

Planning Commission Meeting
700 Doug Davis Drive
Hapeville, Georgia 30354

February 12, 2019 6:00PM
AGENDA

1. Welcome And Introduction

2. Approval Of Minutes

- January 15, 2019

3. Old Business

3.I. Official Zoning Map Text Amendment

Consideration of an Ordinance to amend Chapter 93, Zoning, of the Code of Ordinances for the City of Hapeville, Georgia regarding the Zoning Map.

- Public Comment

Documents:

[PLANNERS REPORT CR ZONING TO V REVISED 2019.PDF](#)
[ZONING MAP_02192019.PDF](#)

3.II. Accessory Dwelling Structures Text Amendment

Consideration of an Ordinance to amend Section 93-2-5, Accessory uses, accessory buildings, yard requirements of accessory buildings, outbuildings and fences, of the Code of Ordinances for the City of Hapeville, Georgia.

- Public Comment

Documents:

[PLANNERS REPORT ACCESSORY DWELLING UNIT CODE SECTIONS.PDF](#)

4. Open Discussion

5. Adjourn



PLANNER'S REPORT

TO: Adrienne Senter
FROM: Lynn Patterson
RE: Rezoning for parcels currently zoned C-R district
DATE: February 8, 2019

BACKGROUND

Staff had proposed a zoning map amendment to rezone properties within the City limits that are currently zoned C-R, Commercial-Residential to V, Village. The C-R zoning is quite complex and restrictive in terms of allowable uses and dimensional requirements whereas the V, Village zoning offers compatibility in terms of intent to C-R with greater ease. According to the City of Hapeville Future Land Use Map (Figure 2), the properties proposed for rezoning are low to medium intensity mixed use.

During a final review, Staff noticed that rezoning one parcel, Tax ID 14 009800090476 (845 North Central Ave) is the InCity Suites, an extended stay hotel. The City has developed a strict policy on extended stay hotels, including that extended stay hotels are expressly not permitted in the V zoning district. Rezoning this parcel would immediately create a non-conforming use which could be problematic in the long-term. Rezoning this particular parcel to C-2, which is consistent with other commercial parcels adjacent to the Interstate is recommended and would not create a blatant non-conforming use issue.

Staff therefore recommends the Planning Commission maintain the approval of the remainder of the parcels from C-R to V with the exception of Parcel ID 14 009800090476 which would be rezoned to C-2.

City of Hapeville Official Zoning Map

April 5, 2016: As Amended from December 2, 2008



- WITH DISTRICT OVERLAY
- R-AD RESIDENTIAL ARCHITECTURAL DESIGN
- R-SF RESIDENTIAL SINGLE FAMILY
- R-1 ONE-FAMILY DETACHED
- R-2 TWO-FAMILY RESIDENTIAL
- R-3 SINGLE FAMILY ATTACHED
- R-4 MULTIFAMILY RESIDENTIAL
- R-5 SINGLE FAMILY ATTACHED AND DETACHED
- R-6 ONE-FAMILY DETACHED
- N-C NEIGHBORHOOD COMMERCIAL
- V VILLAGE
- U-V URBAN VILLAGE
- P-D PLANNED UNIT DEVELOPMENT
- RMU RESIDENTIAL MIXED USE
- C-1 RETAIL COMMERCIAL
- C-2 GENERAL COMMERCIAL
- C-4 COMMERCIAL RESIDENTIAL
- C-T COMMERCIAL TRANSPORTATION
- I-1 LIGHT INDUSTRIAL

C - ZONING WITH CONDITION

NOTE: Addresses and parcel boundaries are based on data provided by the Fulton County Tax Assessor's Office and are not guaranteed by the City of Hapeville to be accurate.

I, Jennifer Elkins, City Clerk of the City of Hapeville, Georgia, do hereby certify that this is the City of Hapeville Official Zoning Map, Fulton County, Georgia, adopted by the Mayor and Council of Hapeville on the 27th day of April, 2016, and includes all subsequent amendments adopted by Mayor and Council as indicated in the Mayor and Council meeting minutes and as further indicated on this Map.

Date	Amendment

Alan Hallman, Mayor

April 5, 2016

Jennifer Elkins, City Clerk

Steve Fincher, City Attorney

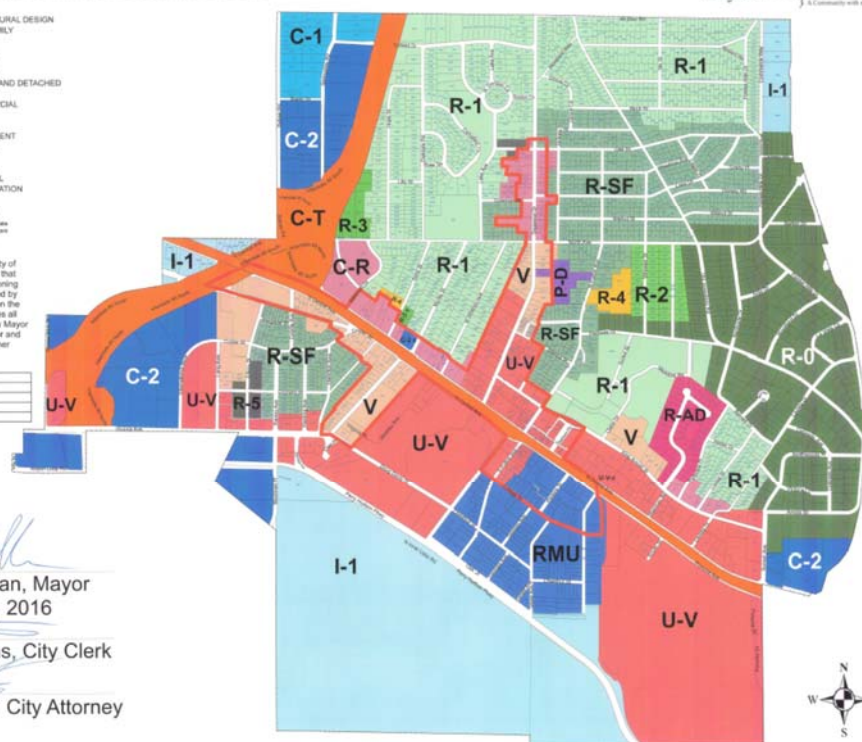


Figure 1 Existing Zoning Map

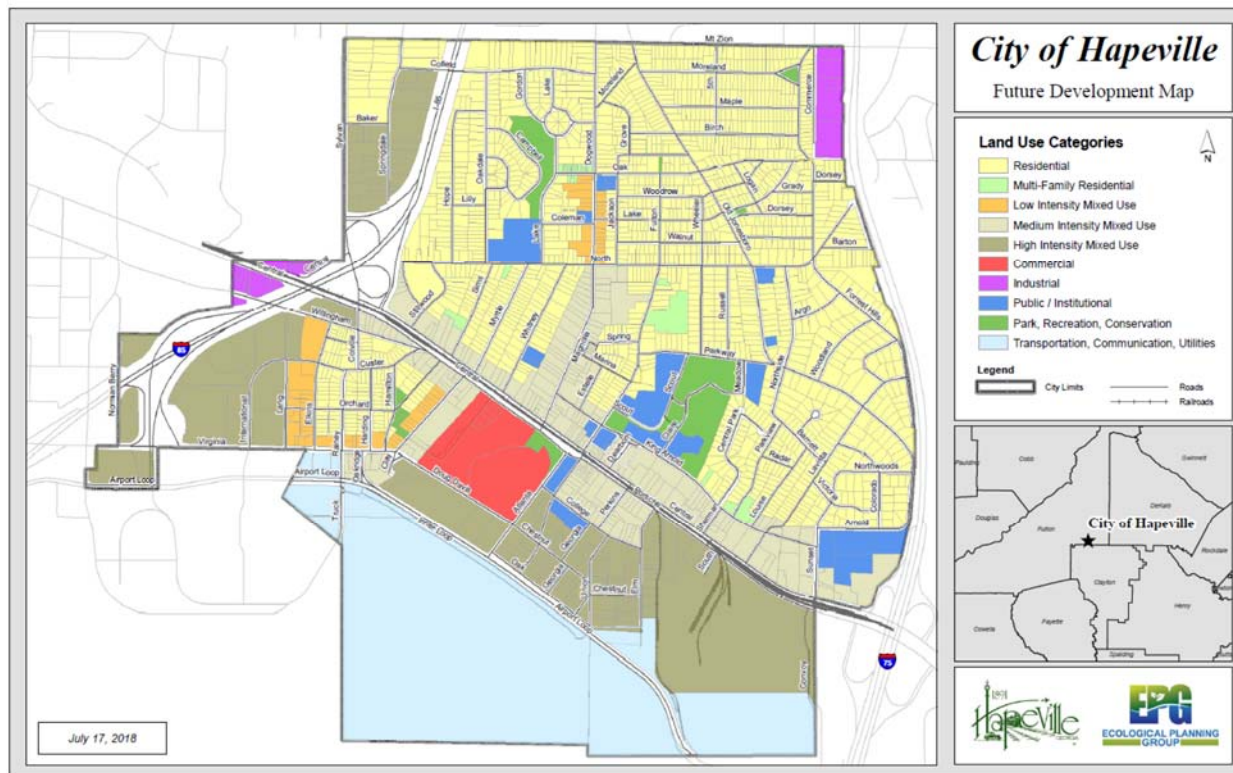
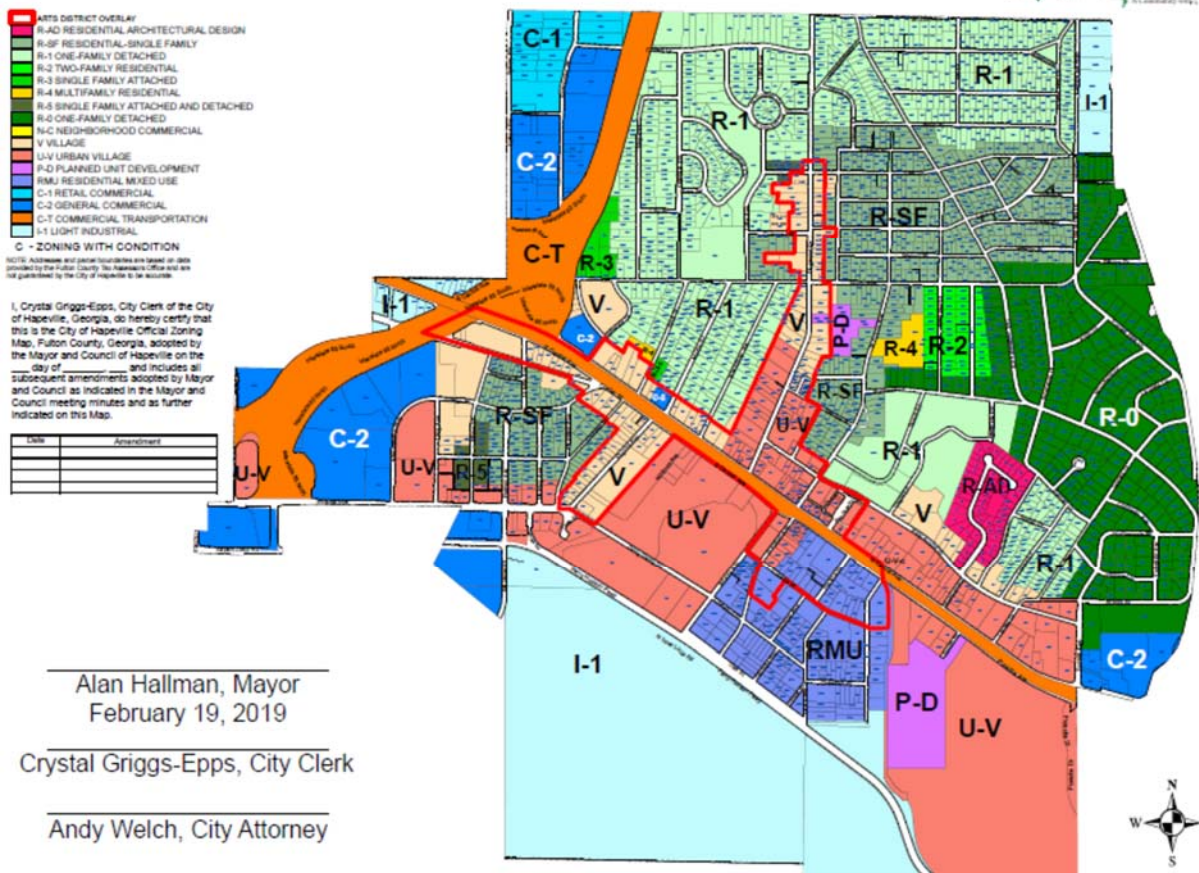


Figure 2 Adopted Future Land Use Map

Figure 3 Proposed Zoning Map

City of Hapeville Official Zoning Map

February 19, 2019: As Amended from December 2, 2008



Alan Hallman, Mayor

February 19, 2019

Crystal Griggs-Epps, City Clerk

Andy Welch, City Attorney

CODE**Current Zoning****ARTICLE 12. - C-R ZONE (COMMERCIAL-RESIDENTIAL)****Sec. 93-12-1. - Intent.**

By virtue of its location within the comprehensive land development plan for the city, and because of the existing mixed development within its zone, and in recognition that limited commercial uses and residential uses can be made compatible and advantageous to the city when established in the same area, and because of the need for controlled flexibility in accommodating the future development and expansion of commercial and residential land uses within the city, the C-R zone is established in order to:

- (1) Stabilize and protect existing development.
- (2) Ensure that future development and redevelopment increase the housing supply and needed office, commercial services and nonintensive retail land uses which are compatible with each other and with existing land uses within the city.
- (3) Encourage certain specific types of transitional uses, building locations and site designs between residences and businesses that locate in or adjoin this zone.

Sec. 93-12-2. - Permitted uses.

(a) The following uses are permitted in any C-R zone, subject to the general requirements of the zone:

- (1) Single-family detached dwellings.
- (2) Two-family dwellings.
- (3) Group homes, subject to the restrictions in [section 93-2-19](#).
- (4) Adult daycare facilities.
- (5) Professional and business office uses, in buildings of not more than 3,000 square feet of floor area, provided that no parking area shall be located within 20 feet of a front property line, and provided further that all buildings conform to the following:
 - a. The roofs of all buildings shall be not less than four feet in rise to ten feet in run. No roof-mounted equipment shall be allowed.
 - b. The exterior wall construction of all buildings shall be one or more of the following:
 1. Wood;
 2. Hard-burned clay brick;
 3. Stone with either a weathered face or a polished, fluted or broken face.

(b) The following uses are permitted in any C-R zone subject to the general requirements of the zone; and subject further to the site plan review requirements of [section 93-2-16](#):

- (1) Single-family attached developments, in structures with not more than four dwellings attached.
- (2) Multifamily dwelling developments, in buildings containing no more than four dwelling units.
- (3) Offices, in buildings of not more than 6,000 square feet of floor area.
- (4) Banks and other financial institutions, in buildings of not more than 6,000 square feet of floor area.
- (5) Clinics, in buildings of not more than 6,000 square feet of floor area.
- (6) Churches and other places of worship.
- (7) Reserved.
- (8) Public, private and parochial schools operated for the purpose of instructing in elementary and high school general education subjects. In addition, other schools are allowed subject to a

finding by the planning commission that the proposed method of establishment and operation would not adversely impact the use and enjoyment of surrounding properties.

(9) Offices, banks and other financial institutions, and clinics in buildings with more than 6,000 square feet of floor area, provided that the minimum lot area for any such development is five acres.

(10) Multifamily developments of high density; provided that the minimum lot area for any such development is five acres; and provided further that any unit for occupancy which includes cooking facilities shall have a total floor area of not less than 480 square feet for an efficiency or one bedroom unit, a total floor area of not less than 730 square feet for a two bedroom unit, and not less than an additional 150 square feet of floor area for each additional bedroom.

(11) Accessory uses to office buildings with more than 6,000 square feet of floor area, or high-density multifamily buildings are permitted, but limited to the first two floors and further limited to those retail uses permitted in the C-1 commercial district, wholly within the principal building. In no case shall accessory use activities utilize more than 25 percent of the floor area of any hotel, motel, office or multifamily building.

(12) Art galleries, in buildings of not more than 6,000 square feet of floor area.

(13) North American Industry Classification System (NAICS) Code 712110 Museums, in buildings of not more than 6,000 square feet of floor area.

(14) NAICS Code 711510 Independent Artists, Writers, and Performers, in buildings of not more than 6,000 square feet of floor area.

(15) NAICS Code 453920 Art Dealers, in buildings of not more than 6,000 square feet of floor area.

Sec. 93-12-3. - Nonpermitted uses.

The following uses are not permitted in any C-R zone:

- (1) Reserved.

Sec. 93-12-4. - Special uses.

The following uses require a special use permit, in accordance with [section 93-3.2-5](#) and [93-3.2-6](#), in any C-R zone:

- (1) Nursing homes.
- (2) Personal care homes, subject to the restrictions in [section 93-2-20](#).

Sec. 93-12-5. - Temporary use permits.

(a) The mayor and council may authorize the issuance of temporary use permits in the C-R zone, for any use permitted in the C-1 and C-2 zones, upon a finding that the proposed use would not cause adverse noise, glare, parking or traffic conditions, or otherwise unduly impair the value, use or enjoyment of adjacent property.

(b) Temporary permits shall be for the duration of six months and may be renewed at the discretion of the mayor and council. The mayor and council may stipulate special conditions or restrictions concerning the method of operation of any use granted a six month temporary permit.

(c) Prior to authorizing the issuance of any six-month temporary use permit, the mayor and council may consider the planning commission recommendations concerning the potential action, including any special conditions or restrictions concerning the method of operation of the use, as may be suggested by the commission. The planning commission and the mayor and council shall use the standards of review found in [section 93-25-6](#) to decide whether or not to recommend approval or denial and to approve or deny the permit.

(d) A use granted a six-month temporary use permit shall not be granted the status of a lawful nonconforming use as defined and provided for in this chapter.

(e) If a temporary use is granted, an occupation tax certificate may be issued. Issuance of tax a certificate shall convey no rights to continue the temporary use.

(f) A temporary use permit issued pursuant to this section which has been approved for use by the mayor and city council for two consecutive six-month terms may be converted upon application to a conditional use permit subject to the standards and requirements set forth above. Such application shall be subject to [article 3.2](#) of this chapter.

ARTICLE 11.1. - V ZONE (VILLAGE)

Sec. 93-11.1-1. - Intent.

The V district is established in order to:

- (1) Accommodate a mixed-use, urban fabric that preserves neighborhood scale;
- (2) Accommodate residents in the district with pedestrian access to services and employment typical of a live/work community;
- (3) Promotes neighborhoods established near shopping and employment centers;
- (4) Encourage pedestrian and neighborhood uses in the commercial area;
- (5) Discourage land uses, which are automobile or transportation related;
- (6) Exclude industrial uses such as manufacturing, processing and warehousing;
- (7) Promote retail and related commercial uses such as business offices, florists, card shops antiques, apparel and banks; and
- (8) Encourage mixed use with commercial uses on the first floor and residential living above.

Sec. 93-11.1-2. - Permitted uses.

The following are permitted within the V zone:

- (1) Any use permitted in the D-D zone;
- (2) Any use permitted in the C-1 zone subject to the requirements of this article;
- (3) Single-family detached dwellings;
- (4) Single-family attached dwellings with at least four units attached;
- (5) Group homes, subject to the restrictions in [section 93-2-19](#);
- (6) Adult daycare facilities;
- (7) Condominiums subject to approval as a conditional use; and
- (8) Combination of residential and business applications within a single structure. However, each use must have a separate entrance.

Sec. 93-11.1-3. - Nonpermitted uses.

The following uses, while permitted in other areas within the city, are not permitted in the V zone:

- (1) Pawnshops and check cashing businesses excluding banks and credit unions;
- (2) Adult entertainment establishments as defined by [section 11-2-1](#) of this Code, including, but not limited to, adult bookstores, video or DVD adult rental or purchase, adult movie or adult live theaters, or adult gifts and novelties, or viewing or listening to other adult entertainment through any other electronic or other technological medium;
- (3) Automotive repair shops, dealerships and service stations, boat sales, auto parts stores;
- (4) Tattoo parlors;
- (5) Palm reading and fortunetelling including psychic and crystal ball readings;
- (6) Reserved;
- (7) Carnivals;
- (8) Stables;
- (9) Shooting galleries, firearm, and archery ranges;

- (10) Firearms dealers;
- (11) Modeling agencies;
- (12) Massage parlors;
- (13) Spas;
- (14) Hypnotists;
- (15) Handwriting analysis;
- (16) Escort services;
- (17) Bazaars;
- (18) Specialty shops;
- (19) Flea markets;
- (20) Junk stores;
- (21) Variety shops;
- (22) Labor pools;
- (23) Extended stay motels/hotels;
- (24) Parking lots (except for municipal parking lots benefiting the V zone;
- (25) Warehouses or longterm storage of material except where such storage does not constitute more than 25 percent of the business's floor space.

Sec. 93-11.1-4. - Conditional uses.

Specific uses may be permitted as conditional uses, provided conformance to the purpose and intent of this article can be demonstrated. Such uses are:

- (1) SIC Code 5261, lawn and garden supplies:
 - a. No outdoor storage of merchandise in the front yard.
 - b. Outdoor storage in the rear yard, only, is permitted, provided storage areas are completely screened.
- (2) SIC Code 5411, grocery stores and food stores;
- (3) SIC Code 7011, Hotels and motels;
- (4) SIC Code 7641, Reupholstery and furniture repair;
- (5) Laundry and dry cleaning shops;
- (6) Undertaking establishments and funeral homes.

Sec. 93-11.1-5. - Special uses.

The following uses require a special use permit, in accordance with sections [93-3.2-5](#) and [93-3.2-6](#), in any V zone:

- (1) Nursing homes.
- (2) Personal care homes, subject to the restrictions in [section 93-2-20](#).

Sec. 93-11.1-6. - Area, placement, and buffering requirements.

All buildings or structures erected, converted or structurally altered shall hereafter comply with the following lot area, yard, and building coverage requirements:

- (1) *Lot area and width.* No lot shall have a minimum frontage of less than 50 feet, while the minimum area shall be established by the restriction governing lot coverage, setbacks, screening, and parking requirements.
- (2) *Front yard.* All structures located along a street shall be set back, at a minimum, of 15 feet, or greater as may be determined to be necessary and advisable by the city planning commission in the course of its site plan review process. In determining such yard setbacks, the city planning commission shall consider the size and configuration of the proposed buildings, their relationship to the existing and proposed thoroughfares; in order to maximize all vehicular and pedestrian safety.

(3) *Side and rear yards.* The side and rear yards adjacent to, or separated by a street, alley or other right-of-way from a residential or commercial zone, shall provide a building setback of at least 15 feet.

(4) *Distance between buildings.* The minimum distance between two multiple family buildings on a single lot or on contiguous property under the same ownership shall be 20 feet, plus four additional feet for every story or fraction thereof that the building exceeds two stories, or such distance determined necessary by the planning commission to enhance the aesthetics of development.

(5) *Height regulations.* No building or structure shall exceed 2½ stories or a 35 feet in height, provided the planning commission may allow a development with greater height, if it finds that:

- a. The proposed height will not adversely impact adjacent properties or nearby residential neighborhoods;
- b. The added height is necessary to support redevelopment of an area, which currently contains uses that have an adverse impact upon adjacent neighborhoods;
- c. The proposed development is designed to facilitate the objectives and strategies of the master plan;
- d. Meets approval from the fire department and FAA.

(6) *Residential buffer.* New development shall provide sufficient setback as well as an attractive physical barrier between the residential and nonresidential uses as necessary to minimize disruptive light, noise, odor, dust, unsightly appearances and intrusive activity relative to the residential environment. A smooth transition between residential neighbors and nonresidential uses (including all parking lots) shall be ensured by the provision of sufficient screening of more intensive uses (i.e., commercial/offices uses) from residential neighborhoods through the use of decorative landscaping and screened walls. A 15-foot landscaped buffer shall be installed between and along the residential and nonresidential sides of said buffer. The landscaped area shall be planted with trees, flowers, grasses and shrubs to visually screen non-residential areas and provide an attractive boundary that encourages continued investment in the adjacent residential property.

REVIEW OF APPLICATION

(1) The existing land use pattern;

The existing land use pattern is a mix of commercial and residential. The properties are located within the gateways to the City as identified in the LCI plan.

(2) The possible creation of an isolated district unrelated to adjacent and nearby districts;

These zoning changes would provide more continuity between commercial areas and buffering residential areas. No isolated district would be created.

(3) The population density pattern and possible increase or overtaxing of the load on public facilities including, but not limited to, schools, utilities, and streets;

There is no foreseeable significant increase on public facilities such as schools, utilities or streets for the proposed zoning change.

(4) The cost of the city and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures;

There is no foreseeable significant increase in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures.

(5) The possible impact on the environment, including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity;

There is no foreseeable negative impacts on the environment from the proposed zoning change.

(6) Whether the proposed zoning map amendment will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations;

The proposed zoning map amendment creates more certainty with regard to future uses than the current C-R zoning.

(7) Whether there are substantial reasons why the property cannot be used in accordance with existing regulations;

The C-R zoning district is cumbersome and often precludes staff from approving uses that would otherwise be compatible given the zoning district's intent. For example, a restaurant would need a 6 month temporary use permit granted by the City Council. It would then require a renewal and then potentially a conditional use application approval to continue operation. This is burdensome to the development opportunities Hapeville would like to see.

(8) The aesthetic effect of existing and future use of the property as it relates to the surrounding area;

(9) The extent to which the proposed zoning map amendment is consistent with the land use plan;

(10) The possible effects of the proposed zoning map amendment on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community;

The proposed zoning map amendment allows for ease in development of existing parcels. Many of the setbacks (see dimensional chart below) are similar, but the V, Village zoning allows for slightly narrower lot frontages. The proposed map amendment also allows for retail and commercial uses that are compatible with adjacent residential, particularly given the intent of the zoning:

The V district is established in order to:

- (1) Accommodate a mixed-use, urban fabric that preserves neighborhood scale;
- (2) Accommodate residents in the district with pedestrian access to services and employment typical of a live/work community;
- (3) Promotes neighborhoods established near shopping and employment centers;
- (4) Encourage pedestrian and neighborhood uses in the commercial area;
- (5) Discourage land uses, which are automobile or transportation related;
- (6) Exclude industrial uses such as manufacturing, processing and warehousing;
- (7) Promote retail and related commercial uses such as business offices, florists, card shops antiques, apparel and banks; and
- (8) Encourage mixed use with commercial uses on the first floor and residential living above.

(11) The relation that the proposed zoning map amendment bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of these zoning regulations;

The proposed zoning change creates more clarity and certainty with the zoning regulations and overall intent of the properties and adjoining neighborhood.

(12) Applications for a zoning map amendment which do not contain specific site plans carry a rebuttable presumption that such rezoning shall adversely affect the zoning scheme;

(13) The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight;

The current zoning classification currently allows for both residential and commercial uses.

(14) In those instances in which property fronts on a major thoroughfare and also adjoins an established residential neighborhood, the factor of preservation of the residential area shall be considered to carry great weight.

The properties front major thoroughfares and adjoin established residential neighborhoods. The Village Zoning District serves as a transition zoning district to protect the residential areas with buffer requirements.

RECOMMENDATION

The parcels proposed for rezoning are flanked by residential (R1, RSF, RAD, R3) to the north, east and west and commercial (Village) to the south. Both the C-R and Village zoning districts act as transitions between residential and commercial development. Parcel ID 14 009800090476 is recommended to be rezoned C-2.

Staff recommends these zoning map amendments be approved.

DIMENSIONAL CHART COMPARISON

								Minimum Front Yard		Minimum		Maximum			
Zoning District	Development Type	Lot Frontage (Feet)	Min. Lot Area Sq. Ft.	Lot Area/DU Square Feet	Bed & Bath Req.	Floor Area/DU Sq. Ft.	Max Lot Coverage	Minor Col.	Major Arterial	Side	Rear	Stories	Feet	Min Parking Spaces	Max. Unit Per Bldg. Lot
V	Single-family Detached	50	4,000	4,000	3br/2bth	1,600	70	15	15	5	20	2½	35	2 DU	1
	Accessory Structure(s)									5	5	2	26		
	Single-family Attached—4 to 8 Units	50	10,000	2,500	3br/2bth	1,500	70	15	15	5	20	2½	35	2 DU	a.
	Accessory Structure(s)									5	5	2	25		
	Condominiums	200	43,500	2,500	3br/2bth	1,400	70	15	15	10	25		40 b..	2 DU	12
	Accessory Structure(s) Conditional									5	5	2	25		Conditional
	Nonresidential	50	10,000	10,000		1,000	70	15	15	15	25		40 b..	c., d., e.	N/A
C-R	Single-family Detached	60	8,500	8,500	3br/2bth	1,600	40	15	15	8	25	2½	35	2 DU	1
	Accessory Structure(s)									5	5	2½	25		
	Two-Family Attached—Duplex	60	8,500	4,250	3br/2bth	1,400	40	15	15	6	20	2½	35	2 DU	1
	Single-family Attached Patio/Townhomes	50	10,000	2,500	3br/2bth	1,400	60	15	15	5	0	2½	35	2 DU	a.
	Multifamily—2 Stories or Less	100	30,000	3,000		480	50	15	15	10	25	2	35	2 DU	1
	Nonresidential with floor areas not exceeding 6,000 sf	100	8,500			1,000	60	15	15	15	25	2½	40 b.	c., d., e.	
	Nonresidential with floor areas in exceeding 6,000 sf	200	5 acres	1,000		500	50	15	15	15	25		40 b.	c., d., e.	

City of Hapeville Official Zoning Map

February 19, 2019: As Amended from December 2, 2008



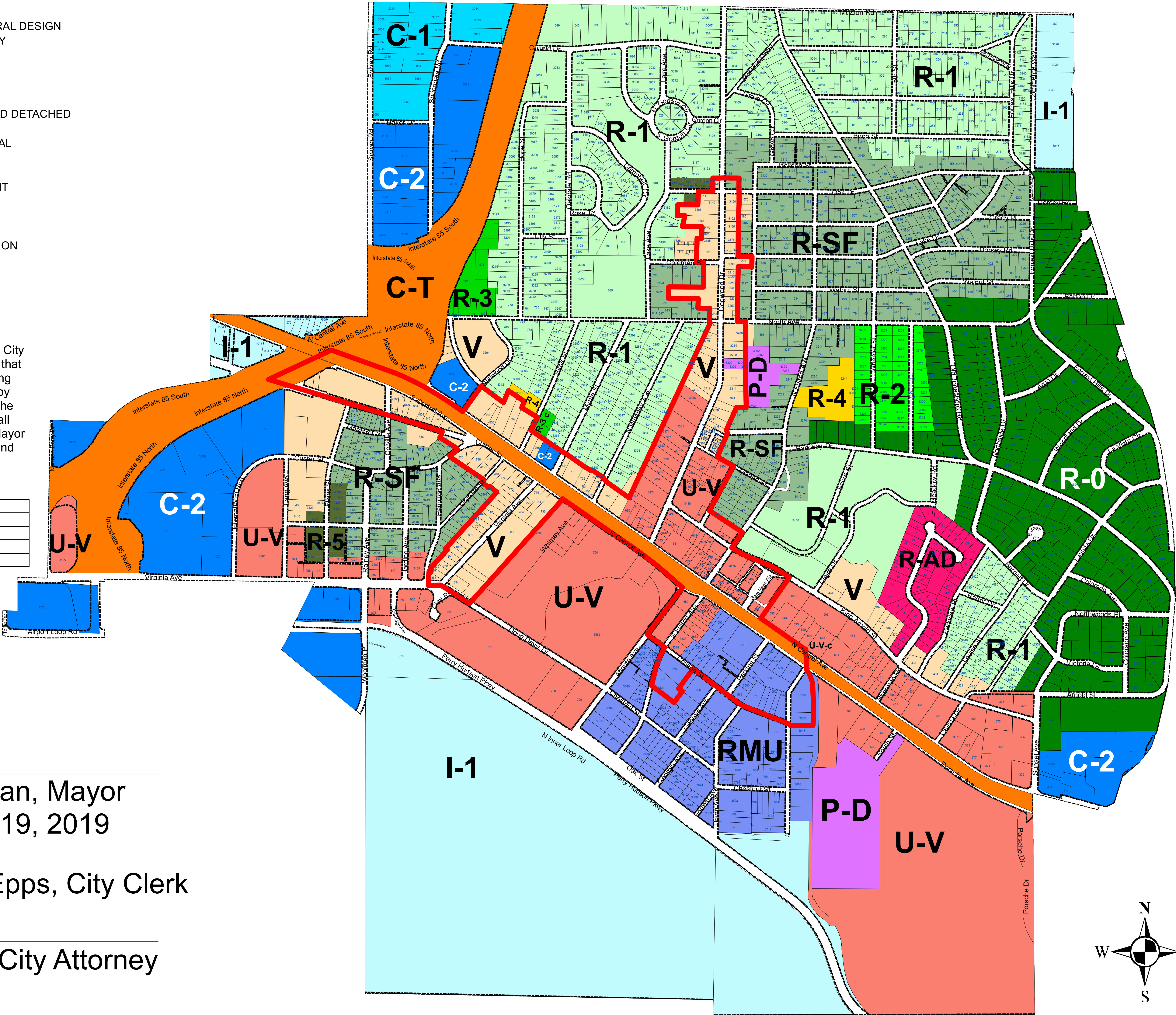
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Date	Amendment



Alan Hallman, Mayor
February 19, 2019

Crystal Griggs-Epps, City Clerk

Andy Welch, City Attorney



Planning & Zoning Planner's Report

TO: Adrienne Senter
FROM: Lynn M. Patterson, Consulting Planner for City of Hapeville
RE: Accessory Dwelling Unit Code Sections for Neighborhood
DATE: February 8, 2019

BACKGROUND

The Planning Commission requested staff research relevant neighboring community codes as they relate to accessory dwelling structures for a discussion on running water/use of accessory structure as accessory dwelling units.

ADU SUMMARIES

Atlanta

- Allows ADUs in R-5 - two-family residential, only.
- Allows guest houses, which are defined as dwellings without kitchens, in districts R-1 through R-5 (and assumedly all corresponding SPIs).
- ADUs are restricted to 750 sq. ft. or less, 25% of the yard or less, and count towards maximum FAR. They have further specific yard setback requirements laid out in the code.
- The city's zoning review board recently passed ordinance 18-O-1581 which expands allowable zones to include the high density R-4 and R-4A - single-family residential zones. It is pending city council review.

East Point

- Allow non-habitable accessory structures, defined as not having a 220 volt power supply, ventilation hood, or gas line, in most residential districts.
- With a special use permit, residential parcels may have habitable accessory structures.

- To gain a permit, the property must be owner-occupied, the unit must be aesthetically similar to the main building, an extra parking space must be provided, the structure must take up less than half of the rear yard lot and be less than half the size of the primary structure.
- A use permit and building permit are both required to build a habitable accessory structure, and the use permit must be renewed every three years. The use permit requires Planning and Zoning committee recommendation, Planning and Community Development department recommendation, and a public meeting with City Council approval.
- The accessory structure cannot be built or moved in to while the main house is under construction.

College Park

- Does not allow ADUs.
- In addition to banning any overnight habitation in any accessory structure, the city also bans the construction of any accessory units with functioning plumbing.

Decatur

- Allows ADUs in nearly all residential districts, save RS-17, a high density residential district. It also allows ADUs in the PO - professional office district.
- ADUs must be between 300 and 800 sq. ft., no more than 40% of the floor area of the main building, and take up no more than 30% of the rear yard.
- ADUs are limited to 2 beds and 2 baths, or 2 occupants.
- A permit is required to build an ADU, where the applicant must deliver a sworn, notarized statement stating the owner will occupy one of the dwelling units for 8 months out of each year, and will receive no rent for such unit.

Sandy Springs

- Allows guest houses in RE – residential estate and RD – residential detached districts.
- A guest house is defined as a dwelling unit accessory to the principal dwelling on a single unit detached lot. It may have a kitchen.
- Must be less than 50% of the principal dwelling unit's first floor area or 1,200 sq. ft.
- Explicitly allowed to be above a garage.

CODE

Atlanta

- Sec. 16-29.001(10) *Dwellings, lodgings and related terms*
 - "(a) Dwelling unit (*apartment*): A room or rooms connected together, constituting a separate, independent housekeeping establishment for a family, for owner occupancy or rental or lease on weekly or longer terms, physically separate from any other rooms or dwelling units which may be in the same structure, and containing independent kitchen and sleeping facilities."
 - "(c) Guest house: a lodging unit for temporary guests in an accessory building. No such lodging unit shall contain independent kitchen facilities."
- Sec. 16-29.001(12) *Dwellings and lodgings: uses and structural types*
 - "(a)(7) Dwelling: Accessory - A detached dwelling unit meeting the height requirement of section 16-28.004 and having a floor area of 750 square feet or less on the same lot as a primary dwelling. Accessory dwelling units are distinct dwelling units as defined in section 16-29.001(10)(a) with independent kitchen facilities."
- "Sec. 16-28.004. - Accessory Uses and Structures

The following regulations and requirements apply to accessory uses and structures:

- i. Except as otherwise specifically provided in this part, use of accessory buildings as dwellings or lodgings is prohibited.
- ii. Accessory buildings shall be constructed concurrent with or after construction of principal buildings.
- iii. Accessory buildings in R-1 through R-5 districts shall not exceed 20 feet in height, shall not cover more than 25 percent of the area of the rear yard, and shall not contain a total floor area greater than 30 percent of the main structure. For purposes of calculating the total floor area of the main structure, the definition of residential floor area set forth in the first sentence of [section 16-29.001\(13\)\(a\)](#) shall apply, except where modified by the provisions of [16-24.008](#). For purposes of calculating the total floor area of the accessory building, all gross floor area of the accessory building shall be included whether or not it is conditioned or habitable."
 - 16-29.001(37) states ADUs count towards maximum FAR.
- iv. "'Amenity areas' as defined in [section 15-06.001\(c\)](#) that lie within subdivisions reviewed and approved pursuant to part 15, shall be authorized as accessory uses and structures in the R-1 through R-5 districts, and in single and two-family subdivisions in the RG and MR districts, and may be used and platted as an irregular lot within such subdivisions provided said lot continues to be used exclusively for an amenity area pursuant to part 15. Should such lot cease to be used as an amenity area, it shall be used only for the purposes of "open space" within the meaning of [section 15-06.001\(z\)](#)."

- R-1 through R-5 allow guest houses. Only zone R-5 - Two Family residential - allows ADUs. Per Section 16-07:
 - Only one per lot, which may not be used so long as the primary structure is under construction and is not in use.
 - Requires minimum 4 foot side yards, must be behind the primary structure relative to the road, cannot exceed 50% of the net lot area.
 - The distance between an accessory structure and the primary dwelling on adjacent properties may be no less than the distance between the accessory dwelling unit and the primary structure on its lot (this is likely to be repealed)
- However, the city's Zoning Review Board passed ordinance 18-O-1581 to allow ADUs in R-4 and R-4A, both Single-Family Residential districts
 - R-4 protects single-family communities and encourages growth on lots of medium size and at a density of not more than one dwelling unit per 9,000 sq. ft.
 - R-4A provides the same atmosphere, but denser at 7,500 sq. ft. per housing unit.

East Point

- Sec 10-2027.7. - Non-habitable accessory structure
 - May not be rented to another party
 - Require building permits if greater than 200 sq. ft.
 - "(9) The accessory structure may not contain a 220 volt power supply, ventilation hood or gas line."
- Sec. 10-2027.10. states accessory buildings and structures may be used for the home occupation, which is limited to members of the resident family only
- Sec. 10-2130. - Habitable accessory structure. (Under Special Use Permits)

"Habitable accessory structures may be rented to another party so long as one of the dwelling units on the property is owner-occupied. The units must be aesthetically compatible with the principal structure, include one additional on-site parking space, and be limited to half the size of the primary structure. The habitable accessory structure may not take up more than half the rear yard of the lot. The use must remain single-family and the lot may not be subdivided nor may the unit be sold separately. A use permit is required for all habitable accessory structures. In the event a use permit application is approved, a building permit will also be required.

Criteria:

- (1) Full kitchen permitted.
- (2) An accessory structure must be aesthetically compatible with principal structure.
- (3) The accessory structure cannot be built or moved onto any lot before construction of the main house unless a building permit has been issued for the construction of the main house.
- (4) The owner of the property must reside either in the principal structure or the accessory structure on premises.
- (5) The lot must be a minimum of 5,000 square feet.
- (6) The property must have a minimum of three unobstructed parking spaces.
- (7) The accessory unit can only have one kitchen and may have a 220 volt power supply, a ventilation hood or gas line.
- (8) The height must not exceed the height of the main house or 35 feet, whichever is less.
- (9) The total floor area cannot exceed 50 percent of the floor area of the principal structure or exceed 50 percent of the rear lot coverage. All utilities for the structure must be fed from the primary structure.
- (10) The structure must be at least 6 feet away from the principal structure.

(11) The structure must be at least three feet from all property lines and at least 15 feet from any structure on adjoining property.

(12) If the property is adjacent to an alley, it can be located on the property line."

- The Special Use Permit process necessitates a public meeting in front of the Planning and Zoning committee and City Council, plus a recommendation from the Planning and Community Development Department. SUPs expire every three years. (Sec 10-2085, 2086, and 2087).
- The legislation enabling ADUs dates to September 2016

College Park

- R-1 through R-5 make no mention of accessory *dwellings* but do allow accessory structures.
- AG-1 - Agricultural District - explicitly prohibits the habitation of accessory buildings
- Article XX, Sec. 3(a) Yard Regulations, Accessory Buildings
 - Buildings may only be 20 ft. high, and all accessory buildings must be collectively smaller than 864 sq. ft.
 - (7) "No accessory building shall have any plumbing of any kind, including but not limited to running water or drainage into any sewer or septic system."
 - (9) "No accessory building shall be used for human habitation, including but not limited to overnight accommodations for any person."

Decatur

6.8.1. - In General

- A. Accessory 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 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 and structures 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, including garages and other enclosed storage areas. Such buildings shall not exceed 25 feet in height and two stories.
- F. Allowed accessory uses and structures 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.

6.8.3. - Standards for Specific Accessory Uses

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 principal dwelling unit.
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. In no case can an ADU be more than 800 square feet of floor area, or less than 300 square feet, 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 or 2 occupants.
6. ADUs are subject to the parking requirements of Sec. 7.1.
7. 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.
8. 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.
 - 6.2 shows ADUs are allowed in all residential areas other than RS-17, high density single-family residential, and are allowed in PO, Professional Office.
 - 2.1.5.D Rear Yard Standard states accessory buildings shall not occupy more than 30% of the required rear yard.
 - ADUs were introduced in 2016.

Sandy Springs

Sec. 7.8.6 - Guest House

A. Defined and Basic Use Standards Defined: a dwelling unit accessory to the principal dwelling on a single unit detached lot.

i.No more than one guest house per lot allowed.

ii.A separate kitchen facility is allowed.

iii.Heated floor area must be less than 50% of the principal dwelling unit first-floor heated floor area, or must be less than 1,200 square feet, whichever is less.

iv.Principal building setbacks apply.

v.Height may be no greater than 2 stories and 24 feet

vi.The location is limited to the rear yard and must meet all district setbacks.

vii.A guest house may be located over a garage, provided its location and size meet the requirements of the use standards above.

The above ordinance was adopted in April 2018.

Sec. 7.2. states Guest Houses are allowed in zones RE, Residential Estate, and RD, Residential Detached.