



**MEMORANDUM**

TO: Decatur Planning Commission

FROM: Kc Krzic, Planning & Zoning Manager

DATE: May 2, 2024

SUBJECT: Proposed Text Amendments to Article 6 and 12 of the Unified Development Ordinance for Accessory Uses

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The purpose of the memorandum is to present the proposed text amendments to Article 6 of the Unified Development Ordinance to clarify the utility services and meters between main buildings and accessory buildings/ dwellings. The proposed text amendments require approval by the City Commission with recommendation from the Planning Commission. The Planning Commission is requested to provide a recommendation at their public hearing held May 14, 2024 meeting, which will be forwarded to the City Commission for further consideration at their public hearing on May 20, 2024.

**Background**

This text amendment is to clarify the utility services and meters between main buildings and accessory buildings/ dwellings to ensure consistent interpretation and permitting.

**Proposed Amendments at a Glance**

The following is a summary of the revisions to the Unified Development Ordinance.

Sec. 6.8.1. – In General	Clarify utility services and meters between main buildings and accessory buildings
Sec. 6.8.3 – Accessory Dwelling Units	-Clarify utility services and meters between main buildings and accessory dwelling units -Allow building and fire codes to set bedroom occupancies
Sec. 12.1.1 – Defined Terms	Eliminate repetitive requirements already listed within Sec.6.8.1.

**Proposed Amendments to Article 6 and 12 of the  
Decatur Unified Development Ordinance for Accessory Uses**

1 **Article 6. – Use Provisions**

2 **Sec. 6.8. – Accessory Uses**

3

4 6.8.1. – In General

- 5 A. Accessory buildings and uses are permitted in conjunction with an allowed principal use.  
6 Allowed accessory uses include those listed in this Section and additional accessory uses as  
7 interpreted by the Zoning Administrator.
- 8 B. Accessory buildings that are not identified as an accessory dwelling unit must share utility  
9 services and meters with the main building.
- 10 C. Accessory buildings may have a ½ bath or a kitchen, but cannot contain both a full bathroom  
11 and a kitchen. Habitation is not permitted in an accessory building unless it is identified as  
12 an accessory dwelling unit (see Sec. 6.8.3.A.).
- 13 D. Dimensional standards for accessory buildings ~~and structures~~ are included with the principal  
14 structure standards for each district (Article 3. Residential Districts and Article 4. Mixed Use  
15 and Commercial Districts). No more than two accessory buildings are allowed per lot,  
16 excluding structures less than 100 square feet.
- 17 E. Accessory buildings shall not exceed 1,000 square feet of total floor area, inclusive of an  
18 accessory dwelling unit, garages and other enclosed storage areas. Such buildings shall not  
19 exceed 25 feet in height and two stories.
- 20 F. Allowed accessory uses and ~~structures~~ buildings include the following:
- 21 1. Accessory dwellings units (ADU).
- 22 2. Accessory uses administered by a place of worship that are related directly to the place  
23 of worship.
- 24 3. Accessory uses administered by an institution that are related directly to the campus or  
25 institution, including parks, athletic fields, stadiums, playgrounds, bookstores, soda  
26 shops, art galleries, restaurants, cafeterias, card and souvenir shops, clinics, medical and  
27 dental offices, boarding and rooming houses, clubs, sororities, fraternities, and  
28 temporary lodging facilities.
- 29 4. Garden sheds.
- 30 5. Greenhouses.
- 31 6. Home occupations.
- 32 7. Home offices and studios.
- 33 8. Multilevel parking facilities.
- 34 9. Parking facilities, structured or hard-surfaced as accessory to a building.
- 35 10. Private garages.

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36 11. Swimming pools and tennis courts.

37

38 6.8.2. - Accessory Uses Not Listed

39 An accessory use not specifically listed is not allowed unless the Zoning Administrator  
40 determines the accessory use:

41 A. Is clearly incidental to and customarily found in connection with an allowed principal use;

42 B. Is subordinate to and serving an allowed principal use;

43 C. Is subordinate in area, extent and purpose to the principal use served;

44 D. Contributes to the comfort, convenience or needs of occupants, business or industry in the  
45 principal use served; and

46 E. Is located on the same lot as the principal use served.

47

48 6.8.3. - Standards for Specific Accessory Uses

49 A. **Accessory Dwelling Unit (ADU)**

50 1. The design and size of the ADU shall conform to all codes which are required for any  
51 new construction.

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

53 3. The property owner must occupy either the principal dwelling unit or the ADU as their  
54 permanent residence for at least 8 months out of each year, and at no time receive rent  
55 for the owner-occupied unit.

56 4. An ADU may be developed in or adjacent to either an existing or new principal dwelling.

57 5. An accessory dwelling unit may or may not share utility services and meters with the  
58 main building.

59 6. In no case can an ADU be more than 800 square feet of floor area, or less than 300  
60 square feet of floor area, excluding any related garage area or other ancillary storage,  
61 or shall it exceed 40% of the floor area of the principal dwelling; nor have more than 2  
62 bedrooms ~~or 2 occupants~~.

63 7. ADUs are subject to the parking requirements of Sec. 7.1.

64 8. Application for a building permit for an ADU must be made to the Zoning Administrator  
65 and must include a sworn, notarized statement from the property owner stating that  
66 the owner will occupy one of the dwelling units on the premises, except for bona fide  
67 temporary absences, for 8 months out of each year and shall receive no rent on such  
68 unit.

**Proposed Amendments to Article 6 and 12 of the  
Decatur Unified Development Ordinance for Accessory Uses**

69 9. The equipment of an accessory building or equipment of part of a principal building with  
70 one or more of the following or similar items, systems or equipment shall be considered  
71 prima facie evidence that such accessory building or such part of the principal building  
72 is a separate and distinct dwelling unit and is subject to the regulations of the zoning  
73 district in which it is located: utility services; utility meters; mailboxes; kitchen  
74 equipment such as sink, stove, oven, and/or cabinets.

75  
76 **Article 12. - Definitions**

77 **Sec. 12.1. – Defined Terms**

78 **12.1.1. – Generally**

79

80 **Accessory buildings and uses.** A subordinate building or a portion of the main building, the use  
81 of which is incidental to that of the main use of the premises. ~~Accessory buildings shall share~~  
82 ~~utility services and meters with the main building. Accessory buildings may have a half bath or a~~  
83 ~~kitchen, but shall not contain both a bathroom and a kitchen. Habitation is not permitted in an~~  
84 ~~accessory building unless it is identified as an accessory dwelling unit.~~

85 ~~In residential zoning districts, accessory buildings and uses shall be limited to the following:~~

86 ~~1) Private garages, greenhouses, garden sheds and similar buildings;~~

87 ~~2) Home offices and studios;~~

88 ~~3) Swimming pools and tennis courts;~~

89 ~~4) Home occupations as defined herein.~~

90 ~~5) Accessory buildings in R-85, R-60, R-50 and RS-17 zoning districts shall not exceed 1,000~~  
91 ~~square feet of total floor area, including garages and other enclosed storage areas. Such~~  
92 ~~buildings shall not exceed 25 feet in height and two stories.~~

O-24-Z-XX

**AN ORDINANCE TO AMEND ARTICLE 6 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 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 City Commission wishes to approve amendments to Article 6 of Part IV of the Code of Ordinances of the City of Decatur to regulate Accessory Uses; and

WHEREAS, said amendments will promote the 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

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 6 of Part IV, Section 6.8.- Accessory Uses, is amended as follows:

**Item 1.**

Amend Section 6.8.1. - In General, to read as follows:

- A. Accessory buildings and uses are permitted in conjunction with an allowed principal use. Allowed accessory uses include those listed in this Section and additional accessory uses as interpreted by the Zoning Administrator.
- B. Accessory buildings that are not identified as an accessory dwelling unit must share utility services and meters with the main building.
- C. Accessory buildings may have a ½ bath or a kitchen, but cannot contain both a full bathroom and a kitchen. Habitation is not permitted in an accessory building unless it is identified as an

accessory dwelling unit (see Sec. 6.8.3.A.).

- D. Dimensional standards for accessory buildings are included with the principal structure standards for each district (Article 3. Residential Districts and Article 4. Mixed Use and Commercial Districts). No more than two accessory buildings are allowed per lot, excluding structures less than 100 square feet.
- E. Accessory buildings shall not exceed 1,000 square feet of total floor area, inclusive of an accessory dwelling unit, garages and other enclosed storage areas. Such buildings shall not exceed 25 feet in height and two stories.
- F. Allowed accessory uses and buildings include the following:
  - 1. Accessory dwellings units (ADU).
  - 2. Accessory uses administered by a place of worship that are related directly to the place of worship.
  - 3. Accessory uses administered by an institution that are related directly to the campus or institution, including parks, athletic fields, stadiums, playgrounds, bookstores, soda shops, art galleries, restaurants, cafeterias, card and souvenir shops, clinics, medical and dental offices, boarding and rooming houses, clubs, sororities, fraternities, and temporary lodging facilities.
  - 4. Garden sheds.
  - 5. Greenhouses.
  - 6. Home occupations.
  - 7. Home offices and studios.
  - 8. Multilevel parking facilities.
  - 9. Parking facilities, structured or hard-surfaced as accessory to a building.
  - 10. Private garages.
  - 11. Swimming pools and tennis courts.

## SECTION 2.

Article 6 of Part IV, Section 6.8.- Accessory Uses, is amended as follows:

### **Item 1.**

Amend Section 6.8.3. – Standards for Specific Accessory Uses, to read as follows:

#### **A. Accessory Dwelling Unit (ADU)**

- 1. The design and size of the ADU shall conform to all codes which are required for any new construction.
- 2. Only one ADU may be created per lot of record.
- 3. The property owner must occupy either the principal dwelling unit or the ADU as their permanent residence for at least 8 months out of each year, and at no time receive rent for

the owner-occupied unit.

4. An ADU may be developed in or adjacent to either an existing or new principal dwelling.
5. An accessory dwelling unit may or may not share utility services and meters with the main building.
6. In no case can an ADU be more than 800 square feet of floor area, or less than 300 square feet of floor area, excluding any related garage area or other ancillary storage, or shall it exceed 40% of the floor area of the principal dwelling; nor have more than 2 bedrooms.
7. ADUs are subject to the parking requirements of Sec. 7.1.
8. Application for a building permit for an ADU must be made to the Zoning Administrator and must include a sworn, notarized statement from the property owner stating that the owner will occupy one of the dwelling units on the premises, except for bona fide temporary absences, for 8 months out of each year and shall receive no rent on such unit.
9. The equipment of an accessory building or equipment of part of a principal building with one or more of the following or similar items, systems or equipment shall be considered prima facie evidence that such accessory building or such part of the principal building is a separate and distinct dwelling unit and is subject to the regulations of the zoning district in which it is located: utility services; utility meters; mailboxes; kitchen equipment such as sink, stove, oven, and/or cabinets.

### SECTION 3.

Article 12 – Definitions of Part IV, Section 12.1.1.- Generally, is amended as follows:

#### **Item 1.**

Update definition to read as follows:

**Accessory buildings and uses.** A subordinate building or a portion of the main building, the use of which is incidental to that of the main use of the premises.

### SECTION 4.

This ordinance shall take effect immediately.

### SECTION 5.

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 20<sup>th</sup> day of May 2024.

Signed: \_\_\_\_\_

Patti Garrett  
Mayor

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

Meredith Roark  
City Clerk