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Memorandum

TO: Decatur Planning Commission

FROM: Meredith Roark, City Clerk

CC: Angela Threadgill, Planning & Economic Development Director

DATE: September 1, 2022

RE: Application for Proposed Text Amendments to Articles 7, 11, and 12 of the Unified Development Ordinance

The purpose of this memorandum is to present an application for certain text amendments to Articles 7, 11, and 12 of the Unified Development Ordinance (UDO) for the purpose of substituting gender-neutral pronouns and terms.

Background. In March 2021, the City contracted with Municode to perform a review of the Code of Ordinances for instances of gendered language and to provide a list of recommended modifications as part of its efforts to support equity and inclusion in the community. Gendered language was found in the City's Charter, General Code sections and the UDO. In particular, gendered language was found in Articles 7, 11 and 12 of the UDO.

Summary of Code Sections Affected by Proposed Text Amendments. The attached ordinance seeks to modify any and all masculine &/or feminine language to gender neutral language. A reader's guide listing all locations for change, entitled Gender Neutralization Report for Zoning Provisions of the UDO, is also attached. The intent of the gender-neutral substitutions and terms shall not substantively alter or modify the meaning or effect of any provisions in the UDO. City Attorney Bryan Downs has reviewed Municode's suggested changes and recommends the attached substitutions.

Purpose of Review. The above mentioned Articles constitute a portion of the City's zoning ordinance within the meaning of O.C.G.A. § 36-66-1, et. seq. Changes to the text of these articles require compliance with the public notice and hearing procedures provided in Article 11, Administration, and in said state statute. An application for text amendments is heard by the Planning Commission and City Commission at public hearings, prior to final action by the City Commission.

A recommendation of approval is requested for Ordinance O-22-Z-XX.

Gender Neutralization Report – Zoning Provisions of UDO

Code Section	Text	Proposed change
UDO 7.1.6.A.3.b	Office-type trailers used by any person actually engaged in the construction or reconstruction of any structure are permitted, provided that they are parked on the site of the construction or reconstruction, and a permit for such parking of office-type trailers is granted by the City Manager and for such period of time as he shall approve.	Change to "the City Manager"
UDO 7.3.7	The UDO Administrator may inspect, or cause to be inspected by his authorized representative, every sign installed under the provisions of this Section to determine that each sign meets the requirements set forth in this Section.	Change to "the UDO Administrator's"
UDO 7.4.1	The purpose and intent of this Section is to provide a regulatory strategy for outdoor lighting that will permit reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment and commerce; curtail and reverse the degradation of the nighttime visual environment and the night sky; preserve the dark night sky for astronomy; minimize glare, obtrusive light and artificial sky glow by limiting outdoor lighting that is misdirected, excessive or unnecessary; conserve energy and resources to the greatest extent possible; and help to protect the natural environment from the damaging effects of night lighting from man-made sources.	Change to "human-made"
UDO 11.1.3.A.3	The Board shall elect a chairman and a vice chairman , appoint a secretary, and adopt, subject to approval of the City Commission, rules governing the conduct of its affairs.	Change to "chairperson"
UDO 11.1.3.B.1	Meetings of the Board shall be held at such times as the Board may determine or upon call of the chairman . Such chairman or, in his absence, the vice-chairman , may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.	Change "chairman" to "chairperson"; change "his" to "the chairperson's"; change "vice-

		chairman" to "vice chairperson"
UDO 11.1.4.D	The Planning Commission shall elect its chairman and a vice-chairman from among its members. The term of the chairman shall be 1 year with eligibility for reelection.	Change "chairman" to "chairperson"; change "vice-chairman" to "vice chairperson"
UDO 11.2.2.A.1	Amendments to the zoning map or to the Comprehensive Land Use Plan may be initiated by the City Commission, the Planning Commission or by application by the owner of the property which is the subject of the proposed amendment or his authorized agent, such authorization to be notarized and attached to the application.	Change to "the owner's"
UDO 11.2.2.E.3	Prior to speaking, each speaker shall identify himself/herself and state his/her current address. Each speaker shall limit remarks to data, evidence and opinions relevant to the zoning proposal under consideration.	Change "himself/herself" to "themselves"; change "his/her" to "the speaker's"
UDO 11.2.5.B	The following shall be provided by the subdivider at the time of his preliminary conference with the Zoning Administrator:	Change to "the subdivider's"
UDO 11.2.5.E.2.c	Within 30 days after the submission of the preliminary plat and other material submitted for conformity thereof to this UDO and negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him , the Planning Commission shall hold a public hearing on the application and shall express its recommendations regarding approval as conditional approval and state the conditions of such approval, if any, or if disapproval, shall express its disapproval and its reasons therefor.	Change to "the subdivider"
UDO 11.2.5.F.2.m	<Tr>The Decatur Planning Commission<q>en;<q>By _____, Chairman <q>en;<q>By _____, Zoning Administrator	Change to "Chairperson"

UDO 11.2.5.F.3	The subdivision of an established townhouse development in a RS-17 zoning district may be approved by the Zoning Administrator in the name of the Planning Commission and by the chairman of the City Commission.	Change to "chairperson"
UDO 11.2.5.F.4.a	The final plat, prepared as specified above shall conform substantially to the preliminary plat, as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of this chapter.	Change to "the subdivider"
UDO 11.4.1	It shall also be the duty and responsibility of each officer and employee of the City and especially of each member of the police and fire departments to assist the UDO Administrator by reporting to him new construction and reconstruction of buildings, new land uses and apparent violations of this UDO.	Change to "the UDO Administrator"
UDO 12.1.1 (several definitions)	<p>Administrator, UDO. The City Manager or his/her designee.</p> <p>Administrator, Zoning. The City Manager or his/her designee.</p> <p>Alternative telecommunication tower structure. Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures, that are compatible with the natural setting and surrounding structures, and effectively camouflage or conceal the presence of antennas or towers.</p> <p>Development. Any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, clearing, grubbing, grading, paving, any other installation of impervious cover, excavation or drilling operations or storage of equipment or materials.</p> <p>UDO Administrator. The City Manager or his/her designee.</p>	Change "his/her" to "the City Manager's"; change first "Man-made" to "Artificial"; change second "Man-made" to "Human-made"

	Zoning Administrator. The City Manager or his/her designee.	
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AN ORDINANCE AMENDING THE ZONING PROVISIONS WITHIN THE CODE OF ORDINANCES OF THE CITY OF DECATUR, GEORGIA TO MODIFY ANY AND ALL MASCULINE AND/OR FEMININE LANGUAGE TO GENDER NEUTRAL LANGUAGE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Code of Ordinances of the City of Decatur, Georgia contains numerous gender specific terms and pronouns, including many masculine pronouns; and

WHEREAS, all genders are created equal; and

WHEREAS, amending the Code of Ordinances of the City of Decatur, Georgia to include gender-neutral pronouns and terms by eliminating any gender preference language within the Code of Ordinances of the City of Decatur, Georgia will promote equality and will further the desire and intent of the Decatur City Commission to protect and safeguard the right and opportunity of all persons to be free from all forms of discrimination, including discrimination based on sex and gender identity; and

WHEREAS, as set forth in Section 1.1.4 of the Unified Development Ordinance of the City of Decatur, codified as Part IV of the City Code of Ordinances (the “UDO”), certain articles and portions of the UDO constitute a zoning ordinance within the meaning of O.C.G.A. § 36-66-1, *et seq.*; and

WHEREAS, changes to the text of these articles and portions of the UDO therefore require compliance with the public notice and hearing requirements set forth in said statute and Article 11 of the UDO; and

WHEREAS, required public hearings were held by the Planning Commission of the City of Decatur and the City Commission for the following proposed changes to the text of the UDO; and

WHEREAS, it is the intent of the City Commission that the substitution of gender-neutral pronouns and terms shall not substantively alter or modify the meaning or effect of any provision of the UDO.

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

The recitals and findings contained in the preamble to this ordinance are adopted by reference and incorporated as if fully set forth in this section.

SECTION 2

Part IV of the Code of Ordinances of the City of Decatur, Georgia is hereby amended to promote gender-neutral language by substituting gender-neutral pronouns and terms as follows:

ARTICLE 7 – SITE DEVELOPMENT

- Section 7.1.6.A.3.b is hereby amended to read as follows:

“Office-type trailers used by any person actually engaged in the construction or reconstruction of any structure are permitted, provided that they are parked on the site of the construction or reconstruction, and a permit for such parking of office-type trailers is granted by the City Manager and for such period of time as **the City Manager** shall approve.”¹
- Section 7.3.7 is hereby amended to read as follows:

“The UDO Administrator may inspect, or cause to be inspected by **the UDO Administrator’s** authorized representative, every sign installed under the provisions of this Section to determine that each sign meets the requirements set forth in this Section.”
- Section 7.4.1 is hereby amended to read as follows:

“The purpose and intent of this Section is to provide a regulatory strategy for outdoor lighting that will permit reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment and commerce; curtail and reverse the degradation of the nighttime visual environment and the night sky; preserve the dark night sky for astronomy; minimize glare, obtrusive light and artificial sky glow by limiting outdoor lighting that is misdirected, excessive or unnecessary; conserve energy and resources to the greatest extent possible; and help to protect the natural environment from the damaging effects of night lighting from **human-made** sources.”

ARTICLE 11 – ADMINISTRATION

- Section 11.1.3.A.3 is hereby amended so that the first sentence reads as follows:

“The Board shall elect a **chairperson** and a **vice chairperson**, appoint a secretary, and adopt, subject to approval of the City Commission, rules governing the conduct of its affairs.”
- Section 11.1.3.B.1 is hereby amended to read as follows:

“Meetings of the Board shall be held at such times as the Board may determine or upon call of the **chairperson**. Such **chairperson** or, in **the chairperson’s** absence, the **vice-chairperson**, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.”
- Section 11.1.4.D is hereby amended so that the first and second sentence read as follows:

“The Planning Commission shall elect its **chairperson** and a **vice-chairperson** from among its members. The term of the **chairperson** shall be 1 year with eligibility for reelection.”

¹ Substituted terms highlighted for purposes of illustration only.

- Section 11.2.2.A.1 is hereby amended to read as follows:
 “Amendments to the zoning map or to the Comprehensive Land Use Plan may be initiated by the City Commission, the Planning Commission or by application by the owner of the property which is the subject of the proposed amendment or **the owner’s** authorized agent, such authorization to be notarized and attached to the application.”
- Section 11.2.2.E.3 is hereby amended so that the first sentence reads as follows:
 “Prior to speaking, each speaker shall identify **themselves** and state **the speaker’s** current address.”
- Section 11.2.5.B is hereby amended so that the first portion of the first sentence reads as follows:
 “The following shall be provided by the subdivider at the time of **the subdivider’s** preliminary conference with the Zoning Administrator: . . .”
- Section 11.2.5.E.2.c is hereby amended to read as follows:
 “Within 30 days after the submission of the preliminary plat and other material submitted for conformity thereof to this UDO and negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by **the subdivider**, the Planning Commission shall hold a public hearing on the application and shall express its recommendations regarding approval as conditional approval and state the conditions of such approval, if any, or if disapproval, shall express its disapproval and its reasons therefor.”
- Section 11.2.5.F.2.m is hereby amended so that the signature lines read as follows:
 “The Decatur Planning Commission
 By _____, **Chairperson**
 By _____, Zoning Administrator”
- Section 11.2.5.F.3 is hereby amended to read as follows:
 “The subdivision of an established townhouse development in a RS-17 zoning district may be approved by the Zoning Administrator in the name of the Planning Commission and by the **chairperson** of the City Commission.”
- Section 11.2.5.F.4.a is hereby amended to read as follows:
 “The final plat, prepared as specified above shall conform substantially to the preliminary plat, as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which **the subdivider** proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of this chapter.”

- Section 11.4.1 is hereby amended so that the second sentence reads as follows:

“It shall also be the duty and responsibility of each officer and employee of the City and especially of each member of the police and fire departments to assist the UDO Administrator by reporting to **the UDO Administrator** new construction and reconstruction of buildings, new land uses and apparent violations of this UDO.”

ARTICLE 12 – DEFINITIONS

- Section 12.1.1 is hereby amended by substituting the following definitions to read as follows:

“Administrator, UDO. The City Manager or **the City Manager’s** designee.”

“Administrator, Zoning. The City Manager or **the City Manager’s** designee.”

“Alternative telecommunication tower structure. **Artificial** trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures, that are compatible with the natural setting and surrounding structures, and effectively camouflage or conceal the presence of antennas or towers.”

“Development. Any **human-made** change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, clearing, grubbing, grading, paving, any other installation of impervious cover, excavation or drilling operations or storage of equipment or materials.

“UDO Administrator. The City Manager or **the City Manager’s** designee.”

“Zoning Administrator. The City Manager or **the City Manager’s** designee.”

SECTION 3

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.

SECTION 4

This ordinance shall take effect immediately upon its adoption.

SO ORDAINED, this _____ day of _____, 2022.

Signed: _____

Patti Garrett
Mayor

Attest: _____

Meredith Roark
City Clerk