

O-18-Z-17

**AN ORDINANCE TO AMEND ARTICLE 8, ARTICLE 11,
AND ARTICLE 12 OF PART IV OF THE CODE
OF ORDINANCES OF THE CITY OF DECATUR, GEORGIA.**

WHEREAS, the 2010 Strategic Plan, the largest public outreach process in Decatur's history, established specific Principles, Goals, and Tasks for the City of Decatur through 2020; and

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 City Commission wishes to approve proposed amendments to Article 8, Article 11, and Article 12 of Part IV of the Code of Ordinances of the City of Decatur;

WHEREAS, the proposed amendments will promote an environment that supports a safe, healthy, and lifelong community throughout the City by providing applicability to all zoning districts and eliminate conflicts within the Unified Development Ordinance; and

WHEREAS, the proposed amendments will promote the City's existing infrastructure and tree canopy by providing a process for administrative adjustment for landscape and sidewalk zones using standards of review, to define the terms of such, and to provide for a payment in lieu of construction; and

WHEREAS, the proposed amendments will clarify that a nonconforming use may continue operation after a change in ownership; 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 Zoning 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.

Article 8 of Part IV, Section 8.2.3. Existing Streets, Streetscapes is amended as follows:

Item 1

Amend subsection **A. Applicability**, to read as follows:

- “1. A building or site may be renovated or repaired without meeting the requirements of this Section, provided the renovation or repairs are not considered a substantial improvement (zoning). The requirements in this Section are applicable to all substantial improvements and new structures.
2. Existing streets, landscape zones and sidewalk clear zones that do not meet the sidewalk and landscape standards of the Decatur Streetscape Table must be brought into compliance with the current standards prior to the issuance of Certificate of Occupancy.
3. Where an existing street is subject to multiple requirements in the Streetscape Table, the wider streetscape requirements apply.”

Item 2

Amend subsection **B. Location**, to read as follows:

“This Section applies to:

1. All zoning districts and street types; and
2. In the Downtown Decatur Special Pedestrian Area.”

Item 3

Rename present subsection C. Streetscapes Required to “D. Streetscapes Required” and add new subsection “**C. Streetscape Table**” and replace all text with the amended streetscape table as follows:

Street Type	Zoning District	Landscape Zone (min.)	Sidewalk clear zone (min.)
Local	R-50, R-60, R-85	2 feet	5 feet
Collector/Urban	C-1, C-2, C-3, PO, I, MU, NMU, RS-17, RM-18, RM-22, RM-43	6 feet	8 feet
Arterial/Suburban	Downtown Decatur Special Pedestrian Area	6 feet	10 feet

Item 4

Subsection “**D. Streetscapes Required**”, shall then be amended to read as follows:

1. On existing streets where there is insufficient right-of-way for the required streetscape improvements, the right- of-way needed for such improvements may be expanded by mutual agreement between the property owner and the entity holding the right-of-way, or a public access easement may be provided to the City to meet the required improvements.
2. Where an easement is provided to the City, the back of the minimum required sidewalk clear zone (adjacent to the lot) may be considered the lot line for the purpose of establishing yards, may not be included in lot coverage calculations, and may not be counted in minimum lot size requirements for new lots.
3. The Downtown Decatur Streetscape Design Guidelines shall be used as a guide in planning streetscape and site improvements. Standard materials, details and specifications, including street trees, street lights, litter containers, benches and similar items, as described in the Downtown Decatur Streetscape Design Guidelines, shall be used for required streetscape improvements.
 - a. Sidewalks shall be built along all public streets. All sidewalks shall have a minimum width of 16 feet with a minimum clear zone of 10 feet and a minimum landscape zone of 6 feet.
 - b. Where the existing building line does not presently provide a minimum sidewalk width of 16 feet, the minimum sidewalk width may be reduced to the actual width of the existing sidewalk.
 - c. There shall be a continuous landscape zone adjacent to the curb which shall not be less than 6 feet in width. In addition to the planting of trees, this zone is also intended for the placement of street furniture including light poles, litter receptacles and similar items. Trees shall be planted a maximum of 40 feet on center. Newly planted trees shall be a minimum of 3½ inches in caliper, and shall be limbed up to a minimum of 6 feet.
 - d. Accessory outdoor dining areas shall be permitted on a public or private sidewalk area where adjacent to and directly abutting a restaurant located in a building. However, the outdoor dining area shall not reduce the clear zone of a public sidewalk to a width of less than 5 feet. Tables, chairs, umbrellas and similar items shall be stored in the interior of the restaurant or in similar enclosed area so that a minimum clear zone of 10 feet is unobstructed when the outdoor dining area is not in use because of inclement weather or when the restaurant is closed.
4. All sidewalk paving materials shall be continued across any intervening driveway at the same prevailing grade and cross slope as on the adjacent sidewalk clear zone.
5. Administrative Adjustment. For a property presently within a R-50, R-60, R-85, RS-17, RM-18, RM-22, RM-43, PO, or I zoning district, which does not meet the present minimum landscape zone and sidewalk clear zone requirements, the UDO

Administrator is authorized to allow a reduction in one or both of the minimum widths in accordance with Section 11.2.7 of this UDO.”

Item 5

Delete present subsection D. Exemptions in its entirety.

Item 6

Add new subsection “**E. Payment in Lieu of Construction**” to read as follows:

“If an Administrative Adjustment is granted, the applicant shall provide a payment in lieu of fee to the City as set forth in the annual adopted fee schedule. The fee shall be received in the sidewalk budget and used for construction of new sidewalk, sidewalk repair, or sidewalk maintenance within the City.”

Item 7

Amend present subsection **F. Parking Areas and Driveways**, to add “Permitted driveways shall maintain the continuity and delineation of the sidewalk.” after current text of Item 2; to add “, unless otherwise authorized within this UDO.” after the current text of Item 3; add number “5.” in front of the “Vehicular access...” text; add a new Item 6 and Item 7, so that subsection F. reads as follows:

- “1. Parking areas or driveways, except for a driveway to reach a side or rear yard on-site parking facility, are not permitted between the sidewalk and the front of the building.
2. Any permitted driveway shall be perpendicular to any adjacent street. Permitted driveways shall maintain the continuity and delineation of the sidewalk system.
3. No property shall have more than one curb cut, unless otherwise authorized within this UDO.
4. Surface parking areas shall not be located along or within 30 feet of any public street.
5. Vehicular access to a drive-in or drive-through use shall not be permitted from a street or street segment.
6. Driveway widths for a residential property shall be a minimum width of 8 feet and shall not exceed a width of 12 feet.
7. Driveway widths for commercial properties shall be a minimum of 10 feet for a one-way driveway and 20 feet for a two-way driveway.”

[No change to subsection G. Special Exceptions.]

SECTION 2.

Article 11 of Part IV, Section 11.2.7. Administrative Adjustment is amended as follows:

Item 1

Amend the first sentence of the first paragraph of subsection **A. Applicability**, to read as follows:

“The Zoning Administrator or UDO Administrator, respective of their powers and duties in Section 11.1. of this UDO, may modify the following standards during development review.”

Item 2

Add a new Item 4 to subsection A. Applicability to read as follows:

- “4. Sidewalk. A reduction in one or both of the minimum widths – sidewalk clear zone or landscape zone for properties presently within a R-50, R-60, R-85, RS-17, RM-18, RM-22, RM-43, PO, or I zoning district under the following conditions:
- a. When the cost of the sidewalk installation exceeds 25% of the total project cost due to project scope as well as site factors, including but not limited to stormwater infrastructure, topography, and existing utilities.
 - b. In order to provide compatibility with existing conditions on adjacent properties.
 - c. In order to preserve existing trees and landscape materials in the landscape and sidewalk zone.
 - d. In order to provide continuity with planned public improvements.”

Item 3

Amend the first sentence of the first paragraph of subsection **B. Criteria for Approval**, to read as follows:

“The applicant shall demonstrate, and the Zoning Administrator or UDO Administrator, respective of their powers and duties in Section 11.1 of this UDO, shall find that all of the following criteria are present when approving a request for an adjustment:”

SECTION 3.

Article 11 of Part IV, Section 11.3.1. Nonconforming Uses is amended as follows:

Add a new Item 5 to subsection **A. Continuance** to read as follows:

- “5. Prohibited from continuance as a result of a change in ownership.”

[In full context, a nonconforming use or building shall not be prohibited from continuance as a result of a change in ownership.]

SECTION 4.

Article 12 of Part IV, Section 12.1. Defined Terms is amended as follows:

Add new definitions, listed alphabetically within current definitions:

“**Landscape zone.** A buffer between the sidewalk and the curb line, which may include a combination of street furniture, lighting, and natural landscape elements.”

“**Sidewalk clear zone.** A traversable area of the sidewalk that is unobstructed by vertical and horizontal elements.”

SECTION 5.

That all Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Approved this 21st day of May, 2018

Effective the 1st day of July, 2018.

Attest: _____ \\S\\ _____

Meredith Roark
City Clerk