

O-12-Z-19
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 accessory building and accessory dwellings 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; of lessening congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to reduce flooding and other stormwater impacts; and other public necessities; and

WHEREAS, the proposed amendments have also been made under the direction of the 2010 Strategic Plan 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 Zoning Task Force and 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

Section 4.1, Generally, is amended as follows:

1. Item no. 1, “*Accessory buildings and uses*” is amended deleting the first paragraph in its entirety and by substituting a new first paragraph, which shall read as follows:

“1. Accessory buildings and uses: A subordinate building or a portion of the main building, the use of which is incidental to that of the main use of the premises. Accessory buildings shall share utility services and meters with the main building. Accessory buildings may have a half bath or a kitchen, but shall not contain both a bathroom and a kitchen. Habitation is not permitted in an accessory building unless it is identified as an accessory dwelling unit.”

2. Item no. 1.1, “Accessory dwelling unit” is amended by deleting the definition in its entirety and replacing it with a new definition, which shall read as follows:

“1.1 Accessory dwelling unit: An accessory dwelling unit (ADU) is a type of accessory building containing habitable living space added to, created within, or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking, and sanitation. “

Article VI. General Provisions

Section 6 is amended as follows:

1. Add a new Section 6.13, which shall read as follows:

“Section 6.13. – Accessory dwelling units (ADU).

ADUs shall meet the following standards and criteria:

1. The design and size of the ADU shall conform to all codes which are required for any new construction.
2. Only one ADU may be created per principal dwelling unit.
3. The property owner(s) must occupy either the principal dwelling unit or the ADU as their permanent residence for at least eight months out of each year, and at no time receive rent for the owner-occupied unit.
4. An ADU may be developed in or adjacent to either an existing or new principal dwelling.
5. In no case shall an ADU be more than 800 square feet of floor area, nor less than 300 square feet, excluding any related garage area or other ancillary storage, nor shall it exceed 40% of the floor area of the principal dwelling; nor have more than 2 bedrooms or 2 occupants.
6. ADUs shall be subject to the parking requirements of section 8.2.1.
7. Application for a building permit for an ADU shall be made to the building official in accordance with the permit procedures established in Section 11.2, and shall include a sworn, notarized statement from the property owner(s) stating that the owner(s) shall occupy one of the dwelling units on the premises, except for bona fide temporary absences, for eight months out of each year and shall receive no rent on such unit.”

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 as follows:

1. Item no. 1.1, “Accessory dwellings” is amended by deleting the existing paragraph and substituting the term “Accessory dwellings.”

2. Item no. 6, is amended by deleting the existing paragraph and replacing it with a new Item no. 6, which shall read as follows:

- “6. Accessory uses and buildings clearly subordinate to principal uses and not involving conduct of business or occupation upon the premises or operations not in keeping with the residential neighborhood.
- a. Accessory buildings and uses shall be limited to the following:
 - (1) Private garages, greenhouses, garden sheds and similar buildings;
 - (2) Home offices and studios;
 - (4) Swimming pools and tennis courts;
 - (5) Home occupations as defined herein.
 - (6) No more than 2 accessory buildings per lot, excluding structures less than 100 square feet.
 - b. Accessory buildings shall not exceed 1,000 square feet of total floor area, including garages and other enclosed storage areas. Such buildings shall not exceed 25 feet in height and 2 stories.”

Section 7.1, R-85 Single-Family Residential District, subsection 7.1.3, Development standards, is amended by as follows:

1. Section 7.1.3 will be deleted in its entirety and replaced with a new Section 7.1.3, which shall read as follows:

“7.1.3. Development standards.

- 1. Minimum lot area:
 - One-family dwelling—15,000 square feet
 - One-family dwelling with accessory dwelling—15,000 square feet
- 2. Minimum lot width: One-family dwelling—85 feet
- 3. Minimum lot depth: 150 feet
- 4. Maximum lot coverage:
 - One-family dwelling—40 percent

- One-family dwelling with accessory dwelling – 40 percent
Church—50 percent
5. Minimum depth of front yard: 50 feet
 6. Minimum width of side yard:
Interior lot—15 feet
Interior lot - Accessory building – 3 feet if one story, 10 feet if two stories.
Attached ADUs shall have the same setback as the primary structure.
Corner lot—25 feet
Corner lot – Accessory Building – 3 feet if one story, 10 feet if two stories or subject to Section 10.6.7 whichever provides the greater setback. Attached ADUs shall have the same setback as the primary structure
Church—25 feet
 7. Minimum depth of rear yard: 40 feet
Accessory building – 3 feet if one story, 10 feet if two stories. Attached ADUs shall have the same setback as the primary structure.
 8. Maximum building height: 35 feet and not to exceed 2 stories
 9. Maximum building height for accessory building: Accessory buildings shall not exceed 25 feet in height and 2 stories. Wall height shall not exceed 16 feet with pitched roofs or 18 feet with shed or butterfly roofs for two stories. Wall height shall not exceed 10 feet with pitched roofs or 12 feet with shed or butterfly roofs for one story. One-story accessory buildings shall not exceed 16 feet in height.
 10. Minimum floor area per principal dwelling unit: 1,800 square feet. Each principal dwelling shall have a minimum of two bathrooms.
Minimum floor area per ADU: 300 square feet. Maximum floor area per ADU: 800 square feet, excluding any related garage area, but in no event greater than 40 percent of the primary dwelling's total floor area. ADUs shall not exceed two bedrooms. Maximum floor area for accessory building: 1,000 square feet.
 11. Maximum floor area ratio: 0.40”

Section 7.1, R-60 Single-Family Residential District, subsection 7.2.2 Permitted principal and accessory uses, Generally shall be amended as follows:

1. Item no. 7.2.2.2 shall be deleted in its entirety and replaced with a new no. 7.2.2.2 which shall read as follows: “Accessory dwelling.”
2. Item no. 7.2.2.4 shall be deleted in its entirety and replaced with a new 7.2.2.4a-b, which shall read as follows:

“Accessory uses and buildings clearly subordinate to principal uses and not involving conduct of business or operations not in keeping with the residential neighborhood.

- a. Accessory buildings and uses shall be limited to the following:
 - (1) Private garages, greenhouses, garden sheds and similar buildings;
 - (2) Home offices and studios;
 - (4) Swimming pools and tennis courts;
 - (5) Home occupations as defined herein.
 - (6) No more than 2 accessory buildings per lot, excluding structures less than 100 square feet.
- b. Accessory buildings shall not exceed 1,000 square feet of total floor area, including garages and other enclosed storage areas. Such buildings shall not exceed 25 feet in height and 2 stories.”

Section 7.1, R-60 Single-Family Residential District, subsection 7.2.3 Development standards, Generally shall be amended as follows:

1. Item no. 7.2.3, “Development standards” is amended by deleting the section in its entirety and replacing with a new section 7.2.3,” which shall read as follows:

“7.2.3. Development standards.

1. Minimum lot area:
 - One-family dwelling—9,000 square feet
 - One-family dwelling with accessory dwelling—9,000 square feet
2. Minimum lot width:
 - One-family dwelling—60 feet
3. Minimum lot depth: 120 feet
4. Maximum lot coverage: 40 percent
 - One-family dwelling—40 percent
5. Minimum depth of front yard: 30 feet
6. Minimum width of side yard: 10 feet
 - Accessory building – 3 feet if one story, 10 feet if two stories. Attached ADUs shall have the same setback as the primary structure.
7. Minimum depth of rear yard: 30 feet
 - Accessory building – 3 feet if one story, 10 feet if two stories. Attached ADU’s shall have the same setback as the primary structure.
8. Maximum building height: 35 feet and not to exceed 2 stories
 - Maximum building height for accessory building: Accessory buildings shall not exceed 25 feet in height and 2 stories. Wall height shall not exceed 16 feet with pitched roofs or 18 feet with shed or butterfly roofs for two stories. Wall height shall not exceed 10 feet with pitched roofs or 12 feet with shed or butterfly roofs for one story. One-story accessory buildings shall not exceed 16 feet in height.

9. Minimum floor area per principal dwelling unit: 1,500 square feet. Each principal dwelling shall have a minimum of two bathrooms.

Minimum floor area per ADU: 300 square feet. Maximum floor area per ADU: 800 square feet, excluding any related garage area, but in no event greater than 40 percent of the primary dwelling's total floor area. ADUs shall not exceed two bedrooms.

10. Maximum floor area ratio: 0.40.”

Article X. Supplementary Regulations and Modifications

Section 10.7. – Rear yard modifications, Generally is amended as follows:

1. Item no. 10.7.3 is amended by deleting the existing paragraph and replacing it with a new Item no. 10.73. that shall read as follows:

“Accessory buildings and structures shall be built in a rear yard, and such accessory buildings and structures shall not occupy more than 30 percent of the required rear yard. Such accessory buildings and structures shall not be nearer than three feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than five feet to the alley line. On corner lots, accessory buildings shall not be located closer to the side street right-of-way line than the principal buildings to which they are accessory or closer to the rear lot line than the side setback requirements for principal buildings located on adjoining lots with side yards contiguous to said rear lot line. Two story accessory buildings shall not be nearer than 10 feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than five feet to the alley line.”

Approved this 3rd day of December, 2012.

Effective the 7th day of January, 2013.

Attest: Peggy Merriss
Peggy Merriss
Acting City Clerk