

O-12-Z-09  
AN ORDINANCE  
AMENDING THE TEXT  
OF THE  
DECATUR ZONING ORDINANCE

WHEREAS, the City of Decatur Planning Commission, after making a detailed study, has proposed amendments to the text of the Decatur Zoning Ordinance regulating the establishment and use of Bed and Breakfast Accommodations in the City of Decatur; and

WHEREAS, the proposed amendments have been made for the purpose of promoting the health, safety, morals, convenience, order, prosperity and the general welfare of present and future inhabitants of the City of Decatur, Georgia; to provide adequate and safe accommodation options; and

WHEREAS, the proposed amendments have also been made with reasonable consideration among other things to the character of the community and with a view to promoting desirable living conditions and the sustained stability of neighborhoods, protecting property against blight and depreciation, conserving the value of buildings, and encouraging the most appropriate use of land, buildings and other structures throughout the City of Decatur; and

WHEREAS, proposed revisions have been made after detailed study and recommendations made after a public hearing before the Decatur Planning Commission at which all owners of property were given opportunity after public notice as required by Georgia statute to file their protests, suggestions or criticisms, if any; and

WHEREAS, the Decatur City Commission has considered the proposed amendments to the text of the Decatur Zoning Ordinance, as well as comments by interested residents at public hearings and the recommendations by the Decatur Planning Commission; and

WHEREAS, the Decatur City Commission wishes to approve the proposed amendments.

NOW, THEREFORE, BE IT ORDAINED by the City Commissioners of the City of Decatur, Georgia, and it is hereby ordained by authority of the same, that Appendix A, Zoning, of the Code of the City of Decatur, Georgia, is amended as follows:

**Article IV. Definitions**

1. Section 4.1, Generally, is amended by adding a new item 4.2, “Bed and Breakfast Accommodation,” which shall read as follows:

“4.2. *Bed and Breakfast Accommodation*: An owner occupied single-family dwelling where, for compensation, overnight lodging or overnight lodging and a breakfast meal is provided to guests, pursuant to a permit issued in accordance with applicable State law. No more than three (3) guest rooms may be rented per night and no guest may lodge for more than

fourteen (14) consecutive nights.”

### **Article VII. District Regulations**

Section 7.1, R-85 Single-Family Residential District, subsection 7.1.2, Permitted principal and accessory uses, is amended by adding a new item 9 as follows:

“9. Bed and Breakfast Accommodations subject to additional regulations described in article X, Supplementary Regulations and Modifications, Section 10.10.8.”

### **Article X. Supplementary Regulations and Modifications**

Section 10.10, Residential and institutional districts, shall be amended as follows:

1. Add a new section 10.10.8 Bed and Breakfast Accommodations that shall read as follows:

“Bed and Breakfast Accommodations may be established and operated in the City of Decatur in accordance with the following policies and procedures:

1. Bed and Breakfast Accommodations shall be operated only in zoning districts in which such uses are allowed as permitted use as describe in article VII, district regulations.
2. Persons seeking to operate a Bed and Breakfast Accommodations in the City of Decatur must file an application with the development department along with any fees established by the city commission. Each Bed and Breakfast Accommodations application shall include a description of the establishment, an affidavit that the applicant has applied for the required approval from the appropriate State departments and the affidavit shall also certify that the proposed Bed and Breakfast Accommodation will meet and be operated in conformance with all state, federal and local laws and regulations. The development director may require clarification or additional information from the applicant that is deemed necessary to determine whether operation of the Bed and Breakfast Accommodations will meet applicable laws, regulations and development standards. Information could include the number of guest rooms, a guest parking plan, operating hours and other information pertaining to the impact of the operation on adjoining properties.
3. After the development director determines that the application is complete, the subject property shall be posted by placard for 15 days in a conspicuous location notifying the public that an application to establish a Bed and Breakfast Accommodations has been filed with the city. The placard shall include information on where and when the pending application can be viewed. The development director shall keep a record of any comments submitted about the application during the 15 day advertisement period. No application shall be approved without the 15 day advertisement period.

Approved this 20th day of August, 2012.

Attest: Peggy Merriss  
Peggy Merriss  
Acting City Clerk