP	SP						✓	
Distillation of bones or glue manufacture																			P							



27.4.2 DIVISION 2. SUPPLEMENTAL USE REGULATIONS

4.2.1 Accessory buildings, structures, and uses.

Accessory buildings, structures and uses determined by the director to be normally incidental to one or more permitted principal uses are hereby permitted as follows:

- A. Accessory structures allowed in all residential districts may include, but are not limited to: garages, storage sheds, and personal recreational facilities such as swimming pools and tennis courts.
- B. Accessory structures must be constructed in conjunction with or after the principal building is constructed.

4.2.2 Accessory buildings, structures and uses: location, yard and building restrictions.

The following provisions apply to accessory buildings, structures, and uses of land that are incidental to authorized and permitted uses:

- A. All accessory buildings, accessory structures, and accessory uses of land, including off-street parking, shall be located on the same lot as the principal building(s) to which they are accessory.
- B. All accessory structures in which effluent is produced shall be connected to water and sewer if the primary structure is connected to water and sewer.
- C. *Yard and setbacks.*
 - 1. All accessory buildings or structures shall be located in the rear yard of the lot, with the exception of ATM bank machines which are also allowed in the front or side yard.
 - 2. Accessory structures must not encroach in the minimum yard setbacks for the district in which they are located.
 - 3. Accessory buildings or structures shall meet the minimum side yard setback for the district or ten (10) feet, whichever is less, and shall not be located closer than ten (10) feet to a rear lot line in any district.
 - 4. Basketball goals attached to the principal residential structure or erected adjacent to and abutting the driveway of the principal residential structure shall be allowed in the front yard but not within the right-of-way of a public street. No basketball goal shall be erected in such a manner that the play area for the basketball goal is located within any portion of a public right-of-way.
 - 5. Additional supplemental regulations in this Article regarding minimum yards and setbacks for specific accessory buildings, structures, or uses of land may also apply.
- D. *Corner lot, rear yards.* Where the rear yard of a corner lot adjoins the side yard of a lot in a residential district, no accessory building or structure shall be located closer than fifteen (15) feet to the rear property line and no closer to the side street right-of-way line than the principal building.
- E. *Materials.* Accessory structures that are buildings or sheds shall be constructed out of a material similar to the principal structure.
- F. No accessory building or structure in a nonresidential district shall be used by anyone other than employees of the owner, lessee or tenant of the premises, unless otherwise allowed by provisions of this chapter.
- G. Where an accessory building or structure is attached to the principal building by a breezeway, passageway or similar means, the accessory building or structure shall comply with the yard setback requirements of the principal building to which it is accessory.
- H. Setbacks for swimming pools, as accessory structures in a residential district, shall be measured from the edge of the decking to the applicable property line. No part of the decking for an accessory



swimming pool shall be within five (5) feet of a side or rear property line. (See section 13-181 et seq. of the DeKalb County Code.)

- I. Except as expressly provided elsewhere in this chapter, an accessory structure shall be limited to the lesser of twenty-four (24) feet in height or the height of the principal structure, whichever is less.
- J. The floor area of an accessory building(s) that is accessory to a single-family, two-family, or three-family residential structure shall not exceed the maximum floor areas set forth in Table 4.2 below.

Table 4.2 Maximum Accessory Building Floor Area – Select Residential Structures

Maximum Accessory Building Floor Area	
Property Size	Maximum Floor Area
0 to 0.999 acres	900 square feet
1 to 4.999 acres	1,200 square feet
5 to 9.999 acres	2,000 square feet
10 or more acres	No size limit

4.2.3 Accessory dwelling unit, guesthouse, in-law suite.

- A. On parcels zoned for residential single-family dwellings as a principal use, an accessory dwelling unit may be allowed as one of the following:
 - 1. attached (addition to existing building);
 - 2. detached; or
 - 3. within existing house (renovations to basements, wings or attics converted into separate living unit).
- B. The heated floor area of a dwelling unit shall not include the square footage of the garage.
- C. Attached and detached accessory dwelling units are permitted by right, subject to the following:
 - 1. The minimum lot size shall be ten-thousand (10,000) square feet.
 - 2. The accessory dwelling unit shall conform to applicable standards of the state and county building codes for residential units as principal uses.
 - 3. The property owner, who shall include titleholders and contract purchasers, must occupy either the principal dwelling unit or the accessory dwelling unit as their residence, and possess a Homestead Exemption.
 - 4. The appearance of the accessory dwelling unit shall be similar to that of the principal residence.
 - 5. Only one accessory dwelling unit of any type shall be permitted on a lot.
 - 6. Prior to issuance of a building permit for an accessory dwelling unit, an applicant must provide evidence to the director of planning showing that existing or proposed septic tank facilities, as applicable, are adequate to serve both the principal dwelling and the accessory dwelling unit.
 - 7. Any detached accessory dwelling unit shall be located in the rear yard.
 - 8. A second kitchen facility may be constructed and used within a single-family residence.
 - 9. Paved off-street parking shall be provided for one (1) additional vehicle.
 - 10. Accessory dwelling units shall not exceed 900 square feet of heated floor area and shall not exceed twenty-four (24) feet in height.



11. The main entrance shall not face the closest property line. Windows, doors, balconies, porches and decks shall be sited to ensure the privacy of neighbors.
12. For parcels located in a designated historic district and individually designated historic structures, the placement of an accessory dwelling unit and its architectural design shall require a Certificate of Appropriateness from the Historic Preservation Commission.

4.2.4 Adult daycare center (7 or more clients).

Each adult day care center shall be subject to the following requirements:

- A. All outdoor recreation areas shall be enclosed by a fence or wall not less than four (4) feet in height.
- B. Each adult day care center shall provide off-street parking spaces as required by the applicable zoning district and an adequate turnaround on the site.

4.2.5 Adult daycare facility (up to 6 clients).

Each adult day care facility shall be subject to the following requirements:

- A. All outdoor recreation areas shall be enclosed by a fence or wall not less than four (4) feet in height.
- B. Each adult day care facility shall provide off-street parking spaces as required by the applicable zoning district.
- C. No adult day care facility shall be located within one thousand (1,000) feet of another adult day care facility.
- D. No adult day care facility may be established and operated until a permit to do so has been obtained in accordance with the procedures set forth below.
 1. *Permit application.* Persons seeking to operate an adult day care facility in the county must file a permit application with the Planning Department. Each application shall also be accompanied by the applicant's affidavit certifying the maximum number of adults that will be served simultaneously and that the proposed adult day care facility will meet and be operated in compliance with all applicable state laws and regulations and with all ordinances and regulations of the county. The Planning Department may require clarification or additional information from the applicant that is deemed necessary by the county to determine whether the proposed service will meet applicable laws, ordinances and regulations.
 2. Notwithstanding the above provisions, if a proposed adult day care facility is subject to the requirement that the applicant obtain a certificate of registration from the state department of human resources, and even though the application may have been approved under the provisions of this section, a permit for the operation of such facility shall not be issued until proof has been submitted by the applicant that the certificate of registration has first been obtained from the state.

4.2.6 Adult entertainment establishments, adult services facility.

- A. The regulations that follow and that otherwise are contained in the DeKalb County Code of Ordinances regarding adult entertainment establishments constitute content-neutral requirements that have been carefully designed to minimize adverse impacts caused by secondary effects of these establishments. The county finds that studies in other jurisdictions, including but not limited to studies referenced in Section 15-100, et seq. of the Code, demonstrating a correlation between these establishments and such negative secondary effects as diminishing market values in neighboring residential and related areas, increasing crime rates, difficulty in securing residential and related financing, an influx of patrons to these establishments from outside the immediate neighboring areas, and similar effects, are pertinent and relevant to the situation that exists in DeKalb County. The county further finds that there is evidence in DeKalb County demonstrating a correlative link between adult entertainment establishments and pernicious secondary effects upon surrounding communities. The county finds that adoption of



regulations restricting these establishments to certain districts and imposing distance and development standards is consistent with the general comprehensive planning standards and policies of the county, will reduce the negative secondary effects caused by these establishments, and will afford protection to residential uses and other uses consistent with residential uses so as to protect the public health, safety and welfare while respecting and protecting the free speech rights of these establishments.

B. Adult entertainment establishments shall be subject to the following standards:

1. An adult entertainment establishment shall be located no closer than one-thousand (1,000) feet from another adult entertainment establishment. The measurement of distances for purposes of this paragraph shall be from structure to structure along the shortest possible course (i.e., "as the crow flies"), regardless of any customary or common route or path of travel.
2. An adult entertainment establishment shall be located on property that is located no closer than one-thousand (1,000) feet from a residential district or from property being used for residential purpose. The measurement of distances for purpose of this paragraph shall be from property line to property line along the shortest possible course (i.e., "as the crow flies"), regardless of any customary or common route or path of travel.
3. An adult entertainment establishment shall be located no closer than one-thousand (1,000) feet from any governmental facility, church, residence, park, library, school ground, day care, or college campus. The measurement of distances for purposes of this paragraph shall be from property line to property line along the shortest possible course (i.e., "as the crow flies"), regardless of any customary or common route or path of travel.
4. The minimum lot area for an adult entertainment establishment shall be two (2) acres.
5. Adult entertainment establishments shall be located on lots with a minimum of one hundred fifty (150) feet of road frontage on a public road, street, or highway.
6. In addition to development standards governing C-2 and M zoning districts, buildings established in connection with an adult entertainment establishment shall be set back at least forty (40) feet from any other business establishment.
7. Adult entertainment establishments shall be required to provide one automobile parking space for each seventy-five (75) square feet of gross building area.

4.2.7 Agriculture and forestry.

- A. *Agricultural produce stands.* Agricultural produce stands shall comply with the front yard setback requirement for the district in which they are located, and shall provide a minimum of four (4) off-street parking spaces. If temporary, mobile, or farmers market, see Temporary uses, 4.3.1.
- B. *Commercial greenhouses and plant nurseries.* Any structure used as a commercial greenhouse or plant nursery shall be set back no less than one hundred (100) feet from any adjoining property that is zoned for residential use.
- C. *Dairies.* Notwithstanding Section 4.2.7(E), any structure used for housing or processing of dairy cows shall be set back not less than two hundred (200) feet from property lines, and all dairy cows shall be kept at least one hundred (100) feet from property lines.
- D. *Structures used in production and processing of fruits, tree nuts and vegetables.* Any structure used in the processing or production of fruits, tree nuts, and vegetables that uses mechanized equipment or is not fully enclosed in a building, that emits noise, dust or vibration, shall be setback no less than fifty (50) feet from property zoned or used for residential purposes.
- E. *Livestock.*
 1. Livestock regulations apply to animals over twelve (12) months of age.



2. Livestock shall only be permitted on a lot containing two (2) or more acres, and there shall be no more than two (2) animals, per fenced acre for horses, llamas, mules, asses, cows or large aviary such as emus; and no more than three (3) animals per fenced acre for sheep or goats.
 3. Except as otherwise provided herein, any structure used for housing or processing of livestock shall be set back not less than one hundred (100) feet from any property line.
 4. Dwarf livestock may be kept at up to two (2) per fifty (50) square feet of fenced area, with no minimum lot size, except lots less than ten thousand (10,000) square feet shall be limited to a total of three (3) dwarf livestock animals.
 5. Structures for housing dwarf livestock shall be setback not less than ten (10) feet from any property line.
 6. Fenced areas for livestock may not include lot area covered by the principal structure or driveway.
 7. A structure providing at least one hundred (100) square feet of floor space per animal for housing horses, llamas, mules, ass, cow or large aviary such as emus is required, and at least twenty-five (25) square feet of floor space per animal is required for housing sheep or goats. A structure housing dwarf livestock shall provide three (3) square feet per animal.
 8. Pigs and hogs are prohibited, except pot-bellied pigs. Pot-bellied pigs shall be treated as livestock, and subject to the standards for sheep and goats.
 9. Livestock is not permitted to run at-large beyond the confines of its owner's property.
 10. Parking of livestock trailers and recreation vehicles related to the livestock shall comply with the parking standards in Article 6.
 11. Composted animal waste can be used as fertilizer for the purpose of enriching the property owner's soil.
 12. Animals must be kept under sanitary conditions and shall not be a public nuisance.
 13. Disposal of dead livestock shall be subject to the DeKalb County Sanitation rules and regulations or requirements.
- F. *Livestock sales pavilion or abattoirs.* Livestock sales pavilions and/or abattoirs shall be operated in accordance with state and county health regulations. All buildings shall be located at least one hundred (100) feet from any property line. All animals to be processed shall be fenced at least one hundred (100) feet from any property zoned or used for residential purposes.
- G. *Riding stables.* Riding stables shall be established on a lot having an area of not less than ten (10) acres. Any structure that houses animals used as part of the riding stable shall be located at least one hundred (100) feet from any property line. All animals shall be fenced at least twenty (20) feet from any property line.
- H. *Temporary or portable sawmill.* The time limit for any permit for a temporary or portable sawmill shall not exceed six (6) months. A temporary or portable sawmill may only process timber removed from the property on which the sawmill is located. Operation of a temporary or portable sawmill shall be set back not less than five hundred (500) feet from any residential structure other than the owner's.
- I. *Keeping of chickens, pigeons.*
1. The minimum fenced yard area for chickens shall be twenty-five (25) square feet per hen.
 2. Chickens and pigeons must be housed at least twenty (20) feet from any property line, and fifty (50) feet from any residence other than the owner's.
 3. Any structure housing chickens and pigeons must be located in the rear yard if a principal building exists.



4. The minimum lot size for the keeping of chickens or pigeons is ten thousand (10,000) square feet. Fenced area for chickens shall comply with the setback requirements for accessory structures. Chickens and pigeons and associated structures and fencing shall comply with relevant articles of Chapters 16 and 18, relating to noise and property maintenance.
5. No roosters are allowed.
6. The maximum number of hens shall be one (1) hen per two thousand (2,000) square feet of lot size.
7. Each coop shall have at least four (4) square feet of floor space per chicken over four (4) months old. For Bantams, a variety defined as miniature, each coop shall have one (1) square foot of floor area per chicken over four (4) months old.
8. Chickens must be kept securely in an enclosed yard or pen at all times.
9. Chickens are only permitted as pets or for egg production; the chickens cannot be kept for slaughter.
10. Composted animal waste can be used as fertilizer for the purpose of enriching the soil of the owner's property.
11. Animals must be kept under sanitary conditions and shall not be a public nuisance.

J. *Beekeeping.*

1. No more than two (2) apiary colonies are allowed per one-quarter (0.25) acre.
2. Apiary colonies must be setback from all property lines a minimum of ten (10) feet.
3. Apiary colonies must be located in the side or rear yard if a principal building exists.
4. Apiary colonies must be maintained responsibly with adequate space and management techniques to prevent overcrowding and swarming.
5. In any instance in which a colony becomes a nuisance, the beekeeper must re-queen the hive.

4.2.8 Alcohol outlets, retail, package liquor store.

- A. Package stores and liquor stores, developed as a primary use in a freestanding building, must comply with DeKalb County ordinances pertaining to licensing requirements for a retail package liquor store.
- B. Alcohol outlets in the NS (Neighborhood Shopping) District may only be permitted as an accessory use with a Special Land Use Permit (SLUP).
- C. Alcohol outlets in the MU (Mixed-Use) districts shall be limited to beer and wine sales with a Special Land Use Permit (SLUP).

4.2.9 Amateur radio service antenna structure.

Amateur radio service antenna structures are a permitted accessory use in single-family residential districts, provided that no such antenna structure, including any support upon which it may be constructed, shall exceed a combined height of seventy (70) feet. Amateur radio service antenna structures in single-family residential districts exceeding seventy (70) feet in height shall be permitted only by special land use permit subject to all of the requirements of section 4.2.50 of this Chapter. Amateur radio service antenna structures shall be located a distance of at least one-half of the height of the tower from all property lines.

4.2.10 Ambulance, taxi, and limousine services, dispatch, and storage.

- A. If not within an enclosed structure, automobiles for ambulance dispatch, taxi, and limousine services shall be parked at least fifty (50) feet from any residential district boundary and setback at least ten (10) feet from any property line.



- B. Automobiles for ambulance dispatch, taxi, and limousine services may be parked within fifty (50) feet of a residential district boundary if such vehicles are parked within an enclosed structure or, if the parking area is screened by a fence, wall or evergreen buffer at least six (6) feet in height at planting.

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 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.
- B. *Animal shelter, 4 or more.*
 - 1. Any building or enclosed structure for the housing of animals shall have a minimum setback of at least one hundred (100) feet from all property lines and at least two hundred (200) from property zoned for residential use.
 - 2. All areas housing animals shall be completely enclosed by walls or fences at least five (5) feet in height.
 - 3. No animal shelter shall be located within five hundred (500) feet of a residential district.
 - 4. Outside pens must be located a minimum of seventy-five (75) feet from any stream.
- C. *Pet grooming shops.* Any building or enclosed structure used as a pet grooming shop shall be located and activities shall be conducted at least one hundred (100) feet from any property zoned or used for residential purposes.
- D. *Pet day care.* Any building or enclosed structure for the housing of animals associated with a pet day care use shall have a minimum setback of at least one hundred (100) feet from all property lines and at least two hundred (200) feet from property zoned or used for residential use. All areas housing animals shall be completely enclosed by walls or fences at least five (5) feet in height.
- E. *Kennels, commercial boarding and breeding kennels.* All kennels shall comply with the following:
 - 1. Any building or enclosed structure used for kennels shall be located and related activities shall be conducted at least one hundred (100) feet from any property line and at least two hundred (200) feet from property zoned for residential use.
 - 2. Kennels shall be located on a site of not less than two (2) acres.
 - 3. Any building or enclosed structure used for kennels shall be constructed and related activities shall be conducted in accordance with applicable law.
 - 4. All outdoor areas used as a dog kennel or outdoor confinement must be surrounded by an opaque fence or wall no less than eight (8) feet in height.
 - 5. The floor of all buildings or structures used as a kennel to which animals have access shall be surfaced with concrete or other impervious material.
 - 6. The portion of the building or structure in which animals are housed shall be adequately soundproofed to meet the minimum requirements of the County's noise ordinance.
- F. *Household pets.* Except as is otherwise herein provided, in any residential district within the county a person may keep not more than three (3) household pets on each lot which is two (2) acres or less in



size. On any lot exceeding two (2) acres in size, a person may keep one (1) additional household pet for each additional acre above two (2) acres up to a maximum of ten (10) household pets. Litters of animals of not more than six (6) months of age shall not be counted for the purpose of calculating the total number of household pets on a lot.

4.2.12 Antennas, satellite dishes, television receivers.

- A. Antennas, satellite dishes, or other television transmission receivers located in residential zoning districts may only be located on the roof or in the rear yard of properties.
- B. Antennas, satellite dishes, or other television transmission receivers located in a non-residential zoned district are prohibited in any yard which adjoins a residential zoned district.
- C. Any ground mounted antennas, satellite dishes, or other television transmission receivers shall be screened from view from surrounding properties at ground level, and from public streets.

4.2.13 Automobile wash service, principal, accessory, detail or mobile.

- A. Automobile wash services shall provide a paved area with capacity to store five (5) vehicles waiting to use automatic carwash facilities, and two (2) vehicles per bay for self-service car washes.
- B. Wastewater from all automobile wash services shall be pretreated in accordance with watershed management standards prior to being drained into the public sanitary sewer or into any storm water structure, as may be approved by the DeKalb County Watershed Management Department.
- C. No storage or repair of vehicles shall be allowed on property on which the car washing facility is located.
- D. An accessory single-bay automatic (not self-service) car wash completely enclosed except for openings necessary to allow entry and exit of vehicles shall be permitted subject to the following:
 - 1. The car wash structure shall be constructed of building materials consistent with that of the principal building, including the roof.
 - 2. The doors of the car wash building shall be fully closed when the facility is not available for operation.
 - 3. The car wash structure shall be located behind the rear building line of the principal building,

4.2.14 Automotive sales and service; boat, trailer sales and service.

- A. *Automobile and truck sales.* Where a lot is used for automobile or truck and trailer sales, all inventory vehicles parked outdoors shall be set back at least ten (10) feet from the street right-of-way. The ten (10) foot setback from the street right-of-way shall comply with Section 5.4.4(D)(3) of this chapter. No other unrelated retail use shall be on the same property or in the same building with automobile and truck sales. The automobile and truck sales lot shall be on a lot no less than one (1) acre in area.
- B. *Automobile repair, major, and paint shops.* Major automobile repair and paint shops shall not be permitted on property located within three hundred (300) feet of any property used for a school, park, playground or hospital. All activities shall be carried on entirely within an enclosed building, unless in M (Light Industrial) District. For purposes of determining whether a building is enclosed, the use of open overhead bay doors that can be closed shall be permitted. Cars awaiting service shall be stored inside an enclosed building or in the side or rear yard.
- C. *Automobile repair and maintenance establishments, minor.* All minor automobile repair and maintenance establishment operations, including the servicing of vehicles, storage of materials and similar activities connected with the use, shall be conducted entirely within an enclosed building. For purposes of determining whether a building is enclosed, the use of open overhead bay doors that can be closed shall be permitted. Cars awaiting service shall be stored inside an enclosed building or in the side or rear yard.



- D. *Automobile service stations, including gas sales.* Unless otherwise permitted within the applicable zoning district, major automobile repair in association with an automobile service station shall not be permitted. Gasoline pumps and other service facilities shall comply with the requirements of Section 4.2.29.
- E. *Automobile, truck and trailer lease and rental.* Where a lot is used for automobile, truck and trailer lease and rental, all inventory vehicles parked outdoors shall be set back at least ten (10) feet from the street right-of-way. The ten (10) foot setback from the street right-of-way shall comply with Section 5.4.4(D)(3) of this Chapter. All parking areas shall be clearly marked and no automobile, truck or trailer shall be parked outdoors other than within these marked parking areas, except when being serviced. The lot shall be no less than one (1) acre in area.
- F. *Automobile, truck and trailer lease and rental where accessory to an automobile service station or shopping center.* Where the lease and rental of automobiles, trucks and trailers is a use which is an accessory use, the following requirements shall apply:
 - 1. The lot on which the inventory vehicles are parked shall be no less than one (1) acre in area.
 - 2. Parking areas for inventory vehicles which are available for lease or rental shall be located only in the side or rear yard.
- G. Any work on vehicles conducted outdoors shall only be permitted in the rear yard, but shall be prohibited if the rear yard is adjacent to property zoned or used for a residential purpose.
- H. *Boat and boat trailer sales.* All boats and boat trailers located on property used for boat and boat trailer sales shall be set back at least ten (10) feet from the street right-of-way. The ten (10) foot setback from the street right-of-way shall comply with Section 5.4.4(D)(3) of this chapter.
- I. *Retail automobile parts and tire stores.* Unless otherwise authorized or permitted within the applicable zoning district, the following limitations apply to the conduct of retail sale of automobile parts and tire stores:
 - 1. There shall be no dismantling of vehicles on the premises to obtain automobile parts.
 - 2. There shall be no automobile parts installation other than the installation of tires and the installation of minor accessory parts.
 - 3. Major automobile repair shall not be permitted in connection with these uses.
 - 4. Outside display of merchandise shall not extend into the parking lot.
- J. *Trailer and RV salesrooms and sales lots.* All inventory vehicles located on property used for trailer and RV salesrooms or sales lots shall be set back at least ten (10) feet from the street right-of-way. The ten (10) foot setback from the street right-of-way shall comply with Section 5.4.4(D)(3) of this chapter.
- K. *Automobile recovery, storage yards for damaged or confiscated automobiles.* The following provisions shall apply to storage yards for damaged or confiscated automobiles:
 - 1. The use shall be enclosed by a fence or wall which is not less than eight (8) feet in height which provides visual screening.
 - 2. No dismantling, repair or other similar activity shall be conducted on the premises.
 - 3. The use shall be located at least one thousand (1,000) feet from any residential district or use.
 - 4. Automobiles shall not be stored longer than provided by state and county law.

4.2.15 Bed and breakfast inn and home stay.

- A. The following applies to all bed and breakfast establishments:
 - 1. The operator of the establishment shall reside on site.



2. The use shall require a building permit and approval of the Fire Department.
 3. Rooms to be let may not be equipped with cooking facilities.
 4. No restaurant use is permitted. Breakfast may be served on the premises only for guests and employees of the bed and breakfast.
 5. The bed and breakfast shall not be operated in such a way as to change the residential character of the neighborhood in which it is located and shall comply with the Noise Ordinance.
 6. The structure shall be compatible with the character of the neighborhood in terms of height, setbacks and bulk, subject to the approval of the director of planning.
- B. In addition to the requirements in subsection A, above, the following requirements apply to home stay bed and breakfast establishments:
1. In addition to providing the off-street parking required for the dwelling unit, there shall also be provided at least one (1) off-street parking space for each bedroom used as a part of the home stay bed and breakfast residence.
 2. No signs or advertising are permitted to identify or advertise the existence of the home stay bed and breakfast residence beyond those otherwise allowed for residential property.
 3. No individual other than the owner or an employee shall stay for longer than seven (7) consecutive days.

4.2.16 Building and construction office, landscape contractors.

The following standards shall be required for building and construction offices and landscape contractor offices:

- A. Storage of equipment and/or materials shall be located in the rear yard and screened from view from adjoining properties and the public street with a fence a minimum of six (6) feet in height.
- B. Parking of vehicles shall be located in the side or rear yard only.

4.2.17 Cemetery, columbarium, mausoleum, as principal use.

A cemetery allowed as a principal use on a property must meet the requirements below. Cemeteries that are allowed as an accessory use to a church or other place of worship must comply with provisions in Section 4.2.41, Places of worship.

- A. A cemetery, columbarium or mausoleum shall be located on property with a minimum lot size of ten (10) acres.
- B. The lot on which a cemetery, columbarium or mausoleum is located shall have a minimum public road frontage of one hundred (100) feet.
- C. Permanent public ingress/egress shall be provided for the lot on which a cemetery, columbarium or mausoleum is located.
- D. Compliance must be maintained with all requirements of the State of Georgia and the County Tax Commissioner.

4.2.18 Check cashing.

Check cashing establishments designed as a primary use on its own lot or as a part of a retail shopping center shall not be permitted within one thousand (1,000) feet of an existing check cashing establishment.

4.2.19 Child day care facility (up to 6 children), or child day care center (7 or more children).

Each child day care facility and child day care center shall be subject to the following requirements. A child day care facility or center may also be a kindergarten or preschool.



- A. Each child day care facility and child day care center shall comply with all applicable state day care requirements for standards, licensing and inspection. A DeKalb County business license is required.
- B. Prior to the issuance of a business license for a child day care facility or child day care center, the necessary licensing from the State of Georgia shall be obtained, including compliance with all requirements related to minimum area for classrooms, play areas, and fencing. Each child day care facility and child day care center shall provide off-street parking spaces as required by the applicable zoning district. Each child day care center shall provide an adequate turnaround on the site.
- C. The exterior appearance of any child day care facility located in a residential district shall be maintained as a residential structure, and no signs other than those otherwise authorized within the applicable zoning district shall be erected (no cut-outs, animal characters, or other graphics shall be affixed to the exterior of the structure or displayed upon the premises).
- D. No child day care facility shall be located within one thousand (1,000) feet of another child day care facility.
- E. See also additional approval criteria in Article 7, Administration.

4.2.20 Coliseum, stadium, amphitheater.

The following provisions apply to coliseums, stadiums and amphitheatres:

- A. Prior to the issuance of a land disturbance permit, a traffic study shall be submitted to the department of public works.
- B. All structures shall be located and all activities shall take place no less than one hundred (100) feet from any property line adjacent to a residential district or use.

4.2.21 Commercial recreation and entertainment.

- A. *Drive-in theaters.* The following provisions shall apply to drive-in theaters:
 - 1. The theater screen, projection booth and any other structures associated with the drive-in theater use shall be set back not less than fifty (50) feet from any property line.
 - 2. Driving and parking areas shall be paved.
 - 3. Ingress and egress from a public street shall be designed and constructed so as to provide for safe traffic movement.
 - 4. Central loudspeakers shall be prohibited.
 - 5. The theater screen shall not be visible from any freeway or thoroughfare.
 - 6. The portion of the property used for drive-in theater purposes shall be enclosed by a six (6) foot high screening fence.
 - 7. The property shall have a minimum buffer area ten (10) feet in width surrounding the portion of the property used for drive-in theater purposes.
- B. *Fairgrounds and amusement parks.* The following provisions shall apply to fairgrounds and amusement parks:
 - 1. All buildings and structures associated with such uses shall be set back not less than two hundred (200) feet from any property line.
 - 2. Such uses shall not be permitted within five hundred (500) feet of a residential district.
 - 3. Such facilities shall be enclosed by a six (6) foot screening fence.
- C. *Golf driving ranges and batting cage facilities.* The following provisions shall apply to golf driving ranges and batting cage facilities:



1. Such uses shall be enclosed by a six (6) foot high screening fence or a twenty-five (25) foot wide buffer to screen adjacent property.
 2. Central loudspeakers shall be prohibited.
 3. Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.
- D. *Miniature golf courses.* The following provisions shall apply to miniature golf courses:
1. Such uses shall be enclosed by a six (6) foot high screening fence and a buffer ten (10) feet in width to screen adjacent property.
 2. Central loudspeakers shall be prohibited.
 3. Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.
- E. *Golf courses.* The following provisions shall apply to golf courses:
1. Except for emergency purposes, loudspeakers shall be prohibited.
 2. Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.
- F. *Recreation grounds, fishing lakes and other related facilities.* The following provisions shall apply to recreation grounds and facilities:
1. Such uses shall be enclosed by a screening fence six (6) feet in height or a twenty-five (25) foot wide buffer to screen adjacent property.
 2. Central loudspeakers shall be prohibited.
 3. Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.
- G. *Tennis centers, clubs and facilities.* The following provisions shall apply to tennis centers, clubs and facilities:
1. Such uses shall be enclosed by a screening fence six (6) feet in height or a twenty-five (25) foot wide planted buffer to screen adjacent property.
 2. Central loudspeakers shall be prohibited.
 3. Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.
- H. *Go-cart concessions.* The following provisions shall apply to outdoor go-cart concessions:
1. All buildings and structures associated with such use shall be set back not less than two hundred (200) feet from any property line.
 2. Such use shall not be permitted within five hundred (500) feet of the boundary of a residential district.
 3. Such use shall be enclosed by a six (6) foot high masonry wall.
 4. The motor size of any cart used shall not exceed five (5) horsepower.
 5. The maximum area occupied by the facility, excluding areas used solely for parking, shall not exceed forty thousand (40,000) square feet.
 6. Central loudspeakers shall be prohibited.
- I. Other outdoor recreation shall meet the standards provided in subsection G of this section.



4.2.22 Crematories.

Crematory use shall be located at least one hundred (100) feet from the property line of any property zoned or used for residential purposes.

4.2.23 Drive-through facility, restaurant.

Restaurants with drive-through services shall meet the following requirements:

- A. Drive-through facilities shall not be located within sixty (60) feet of a residentially zoned property, as measured from any menu or speaker box to the property line of adjacent residential property.
- B. No drive-through facility shall be located on a property less than ten thousand (10,000) square feet in area. Stacking spaces for queuing of cars shall be provided for the drive-through area as required in Article 6.
- C. Drive-through lanes and service windows shall be located to the side or rear of buildings. If on a corner lot, only the pickup window may be located on the side between the principal structure and a public street.
- D. Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.
- E. Speaker boxes shall be pointed away from adjacent residential properties. Speaker boxes shall not play music but shall only be used for communication for placing orders.
- F. Stacking spaces shall be provided for any use having a drive-through facility or areas having drop-off and pick-up areas in accordance with the following requirements. Stacking spaces shall be a minimum of ten (10) feet wide and twenty-five (25) feet long. Stacking spaces shall begin at the last service window for the drive-through lane (typically the "pick-up" window).
- G. Financial institutions with drive-through windows, car washes (automated or staffed facilities), drive-through coffee sales facilities, and any other uses with drive-through facilities with the exception of restaurants with drive-through facilities, shall provide three stacking spaces for each window or drive-through service facility.
- H. Restaurants with drive-through facilities shall provide ten (10) stacking spaces per lane for each window or drive-through service facility.
- I. The following general standards shall apply to all stacking spaces and drive-through facilities:
 - a. Drive-through lanes shall not impede on and off-site traffic movements, shall not cross or pass through off-street parking areas, and shall not create a potentially unsafe condition where crossed by pedestrian access to a public entrance of a building.
 - b. Drive-through lanes shall be separated by striping or curbing from off-street parking areas. Individual lanes shall be striped, marked or otherwise distinctly delineated.
 - c. All drive-through facilities shall include a bypass lane with a minimum width of ten (10) feet, by which traffic may navigate around the drive-through facility without traveling in the drive-through lane. The bypass lane may share space with a parking access aisle.
- J. Drive-through lanes must be set back five (5) feet from all lot lines and roadway right-of-way lines.

4.2.24 Dwellings: cottage, mobile home, townhouse, urban single-family, and condominium.

- A. *Cottage.* Notwithstanding any other provision to the contrary, a cottage development may be subdivided into individual lots that do not meet the minimum street frontage requirements and may be treated as fee-simple or condominium lots.



- B. *Mobile home or manufactured home.* When permitted outside of a Mobile Home zoning district, mobile homes or manufactured homes may be used to house caretakers or security personnel only, and may not be used for commercial purposes.
- C. *Townhouse and urban single-family (U-SF).* Notwithstanding any other provision to the contrary, a townhouse or U-SF development may be subdivided into individual lots that do not meet the minimum street frontage requirements and may be treated as fee simple or condominium lots.
- D. *Condominium standards.* If a condominium form of ownership is proposed for a development, the development shall meet all applicable state laws, including the Georgia Condominium Act (O.C.G.A. 44-3-70, et. seq.). Proposed bylaws and the articles of incorporation for the condominium association shall be submitted to the director of planning with the application for development approval.

4.2.25 Emission stations.

Emission stations shall be setback no less than thirty-five (35) feet from the public right-of-way. A metal building may be used if it has a brick base at least three (3) feet high. No fabric structures may be used. Large planters for landscaping must be installed around any building.

4.2.26 Extended stay motels/hotels.

Extended stay motels/hotels shall meet the following requirements:

- A. Extended-stay motels/hotels shall have no more than twenty-five (25) guest rooms per acre.
- B. Each guest room must have a minimum of three hundred (300) square feet and access with a magnetic keycard entry/locking device.
- C. Extended-stay hotels/motels shall not be more than four (4) stories in height.
- D. Extended-stay hotels/motels must be constructed on a tract of land containing at least two (2) acres.
- E. Extended-stay hotels/motels must contain an enclosed, heated and air conditioned laundry space containing a minimum of three (3) clothes washers and three (3) clothes dryers for the use of guests.
- F. Extended-stay hotels/motels must provide a minimum of one thousand (1,000) square feet for recreational use by guests. In computing the one thousand (1,000) square feet requirement, swimming pools, fitness or recreation centers and other recreational facilities may be used in determining the square footage required by this subsection.
- G. Management must be on the property twenty-four (24) hours a day, seven (7) days a week.
- H. Daily maid service must be included in the standard room rate.
- I. Parking areas must have security fencing and lighting with a minimum luminescence of one (1) foot-candle at pavement level.
- J. No extended stay motel/hotel may be located within one thousand (1,000) feet of another extended stay motel/hotel.
- K. Change of location or name.
 - 1. No applicant shall operate, conduct, manage, engage in, or carry on an extended-stay motel/hotel under any name other than his name and the name of the business as specified on the occupation tax certificate.
 - 2. Any application for an extension or expansion of a building or other place of business where an extended-stay motel/hotel is located shall require inspection and shall comply with the provisions and regulations of this article.
 - 3. The applicant shall pay an administrative fee to be set by the board of commissioners to apply for a change of name for an extended-stay motel.



4.2.27 Farmers markets, temporary seasonal.

Temporary or seasonal farmers markets must obtain a Special Administrative Permit for Temporary Seasonal Sales or Event in order to operate and shall adhere to the following requirements:

- A. The operator of a farmers market shall obtain a Business License from DeKalb County prior to opening the farmers market.
- B. DeKalb County shall be provided a list of the names of persons, firms or corporations who shall provide produce or merchandise for sale as part of the public market. The list shall also generally describe the type of item sold by each said person, firm or corporation. The list shall be updated quarterly during the term of the business license.
- C. Displayed inventory of the products sold may include:
 1. Farm products such as fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, yogurt, cheese and other dairy products), and seafood.
 2. Value-added farm products such as baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee, smoked or canned meats or fish, sausages, or prepared foods.
 3. All other items may not be displayed and sold.
- D. At least seventy-five (75) percent of the vendors participating during the market's hours of operation must be either producers (a person or entity that raises farm products on farms the person or entity owns, rents or leases), family members, employees or agents of producers or preparer of said products.
- E. If a booth sells farm products or value-added farm products that are not produced by the vendor, said booth must explicitly disclose the producer's name and location in writing with lettering that is at least two (2) inches tall and visible to the consumer.
- F. Vending structures may include a temporary, movable booth, stall, table, tent or other structure used for the sale of goods or for display purposes at a farmers market.
- G. *Hours of operation.* Temporary or seasonal market hours may be between 7:00 a.m. and 9:00 p.m. Temporary or seasonal markets shall not operate more than six (6) hours per day nor more than three days per week. Set-up of market operations shall begin no earlier than 6:00 a.m. and take-down and clean-up shall end no later than 10:00 p.m.
- H. *Market manager.* On-site presence of a market manager is required during all hours of operation. The market manager shall direct the operations of all vendors participating in the market and verify that the requisite number of individual vending structures are operated by producers.
- I. *Parking.* Two (2) parking spaces per vendor shall be provided on site or within five hundred (500) feet of the boundary line of the property hosting a temporary or seasonal farmer's market.
- J. Access to public toilet facilities shall be provided to customers.
- K. Farmers markets must obtain a Special Administrative Permit for Temporary Seasonal Sales or Event to operate in DeKalb County. The application shall include:
 1. Name and current address of the applicant.
 2. A notarized letter signed by the property owner(s) or authorized property manager or agent, consenting to the placement of the farmers market on the property.
 3. A site plan drawn to-scale showing:
 - a. Property lines, street curbs, street names, adjacent sidewalks as applicable.



- b. Plan layout and dimensions showing the on-site market area including the number, arrangement, and size of the vending structures to be located in the market.
- c. Location of onsite and offsite parking spaces.
- d. Any other documents or information requested and deemed by the director of planning as applicable to the specific application.

4.2.28 Fuel pumps, accessory.

Fuel pumps as accessory uses shall comply with the following standards:

- A. The primary building (i.e., convenience store or automobile service station) shall conform to all primary building setbacks.
- B. Canopies covering gasoline dispensers shall be set back not less than fifteen (15) feet from all street rights-of-way.
- C. The canopy shall not exceed the height of the principal building, but in no case shall exceed twenty (20) feet in height.
- D. The canopy and its columns shall be complementary to the overall color scheme and building materials scheme of the building façade to which the canopy is accessory.
- E. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens. Lighting shall project inward and downward, shall not have any spillover to adjacent properties, and shall cut off no later than thirty (30) minutes after closure of the facility.
- F. Automobile service stations with gas sales shall have a capacity to store one (1) car per bay (car area in front of a pump), so as not to interfere with driveway ingress and egress traffic flow.
- G. A minimum of thirty (30) feet is required between a property line and the nearest gasoline pump.

4.2.29 Heavy industrial uses.

In addition to the submission requirements of Article 7, any application for a special land use permit (SLUP) or a rezoning related to a heavy industrial use shall provide the following information as applicable:

- A. Submit within the Letter of Application the following details:
 - 1. Specific operations to be performed.
 - 2. Hours of operation.
 - 3. Whether operations will be indoors or outdoors.
 - 4. How long materials will be stored on the property.
 - 5. Whether any hazardous wastes will be involved in the operation, including an explanation of how safety measures will ensure that there is no air or water contamination and how the operators will safely dispose of such hazardous materials.
 - 6. A description of any solid wastes handled, produced, or disposed of, including whether the operations will require a solid waste handling permit.
 - 7. How many employees there will be.
 - 8. Whether the operation will be open to the public.
 - 9. What types of vehicles will be delivering materials to the property; and, how many and how often, what thoroughfares or major route plan the trucks will take to get to and from the site to minimize any impact on residential area, and whether trucks will be covered to minimize dust/odor impacts on adjacent roadways used to get to the site.



10. Whether the proposed use requires the submittal of a Development of Regional Impact (DRI).
- B. Copies of any required state and/or federal agency applications, requirements, environmental assessment reports, or related data; or, if none have been submitted, an indication as to whether such documentation is required.
- C. Data from reputable industry sources on current industry standards regarding the proposed land use and how the proposed operation will comply with industry standards to ensure that surrounding properties are not adversely impacted.
- D. For any of the following uses, certification by an environmental professional that the proposed operation will not have any adverse air or water quality impacts on surrounding properties:
 1. Any use requiring a solid waste handling permit.
 2. Any use which utilizes burning, melting, or degasification.
 3. Any use which involves the emissions of particulate matter.
 4. Any use which processes or stores hazardous materials.
 5. Any landfill.
- E. Detailed information on proposed methods to minimize any adverse air/water quality impacts based on current industry standards.
- F. Detailed information on proposed methods to minimize any noise, odor, dust, and vibration on surrounding properties in light of current industry standards.
- G. Detailed information regarding how traffic impacts will be accommodated on the surrounding road network.
- H. Any data regarding any monthly, quarterly, or yearly required inspections by any state or federal agency to ensure compliance with any state or federal permits once use has been approved by DeKalb County.

4.2.30 Heliport, General Aviation Airport.

Heliports must comply with FAA regulations AC No.150/5390 for design standards for General Aviation, Hospital Heliports, and Rooftop Emergency Facilities.

4.2.31 Home occupations and private educational uses.

The following provisions apply to home occupations:

- A. A home occupation where no customer contact occurs shall be considered a Type I home occupation and may be conducted with administrative approval by the director of planning.
 1. Up to two (2) full time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- B. All home occupations other than Type I home occupations shall be considered a Type II home occupation and shall require a special land use permit (SLUP). Additional conditions may be placed on the approval of a Type II home occupation in order to ensure the home occupation will not be a detriment to the character of the residential neighborhood.
 1. Customer contact is allowed for Type II home occupations.
 2. Up to two (2) full time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- C. All home occupations shall meet the following standards:



1. There shall be no exterior evidence of the home occupation.
 2. No use shall create noise, dust, vibration, odor, smoke, glare or electrical interference that would be detectable beyond the dwelling unit.
 3. The use shall be conducted entirely within the dwelling unit, and only persons living in the dwelling unit shall be employed at the location of the home occupation.
 4. No more than twenty-five (25) percent of the dwelling unit and or five hundred (500) square feet, whichever is less, may be used for the operation of the home occupation.
 5. No more than one (1) business vehicle per home occupation is allowed.
 6. No home occupation shall be operated so as to create or cause a nuisance.
 7. Home occupation shall not include the use of a dwelling unit for the purpose of operating any automobile repair establishment, or car wash.
 8. Occupations that are mobile or dispatch-only may be allowed, provided that any business vehicle used for the home occupation complies with Article 6.1.3, and is limited to one (1) business vehicle per occupation.
- D. Private educational services shall comply with home occupation standards and no more than three (3) students shall be served at a time. Family members residing in the home are not counted towards the three (3) students allowed.

4.2.32 Late-night establishments and night clubs.

- A. The regulations that follow regarding late-night establishments and nightclubs are intended to afford protection to residential uses and other uses so as to protect the public health, safety, and welfare while respecting and providing adequate opportunities for nightlife in the county.
- B. Late-night establishments and nightclubs shall be subject to all of the following standards:
1. Parking facilities within a lot may be shared in accordance with Article 6, Parking.
 2. Valet parking shall not be used to satisfy the requirement to meet applicable parking standards.
 3. Methods of traffic circulation, ingress and egress shall be consistent with best management practices as approved by the transportation division of the county's public works department.
 4. Noise from the proposed use shall be contained within the subject retail center units or standalone structures. The facility shall comply with Chapter 16, Article VII, DeKalb County Noise Ordinance.
- C. No late night establishment or night club boundary line shall be located within one thousand five hundred (1,500) feet from the boundary line of property zoned for residential use without the issuance of a special land use permit (SLUP). A late-night establishment or night club is not required to obtain a special land use permit when their closest residential neighbor is on the opposite side of an interstate highway.
- D. Every special land use permit application for a late-night establishment or nightclub shall include a scaled drawing of the location of the proposed premises, showing the distance measured in feet from the boundary line of the property proposed to be used as a late-night establishment or nightclub to the boundary line of property zoned for residential use. Such drawing shall be certified by a land surveyor or professional engineer registered in the State of Georgia. For the purposes of this section, distance shall be measured in feet as follows:
1. From the property line of the land upon which the late-night establishment or nightclub is located;
 2. To the property line of the land which is zoned for a residential use;



3. Along a straight line which describes the shortest distance between the two property lines (i.e., "as the crow flies").
- E. Any late-night establishment or nightclub operating pursuant to a validly issued business and liquor license issued prior to the effective date of Ordinance No. 08-20, November 18, 2008, shall be a legal nonconforming use as defined in Article 9. No late-night establishment or nightclub currently operating under a valid license issued prior to the effective date set forth in this section shall be required to secure a special land use permit from the board of commissioners in order to continue operation. Such establishments shall be required to comply with the applicable provisions of Article 4, Division 5 of this chapter regarding cessation, expansion, movement, enlargement or other alteration of the late-night establishment or nightclub. If a licensee is operating a legal nonconforming late-night establishment or nightclub at a particular location pursuant to this Zoning Ordinance, and such license is revoked, upon revocation, the legal nonconforming status of the licensee at that particular location shall be terminated

4.2.33 Live-work.

A live-work unit is a residential unit used as both living accommodations, which includes cooking space and sanitary facility in conformance with applicable building standards and Board of Health standards, and adequate working space accessible from the living area. If a live-work unit is not constructed to commercial fire safety standards, the commercial portion of the live-work unit may only be operated by one or more persons who reside in the unit. If a live-work unit is constructed to commercial fire safety standards, a resident of the live-work unit may allow the commercial portion of the live-work unit to be operated by a third-party.

- A. Live-work units shall meet all of the following standards:
1. Uses shall be compatible with residential uses and shall not produce or create noise, smoke, vibrations, glare, fumes, odors, electrical interference, or fire hazards that would unreasonably interfere with residential uses.
 2. If a live-work unit is in a residential district, permitted uses shall be limited to those uses allowed in the Neighborhood Shopping (NS) District. For a live-work unit located in a non-residential district, permitted uses shall be limited to those uses allowed in that district.
 3. Restroom facilities shall be provided to serve the commercial portion of the unit. Individual public restrooms facilities are not required within each live-work unit when disabled accessible public restroom facilities are provided elsewhere on an accessible route within the building or building site.
 4. A live-work unit will be subject to all applicable licenses and business taxes.
 5. See also Article 5 for additional design requirements, including section 5.7.7.

4.2.34 Mines, mining, quarries, gravel pits, borrow pits, and sand pits.

The following regulations apply to the use of land as a mine, mining operation, quarry, gravel pit, borrow pit, and sand pit. See also Article 7, Administration for additional approval criteria.

- A. The following provisions apply to removal or extraction of dirt, sand and soil:
1. Drainage plans and a plan for the redevelopment of the site when the removal is completed shall be submitted with the application for a development permit.
 2. The use shall not be established within one thousand (1,000) feet of a residential zoning district or use nor within three hundred (300) feet of any other use.
 3. This subsection shall not prohibit the removal of earth and rock and filling and grading in any district done for land development purposes, upon issuance of a development permit in accordance with the provisions of this Chapter.



- B. *Quarry and mining.* The following provisions apply to the use of any parcel of land for a quarry, mine or mining operation:
1. All improved and maintained entrances shall be fenced and locked during non-business hours. The property shall be adequately posted as is required by state law, and evidence of such posting shall be filed with the director of planning.
 2. Operators shall comply with state department of natural resources, surface mining land reclamation program rules and regulations, and the mining permit number issued by the state shall be filed with the director of planning.
 3. A blasting limit of two (2) inches per second peak particle velocity, as measured from any of three (3) mutually perpendicular directions in the ground at off-site buildings, shall not be exceeded.
 4. An air blast limit of one hundred twenty-eight (128) decibels (linear-peak), measured at off-site residential buildings, shall not be exceeded.
 5. Seismographic and noise instrumentation shall be required for a minimum of one (1) blast per three (3) month period. The records of such instrumentation and records of all blasts, including total charge weight, charge weight per delay, charge depth, date and time, location and meteorological conditions, shall be retained by the operator for a period of not less than two (2) years. All non-instrumented blasts shall be in compliance with the recommended scaled distance, as defined by the United States Department of the Interior, Bureau of Mines Bulletin 656, entitled "Blasting Vibrations and Their Effects on Structures."
- C. Prior to the issuance of any development permit for any mine, quarry, gravel pit, or sand pit, the applicant shall provide to the director of public works a reuse or reclamation plan which meets all requirements of Chapter 14 of the Code.

4.2.35 Mini-warehouses.

- A. Outside storage for mini-warehouses shall be limited to vehicles such as boats, RV's etc. and shall only be allowed in side and rear yards.
- B. Storage units may not be used for the following uses: the operation of a business or service enterprise; personal activities such as hobbies, arts and crafts, woodworking, repair, restoration or maintenance of machinery or equipment; hazardous or toxic material storage; and/or living or sleeping quarters.
- C. Wares, goods and/or personal property stored therein shall not include explosives, paint, flammable chemicals or other materials which might be corrosive or hazardous.
- D. Buffer standards in Article 5 shall apply.
- E. Exterior lighting for a mini-warehouse facility shall project inward and downward, and shall not spillover to adjacent properties.

4.2.36 Moving buildings, requirements.

No dwelling unit or other permanent structure shall be moved within or into the county unless, when relocated, it meets all requirements of Chapter 23, Article III, and Chapter 27 of the Code and is first approved by the director of planning.

4.2.37 Outdoor display and seating.

This section applies to the placement of merchandise and/or merchandise vending machines outside the walls of any enclosed building with the intent being to entice potential customers onto the premises through the public display of such merchandise and/or merchandise vending machines. The term "outdoor display" shall not apply to merchandise which is placed outside temporarily for the purpose of sales. See section 4.3, Temporary Uses. Outdoor display shall be permitted in conjunction with permitted uses in the NS, C-1, C-2, MU districts, M, and M-2 zoning districts, provided the following requirements are met:



- A. Areas devoted to outdoor display, as referred to in this section, shall be allowed on public and private sidewalks, provided that all ADA requirements are fulfilled.
- B. All outdoor display areas shall be located contiguous to the principal building, subject to all fire safety requirements.
- C. No outdoor display shall be permitted to occupy or interfere with traffic circulation, required parking areas or pedestrian access.
- D. The type of merchandise permitted in outdoor displays shall be limited to automobiles, boats, recreational vehicles, farm equipment, yard and garden accessories, prefabricated storage sheds, nursery and agricultural products, gas pump island beverage shelving, and vending machines. This section shall not be interpreted to include supply yards, salvage yards, or other items or materials considered outdoor storage.
- E. Outdoor displays of tires shall be within 10 feet of the building.
- F. Outdoor displays shall be permitted in any yard, but shall not encroach into any public rights-of-way.
- G. Outdoor displays shall present a neat and orderly appearance.
- H. Outdoor displays shall be permitted only where such display is incidental to and supportive of the principal use of the structure located on the same parcel.
- I. Each outdoor display location must be shown on the site plan at time of initial permitting of land development permits and building permits and shall not encroach on any required landscaping and parking areas.
- J. These standards shall apply to outdoor seating areas at restaurants, coffee shops, etc.

4.2.38 Outdoor storage of materials, supplies, equipment or vehicles.

The following regulations shall apply to outdoor storage of materials, supplies, equipment, or vehicles. The term outdoor storage does not include outside display of merchandise; outdoor temporary sales or events; auto-dealerships; salvage yards; junk yards; automobile wrecking yards; or storage yards for non-operable, confiscated, or dilapidated vehicles, equipment, or materials.

- A. In the O-I, NS, and C-1 districts, accessory outdoor storage associated with the operation of a business is allowed subject to the following requirements:
 - 1. The outdoor storage area shall be at least fifty (50) feet from the street right-of-way.
 - 2. The outdoor storage area shall be screened so as not to be visible at ground level from any adjoining property or public street.
 - 3. The materials stored must be for use by the owner and not displayed for sale to third parties.
 - 4. Fleet vehicles associated with the operation of the business are exempt from these requirements.
- B. In the C-2, M, and M-2 districts, any outdoor storage areas (Primary or Accessory) are allowed subject to the following requirements:
 - 1. The outdoor storage area shall be at least fifty (50) feet from the street right-of-way.
 - 2. The outdoor storage area shall be screened so as not to be visible at ground level from any adjoining property or public street.
 - 3. A ten (10) foot wide evergreen landscape buffer around the outside perimeter of the screened area shall be provided when adjacent to any property not zoned C-2, M, or M-2.
 - 4. Fleet vehicles associated with the operation of a business are exempt from these requirements.



- C. In residential districts, outdoor storage is allowed for items such as barbecue grills, lawn furniture, hoses, garden tools, lawn equipment and outdoor play equipment. Outdoor storage of the following are expressly prohibited:
 - 1. indoor appliances, whether or not in use;
 - 2. indoor furniture, whether or not used for “outdoor leisure” furniture; and
 - 3. items that are no longer used for their intended purpose; for example, a bike missing a tire, broken machinery, old appliances and scrap metal or other scrap materials.

4.2.39 Parking, commercial lot.

Commercial parking lots shall meet all the streetscape, landscaping, buffering and screening requirements provided in Article 5 of this chapter.

4.2.40 Pawn shops.

The following provisions shall apply to pawn shops, whether designed as a primary, standalone use or as a primary use tenant of a shopping center:

- A. This use shall not be permitted within one thousand (1,000) feet of an existing pawn shop or check cashing facility.

4.2.41 Personal care homes and child caring institutions.

- A. *Personal care homes, general requirements.*
 - 1. Each personal care home must obtain all license(s) and/or permit(s) required by the State of Georgia in order to operate. Each personal care home licensed and/or permitted by the State of Georgia must display its State-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.
 - 2. No personal care home may display any exterior signage that violates the sign ordinance in Chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.
 - 3. Personal care homes may apply for an FHA Accommodation Variance as provided for in Section 7.5.9 of this chapter.
- B. *Personal care home, group (4-6 persons).*
 - 1. Two (2) copies of complete architectural plans for the subject group personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.
 - 2. Each group personal care home must provide at least four (4) parking spaces within a driveway, garage or carport and must comply with any applicable requirements in Article 6.
 - 3. In order to prevent institutionalizing residential neighborhoods, no group personal care home located in the RE, R-LG, R-100, R-85, R-75, R-50, R-SM, or MR-1 zoning district may be operated within one thousand (1,000) feet of any other group personal care home. The one thousand (1,000) foot distance requirement is measured by a straight line which is the shortest distance (i.e., “as the crow flies”) between the property lines of the two tracts of land on which the group personal care homes are located.
- C. *Personal care home, community (7 or more persons).*
 - 1. Two (2) copies of complete architectural plans for the subject community personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.



2. Each community personal care home must provide at least one-half (0.50) parking spaces for each employee and resident, and must comply with any applicable requirements in Article 6.
- D. *Child caring institutions, general requirements.*
1. Each child caring institution must obtain all license(s) and/or permit(s) required by the State of Georgia in order to operate. Each child caring institution must display its State-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.
 2. No child caring institution may display any exterior signage that violates the sign ordinance in Chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.
- E. *Child caring institution, group (4-6 children).*
1. Two (2) copies of complete architectural plans for the subject group child caring institution, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.
 2. Each group child caring institution must provide at least four (4) parking spaces within a driveway, garage or carport, and must comply with any applicable requirements in Article 6.
- F. *Child caring institutions, community (7 or more children).*
1. Two (2) copies of the complete architectural plans of the subject community child caring institution, signed and sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.
 2. Each community child caring institution must provide at least one-half (0.50) parking spaces for each employee and resident, and must comply with any applicable requirements in Article 6.

4.2.42 Places of worship, convents; monasteries; temporary religious meetings.

The following subsections shall apply to places of worship, convents and monasteries and their related uses, buildings and structures located in a residential district:

- A. Any building or structure established in connection with places of worship, monasteries or convents shall be located at least fifty (50) feet from any residentially zoned property. Where the adjoining property is zoned for nonresidential use, the setback for any building or structure shall be no less than twenty (20) feet for a side-yard and no less than thirty (30) feet for a rear-yard.
- B. The required setback from any street right-of-way shall be the front-yard setback for the applicable residential district.
- C. The parking areas and driveways for any such uses shall be located at least twenty (20) feet from any property line, with a visual screen, provided by a six (6) foot high fence or sufficient vegetation established within that area.
- D. Places of worship, convents and monasteries shall be located on a minimum lot area of three (3) acres and shall have frontage of at least one hundred (100) feet along a public street.
- E. Places of worship, convents and monasteries shall be located only on a thoroughfare or arterial.
- F. Any uses, buildings or structures operated by a place of worship that are not specifically included within the definition of place of worship must fully comply with the applicable zoning district regulations, including, but not limited to, any requirement for a special land use permit.

4.2.43 Private elementary, middle and high school.

- A. The minimum lot size for private elementary, middle and high school, for which an application for a special land use permit is filed, shall be as follows:



1. *Elementary school:* Two (2) acres plus one (1) additional acre for each one hundred (100) students based on the designed capacity of the school.
 2. *Middle school:* Three (3) acres plus two (2) acres for each one hundred (100) students based on the designed capacity of the school.
 3. *High school:* Five (5) acres plus two (2) acres for each one hundred (100) students based on the designed capacity of the school.
- B. The minimum public road frontage for a private school is two hundred (200) feet.
- C. Accessory ball fields shall be located at least fifty (50) feet from a residential district or property used for a residential purpose.
- D. A fifty (50) foot undisturbed buffer is required if adjacent to a residential district or property used for a residential purpose.

4.2.44 Salvage yard, junkyard.

The following provisions shall be required for automobile salvage, wrecking yards and junkyards, primary or accessory:

- A. The site shall be enclosed by a wall or opaque fence not less than eight (8) feet in height.
- B. No activity and no vehicle storage associated with such uses shall be conducted within one hundred (100) feet of any property zoned or used for residential purposes.
- C. No activity and no vehicle storage associated with such uses, except for deliveries, pickups, and signs, shall be conducted within fifty (50) feet of the street right-of-way.
- D. No activity and no vehicle storage associated with such uses shall be conducted within fifty (50) feet of the side and rear property lines, unless the adjacent property is zoned M or M-2.
- E. The use shall not be permitted within three hundred (300) feet of any property used for a school, park, playground or hospital.
- F. The sale of automobile parts removed from vehicles on the site shall be permitted.
- G. A ten (10) foot wide evergreen landscape buffer around the outside perimeter of the screened area shall be provided when adjacent to any property not zoned C-2, M, or M-2.

4.2.45 School, specialized and vocational.

Specialized and vocational schools must meet the applicable requirements of section 4.2.42 and, with the exception of facilities located in industrial districts, all activities shall occur within enclosed buildings.

4.2.46 Senior housing: independent and assisted living, nursing, and continuing care.

- A. *Primary uses:* Senior housing facilities shall include either independent living units or assisted living units, or both. The independent living units may be either single-family (detached) residences or multi-family (attached) residences.
- B. *Accessory uses:* Senior housing facilities shall include one (1) or more of the following accessory uses:
 1. Ancillary clinics, personal service, retail (e.g., pharmacy, hair salon, medical offices).
 2. Central kitchen and dining facility.
 3. Recreation and amenities.
 4. Building/Clubhouse for classes, meetings, concerts, storytelling, etc.
 5. Adult day care.



- C. The maximum number of unrelated residents living independently (not requiring personal care) and at age fifty-five (55) or older allowed in an independent living unit is one (1) per bedroom.
- D. *Height Standards:* A senior living facility in which all of the occupied units are occupied by at least one senior aged fifty-five (55) or older is authorized up to ten (10) stories without a height SLUP in HR, MU-3, MU-4, and MU-5 zoning districts, subject to transitional height plane regulations in Article 5.
- E. *Accessibility standards:* All senior housing shall incorporate accessibility standards that meet certification requirements for Easy Living or Universal Design and/or include all of the following minimum features:
 - 1. At least one (1) step free entrance to the main floor at either the front or side of the structure; if only one (1) is provided, it shall not be from a patio or raised deck.
 - 2. Main floor of each unit shall include a kitchen, entertaining area, and master bedroom with full bathroom.
 - 3. Every door on the main floor shall provide a minimum width of thirty-four (34) inches of clear passage.
 - 4. Blocking shall be installed in the master bath around toilet, tub, and shower for placement or future placement of grab bars.
- F. Assisted living, nursing and continuing care facilities shall provide the following:
 - 1. *Primary and secondary support services:* Approval for assisted living, nursing or continuing care facilities shall not be granted without documentation of provisions for the following primary and secondary services:
 - a. *Primary services:* on-site dining facility, 24-hour on-call medical services, on-site licensed practical nurse, on-call registered nurse, linen and housekeeping services, and transportation services.
 - b. *Secondary services:* physical therapy, medication administration program, care technician services (clothes changing, bathing, etc.), on-site personal care (barber, beauty salon), fitness center, library.
 - c. Access to outdoor seating and walking areas shall be provided as part of every assisted living, nursing or continuing care facility.
- G. A senior housing facility shall only be approved after consideration of the use permit criteria, found in Article 7 and after consideration of the following:
 - 1. Proximity and pedestrian access to retail services and public amenities.
 - 2. Transportation alternatives.
 - 3. Integration into existing neighborhoods through connectivity and site design.
 - 4. Diverse housing types.
 - 5. Site and building design that encourages social interaction.
 - 6. Building design that meets Easy Living standards.
- H. In addition, in consideration of the special land use permit or special administrative permit for a senior housing facility, the following criteria shall be evaluated based on the degree to which these elements provide transition from the proposed project to adjacent existing development:
 - 1. Building height.
 - 2. Landscaping.



3. Maximum lot coverage.
4. Setbacks from exterior property lines.
5. Site size.
6. Access to thoroughfare.
- I. *Submittal requirements.* The following documents and information are required for submittals for rezoning, special land use permits, land development permits and building permits associated with proposed senior living facilities:
 1. Survey and site plan (per established requirements in Article 7).
 2. Landscape and tree plan.
 3. Number and location of residential units.
 4. Types of units.
 5. Amenities.
 6. Institutional/non-residential services.
 7. Proximity to services such as health care, shopping, recreation, and transit.
 8. Other documents addressing the approval criteria in subsections G and H above.

4.2.47 Service areas, outdoor, for nonresidential uses.

All service areas for nonresidential uses shall be established so as not to encroach into any yard requirement and shall be visually screened from adjacent residential properties.

4.2.48 Shelters for homeless or battered persons and transitional housing facilities.

- A. No shelter for homeless or battered persons and no transitional housing facility shall be designed to exceed a capacity of twenty (20) persons, unless accessory to a place of worship.
- B. Prior to issuance of any approvals for operation of a shelter for homeless or battered person or transitional housing facility, the applicant for such approval shall disclose, in writing, the capacity and floor plan of the facility.
- C. Such shelters shall comply with all applicable DeKalb County building, housing, and fire codes and shall fully comply with O.C.G.A., §§ 30-3-1, et seq. before a certificate of occupancy can be issued. The loss of any state license or permit shall result in an automatic revocation of that county issued permit or license.
- D. There shall be no use on the property other than the shelter, unless accessory to place of worship.
- E. No new shelter or transitional housing facility shall be located within one thousand (1,000) feet of an existing shelter or transitional housing facility.
- F. Shelters for homeless or battered persons and transitional housing facilities may apply for an FHA Accommodation Variance as provided for in Section 7.5.9 if the residents would constitute disabled persons under the FHA.

4.2.49 Solid waste facility regulations.

- A. The board of commissioners shall not approve any amendment to the zoning maps, the comprehensive land use map or any application for a special land use permit, or any development or building permit related to a landfill if such landfill is not in compliance with the applicable requirements of Georgia's Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-20 et seq., and as may hereafter be amended.



- B. The board of commissioners shall not approve any amendment to the zoning maps, the comprehensive land use map or any application for a special land use permit related to a landfill unless the applicant obtains written verification from the Georgia Environmental Protection Division of the Georgia Department of Natural Resources that the landfill complies with or is not yet required to comply with all the applicable requirements set forth in the Comprehensive Solid Waste Management Act.
- C. As used in this section the term "landfill" means a disposal facility, a materials recovery facility, a solid waste handling facility, a solid waste landfill, a private industry solid waste disposal facility, a solid waste handling facility, a solid waste thermal treatment technology facility, and a disposal facility for biomedical waste, hazardous and/or toxic materials including radioactive materials as all such terms are defined in O.C.G.A. § 12-8-22 and as may hereafter be amended.

4.2.50 Swimming pool, community.

Community swimming pools and their customary accessory buildings and structures shall be setback at least fifteen (15) feet from all side and rear lot lines and be enclosed by a wall or fence, not less than four (4) feet nor more than six (6) feet in height. Setback is measured from the pool decking except where established elsewhere.

4.2.51 Telecommunications towers and antennas.

See "Wireless Telecommunications."

4.2.52 Tennis court, accessory to residential.

Tennis courts on individual residential lots shall be located in rear yards and shall be setback at least fifteen (15) feet from all side and rear property lines and be enclosed by a fence or freestanding wall at least eight (8) feet high. Lighting for the private tennis court shall not be permitted, except by a special administrative permit.

4.2.53 Transit shelters.

- A. Transit shelters may be located within a street right-of-way with permission from the director of planning or within an established yard fronting a street, but may not be located so as to obstruct the sight distance triangle per Article 5.
- B. A schematic plan of the transit shelter must be submitted and approved by the director of planning. The plan must include the following:
 - 1. The location of the proposed shelter relative to street, property lines, and established building yards;
 - 2. The size and design of the shelter, including front, side, and rear elevations, building materials, and any public convenience or safety features such as telephone, lighting, heating, or trash containers. Trash containers shall be provided for all transit shelters.

4.2.54 Truck stop.

The following provisions apply to truck stops whether designed as a primary use or accessory use as part of an industrial development:

- A. Truck stops shall be permitted only on parcels of ten (10) acres or more.
- B. Entrance drives for truck stop facilities shall not be closer than three hundred (300) feet from any point of an interstate highway interchange.
- C. Truck stops shall meet all state and federal environmental guidelines and requirements.



4.2.55 Urban garden or community gardens.

- A. If an urban garden or community garden is greater than five (5) acres, a special administrative permit is required. The permit shall expire twenty-four (24) months from issuance, and such use shall thereafter only operate upon issuance of a new permit in the manner prescribed herein.
- B. The following items shall be submitted with the special administrative permit application:
 1. Name and current address of the applicant.
 2. Address of the garden.
 3. Proof of ownership or leasehold interest (for the duration of the special administrative permit) of the lot on which the garden is located; or a notarized letter signed by the property owner(s), or authorized property manager or agent, consenting to the placement of a garden on the lot.
 4. A site plan showing:
 - a. Property lines, street curbs, street names, and adjacent sidewalks as applicable.
 - b. Plan layout and dimensions showing plot layout, structures and compost areas.
 - c. Source of water, including any rain barrel locations.
 5. Permit fee.
 6. Other documents or information reasonably deemed necessary to determine the compatibility of the use identified in the permit application.
- C. Sales of produce from the community garden site is allowed with the approval of a special administrative permit for temporary outdoor seasonal activities, provided the following regulations are met and documentation, where required, is provided with the application:
 1. *Sales hours.* Garden sales and pickups may occur between 7:00 a.m. and 9:00 p.m. Set-up of sales operations shall begin no earlier than 6:00 a.m., and take-down and clean-up shall end no later than 10:00 p.m.
 2. *Management.* An individual shall be present onsite during all sales hours to direct the vending operations.
- D. The following requirements apply for all urban or community gardens, of any acreage. Gardens accessory to a residence are excluded from these standards.
 1. *Garden operating rules and regulations.* A set of operating rules shall be established to address the governance structure of the garden, hours of operation, maintenance, and security.
 2. *Fencing.* All fences shall comply with all applicable sections in the Code pertaining to the relevant zoning district in which the garden is located.
 3. *Synthetic fertilizers, pesticides, and herbicides.* Gardens may submit documentation of organic methods. Alternatively, the garden shall be designed and maintained so that synthetic fertilizers, pesticides, and herbicides will not harm any adjacent property.
 4. *Waste removal.* The garden shall recycle and remove waste in accordance with all applicable sections of the Code.
 5. *Parking requirements.* The garden shall provide a minimum of one (1) parking space per one-half (0.5) acre of property on which the community garden is located during the hours of operation. The parking requirement may be met by providing either on-site parking or off-site parking within five hundred (500) feet of the property line of the property on which the community garden is located.
 6. *Permitted structures.* The following structures are permitted in association with an urban or community garden:



- a. Greenhouses, hoop houses, cold-frames and similar structures used to extend the growing season.
 - b. Storage buildings limited to tool sheds, shade pavilions, barns, restroom facilities with composting toilets, and planting preparation houses.
 - c. Benches, bike racks, raised and accessible beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, chicken coops, beehives and children's area.
7. *Use of machinery.* Use of machinery and equipment is allowed, but use of machinery is limited to the hours of 8:00 a.m. to 8:00 p.m. When not in use, all such machinery and equipment (with the exception of machinery and equipment that is (i) intended for ordinary household use, (ii) borrowed or rented for a period not to exceed seven (7) days, or (iii) located in an urban garden in Light Industrial District or Heavy Industrial District) shall be stored so as not to be visible from any public street, sidewalk, or right-of-way.
 8. *Buildings.* Buildings shall be setback a minimum of ten (10) feet from property lines.
 9. A minimum of twenty (20) feet of lot frontage along a public right-of-way, or an access easement not less than ten (10) feet wide to provide vehicular access in case of an emergency is required.
 10. Driveways and parking may be surfaced with pervious material, including gravel.
 11. The site should be designed and maintained so that water does not cause erosion or allow sedimentation on adjacent property.
 12. No fencing shall exceed six (6) feet in height. Fencing along the front shall not exceed four (4) feet.
 13. Compost and waste collection bins must be located in the rear yard (if a building exists) and be placed at least ten (10) feet from any property line.
 14. One (1) sign located on a community garden site is permitted, provided that it shall not exceed six (6) square feet of sign area, excluding the base, and shall not exceed four (4) feet in height. Garden signs shall not be illuminated. Internally located directional, instructional, educational and labeling signs are allowed without a permit.
 15. Hours of operation (other than sales) shall be allowed from dawn until dusk. No lighting is allowed.
 16. Community gardens must comply with supplemental regulations regarding livestock, bee keeping, and temporary, seasonal sales or events, as applicable.

4.2.56 Utility structure necessary for transmission or distribution of service.

Any utility structure necessary for the transmission or distribution of service, whether an authorized use or a permitted use, shall provide security fencing and landscaping to lessen the visual impact of such structures on adjoining property. Noise resulting from temporary construction activity pursuant to a valid development or building permit, that is not a part of the usual and ongoing operation of the use on the site, that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the requirements of this section. Such structures shall be located only within the buildable area of any lot where permitted or authorized by zoning and shall meet all requirements of the district in which such structure is located.

4.2.57 Wireless telecommunications (cell tower).

A. Purpose and goals.

The purpose of this section is to ensure that residents, public safety operations, and businesses in DeKalb County have reliable access to wireless telecommunications networks and state of the art communication services while also ensuring that this objective is achieved in a manner consistent with DeKalb County's planning and zoning standards, to maintain to the extent possible the aesthetic integrity of the community, and in accordance with applicable state law and with federal law,



regulations, and guidance, including the Telecommunication Act of 1996 which preserved, with certain limitations, local government land use and zoning authority concerning the placement, construction, and modification of wireless telecommunication facilities.

The goals of this section are:

1. To ensure DeKalb County has sufficient wireless infrastructure to support its public safety communications throughout the county;
2. To provide access to reliable wireless telecommunication services by residents, businesses, and visitors throughout all areas of the county
3. To minimize the total number of support structures within the county by promoting and encouraging the joint use of new and existing wireless support structures among wireless service providers;
4. To encourage the location of wireless support structures, to the extent possible, in areas where adverse impacts on the community will be minimized;
5. To encourage the design and construction of towers and antennas to minimize adverse visual impacts;
6. To avoid potential damage to property caused by wireless communications facilities by insuring that such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or when determined to be structurally unsound;
7. To preserve those areas of scenic or historic significance;
8. To facilitate implementation of an Existing Tower Map for DeKalb County;
9. To promote and encourage the joint use of new and existing tower sites among service providers;
10. To enhance the ability of the providers of wireless communications services to deliver such services to the community effectively and efficiently;
11. To be consistent with all overlay districts within the county, to the extent practicable and so as to not to conflict with this section.

B. *Definitions.* For the purposes of this Ordinance, the following definitions apply:

Abandon means when a tower is not operated for a continuous period of six (6) months.

Accessory Equipment means any equipment serving or being used in conjunction with a Telecommunications Facility or Support Structure. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.

Administrative Approval means zoning approval that the director of planning is authorized to grant in the form of a Special Administrative Permit.

Administrative Review means evaluation of an application by the director of planning in connection with the review of an application for a building permit.

Antenna means any communications equipment that transmits, receives, or transmits and receives electromagnetic radio signal used in the provision of all types of wireless communication services including, but not limited to, cellular, paging, personal communications services (PCS) or microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas, such as whips. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes designed for residential or household purposes.

Application means a formal request submitted to DeKalb County to construct, collocate or modify a wireless support structure or a wireless facility.



Attached wireless telecommunications facility means an antenna or antenna array that is secured to an existing building or structure (except an antenna support structure) with any accompanying pole or device which attaches it to the building or structure, together with transmission cables and an equipment cabinet, which may be located either on the roof or inside/outside of the building or structure, and do not significantly change the profile of the existing structure and are not readily noticeable to the untrained eye. Attached wireless telecommunications facilities may be concealed or contained in an architectural feature and should complement the existing theme and rhythm of the structure. An attached wireless telecommunications facility is considered to be an accessory use to the existing principal use on a site.

Collocate or Collocation means the placement or installation of new wireless facilities on previously approved and constructed wireless support structures, including monopoles and towers, both self-supporting and guyed, in a manner that negates the need to construct a new freestanding wireless support structure. Such term includes the placement of accessory equipment within an existing equipment compound.

Carrier on Wheels or Cell on Wheels ("COW") means a portable self-contained Telecommunications Facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the Antenna support structure, though it may use a separate temporary mast for the placement of antennas.

Distributed Antenna Systems ("DAS") means a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure.

Equipment Compound means an area surrounding or adjacent to the base of a wireless Support Structure within which accessory equipment is located.

Existing Structure means previously erected Support Structure or any other structure, including but not limited to, buildings and water tanks, to which Telecommunications Facilities may be attached.

Fall Zone means the maximum distance from its base a wireless support structure will collapse in the event of a failure, usually less than the total height of such structure. This distance must be defined by a professional civil or structural engineer licensed in the State of Georgia.

Geographic Search Area (GSA) means a geographic area designated by a wireless provider or operator as the area within which a new Telecommunication Facility must be located to serve an identified system need, produced in accordance with generally accepted principles of wireless engineering.

Modification means the improvement, upgrade, expansion, or replacement of wireless facilities on an existing wireless support structure or within an existing equipment compound and may include: (i) an increase in structure height of a pre-existing tower up to thirty (30) percent so long as such height increase does not trigger FAA lighting requirements; or (ii) the removal and replacement of a pre-existing tower with a new tower at the same location that may be up to thirty (30) percent taller so long as any such structure height increase does not trigger FAA lighting requirements.

Monopole means a single, freestanding pole-type structure supporting one or more Antennas. For purposes of this Section, a Monopole is not a Tower.

Ordinary Maintenance means action taken to ensure that Telecommunications Facilities and Support Structures are kept in good operating condition. Ordinary Maintenance includes inspections, testing and modifications that maintain functional capacity, aesthetic and structural integrity; for example the strengthening of a Support Structure's foundation, or of the Support Structure itself. Ordinary Maintenance includes replacing Antennas of a similar size, weight, shape and color and Accessory Equipment within an existing Telecommunications Facility, and relocating the Antennas of approved Telecommunications Facilities to different height levels on an existing Monopole or Tower upon which they are currently located. Ordinary Maintenance does not include Modifications.



Replacement means constructing a new Support Structure of the same proportions and of equal height, or such other height that would not constitute a modification to a pre-existing Support Structure, in order to support a Telecommunications Facility or to accommodate Collocation and removing the pre-existing Support Structure.

Support Structure (new or existing) means a structure designed to support Telecommunications Facilities including, but not limited to, Monopoles, Towers, and other freestanding self-supporting structures.

Stealth Telecommunications Facility means any Telecommunications Facility that is integrated as an architectural feature of an Existing Structure or any new Support Structure designed so that the purpose of the Facility or Support Structure for providing wireless services is not readily apparent to a casual observer. This term includes, but is not limited to artificial trees, clock towers, bell steeples, church towers and steeples, light poles, flag poles, monopoles with modified flush mount antennae and similar alternative-design structures that, in the opinion of the director of planning or Board of Commissioners, as may be appropriate based on the requirements for approval in the zoning district in which the Telecommunications Facility is to be located, are compatible with the natural setting or surrounding structures and effectively camouflage or conceal the presence of antennas or towers.

Telecommunications Facility(ies) means any unmanned facility established for the purpose of providing wireless transmission of voice, data, images or other information including, but not limited to, cellular telephone service, personal communications service (PCS), and paging service. A Telecommunication Facility can consist of one or more Antennas and along with accessory equipment located in an equipment compound.

Tower means a lattice-type structure, guyed or freestanding, that supports one or more Antennas or Antenna Arrays.

- C. *Approvals Required for Telecommunications Facilities, Stealth and New Support Structures.* It shall be unlawful for any person to erect, install, construct, enlarge, move, alter or convert any Tower or Antenna or cause the same to be done within DeKalb County except in accordance with the provisions of this section. In addition, except as otherwise specifically provided herein, all Towers and Antennas shall also comply with all regulations applicable to the zoning district in which said Tower or Antenna is located and any permits authorizing said tower or antennas.
1. All Telecommunications Facilities, Stealth and New Support Structures shall require the issuance of a building permit in compliance with the administrative review processes described in this chapter. The building permit for a Telecommunications Facilities, Stealth and New Support Structures shall be in addition to either a special administrative permit or a special land use permit if required.
 2. Telecommunications Facilities, Stealth and New Support Structures permitted pursuant to Table 4.1 upon issuance of a special administrative permit by the director of planning shall be considered in accordance with the standards set forth in this chapter. A building permit for a Telecommunications Facilities, Stealth and New Support Structures may be applied for and considered contemporaneously with an application for a special administrative permit.
 3. Telecommunications Facilities, Stealth and New Support Structures not permitted by a special administrative permit shall be permitted upon the granting of a special land use permit by the DeKalb County board of commissioners in accordance with the standards set forth in this chapter, before submittal for Administrative Review (building permit).
- D. *Exempt.* Ordinary Maintenance of existing Telecommunications Facilities, Stealth and New Support Structures shall be exempt from zoning and permitting requirements. In addition, the following facilities are not subject to the provisions of this Ordinance:
1. Antennas used by residential households solely for broadcast radio and television reception;
 2. Satellite antennas used solely for residential or household purposes;



3. Telecommunication Facilities, Towers, Stealth and New Support Structures, and Monopoles located on County-owned property;
 4. COWs placed for a period of not more than one hundred twenty (120) consecutive days at any location within DeKalb County after a declaration of an emergency or a disaster;
 5. Television and AM/FM radio broadcast towers and associated facilities; and
 6. DAS facilities when located within a building or on the exterior of a building.
- E. Telecommunications Facilities, and Modifications Permitted by Administrative Review (Building Permit).
1. Telecommunications Facilities Located on Existing Structures.
 - a. Attached Wireless Telecommunications Facilities are permitted in all zoning districts, except single family residential, when located on any Existing Structure (other than a single family residential structure or a multi-family residential structure less than four (4) stories or fifty (50) feet in height) subject to Administrative Review in accordance with the requirements of this
 - b. Attached Wireless Telecommunication Facilities may exceed the maximum building height limitations within a zoning district, above the roof line of a flat roof or the top of a parapet wall to which they are attached, but shall be camouflaged or screened with an architectural feature compatible with the building. Modifications are permitted to all existing Stealth and Support Structures and associated equipment compounds in accordance with the requirements of this Ordinance. Any modification involving increasing the height of an existing Tower, either directly or by replacement, shall be permitted only upon a demonstration deemed sufficient to the director of planning that increasing structure height will allow collocation on the Tower by a wireless service provider and that such collocation will obviate the need for a new Telecommunications Facility in the same Geographic Search Area (GSA). Approval of a modification involving an increase in the height of an existing Tower, either directly or by replacement, shall also authorize a corresponding increase in the size of the associated equipment compound sufficient to accommodate the accessory equipment needed by the wireless service provider collocating on the Tower.
 2. A Monopole or Replacement pole that will support utility lines as well as a Telecommunications Facility shall be permitted within utility easements or rights-of-way, in accordance with the requirements of this chapter, subject to the following regulations:
 - a. The utility easement or right-of-way shall be a minimum of one hundred (100) feet in width.
 - b. The easement or right-of-way shall contain overhead utility transmission and/or distribution structures that are eighty (80) feet or greater in height.
 - c. The height of the Monopole or Replacement pole may not exceed by more than thirty (30) feet the height of existing utility support structures.
 - d. Monopoles and all Accessory Equipment shall be set back a minimum of fifteen (15) feet from all boundaries of the easement or right-of-way.
 - e. Single carrier Monopoles may be used within utility easements and rights-of-way due to the height restriction imposed by subsection (iii) above.

Poles that use the structure of a utility tower for support are permitted. Such poles may extend up to twenty (20) feet above the height of the utility tower.
 3. The director of planning must issue a written decision approving, approving with conditions, or denying the application for modification or collocation within 90 days of submission of the initial application.



- F. *Telecommunication Facilities and Structures Permitted by Special Administrative Permit or Special Land Use Permit.*
1. *New Support Structures and Attached Wireless.*
 - a. New Support Structures up to one hundred and fifty (150) feet in height shall be permitted in the NS and OIT zoning districts by special land use permit in accordance with the requirements of this Chapter.
 - b. New Support Structures up to one hundred ninety-nine (199) feet in height shall be permitted by special administrative permit in the OI, OD, C-1, C-2, M and M-2 zoning districts in accordance with the requirements of this chapter.
 - c. Only Attached Wireless Telecommunications (AWT) facilities are allowed in single family residential districts, RE, RLG, R-100, R-85, R-75, R-60 and RSM. An AWT shall be located only on property that is used for non-residential purposes, and attached to non-residential structures. The height of the facility shall be measured to include the height of the structure. These facilities shall be permitted by special administrative permit in accordance with the requirements of this chapter.
 - d. New Support Structures either up to one hundred fifty (150) feet in height, or up to one hundred ninety-nine (199) feet in height depending on the zoning district in which the New Support Structure is located, may be permitted administratively or through the special land use permit process as described in Table 4.1. The height of any proposed support structure shall not exceed the minimum height necessary to meet the coverage or capacity objectives of the Facility. Stealth design is encouraged.
 2. *Stealth Design Telecommunications Facilities.*
 - a. Any Telecommunications Facility that otherwise complies with the requirements of this chapter, including procedural approvals, may be designed as a Stealth Telecommunication Facility.
 - b. Stealth Telecommunication Facilities are mandatory in medium and high density residential districts and shall not exceed one hundred and fifty (150) feet in height. All towers in medium and high density residential districts must be approved by a special land use permit.
 - c. Antennas must be enclosed, camouflaged, screened, obscured or otherwise not readily apparent to a casual observer.
 - d. Existing Structures utilized to support the Antennas must be allowed within the underlying zoning district. Such structures may include, but are not limited to, buildings, flagpoles, bell towers, clock towers, religious crosses, monuments, smoke stacks, parapets, and steeples.
 3. *Cell on Wheels/Carrier on Wheels (COW) Facilities.* The use of COWs shall be permitted in any zoning district after Special Administrative Permit Approval and Administrative Review (building permit). COWs may be placed for a period of not more than one hundred twenty (120) consecutive days at any location within unincorporated DeKalb County if used during a non-emergency or special event. Placement of a COW for the purpose of providing wireless telecommunication service in connection with a special event, subject to the COW's compliance with all federal requirements, may be up to forty-five (45) consecutive days before such special event, for the duration of the event, and for up to fourteen (14) consecutive days thereafter. After a declaration of an emergency or disaster by federal or state government, by DeKalb County, or a determination of public necessity by the director of planning, COWs are authorized without permitting.
 4. *General Standards, Design Requirements, and Miscellaneous Provisions.* Unless otherwise specified herein, all Telecommunications Facilities and Support Structures permitted by Special Administrative Permit Approval are subject to the applicable general standards and design requirements contained herein.



5. *Special Administrative Permit Review Process.* All Special Administrative Permit applications must contain the following:
 - a. The Special Administrative Permit application form signed by the applicant.
 - b. A copy of a lease or letter of authorization from the owner of the property on which the Telecommunications Facility and Support Structure are located evidencing the applicant's authority to pursue the application. Such submissions need not disclose the financial lease terms.
 - c. Site plans detailing proposed improvements complying with the County's site plan requirements. Site plans must depict all improvements and satisfaction of all applicable requirements contained in this Code, including property boundaries, setbacks, topography, elevation sketch, landscaping, fencing, and dimensions of improvements.
 - d. In the case of a new Support Structure:
 - i. A statement indicating why collocation could not meet the applicant's requirements. Such statement may include justifications, including why collocation is either not reasonably available or technologically or structurally feasible, as applicable, to document the reason why collocation is not a viable option.
 - ii. The applicant shall provide a list of all the existing structures considered by it as alternatives to the proposed location. The applicant shall provide a written explanation why the alternatives considered were either reasonably unavailable, or technologically or structurally infeasible.
 - iii. Applications for new Support Structures with accompanying Telecommunications Facilities shall be considered together as one application requiring only a single application fee.
 - iv. A list of all Towers and Support Structures in DeKalb County in which the applicant has an ownership interest or use agreement. The list shall include the location, the type of structure, the height of the structure, the number of facilities located on the same structure, and the number of facilities for which collocation would be available under existing conditions.
 - v. A color propagation map demonstrating the existing coverage of all Telecommunications Facilities owned and proposed by the applicant within the GSA.
 - vi. Current and proposed coverage map for the proposed tower.
 - vii. A structural integrity analysis of a tower shall be included where antennas and equipment will be attached to such existing tower, or to establish the fall zone. Such certification and structural integrity analysis shall bear the signature and seal of a professional engineer licensed in the State of Georgia.
 - viii. A Special Administrative Permit application fee as listed in DeKalb County's published fee schedule.
6. *Procedure.*
 - a. Within thirty (30) days of receipt of an application for Special Administrative Permit, the director of planning shall either: (1) inform the Applicant in writing of the specific reasons why the application is incomplete and does not meet the submittal requirements; or (2) deem the application complete. If the director informs the Applicant that its application is incomplete within thirty (30) days, the overall timeframe for review is suspended until such time that the Applicant provides the requested information necessary to complete the application.
 - b. An applicant that receives notice of an incomplete application may submit additional documentation to complete the application. An applicant's failure to complete the application



within sixty (60) days after receipt of written notice of incompleteness shall result in the withdrawal of the application without prejudice. An application withdrawn without prejudice may be resubmitted upon the filing of a new application fee.

- c. The director of planning must issue a written decision approving, approving with conditions, or denying the application within one hundred fifty (150) days of the submission of the initial application unless:
 - i. The director of planning notified applicant in writing that its application was incomplete within thirty (30) days of filing. If so, the remaining time from the one hundred fifty (150) day total review time is suspended until the Applicant provides the missing information; or
 - ii. An extension of time is agreed to by the Applicant in writing.
- d. After making a decision, the director of planning shall have ten (10) calendar days to post a sign on the subject property which reflects the decision of the director and includes the deadline for taking an appeal of the decision.
- e. An aggrieved person, as such term is defined by Georgia courts, may appeal any decision of the director of planning approving, approving with conditions, denying an application, or deeming an application incomplete, within thirty (30) days of such decision to Zoning Board of Appeals in accordance with this chapter.

G. *Special Land Use Permit review process.*

1. Any Telecommunications Facility, Stealth or New Support Structure, located in a medium to high density residential district, or NS and OIT (except for an Attached Wireless Telecommunication Facility) shall meet the requirements of this chapter and shall be approved by a special land use permit subject to:
 - a. The submission requirements below;
 - b. The applicable standards below; and
 - c. The requirements of the special land use permit general requirements provided in Article 7.
2. *Submission requirements for special land use permit applications.*
 - a. All special land use permit applications for Telecommunications Facilities, Stealth and New Support Structures, must contain the following:
 - i. The special land use permit application form signed by applicant.
 - ii. A copy of a lease or letter of authorization from the property owner evidencing applicant's authority to pursue the special land use permit application. Such submissions need not disclose the financial lease terms.
 - iii. A legal description of the parent tract, the leased parcel and any associated easements, as applicable.
 - iv. A scaled site plan clearly indicating the location, type and height of the proposed Tower or accessory structure to be utilized, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines and residential structures (if located on adjacent property), elevation drawings of the proposed Tower, design of the tower and how visible obtrusiveness is reduced, accessory structure and any other structures, topography on site and of surrounding property, existing streams, wetlands and floodplains, and other information deemed necessary by the director of planning to assess compliance with this section.
 - v. A letter of intent providing a detailed narrative regarding the proposed facility, including the needs it is intended to meet, the area to be served, design characteristics, collocation



alternatives, nature of uses on adjacent properties, and any other information deemed necessary by the director of planning to provide an adequate description of the proposal.

- vi. A radio frequency study including a description of the area of coverage, capacity and radio frequency goals to be served by the proposed facility, and the extent to which such proposed facility is needed for coverage or capacity needs. The study shall include all planned, proposed, in-service or existing sites operated by the Applicant in or near the boundaries of and a color propagation study demonstrating the existing coverage of all Telecommunications Facilities owned and proposed by the applicant within the GSA. The study shall also demonstrate that the proposed height is the minimum necessary to achieve the required coverage. The study shall bear the signature of a qualified radio frequency engineer.
- vii. Certification that the Telecommunications Facility, the foundation and all attachments are designed and will be constructed to meet all applicable local codes, ordinances, and regulations, including any and all applicable county, state and federal laws, rules, and regulations. A structural integrity analysis of an existing tower shall be included where antennas and equipment will be attached to such existing tower. Such certification and structural integrity analysis shall bear the signature and seal of a professional engineer licensed in the State of Georgia.
- viii. Line-of-sight diagram or photo simulation, showing the proposed Support Structure set against the skyline and viewed from at least four (4) directions within the surrounding areas.
- ix. A list of all Towers and Support Structures in DeKalb County in which the applicant has an ownership interest or use agreement. The list shall include the location, the type of structure, the height of the structure, the number of facilities located on the same structure, and the number of facilities for which collocation would be available under existing conditions.
- x. A statement indicating why collocation is not feasible. Such statement shall include:
 - (1) Such technical information and other justifications as are necessary to indicate the reasons why collocation is not a viable option; and
 - (2) A list of the existing structures considered by the applicant as possible alternatives to the proposed location and a written explanation why the alternatives considered were structurally deficient or otherwise unsuitable.
- xi. A statement certifying that the proposed Stealth or New Support Structure will be made available for collocation to other service providers at commercially reasonable rates.
- xii. Notification to surrounding property owners as required by this chapter.
- xiii. A special land use permit application fee as listed in DeKalb County's published fee schedule.

3. *Procedure.*

- a. Within thirty (30) days of the receipt of an application for special land use permit, the director of planning shall either: (1) inform the Applicant in writing of the specific reasons why the application is incomplete and does not meet the submittal requirements; or (2) deem the application complete. If the director informs the Applicant in writing that its application is incomplete within thirty (30) days, the overall timeframe for review is suspended until such time that the Applicant provides the requested information necessary to constitute a Complete Application.



- b. If an application is deemed incomplete, the Applicant may submit additional materials to complete the application. An applicant's unreasonable failure to complete the application within sixty (60) days after receipt of written notice of incompleteness shall result in the withdrawal of the application without prejudice. An application withdrawn without prejudice may be resubmitted upon the filing of a new application fee.
- c. A Complete Application for a special land use permit shall be scheduled for a hearing date as required by DeKalb County.
- d. Applications for Stealth and New Support Structures with accompanying Telecommunications Facilities shall be considered as one application requiring only a single application fee.
- e. The posting of the property and public notification of the application shall be accomplished in the same manner required for any special land use permit application under this Ordinance.
- f. The director of planning must provide the Applicant with a written decision of the board of commissioners approving, approving with conditions, or denying the request within one hundred-fifty (150) days of the submission of the initial application unless:
 - i. The director of planning notified applicant in writing that its application was incomplete within thirty (30) days of filing. If so, the remaining time from the one hundred-fifty (150) day total review time is suspended until the Applicant provides the missing information in writing; or
 - ii. An extension of time is agreed to by the Applicant.

H. *General Standards and Design Requirements.*

1. *Design.*

- a. Support Structures shall be subject to the following:
 - i. Designed to accommodate a minimum number of collocations based upon their height, as follows:
 - (1) Support Structures less than one hundred (100) feet in height shall be designed to support at least two (2) antenna arrays;
 - (2) Support Structures between one hundred (100) and one hundred-fifty feet (150) shall be designed to support at least three (3) antenna arrays; and
 - (3) Support Structures greater than one hundred-fifty (150) feet in height shall be designed to support at least four (4) antenna arrays.
 - ii. The compound area surrounding the Support Structure must be a minimum eighty (80) feet x eighty (80) feet in size to accommodate Accessory Equipment for the appropriate number of collocations.
 - iii. Property leased or purchased for the purpose of a telecommunication facility is not required to have minimum road frontage or lot area of the zoning district. However, the applicant must demonstrate access to a public road via an access easement.
- b. Stealth Telecommunications Facilities shall be designed to accommodate the collocation of other Antennas whenever economically and technically feasible.
- c. Upon request of the Applicant, the director of planning may waive the requirement that new Support Structures accommodate the collocation of other service providers if the director of planning determines that collocation at the site is not essential to the public interest and that the construction of a shorter support structure with fewer Antennas would minimize adverse impact on the community. Additionally, the Director may reduce the required size of the



compound area if it can be demonstrated that the proposed compound is of sufficient size to accommodate the required number of co-locations.

2. *Setbacks.*

- a. *Property Lines.* Unless otherwise stated herein, Stealth and New Support Structures shall be set back from all property lines a distance of the fall zone plus twenty (20) feet, or if adjacent to property zoned residential, the greater of (a) the fall zone plus twenty (20) feet or (b) one hundred (100) feet.
- b. *Residential Dwellings.* There shall be no setback requirement from dwellings located on the same parcel as the proposed structure.
- c. Unless otherwise stated herein, all Accessory Equipment shall be set back from all property lines in accordance with the minimum setback requirements in the underlying zoning district and any overlay district. Accessory Equipment associated with an existing or Replacement utility pole shall not be subject to setback requirements.
- d. The zoning board of appeals shall have the authority to vary any required setback upon the request of the applicant if:
 - i. The Applicant provides a letter stamped by a certified structural engineer licensed in the State of Georgia documenting that the proposed structure's fall zone is less than the requested setback; and
 - ii. The proposed Telecommunications Facility, Stealth or New Support Structure is consistent with the purposes and intent of this Ordinance.

3. *Height.*

- a. In non-residential districts, Support Structures shall be designed to be the minimum height needed to meet the service objectives of the Applicant, but in no event shall exceed one hundred ninety-nine (199) feet in height as measured from the base of the structure to its highest point, excluding any appurtenances.
- b. In medium and high density residential districts, Stealth Support Structures shall not exceed one hundred fifty (150) feet. Stealth Support Structures shall be measured from the base of the structure to the top of the highest point, excluding appurtenances. Any proposed Stealth Support Structure shall be designed to be the minimum height needed to meet the service objectives of the applicant.
- c. In all zoning districts, the Zoning Board of Appeals shall have the authority to vary the height restrictions listed in this section upon the request of the applicant and a satisfactory showing of need for a greater height. With its variance request the Applicant shall submit such technical information or other justifications as are necessary to document the need for the additional height to the satisfaction of the Zoning Board of Appeals.

4. *Aesthetics.*

- a. *Lighting and Marking.* Telecommunications Facilities or Support Structures shall not be lighted or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
- b. *Signage.* Signs located at the Telecommunications Facility shall be limited to ownership and contact information, FCC antenna registration number (if required) and any other information as required by government regulation. Commercial advertising is strictly prohibited.
- c. *Landscaping.* The visual impacts of a Tower shall be mitigated by landscaping. Unless located in heavily wooded areas, Towers shall be landscaped with a landscape buffer which effectively screens the view of the tower compound from all sides. The use of existing plant



material and trees shall be preserved to the maximum extent practicable and may be used as a substitute for, or in supplement towards, meeting landscaping requirements.

- d. Landscape buffers shall be a minimum of ten (10) feet in width and located outside the fenced perimeter of the Tower compound.
 - e. All landscaping shall be of the evergreen variety and shall conform to the County's buffer standards.
5. *Accessory Equipment, including any buildings, cabinets or shelters.*
- a. Accessory Equipment shall be used only to house equipment and other supplies in support of the operation of the on-site Telecommunication Facility or Support Structure.
 - b. Any equipment not used in direct support of such on-site operation shall not be stored on the site.
 - c. Accessory Equipment must conform to the setback standards of the applicable zoning districts. In the situation of stacked equipment buildings, additional screening/landscaping measures may be required by the director of planning in order to accomplish the purposes and goals of this section.
- I. No sound emanating from the facility generator during normal operations shall be audible above seventy (70) decibel which would allow normal conversation within fifteen (15) feet of the compound.
- J. *Miscellaneous provisions.*
1. *Fencing.*
 - a. Ground-mounted Accessory Equipment and Support Structures shall be secured and enclosed with a fence to a height of at least six (6) feet.
 - b. Fencing shall be decorative, including brick or concrete columns.
 - c. The director of planning may waive the requirement of Subsection (1)(a) above if it is deemed that a fence is inappropriate or unnecessary at the proposed location in order to accomplish the purposes and goals of this section.
 2. *Neighborhood Identity.* If located in residential area, towers may incorporate features that identify neighborhoods, such as banner arms or monuments.
 3. *Abandonment and removal.* If a Support Structure is abandoned, the director of planning may require that the Support Structure be removed, provided that the director of planning must first provide written notice to the owner of the Support Structure and give the owner the opportunity to take such action(s) as may be necessary to reclaim the Support Structure within sixty (60) days of receipt of said written notice. In the event the owner of the Support Structure fails to reclaim the Support Structure within the sixty (60) day period, the owner of the Support Structure shall be required to remove the same within six (6) months thereafter at the owner's expense. The County shall ensure and enforce removal by means of its existing regulatory authority.
 4. *Multiple Uses on a Single Parcel or Lot.* Telecommunications Facilities and Support Structures may be located on a parcel containing another principal use on the same site or may be the principal use itself.
- K. *Telecommunications Facilities and Support Structures in Existence on the Date of Adoption of this Ordinance.*
1. Telecommunications Facilities and Support Structures that were legally permitted nonconforming uses on or before the date this chapter was enacted shall be considered a legal, lawful use, subject to the nonconforming use regulation in this chapter and state law.



2. Ordinary Maintenance may be performed on a nonconforming Support Structure or Telecommunications Facility.
3. Collocation or Modifications of Telecommunications Facilities on an existing nonconforming Support Structure shall not be construed as an expansion, enlargement or increase in intensity of a nonconforming structure and/or use and shall be permitted through the Administrative Approval of a Building Permit process.

27.4.3 DIVISION 3. TEMPORARY USE REGULATIONS

4.3.1 Temporary outdoor uses: general requirements.

- A. Temporary outdoor uses shall not be held, unless the necessary special administrative permit is obtained from the planning department, subject to the provisions of Article 7, and any other applicable agency which may require review prior to issuance of permits.
- B. Any applicant for a permit for temporary outdoor use shall have the written authorization of the owner of the property to use the property for the specific event for which the application was submitted.
- C. All applicants for a permit for temporary outdoor use shall obtain a business license, if applicable.
- D. All approvals, permits, or licenses granted under this division must be displayed in a conspicuous manner on the premises at all times for inspection by DeKalb County.
- E. No temporary outdoor use may be located within or encroach upon any drainage easement, public sidewalk or right-of-way, fire lanes, designated loading areas, driveways, maneuvering aisles, or ADA minimum four (4) foot sidewalk width within private sidewalks or other areas intended for pedestrian movement.
- F. Temporary signage is permitted subject to the size and height standards in accordance with Chapter 21, Signs.
- G. No operator, employee, or representative of the operator of a temporary outdoor use shall solicit directly from the motoring public.
- H. Any temporary outdoor uses which have not complied with this division shall be a violation of this section. Any person or entity found to be in violation of this section may be punished as provided for in Article 7.
- I. No temporary outdoor use shall be conducted within any public right-of-way unless permitted by public entity.
- J. Merchandise shall only be displayed in a manner that does not obstruct pedestrian or vehicular circulation or flow of traffic.
- K. Merchandise shall only be displayed in an area not wider than fifty (50) percent of the total linear frontage of the building occupied by the merchant.
- L. The premises for a temporary outdoor use shall be restored to a sanitary condition, i.e., cleaned and cleared of all litter, trash and debris; and all equipment, materials, signs, temporary power poles, etc., associated with the temporary outdoor use shall be removed from the property within two (2) days of the last day specified for such use, except for yard sales. All unsold yard sale merchandise remaining at the conclusion of the sale must be removed immediately. Purchased yard sale merchandise must be removed within twenty-four (24) hours of conclusion of the sale.

4.3.2 Duration, frequency and hours of operation of temporary outdoor uses.



The maximum duration, frequency and hours of operation for temporary outdoor uses shall be limited as shown in Table 4.3, below:

Table 4.3 Temporary outdoor uses operational requirements

Operational requirement maximums for temporary outdoor uses				
Temporary Use	Duration	Frequency	Hours of Operation	Special Administrative Permit Required?
Christmas tree sales	Nov. 15 thru Jan. 1		Cease at 9 p.m. Mon. – Thurs. & Sun.; 10 p.m. Fri. & Sat.	Yes
Pumpkin and Halloween sales	Sept. 15 thru Oct. 31		Cease at 9 p.m. Mon. – Thurs. & Sun.; 10 p.m. Fri. & Sat.	Yes
Charitable/non-profit event	7 consecutive days	4 times/calendar year	Daylight hours only	Yes
Temporary Produce stand	One full year	Year round	Daylight hours only	Yes
All other seasonal sales	3 consecutive days	4 times/calendar year	Daylight hours only	Yes
Temporary outdoor retail sales display	30 consecutive days	4 times/calendar year	Cease at 9 p.m. Mon. – Thurs. & Sun.; 10 p.m. Fri. & Sat.	Yes
Temporary outdoor event	14 consecutive days	2 times/calendar year	Cease at 9 p.m. Mon. – Thurs. & Sun.; 10 p.m. Fri. & Sat.	Yes
Yard sales	3 consecutive days	Once/six months	Daylight hours only	No
Farmer's Markets	Year Round	3 consecutive days per month or one day per week	Cease at 9 p.m. Mon. – Thurs. & Sun.; 10 p.m. Fri. & Sat.	Yes

4.3.3 Temporary outdoor seasonal activities.

Temporary outdoor seasonal activities include the sale of retail merchandise associated only with recognized seasonal and federal holidays, the sale of farm produce, Mother's Day, Easter, and Valentine's Day, subject to the following regulations:

A. *Use regulations.*

1. A special administrative permit shall be required, for all temporary outdoor seasonal activities.
2. Events or sales of retail merchandise not customarily associated with seasonal or federal holidays or farm produce is prohibited.
3. Produce stands in residential areas shall only be located on property of nonresidential uses such as churches, schools, or recreational areas.

B. *Lot and parcel restrictions.*

1. A temporary outdoor seasonal activity may be held on a vacant parcel if within a non-residential zoning district.



2. A temporary outdoor seasonal activity may be held on parcels where the temporary outdoor seasonal activity is not associated with the principal use of the property.
 3. Temporary outdoor seasonal activities shall be permitted only on property where such activities shall not disrupt controlled vehicular ingress and egress.
 4. All exterior lighting utilized in conjunction with temporary outdoor seasonal activities shall be directed downward to minimize glare on adjacent properties.
 5. Spotlights and high-temperature process lighting for temporary outdoor seasonal activities are prohibited.
- C. *Setback and structure requirements.*
1. All temporary outdoor seasonal activities, including installation or erection of associated temporary display and sales structures, shall not be within any public right-of-way, and no display or sales area shall be located within twenty-five (25) feet of the street.
 2. Tents over two hundred (200) square feet and canopies over four hundred (400) square feet shall require issuance of a building permit and approval by the Fire Marshall.
 3. A sign may be erected on the property in accordance with Chapter 21, Sign Ordinance, for the duration approved by the administrative permit.

4.3.4 Temporary outdoor retail sales displays.

Temporary outdoor retail sales displays and related outdoor storage activities include the exhibition or representation of goods, merchandise, materials, or other items sold or bought at a retail establishment in which the items are displayed or sold outside the confines of a wholly enclosed building, and which are associated with the principal use of an existing business. Temporary outdoor retail sales displays shall not include events for which no business license is required (e.g. cookie sales). Temporary outdoor retail sales displays shall be subject to the following regulations.

A. *Use regulations.*

1. A special administrative permit must be approved in accordance with the provisions of Article 7.
2. Temporary outdoor retail sales displays shall include the display and sale of retail merchandise associated only with the principal use of the primary business on the property for a limited period of time.
3. Any object, device, display or structure, or part thereof, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service or event, shall also be considered part of the temporary outdoor retail sales display.
4. Sales transactions associated with the temporary outdoor retail sales display shall be conducted by employees of the principal use, and goods shall be owned by the owner or tenant of the principal use, not a consignment operation or temporary arrangement with a transient merchant/vendor.
5. Sales transactions associated with the temporary outdoor retail sales display must be consummated inside the building housing the principal use located on the site.

B. *Lot and parcel restrictions.*

1. Goods and merchandise may be displayed on public sidewalks only when a sidewalk abuts the store or building. Displays on public or private sidewalks shall not interfere with pedestrian travel, and the minimum ADA-required sidewalk width clearance shall be maintained.
2. Temporary outdoor retail sales display activities are prohibited on a vacant parcel.
3. Temporary outdoor retail sales display activities shall be conducted only on a paved surface, unless approved by the director.



4. Temporary outdoor retail sales display activities shall be permitted only on property where such activities shall not disrupt controlled vehicular ingress and egress and are not permitted within areas required, set aside or designated for loading and maneuvering areas, emergency access ways, driving aisles and driveways.
 5. Property zoned M (Light Industrial) and M2 (Heavy Industrial) are exempt from B.(1) and B.(2) and the duration limits (Table 4.3). An administrative use permit is required, and duration of use is subject to the approval of the director.
- C. *Setback and display requirements.*
1. All temporary outdoor retail sales display activities, including installation or erection of associated temporary display and sales structures, and stand-alone merchandise, display tables, or display racks, must be set back at least ten (10) feet from a county or state right-of-way.
 2. A temporary shade structure, tent, tilt-up, umbrella or covering may be erected as a part of the temporary outdoor retail sales display activity. Mobile buildings are prohibited. Tents over one hundred (100) square feet shall require issuance of a building permit.
 3. Display tables, racks or shelves may be used as part of a temporary outdoor retail sales display activity.
 4. Temporary outdoor retail sales display items, excluding shade structures, tents, tilt-ups, umbrellas or coverings, shall not exceed six (6) feet above grade.
 5. A sign may be erected on the property in accordance with Chapter 21, Sign Ordinance, for the duration approved by the administrative permit.

4.3.5 Temporary outdoor events.

Temporary outdoor events may include temporary art shows, carnival rides, special outdoor social or religious event, entertainment, athletic events, rodeos, horseshows, and other events of community interest.

- A. *Use regulations.* Temporary outdoor events shall be governed by the following regulations:
1. *Site conditions.*
 - a. Employees shall be uniformed and identified.
 - b. Security or off-duty police officers shall be on-site during operating hours.
 - c. Portable toilets or access to bathrooms shall be provided.
 2. If the temporary outdoor event involves structures that require issuance of a building permit, a site plan of the event shall be included with the building permit application. The site plan submittal required by Article 7 shall indicate compliance with all Zoning Ordinance requirements.
- B. *Lot and parcel restrictions.* Temporary outdoor event activities shall be setback at least one hundred (100) feet from any residential district or use.
- C. *Temporary sites for worship.* The establishment of sites and tents for temporary worship conducted on a site not designated as a place of worship requires the grant of a special administrative permit by the director of planning.

4.3.6 Yard sales.

- A. Yard sales may be conducted without a permit on private property, but shall not be conducted within the public right-of-way.
- B. Goods sold at yard sales must originate as the legal property of the home owner, other persons participating in the sale, or members of a participating organization. Goods shall not include any items purchased for resale at the yard sale.



1. Two (2) temporary signs are permitted during the yard sale, provided that such signs shall be on private property with permission of the owner, not within the public right-of-way or attached to a utility pole. Signs must be removed immediately following the conclusion of the sale.
2. All unsold yard sale merchandise remaining at the conclusion of the sale must be removed immediately. Purchased yard sale merchandise must be removed within twenty-four (24) hours of conclusion of the sale.

4.3.7 Temporary buildings, use and construction of.

Except where herein otherwise specifically permitted, temporary buildings, such as a mobile home or trailer, shall not be allowed in any district except: (1) for caretakers residence in the industrial districts, (2) to serve as a home sales office for a subdivision only during such time as a subdivision is under development, or (3) in conjunction with construction work or pending completion of a permanent building for a period concurrent with approved land disturbance and building permits. Such temporary buildings shall be sited and permitted in any district upon approval of the director of planning through a special administrative permit. Such temporary buildings shall be removed when the construction has been completed.