

ORDINANCE #990 - 24

AN ORDINANCE AMENDING CHAPTER II (DEFINITIONS), CHAPTER VII (PERFORMANCE ZONING STANDARDS) AND CHAPTER X (ADMINISTRATION AND ENFORCEMENT) OF THE WOODSTOCK LAND DEVELOPMENT ORDINANCE TO CREATE DEVELOPMENT STANDARDS FOR ACCESSORY DWELLING UNITS.

(ZONE TEXT AMENDMENT #008-24—CITYWIDE)

WHEREAS, the City of Woodstock, Georgia (hereinafter sometimes referred to as the “City”) is a municipality duly formed and existing pursuant to Georgia Law; and

WHEREAS, the 1983 Constitution of the State of Georgia provides for the self-government of municipalities without the necessity of action by Georgia General Assembly¹; and

WHEREAS, the City of Woodstock, Georgia has the legislative power to adopt clearly reasonable ordinance, resolutions, or regulation relating to its property, affairs, and local government for which no provision has been made by general laws, and which are not inconsistent with the Constitution or any charter provision applicable thereto²; and

WHEREAS, the City Council of Woodstock, Georgia desires to create Chapter VII, Article V, Section 7.523 of the Land Development Code of Woodstock, Georgia as set forth herein.

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WOODSTOCK HEREBY ORDAINS, by the lawful authority vested in them as follows:

Section 1. That the Woodstock Land Development Code Table of Contents shall be amended by creating “Chapter VII, Article V, Section 7.523. Accessory Dwelling Units.”

¹ Ga. Const. 1983, Article IX, Section II, Paragraph II provides in pertinent part as follows:

“The General Assembly may provide by law for the self-government of municipalities and to that end is expressly given the authority to delegate its power so that matters pertaining to the municipalities may be dealt with without the necessity of action by the General Assembly.”

² O.C.G.A. §36-35-3(a) provides as follows:

“(a) The governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable hereto. Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of the Code Section. This Code Section, however, shall not restrict the authority of the General Assembly, by general law, to define this home rule power further or to broaden, limit, or otherwise regulate the exercise thereof. The General Assembly, shall not pass any local law to repeal, modify, or supersede any action taken by a municipal governing authority under this Code Section, except as authorized under Code Section 35-35-6.”

Section 2. That Chapter II- Definitions, of the Land Development Code, as amended, is hereby further amended by altering the following definition:

~~*Accessory Dwelling Unit (see also Accessory Building): A dwelling unit not greater than eight hundred fifty (850) square feet or forty (40) percent of the floor area of the primary dwelling unit, whichever is greater, located in an Outbuilding and located on the same lot with a single-family dwelling.*~~

To read:

Accessory Dwelling Unit: A detached or attached permanent living unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation, and shall be located on the same parcel upon which the primary single-family residence is situated.

Section 3. That Subsection 21 of Section 7.304.—Development Standards Applying to All Districts of Chapter VII (Performance Zoning Standards), Article III (General Information) be amended to read as follows:

- i. For Accessory Dwelling Unit Requirements, see Section 7.523.

Section 4. That Section 7.505.—Use/Zoning District Matrix, located in Chapter VII (Performance Zoning Standards), Article V (Use Districts and Regulations) be amended to delete Residential Accessory Dwelling Unit as a permitted use, but said Section 7.505 shall otherwise remain the same:

Uses	R1/R2	R3	DT-CBD	DT-RO	DT-MRA/B	DT-LR/VLR	T3	T4	T4 Open
Residential- Accessory Dwelling Unit	P	P	P	P	P	P	P	P	P

Section 5. That Section 7.518.—Required Spaces, located in Chapter VII (Performance Zoning Standards), Article V (Use Districts and Regulations) be amended to add a reference to the Single Family Detached use provision that for the minimum number of parking spaces for an Accessory Dwelling Unit reference is made to Section 7.523 of the Code as follows, but that otherwise, said Section 7.518 remains the same:

Section 7.518. Required Spaces

Use	Minimum Number of Parking Spaces
Single Family Detached	2 spaces per unit (see Section 7.523 for Accessory Dwelling Unit Parking)

Section 6. That Chapter VII (Performance Zoning Standards), Article V (Use Districts and Regulations) be amended to read as follows:

Section 7.523. Accessory Dwelling Units.

Accessory Dwelling Units (ADUs) shall be applied for and permitted by the Community Development Director or designee upon determining that the application meets all of the following requirements:

1. Permitted Uses:

- a. One accessory dwelling unit (ADU) shall be allowed in any single-family residential zone on properties where there is one existing single-family residence.
- b. Either the primary unit or the ADU shall be owner-occupied. Prior to the issuance of a certificate of occupancy for the ADU, the owner(s) shall record a covenant with Cherokee County Superior Court Clerk's office, and subsequently submit a copy of the recorded covenant to the City of Woodstock. The covenant shall state that the owner(s) agree to restrict use of the primary and accessory dwelling units in compliance with the requirements of Section 7.523 of the Official Code of the City of Woodstock, Georgia.
- c. Persons seeking an ADU shall provide, if applicable, a written statement to City staff from their homeowner's association which confirms that the HOA does not prohibit ADUs.
- d. Properties with an ADU that do not have an active homestead exemption shall not be considered for Short Term Rental Units.
- e. If an ADU is being used as a Short-Term Rental Unit, if applicable, a written statement from the homeowner's association which confirms that the HOA does not prohibit Short Term Rental Units in its bylaws shall be provided to City staff.

2. Development Standards:

- a. ADUs may have a square footage up to forty (40) percent of the habitable floor area of the primary dwelling unit. If the primary dwelling unit is less than 2,125 habitable square feet, the ADU can have a square footage of up to eight-hundred and fifty (850) square feet.
- b. An ADU must comply with the Accessory Use requirements of Section 7.304.21(a-d) of this Land Development Code.
- c. ADUs must be affixed by permanent foundation and shall not include recreational vehicles, park trailers, or travel trailers. ADUs may be modular homes, but not manufactured homes.

- i. If building type is unclear, the Building Official shall have discretion to decide its acceptability based on relevant local and state building codes and ICC regulations.
- d. The creation of an ADU shall not create a separate tax parcel, nor shall an ADU be subdivided at any point after construction.
- e. ADUs shall be located behind the front façade of the primary dwelling unit.
- f. ADUs shall have at least one parking space per unit in addition to the number of parking spaces required for a single-family dwelling.
- g. No detached accessory dwelling shall be closer than five (5) feet to any other accessory building, or to the primary building, on the same parcel. The five-foot distance shall be measured from the closest point of the building walls or structure walls. Additionally, a minimum of four (4) feet shall be maintained between eave overhangs, chimneys, bay windows, or any other architectural feature.
- h. The appearance of the ADU, including, but not limited to, the color and material of the structure, shall be similar to the primary dwelling unit.
- i. ADUs shall not be more than 15 feet in height (excluding architectural appurtenances), unless the primary dwelling is more than 15 feet in height, in which case the ADUs height can be up to the height of the primary dwelling.
- j. The ADU shall not be accessed via the primary dwelling unit.
- k. The entrance to an ADU shall not be visible from any public right-of-way.
- l. A maximum of two bedrooms shall be allowed per ADU.

Section 7. That Section 7.722—Definitions. of Chapter VII (Performance Zoning Standards), Article VII (Downtown District Standards) be amended by altering the following definition:

~~*Accessory Dwelling Unit: A dwelling unit not greater than eight hundred fifty (850) square feet or forty (40) percent of the floor area of the primary dwelling unit, whichever is greater, located in an outbuilding and located on the same lot with a single-family dwelling.*~~

To read:

Accessory Dwelling Unit: A detached or attached permanent living unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation, and shall be located on the same parcel upon which the primary single-family residence is situated.

Section 8. That Chapter X (Administration and Enforcement), Article I (Administration), Section 10.140.—Development Process Committee. be amended by adding the following subsection to subsection c:

8. To allow administrative variances for accessory dwelling units as authorized in this Subsection c.

Section 9. Should any provision of this Ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any provision thereof other than the provisions specifically declared to be invalid. The Mayor and City Council hereby declare that it would have passed this Ordinance and each subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses, or phrases may be declared illegal, invalid, or unconstitutional.

Section 10. This Ordinance shall take effect immediately upon its adoption.

Section 11. This Ordinance shall not apply to any projects that have been deemed complete by the City of Woodstock as of the effective date of this Ordinance.

**PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF
WOODSTOCK, GEORGIA, THIS 10th DAY OF June, 2024.**

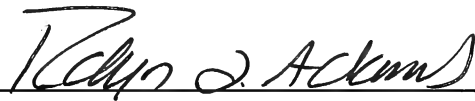
Advertisement Run in the Cherokee Tribune: April 11, 2024

First Reading Date: May 20, 2024.

Second Reading Date: June 10, 2024.



MICHAEL CALDWELL, MAYOR
CITY OF WOODSTOCK, GEORGIA



ROBYN ADAMS, CITY CLERK
CITY OF WOODSTOCK, GEORGIA

REVIEWED FOR LEGAL CONTENT



ELDON L. BASHAM CITY
ATTORNEY