

**AN ORDINANCE TO AMEND ARTICLE II OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO ADD REGULATIONS TO ALLOW BACKYARD CHICKENS AS AN ACCESSORY USE ON PROPERTIES WITH A SINGLE-FAMILY DETACHED DWELLING; TO DELETE BACKYARD CHICKENS REGULATIONS IN THE AG (AGRICULTURE), RE (RESIDENTIAL ESTATE), R (DWELLING, 'FOR-SALE', RESIDENTIAL), R-22 (DWELLING, 'FOR-SALE', RESIDENTIAL) AND R-15 (DWELLING 'FOR-SALE', RESIDENTIAL) ZONING DISTRICTS; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

**WHEREAS**, on or about May 21, 2001, the City of Alpharetta (the "City") adopted a comprehensive zoning ordinance known and cited as the Unified Development Code of the City of Alpharetta, Georgia, which has subsequently been amended from time to time (the "Unified Development Code"); and

**WHEREAS**, the Mayor and Council of the City of Alpharetta (the "City Council" or "Council") are charged with the protection of the public health, safety, and welfare of the citizens of the City of Alpharetta; and

**WHEREAS**, the Unified Development Code was designed to be amended from time to time when circumstances warrant that modifications be made in order to make said Codes more responsive to community needs; and

**WHEREAS**, the City Council finds that ordinances and regulations governing the uses of land and development of land within the City, as well as the City's operations, should be continually improved from time to time and modified as necessary to better protect and promote the public health, safety and welfare of the residents and businesses of the City of Alpharetta; and

**WHEREAS**, the City Council desires to amend Article II of the Unified Development Code for the foregoing purposes; and

**WHEREAS**, the City Council finds that the following amendments to the Unified Development Code promote the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the City of Alpharetta;

**NOW THEREFORE**, The Council of the City of Alpharetta hereby ordains, as follows:

**Section 1:** Article II, Subsection 2.2.3(C) titled "Uses Customarily Accessory to Dwellings Located in Residential Zoning Districts" of the Unified Development Code is hereby amended by revising same as set forth in Exhibit "A" attached hereto as if fully set forth herein; and

**Section 2:** Article II, Subsection 2.2.1(B) titled "AG-agriculture, Accessory Uses", Subsection 2.2.2(B) titled "RE-residential estate, Accessory Uses", Subsection 2.2.3(B) titled "R-dwelling, 'for-sale', residential, Accessory Uses", Subsection 2.2.4(B) titled "R-22-dwelling, 'for-sale', residential, Accessory Uses", Subsection 2.2.5(B) titled "R-15-dwelling, 'for-sale', residential, Accessory Uses" and Subsection 2.2.6(B) titled "R-12-dwelling, 'for-sale', residential, Accessory Uses" of the Unified Development Code is hereby amended by revising same as set forth in Exhibit "B" attached hereto as if fully set forth herein; and

**Section 3:** If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

**Section 4:** This Ordinance shall be effective immediately upon its adoption by the City Council and the amendments made herein shall be incorporated into the Unified Development Code of the City of Alpharetta, Georgia, as applicable. This Ordinance hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED this the 26<sup>th</sup> day of July, 2021.

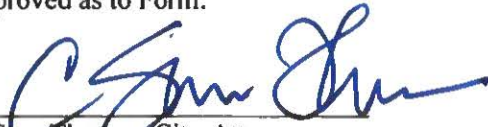
Approved:

  
Jim Gilvin, Mayor

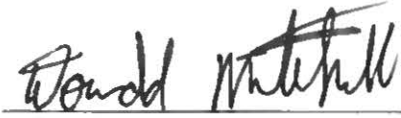
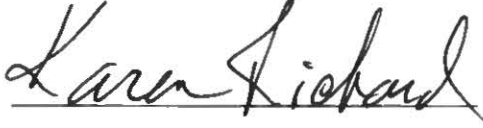
Attest:


  
Erin Cobb, City Clerk  
(Seal)

Approved as to Form:

  
C. Sam Thomas, City Attorney

**COUNCILMEMBERS**

  
\_\_\_\_\_  
\_\_\_\_\_



## Exhibit “A”



- C. *Uses Customarily Accessory to Dwellings Located in Residential Zoning Districts.* Each of the following uses is considered to be a customary accessory use to a dwelling, and as such, may be situated on the same lot with the principal use to which it serves as an accessory provided that the setback and yard requirements are met and provided that the accessory structure is not located closer to a road than the principal structure. No such accessory use shall be more than 20% in size of principal use or be located in a required front yard.
1. Private garage not to exceed the following storage capacities; 'For-Sale' dwelling, 4 automobiles; 'For-Rent' dwelling, 2 automobiles per dwelling unit; group dwelling, 1½ automobiles per sleeping room. Structures shall maintain a 10 foot setback from rear and side lot lines or the same setbacks as the principal building, whichever is less.
  2. Open storage space or parking area for motor vehicles provided that such space does not exceed the maximum respective storage capacities listed above; and provided that such space shall not be used for more than 1 commercial vehicle licensed as 1 ton or more in capacity per family residing on the premises.
  3. Shed or tool room for the storage of household goods or equipment used in grounds or building maintenance. Structures shall maintain a 10 foot setback from rear and side lot lines or the same setbacks as the principal building, whichever is less.
  4. Miscellaneous free-standing structures such as gazebos shall maintain a 10 foot setback from lot lines or the same setbacks as the principal building, whichever is less.
  5. Children's playhouse and play equipment.
  6. Quarters for the keeping of pets owned by occupants for non-commercial purposes provided that such use does not generate a nuisance to adjoining properties. Such quarters shall maintain a 20 foot setback from rear and side lot lines.
  7. Private swimming pool and bathhouse or cabana. Swimming pool shall maintain a 20 foot setback from side and rear lot lines, or the same setback as the principle structure whichever is less. All other structures shall maintain a 10 foot setback from side and rear lot lines or the same setbacks as the principal building, whichever is less.
  8. Structures designed and used for purposes of shelter in the event of man-made or natural catastrophes. Same setbacks shall apply as for the principal building.
  9. Backyard chickens on minimum 1-acre properties with a single-family detached dwelling, limited to no more than 6 chickens and no roosters allowed. Associated structures (chicken coop, run, etc.) shall maintain a minimum 25' setback from the rear and side property lines. Chicken coop and run shall not exceed 9' in height. No chickens shall be permitted within any undisturbed water buffers, wetlands, or regulated floodplain.

## Exhibit “B”

### 2.2.1 AG agriculture.

B. Accessory Uses. A property in the AG district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Group Home.
5. Special Care Home in a detached 'For-Sale' dwelling.
6. Swimming pool, tennis court, detached garage, play house, green house, storage shed, patio, gazebo and other private recreation facilities.
7. Clubhouse, swimming pool, or community recreation facilities serving a development.
8. Barns, stables and similar structures for the housing, repair, storing, or processing of farm products of the property.
9. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
10. Signs, subject to all of the requirements regulating signage herein.
11. Retaining walls and other site improvement structures approved as part of the development permit.
- ~~12. Backyard chickens on minimum one (1) acre properties, limited to no more than six (6) chickens, with no roosters allowed. Associated structures (chicken coop, etc.) shall maintain a minimum 25' setback from rear and side property lines.~~

### 2.2.2 Re-residential estate.

B. Accessory Uses. A property in the R-E district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Privacy and decorative fences and walls.

2. Home Occupation in a residence.

3. Family Day Care Home in a residence.

4. Group Home.

5. Special Care Home in a 'For-Sale' detached dwelling.

6. Swimming pool, tennis court, detached garage, play house, green house, storage shed, patio, gazebo and other private recreation facilities.

a. Clubhouse, swimming pool, or community recreation facilities serving a development.

b. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.

c. Signs, subject to all of the requirements regulating signage herein.

d. Retaining walls and other site improvement structures approved as part of the development permit.

~~e. Backyard chickens on minimum one (1) acre properties, limited to no more than six (6) chickens, with no roosters allowed. Associated structures (chicken coop, etc.) shall maintain a minimum 25' setback from rear and side property lines.~~

#### 2.2.3 R-Dwelling, 'for-sale', residential.

B. Accessory Uses. A property in the R district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Privacy and decorative fences and walls.

2. Home Occupation in a residence.

3. Family Day Care Home in a residence.

4. Group Home.

5. Special Care Home in a 'For-Sale' detached dwelling.

6. Swimming pool, tennis court, detached garage, play house, green house, storage shed, patio, gazebo and other private recreation facilities.

7. Clubhouse, swimming pool, or community recreation facilities serving a development.

8. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.



9. Signs, subject to all of the requirements regulating signage herein.

10. Retaining walls and other site improvement structures approved as part of the development permit.

~~11. Backyard chickens on minimum one (1) acre properties, limited to no more than six (6) chickens, with no roosters allowed. Associated structures (chicken coop, etc.) shall maintain a minimum 25' setback from rear and side property lines.~~

2.2.4 R-22 dwelling, 'for-sale', residential.

B. Accessory Uses. A property in the R-22 district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Privacy and decorative fences and walls.

2. Home Occupation in a residence.

3. Family Day Care Home in a residence.

4. Group Home.

5. Special Care Home in a 'For-Sale' detached dwelling.

6. Swimming pool, tennis court, detached garage, play house, green house, storage shed, patio and other private recreation facilities.

7. Clubhouse, swimming pool, or community recreation facilities serving a development.

8. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.

9. Signs, subject to all of the requirements regulating signage herein.

10. Retaining walls and other site improvement structures approved as part of the development permit.

~~11. Backyard chickens on minimum one (1) acre properties, limited to no more than six (6) chickens, with no roosters allowed. Associated structures (chicken coop, etc.) shall maintain a minimum 25' setback from rear and side property lines.~~

2.2.5 R-15 dwelling, 'for-sale', residential.

B. Accessory Uses. A property in the R-15 district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.



Permitted accessory structures and uses include but are not limited to the following:

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Group Home.
5. Special Care Home in a 'For-Sale' detached dwelling.
6. Swimming pool, tennis court, detached garage, play house, storage shed, patio and other private recreation facilities.
7. Clubhouse, swimming pool, or community recreation facilities serving a development.
8. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
9. Signs, subject to all of the requirements regulating signage herein.
10. Retaining walls and other site improvement structures approved as part of the development permit.
- ~~11. Backyard chickens on minimum one (1) acre properties, limited to no more than six (6) chickens, with no roosters allowed. Associated structures (chicken coop, etc.) shall maintain a minimum 25' setback from rear and side property lines.~~