

O-17-09

**AN ORDINANCE TO AMEND CHAPTER 86 OF PART III AND  
ARTICLES 4, 7, 8, 11 AND 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'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 required that all new streets, whether private or public, must remain permanently open to the public and provide community-wide access as part of an overall connected street network; and

WHEREAS, the City Commission wishes to approve proposed amendments to Chapter 86 of Part III and Articles 4, 7, 8, 11 and 12 of Part IV of the Code of Ordinances of the City of Decatur in order to allow only the construction of public streets within the City after the effective date of this Ordinance;

WHEREAS, the proposed amendments will further one of the central themes of the 2007 Community Transportation Plan and the 2010 Strategic Plan, increased connectivity of streets throughout the City, thereby promoting walking and cycling and contributing to a sense of place; and

WHEREAS, the proposed amendments will further the goals of the 2010 Strategic Plan and the City's 2015 Better Together Community Action Plan to make Decatur a more welcoming and inclusive place to live, work and visit; and

WHEREAS, said amendments will promote the health, sanitation, cleanliness, safety, morals, 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 provisions of said Unified Development Ordinance; and

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, as follows:

## SECTION 1

Chapter 86 of Part III is amended as follows:

### **Item 1**

Sec. 86-12(a) is amended to read: “*Approval required.* All entrances and/or exits of any street or drive from or to any public street shall be approved by the city manager or his designated representative prior to the construction of the street or drive or to the issuance of any building permit for any improvement to be served by such street or drive.”

### **Item 2**

Sec. 86-12(b)(1)b. is amended to read: “Attached single-family residences, multiple-family residential and institutional developments, including apartment buildings, churches, schools, colleges, hospitals and similar developments, 24 feet for two-way entrances and 12 feet for one-way entrances.”

### **Item 3**

Sec. 86-12(b)(1)c. is amended to read: “Single- and two-family residences and townhouses, 12 feet.”

### **Item 4**

Sec. 86-12(b)(2) is amended to read: “The distance of proposed entrance or exit to an existing intersection, to any property line, and/or to any existing or proposed entrance or exit to any existing or proposed street or drive. Except for a single-family residence, two-family residence or townhouse residence, entrances and exits shall be a minimum of 50 feet from the right-of-way line of any existing or proposed intersection, 40 feet from any existing or proposed curb cut, and 20 feet from any existing or proposed property line, unless approved by the city manager.”

## SECTION 2

Section 4.6. – MU Mixed Use District, of Article 4, Mixed Use and Commercial Districts, is amended as follows:

### **Item 1**

Sec. 4.6.5.A. is amended to read: “All buildings shall have their primary façade directly fronting and facing a public street.”

## **Item 2**

Sec. 4.6.7.C.2. is amended to read: “Parking deck facades shall conceal automobiles from visibility from any public right-of-way, any private street and any private drive that is open to the general public, and shall have the appearance of a horizontal storied building.”

### SECTION 3

Section 7.1.3. – Off-Street Parking Requirements, of Article 7, Site Development, is amended by adding “MU” to the last Use description so that the description reads as follows: “All Commercial Zoning Districts (NMU, MU, C-1, C-2, and C-3).”

### SECTION 4

Section 7.6. –Performance Standards, of Article 7, Site Development, is amended to add a new subsection 7.6.11. to read as follows:

“7.6.11. – Traffic

Every use shall be so designed to prevent decreased multimodal level of service (LoS) below the existing LoS measurement. All measurements shall use the methodologies outlined in the most recent edition of the Highway Capacity Manual, published by the Transportation Research Board. The Decatur Multimodal Transportation Impact Study Guidelines shall be used to identify the effect of each applicable use on the City of Decatur’s transportation system, and to implement mitigation measures where LoS impacts are identified.”

### SECTION 5

Section 8.1. – Required Improvements, of Article 8, Public Improvements, is amended as follows:

## **Item 1**

Sec. 8.1.2.A. is amended to read: “These street and sidewalk standards apply to existing and new public streets and existing private streets. Street improvements shall be provided as follows: ....”

## **Item 2**

Sec. 8.2.2. is amended to read: “Unless modified by the UDO Administrator for the purpose of providing on- or off-street bicycle facilities, wider sidewalks or traffic calming, all new or extended streets must meet the following standards:”

### **Item 3**

Sec. 8.2.4.B.2. is amended to read: “The distance of proposed entrance or exit to an existing intersection is measured to any property line or to any existing or proposed entrance or exit to any existing or proposed public street or to any existing entrance or exit to any existing private street or drive.”

### **Item 4**

Sec. 8.2.5.B. is amended to read: “The maximum perimeter for a block shall be no more 2,400 linear feet in all commercial and mixed use districts, and 3,200 linear feet in all residential districts. Block perimeters are measured along the back of the required sidewalk of any existing or proposed public street or existing private street that was built to public standards.”

### **Item 5**

Sec. 8.2.6.D.1. is amended to read: “Each lot, except within a cottage court, shall front upon a public street.”

### **Item 6**

Sec. 8.2.6.D.2. is amended to read: “Cottage court dwellings may front on an open space or amenity space. Access required by the Fire Code continues to apply in these instances.”

### **Item 7**

Sec. 8.2.6.D.3. is repealed.

## SECTION 6

Sec. 11.2.5. - Subdivision Review, of Article 11, Administration, is amended as follows:

### **Item 1**

Sec. 11.2.5.B.1.b. is amended to read as follows: “Proposed public street right-of-ways.”

### **Item 2**

Sec. 11.2.5.E.1.b.ix is amended to read as follows: “Proposed public streets.”

### **Item 3**

Sec. 11.2.5.F.1.a is amended to read as follows: “A minor plat shall be considered a final plat for the purposes of subdivision, and no preliminary plat shall be required. A minor plat is a subdivision of four or fewer lots which does not involve the construction of a new street. Any

improvements to an existing public street abutting the tract proposed for minor subdivision, or the installation of utilities along said existing public road, as may be required to comply with this UDO, shall be done according to this UDO, but said requirements shall not subject the minor plat to the requirements for a major subdivision as specified in this UDO.”

#### **Item 4**

Sec. 11.2.5.G. is amended by adding a new subsection 5., to read as follows: “Does the proposed subdivision conform to the existing layout, patterns and design of existing adjacent and nearby lots, including orientation to streets?”

#### **Item 5**

Sec. 11.2.5.H.1.f. is amended to read as follows: “Screening and other protective measures, special measures to alleviate undesirable views, light, glare, noise, traffic, dust and odors;”

### SECTION 7

#### **Item 1**

Section 12.1.1 of Article 12, Definitions, is amended by substituting the following new definitions for the existing definitions of “Street,” “Subdivision, major,” and “Subdivision, minor:”

**Street.** A thoroughfare which affords the principal means of access to abutting property.

**Subdivision, major.** The division of a tract or parcel of land into four or more lots which may or may not involve the construction of a new street; or any subdivision that involves the construction of a new street. Construction plans and development permits are required for major subdivisions. Major subdivisions are therefore processed in multiple steps, including preliminary plat approval (unless specifically exempted).

**Subdivision, minor.** A subdivision of three or fewer lots, which does not involve the construction of a new street. Minor subdivisions are processed administratively by the Zoning Administrator as final plat applications that do not require preliminary plat approval. Any improvements to an existing public street abutting the tract proposed for minor subdivision, or the installation of utilities along said existing public road, as may be required to comply with this ordinance, shall be done according to plans and permit requirements of this UDO, but said requirements shall not subject the minor subdivision to the requirements for a major subdivision as specified in this UDO.

#### **Item 2**

Section 12.1.1 of Article 12, Definitions, is amended by adding the following definitions:

**Street, private.** A street that is open to the public, but that is not owned or maintained by the

City or another governmental entity.

**Street, public.** A street that is open to the public, that has been dedicated and accepted for public use, and for which operation and maintenance is the responsibility of the City or another governmental entity.

SECTION 8

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.

Approved and effective this 19th day of June, 2017.

Attest: \_\_\_\_\_ \\S\\ \_\_\_\_\_

Peggy Merriss  
Acting City Clerk