

**AN ORDINANCE TO AMEND ARTICLE 2, ARTICLE 3, ARTICLE 6,
ARTICLE 7 AND ARTICLE 12 OF PART IV OF THE CODE OF
ORDINANCES OF THE CITY OF DECATUR, GEORGIA**

WHEREAS, the City Commission adopted Ordinance O-14-Z-26 in November 2014, known as the Unified Development Ordinance, which required changes in the City of Decatur's zoning and development regulations to implement the 2010 Strategic Plan; and

WHEREAS, the Unified Development Ordinance was codified as Part IV of the 1967 City Code; and

WHEREAS, the Unified Development Ordinance allowed for a variety of building types and developments according to standards that reinforce the existing building character and scale of the City; and

WHEREAS, the City Commission recognizes that land is a finite resource to accommodate residential growth, that the diversity of its housing stock has declined for many reasons including increased property values and construction costs, and that there has been a substantial decrease in affordable workforce housing development within the City of Decatur; and

WHEREAS, the City Commission has reviewed and considered reports and analyses of the "missing middle" building types; and

WHEREAS, the City Commission recognizes that approximately 67% of land in Decatur is zoned single family and within which 91% of residential land use is single family homes; and

WHEREAS, only single-family home construction is allowed in R-60, R-50, R-85 single family zoning districts; and

WHEREAS, the City Commission recognizes that the City has lost 407 two, three, and four unit missing middle dwellings from 1990 to 2020, has seen a decline in residents of age 18-34 and over age 75, and has seen a decline in middle-income households per the U.S. Census Bureau; and

WHEREAS, the City Commission recognizes that without intervention, the trends of decreased missing middle housing types and increased larger, single family homes will result in an increase in the number of City residents and local employees who are underserved by the City's real estate market; and

WHEREAS, the City Commission, at the recommendation of the 2018 Decatur Housing Summit Report recommended the creation of an ad hoc Affordable Housing Task Force; and

WHEREAS, the City Commission then selected and appointed 26 members to serve on the task force; and

WHEREAS, Recommendation 13 of the 2020 Affordable Housing Task Force Report is that the City increase the supply of affordable housing options by allowing duplex, triplex, and quadplex construction in current single-family zoning; and

WHEREAS, the 2020 Affordable Housing Task Force Report and recommendations were accepted by the Decatur City Commission and incorporated into *Destination 2030*, the adopted City of Decatur 2020 Strategic Plan; and

WHEREAS, at the request of the City Commission, City staff has prepared proposed amendments to the City's Code of Ordinances to allow duplex (2 unit) and walk up flat (3-4 unit) construction or conversions in single family zoning districts; and

WHEREAS, the City Commission wishes to approve proposed amendments to Article 2, Article 3, Article 6, Article 7, and Article 12 of Part IV of the Code of Ordinances of the City of Decatur in order to allow the construction of duplex and walk up flat housing types in neighborhoods throughout the City for households of a variety of income levels, ages and sizes in order to meet the City's goal of preserving and promoting a demographically diverse population in the City; and

WHEREAS, the proposed amendments will further the goals of the City's 2020 Strategic Plan and the 2020 Affordable Housing Task Force Report to make Decatur a more welcoming, diverse, and inclusive place to live; and

WHEREAS, the proposed amendments will implement further one of the high-priority recommendations of the 2020 Affordable Housing Task Force Report, to increase the supply of affordable housing options by allowing duplex, triplex and quadplex construction in current single-family zoning; and

WHEREAS, said amendments will promote the health, sanitation, cleanliness, safety, morals, good order, security, prosperity and the general welfare of present and future inhabitants of the City of Decatur; and

WHEREAS, required public hearings were held by the Planning Commission of the City of Decatur and the City Commission for the proposed changes to the text of the Unified Development Ordinance of the City of Decatur, all in compliance with the Zoning Procedures Law as well as the applicable provisions of the Unified Development Ordinance; and

WHEREAS, City staff has modified the initial policy recommendations and proposed text amendments to incorporate community input; and

WHEREAS, the City Commission wishes to provide a gradual phase-in of development under the amended regulations in order to allow sufficient time for the City to effectively implement the changes, including updating administrative processes, training staff, educating the public, and assessing and addressing any infrastructure, traffic, school, quality of life or other community impacts.

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Decatur, Georgia, and it is hereby ordained by the authority of the same, as follows:

SECTION 1.

Article 2 of Part IV, Section 2.1.7. First Floor Elevation is amended as follows:

Item 1.

Amend description First Floor Elevation to read as follows:

“The finished floor elevation of the first floor of detached house, cottage court, duplex, walk up flat, and attached house shall be determined as follows:”

SECTION 2.

Article 2 of Part IV, Section 2.2.1. Descriptions is amended as follows:

Item 1.

Amend subsection D. Duplex, to read as follows:

“A building type designed to accommodate two principal dwelling units, vertically or horizontally integrated, that share a common wall, floor or ceiling, or attached building element on a single individual lot.”

Item 2.

Amend subsection G. “Walk Up Flat (3-6 units)” to “Walk Up Flat (3-4 units).”

Item 3.

Amend subsection G. Walk Up Flat (3-4 units), to read as follows:

“A building type designed to accommodate 3 to 4 principal dwelling units, vertically and horizontally integrated, that share a common wall, floor or ceiling, or attached building element on a single individual lot.”

Item 4.

Amend subsection H. “Stacked Flat (7+units)” to “Stacked Flat (5+ units).”

Item 5.

Amend subsection H. Stacked Flat (5+ units), to read as follows:

“A building type designed to accommodate 5 or more dwelling units vertically and horizontally integrated.”

SECTION 3.

Article 2 of Part IV, Section 2.2.2. Building Types Allowed by District is amended as follows:

Item 1.

Amend row for “Duplex” as being allowed in the R-85, R-60, R-50, and RS-17 zoning districts, indicated as an orange box in the R-85, R-60, R-50, and RS-17 zoning district columns.

Item 2.

Amend “Walk Up Flat (3-6 units)” to “Walk Up Flat (3-4 units).”

Item 3.

Amend row for “Walk Up Flat (3-4 units)” as being allowed in the R-85, R-60, R-50, and RS-17 zoning districts, indicated as an orange box in the R-85, R-60, R-50, and RS-17 zoning district columns.

Item 4.

Amend “Stacked Flat, 7+ units” to “Stacked Flat, 5+ units.”

SECTION 4.

Article 2 of Part IV, Section 2.2.3. Rules Specific to Building Types is amended as follows:

Item 1.

Amend subsection D. Duplex, to read as follows:

“A building type designed to accommodate two principal dwelling units, vertically or horizontally integrated, that share a common wall, floor or ceiling, or attached building element on a single individual lot.”

Item 2.

Amend the table of Rules in subsection D. Duplex to modify Pedestrian Access, Entrance facing primary street, from “Required” to “Required, 1 min.”

Item 3.

Amend subsection G. “Walk Up Flat (3-6 units)” to “Walk Up Flat (3-4 units).”

Item 4.

Amend subsection G. Walk Up Flat (3-4 units), to read as follows:

“A building type designed to accommodate three to four principal dwelling units, vertically and horizontally integrated, that share a common wall, floor or ceiling, or attached building element on a single individual lot.”

Item 5.

Amend the table of Rules in subsection G. Walk Up Flat to modify Lot, Walk Up Flat units per building, from “3 min/6 max” to “3 min/4 max.”

Item 6

Amend the table of Rules in subsection G. Walk Up Flat to modify Pedestrian Access, Entrance facing primary street, from “Required” to “Required, 1 min.”

Item 7.

Amend subsection H. “Stacked Flat (7+ units)” to “Stacked Flat (5+ units).”

Item 8.

Amend subsection H. Stacked Flat (5+ units), to read as follows:

“A building type designed to accommodate 5 or more dwelling units vertically and horizontally integrated.”

Item 9

Amend the table of Rules in subsection H. Stacked Flat (5+ units) to modify Lot, Stacked Flat units per

building, from “7 min” to “5 min.”

SECTION 5.

Article 3 of Part IV, Section 3.1.2. Building Types Allowed is amended as follows:

Item 1.

Add a new row after “Carriage House” that states “Duplex” and “see also Sec. 2.2.3.D.”

Item 2.

Add a new row before “Civic Building” that states “Walk Up Flat” and “see also Sec. 2.2.3.G.”

SECTION 6.

Article 3 of Part IV, Section 3.1.3. Lot Dimensions is amended as follows:

Item 1.

In the table, in the section for Lot, add a new row after “Carriage house” that states “Duplex,” and add “15,000 SF min” in the column for Area, “85’ min” in the column for Width, and “150’ min” in the column for Depth.

Item 2.

In the table, add a new row before “Civic Building” that states “Walk Up Flat” and add “15,000 SF min” in the column for Area, “85’ min” in the column for Width, and “150’ min” in the column for Depth.

Item 3.

In the table, in the section for Lot Coverage, add a new row after “Detached house lot” that states “Duplex lot” and “40% max.”

Item 4.

In the table, in the section for Lot Coverage, add a new row before “Civic building lot” that states “Walk Up Flat lot” and “40% max.”

SECTION 7.

Article 3 of Part IV, Section 3.2.2. Building Types Allowed is amended as follows:

Item 1.

In the table, add a new row after “Carriage House” that states “Duplex” and “see also Sec. 2.2.3.D.”

Item 2.

In the table, add a new row before “Civic Building” that states “Walk Up Flat” and “see also Sec. 2.2.3.G.”

SECTION 8.

Article 3 of Part IV, Section 3.2.3. Lot Dimensions is amended as follows:

Item 1.

In the table, in the section for Lot, add a new row after “Carriage house” that states “Duplex,” and add “9,000 SF min” in the column for Area, “60’ min” in the column for Width, and “120’ min” in the column for Depth.

Item 2.

In the table, in the section for Lot, add a new row before “Civic Building” that states “Walk Up Flat,” and add “9,000 SF min” in the column for Area, “60’ min” in the column for Width, and “120’ min” in the column for Depth.

Item 3.

In the table, in the section for Lot Coverage, add a new row after “Detached house lot” that states “Duplex lot” and “Lot less than 9,000 SF” and “See Sec. 2.1.4.” and “Lot 9,000 SF or more” and “40% max/lot.”

Item 4.

In the table, in the section for Lot Coverage, add a new row before “Civic Building lot” that states “Walk Up Flat lot” and “Lot less than 9,000 SF” and “See Sec. 2.1.4.” and “Lot 9,000 SF or more” and “40% max/lot.”

SECTION 9.

Article 3 of Part IV, Section 3.3.2. Building Types Allowed is amended as follows:

Item 1.

In the table, add a new row after “Carriage House” that states “Duplex” and “see also Sec. 2.2.3.D.”

Item 2.

In the table, add a new row before “Civic Building” that states “Walk Up Flat” and “see also Sec. 2.2.3.G.”

SECTION 10.

Article 3 of Part IV, Section 3.3.3 Lot Dimensions is amended as follows:

Item 1.

In the table, in the section for Lot, add a new row after “Detached house” that states “Duplex,” and add “5,000 SF min” in the column for Area, “50’ min” in the column for Width, and “100’ min” in the column for Depth.

Item 2.

In the table, in the section for Lot, add a new row before “Carriage house” that states “Walk Up Flat,” and add “5,000 SF min” in the column for Area, “50’ min” in the column for Width, and “100’ min” in the column for Depth.

Item 3.

In the table, in the section for Lot Coverage, add a new row after the dimensions for “Detached house lot” that states “Duplex lot” and add the lot dimensions in the following rows:

- “less than 5,000 SF” and “See Sec. 2.1.4,”
- “5,000 to 5,499 SF” and “58% max/lot,”
- “5,500 to 5,999 SF” and “56% max/lot,”
- “6,000 to 6,499 SF” and “54% max/lot,”
- “6,500 to 6,999 SF” and “52% max/lot,”
- “7,000 to 7,499 SF” and “50% max/lot,”
- “7,500 to 7,999 SF” and “47% max/lot,”
- “8,000 to 8,499 SF” and “45% max/lot,”
- “8,500 to 8,999 SF” and “43% max/lot,”
- and “9,000 SF or more” and “40% max/lot.”

Item 4.

In the table, in the section for Lot Coverage, add a new row after the dimensions for “Duplex lot” that states “Walk Up Flat lot” and add the lot dimensions in the following rows:

- “less than 5,000 SF” and “See Sec. 2.1.4,”
- “5,000 to 5,499 SF” and “58% max/lot,”
- “5,500 to 5,999 SF” and “56% max/lot,”
- “6,000 to 6,499 SF” and “54% max/lot,”
- “6,500 to 6,999 SF” and “52% max/lot,”
- “7,000 to 7,499 SF” and “50% max/lot,”
- “7,500 to 7,999 SF” and “47% max/lot,”
- “8,000 to 8,499 SF” and “45% max/lot,”
- “8,500 to 8,999 SF” and “43% max/lot,”
- and “9,000 SF or more” and “40% max/lot.”

SECTION 11.

Article 3 of Part IV, Section 3.4.2. Building Types Allowed is amended as follows:

Item 1.

Add a new row in the table after “Cottage Court” that states “Duplex” and “see also Sec. 2.2.3.D.”

Item 2.

Add a new row in the table before “Civic Building” that states “Walk Up Flat” and “see also Sec. 2.2.3.G.”

SECTION 12.

Article 3 of Part IV, Section 3.4.3. Lot Dimensions is amended as follows:

Item 1.

In the table, in the section for Lot, add a new row after “Cottage court” that states “Duplex” and add “5,000 SF min” in the column for Area, and “50’ min” in the column for Width.

Item 2.

In the table, in the section for Lot, add a new row before “Civic Building” that states “Walk Up Flat,” and add “5,000 SF min” in the column for Area, and “50’ min” in the column for Width.

Item 3.

In the table, in the section for Lot Coverage, add a new row after “Developments > 20,000 SF” that states “Detached House lot” and “60% max/lot.”

Item 4.

In the table, in the section for Lot Coverage, add a new row after “Cottage court lot” that states “Duplex lot” and “60% max/lot.”

Item 5.

In the table, in the section for Lot Coverage, add a new row after “Townhouse” that states “Walk Up Flat lot” and “60% max/lot.”

SECTION 13.

Article 3 of Part IV, Section 3.4.6. Supplementary Regulations is amended as follows:

Item 1:

In the section F. for Building Standards, amend 2. Fire Safety by deleting the existing section and adding the following: “Dwelling units shall comply with Article 10 of the Code of Ordinances of Decatur Georgia: Building and Fire.”

SECTION 14.

Article 6 of Part IV, Section 6.2. Allowed Use Table is amended as follows:

Item 1.

Amend the column area for “Single Family Attached dwelling” to provide that such use is permitted as a Limited Use in the R-85, R-60, and R-50 zoning districts, indicated as an “L” in the R-85, R-60 and R-50 columns.

Item 2

Amend “Two-family dwelling” to “Duplex.”

Item 3

Amend the column area for “Duplex” to provide that such use is permitted as a Limited Use in the R-85, R-60, R-50, and RS-17 zoning districts, indicated as an “L” in the R-85, R-60, R-50, and RS-17 columns.

Item 4.

Add a new row after “Duplex” that states “Walk Up Flat” and in the column area amend as being permitted as a Limited Use in the R-85, R-60, R-50, and RS-17 zoning districts, indicated as an “L” in the R-85, R-60, R-50, and RS-17 columns; and in the column area amend as being permitted as a Permitted Use in the RM-18, RM-22, RM-43, and PO zoning districts, indicated as a “P” in the RM-18, RM-22, RM-43, and PO columns; and in the

column area amend as being permitted as a Conditional Use in the I zoning district, indicated as a “C” in the I column; and in the column “Def./Stds” add “6.3.1.”

Item 5.

Add a new row after “Downtown multiple dwelling” that states “Townhouse” and in the column area amend as being permitted as a Permitted Use in the RS-17, RM-18, RM-22, RM-43, PO, and MU zoning districts, indicated as a “P” in the RS-17, RM-18, RM-22, RM-43, PO, and MU columns; and in the column area amend as being permitted as a Conditional Use in the C-1 and C-2 zoning districts, indicated as a “C” in the C-1 and C-2 columns; and in the column “Def./Stds” add “6.3.1.”

SECTION 15.

Article 6 of Part IV, Section 6.3.1. Residential Uses, Household Living is amended as follows:

Item 1.

Subsection “F. Inclusionary Dwelling” is amended so that the following portion of the subsection reads as follows:

“Where single-family detached dwelling, single-family attached dwelling, duplex, walk up flat, townhouse, multiple-family dwelling, or downtown multiple dwelling is permitted, or allowed as a limited use or as a conditional use, it is subject to the following:”

Item 2.

Subsection “G. Accessory Dwelling Unit (ADU)” is amended to read as follows:

“Where an accessory dwelling unit is allowed as a limited use, it is subject to the following:

1. An ADU is only allowed as an accessory use to a single-family detached house, duplex, or walk up flat and shall be subject to the Standards for Specific Accessory Uses in Section 6.8.3.
2. An ADU as an accessory use to a four-unit walk up flat shall be subject to the Standards for Inclusionary Dwelling in Section 6.3.1.F. and shall not incorporate a density bonus or parking reduction.”

SECTION 16.

Article 6 of Part IV, Section 6.8.3. Standards for Specific Accessory Uses is amended as follows:

Item 1.

Subsection “A. Accessory Dwelling Unit (ADU)” is amended so that the following portion of the subsection reads as follows:

2. Only one ADU may be created per lot of record.

SECTION 17.

Article 7 of Part IV, Section 7.1.2. Development Standards is amended as follows:

Item 1.

Add new subsection “N. On Street Parking,” to read as follows:

“For Duplex and Walk Up Flat dwelling units in R-50, R-60, R-85, and RS-17 zoning districts, qualifying on-street parking may count for up to 50% of the off-street parking requirement, provided:

1. For every 20 feet of street frontage of lot width, one qualifying on-street space may be counted towards off-street parking requirements.
2. Legally restricted parking and curb cuts shall be excluded from length of lot width.

SECTION 18.

Article 7 of Part IV, Section 7.1.3. Off-Street Parking Requirements is amended as follows:

Item 1.

In the table, modify the row in the Use column that states “Two-Family Dwellings” to “Attached House, Duplex, Walk Up Flat.”

Item 2.

In the table, add a new row before Multiple-Family Dwelling, in General that states “Townhouse” in the Use column and “1 per dwelling unit” in the Parking Space Ratio.”

SECTION 19.

Article 12 of Part IV, Section 12.1.1 Defined Terms, Generally, is amended as follows:

Item 1.

Modify the definition of “Duplexes” to read as follows:

“A building designed to accommodate two principal dwelling units. Duplexes shall mean developed land containing two (duplex) residential dwelling units located within the same building on one or more parcels of land, vertically or horizontally integrated on a single individual lot.”

Item 2.

Modify the definition of “Dwelling, multiple family,” to read as follows:

“A building designed for or occupied exclusively by five or more families.”

Item 3.

Modify the definition of “Multiple-family dwelling,” to read as follows:

“A building containing five or more living units with independent cooking and bathroom facilities, whether designated as apartment house, tenement, garden apartment, or by any other name.”

Item 4.

“Modify the definition of “Multiple-family dwelling unit residential properties,” to read as follows:

“Multiple-family dwelling unit residential properties shall mean developed land whereon five or more residential dwelling units are located, and shall include, but not be limited to apartment houses, structures containing multiple residential condominiums located on a single parcel, boarding houses, group homes, personal care homes, homes for the elderly, retirement and nursing homes, and other structures in which more than one family group commonly and normally reside or could reside. In the application of storm water service fees, multiple-family dwelling unit residential properties shall be treated as other developed lands as defined in this article.

Item 5.

Modify the definition of “Single-family dwelling unit” to read as follows:

“Single-family dwelling unit shall mean developed land upon which is located one principal structure that contains one dwelling unit designed for occupancy by one family, with a bathroom and kitchen facilities. Single-family dwelling units may include houses, duplexes, walk up flats, manufactured homes, mobile homes located on one or more individual lots or parcels of land, and fee-simple ownership or condominium townhomes and attached single-family residential structures located on individual lots or parcels of land and such single units located on more than one individual lot or parcel of land. For the purposes of this article, developed land may be classified as a single-family dwelling unit despite the presence of incidental and/or accessory structures associated with residential uses such as garages, carports or small storage buildings, accessory dwellings or the presence of a commercial use within the dwelling unit so long as such use does not result in additional areas of impervious surfaces such as parking spaces, playgrounds or structures or additions to the building which are used as offices, storage facilities, meeting rooms, classrooms, houses of worship or similar nonresidential uses. Single-family dwelling units shall not include developed land containing structures used primarily for nonresidential purposes, manufactured homes and mobile homes located within manufactured home or mobile home parks where the land is owned by others than the owners of the manufactured homes or mobile homes, or multiple-family residential units that are individually owned but are located on a single parcel of developed land, such as condominiums and cooperatively-owned apartments.”

Item 6.

Add a new definition for “Walk up flat,” to read as follows:

“Walk up flat. A building designed to accommodate 3 or 4 principal dwelling units. Walk up flats shall mean developed land containing 3 or 4 residential units vertically and horizontally integrated on a single individual lot.”

SECTION 20.

This ordinance shall take effect on June 30, 2023.

SECTION 21.

During the eighteen (18) month period immediately following the effective date (June 30, 2023 to December

31, 2024), the number of building permits issued for construction, as that term is defined in Article 12 of the Unified Development Ordinance, of duplexes and walk up flats in the R-85, R-60, R-50, and RS-17 single-family residential districts shall be limited to a maximum of three (3) for each City Schools of Decatur lower elementary school district, pursuant to the district boundaries approved by the Board of Education in April 2018, for a city-wide total of no more than fifteen (15) such building permits.

SECTION 22.

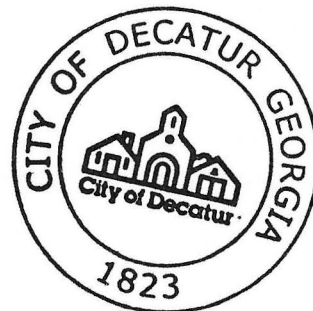
The City Manager is directed to prepare and implement by no later than May 31, 2023, an administrative process for issuance of such building permits during the phase-in period, such process to be closely tailored to the objective of providing sufficient time for the City to effectively implement the zoning changes in a manner that best serves the community and minimizes any adverse impacts on City residents.

SECTION 23.

Should any ordinance or part thereof be found to conflict with this ordinance or the provisions thereof, then those sections contained herein shall be deemed controlling.

SO ORDAINED, this 6th day of February, 2023.

FIRST ADOPTION: January 17, 2023
SECOND ADOPTION: Feb 6, 2023



Signed: Patti Garrett
Patti Garrett
Mayor

Attest: Meredith Roark
Meredith Roark
City Clerk