

Sec. 8.7 Accessory Structures and Uses

8.7.1 Purpose

This Section authorizes the establishment of accessory structures and uses that are incidental and customarily subordinate to principal uses. Additional performance criteria are set forth in this Section for particular uses and structures in order to reduce potentially adverse impacts on surrounding properties.

8.7.2 Generally

All accessory structures and uses shall be consistent with all standards of the base zoning district (Article 5.0), any applicable overlay district (Article 7.0) and any applicable use standards (Article 8.0), except as expressly set forth below. Accessory structures and uses shall:

- a. Be accessory and clearly incidental and subordinate to a permitted principal use. No accessory use may be established on a site prior to the establishment of a permitted principal use.
- b. Be located on the same property as the principal use or structure.
- c. Not involve uses or structures not in keeping with the character of the principal use or principal structure served.
- d. Be located within a district that permits the principal use.
- e. Not be erected in any required setback area, except as expressly set forth in this Ordinance.
- f. Shipping containers and tractor trailers shall be prohibited as storage buildings or structures except as permitted on an active construction site or in Industrial zoning districts (see Sec. 8.8, Temporary Uses).
- g. A parcel shall include only one accessory dwelling unit or one caretaker's dwelling unit.

(Ord. of 5-25-2023(10), § 1)

Effective on: 5/25/2023

8.7.3 Accessory Structures

Accessory structures, not to include accessory dwelling units, are allowed in all zoning districts and shall be subject to the following requirements, except as expressly provided elsewhere in this Section:

a. Building Permit

Accessory structures having a gross floor area of more than 120 square feet shall require a building permit.

b. Location

Accessory structures shall be located in the side (interior) yard or rear yard of the principal building, with the exception of the following:

- i. guard or gate house;
- ii. gazebo;
- iii. pump or well house; and
- iv. other similar structures.

c. Setbacks

- i. An accessory building or structure shall not be located within five (5) feet of the side (interior) or rear property lines, except where no setback is required by the zoning district. Provided however, when the building or structure is located within the side yard, such building or structure shall not encroach into the side yard setback except as provided for in Sec. 4.3, Exceptions and Modifications.
- ii. Docks shall be exempt from any setback requirement.
- iii. Any building that is used to house vehicles or watercraft, and that is accessed from a lane, shall be located at least five (5) feet from such right-of-way. The City Manager or his or her designee may reduce the setback to three (3) feet.

iv. Where Residential property is located adjacent to a river or marsh, accessory buildings and structures may be permitted in the front yard if all of the following requirements can be met:

1. The accessory building or structure is set back a minimum of 50 feet from any vehicular right-of-way and is at least 10 feet from adjoining property lines;
2. The floor area of the accessory building or structure does not exceed 1,200 square feet or 40% of the floor area of the principal building, whichever is less; and
3. The accessory building or structure is constructed of the same or compatible material and color as the principal building, as approved by the City Manager or his or her designee.

d. Height

The height of an accessory building shall not exceed the height of the principal building in a Residential district or where otherwise prohibited by this Ordinance.

e. Building Coverage and Size

- i. Building Coverage. Within all zoning districts, accessory structures shall be included in the calculations for maximum building coverage.
- ii. Size. Residential Districts. Within residential zoning districts, the floor area of an accessory structure shall not exceed 40% of the floor area of the principal building.
- iii. Size. Nonresidential. Subject to maximum building coverage standards.

8.7.4 Accessory Dwelling Units (not including Caretaker's Dwelling Unit)

One (1) accessory dwelling unit shall be permitted as an accessory use to a principal dwelling located in the A-1, RSF-, RTF-, RMF-1, TR-, TN-, TC-, D- and PD districts. Such use is not required to be included in the gross residential density calculations. Manufactured homes, shipping containers, recreational vehicles and travel trailers shall not be used as accessory dwelling units, except that manufactured homes may be used as an accessory dwelling unit in the A-1 and Manufactured Home Overlay districts. For such use, the following shall apply:

a. Location

- i. The unit may be attached to or detached from the principal dwelling.
- ii. When the unit is attached, it shall share a common wall with and have a separate entrance from the principal dwelling or be connected by a covered walkway. When the unit shares a common wall with the principal dwelling, the entrance to the unit shall be located along the side or rear façade of the dwelling. An attached accessory dwelling unit shall meet the setback standards for the principal dwelling unit.
- iii. Detached accessory dwelling units shall meet the same side-yard setback requirement as the principal structure. Such units shall be separated from the principal structure by at least 10 feet. Detached accessory dwelling units shall have a rear-yard setback requirement of at least five (5) feet, provided that if the accessory dwelling is located on a lot that abuts a lane the rear-yard setback requirement shall be at least three (3) feet. Within zoning districts that have no rear-yard setback requirement for the principal structure there shall be no rear-yard setback requirement for an accessory dwelling unit.

b. Lot Area

For A-1, RSF-, RTF, RMF-1 and TR- districts, the minimum lot size for such use shall be at least 125% of the minimum lot area required by the zoning district. This standard shall be variable. If a variance is pursued, the Historic Preservation Commission shall provide a recommendation to the Zoning Board of Appeals when the parcel is located in a conservation overlay district, as provided in Section 7.15, or is located in a designated a National Register Historic District without a Local Historic Overlay, as defined in Section 13.3.

c. Building Coverage

Accessory dwelling units shall be included in the calculations for maximum building coverage permitted in the zoning district.

d. Building Size

- i. The building footprint of the accessory dwelling unit shall be a maximum of 40% of the building footprint of the principal dwelling not to exceed 700 square feet. In the A-1, RSF-E, RSF-30 and RSF-20 districts, the maximum building footprint shall be 40% of the building footprint of the principal dwelling or 1,000 square feet, whichever is less.
- ii. The accessory dwelling unit shall contain the minimum square feet as required by the ordinances and codes of the City of Savannah regulating building construction.
- iii. The accessory dwelling unit shall contain no more than one (1) bedroom.

e. Architectural Style

Such use shall be designed in a similar architectural style as the principal dwelling. If the site is located within an overlay district, the standards of the overlay district shall apply.

f. Parking and Access

- i. If parking is provided for the accessory dwelling, it shall be provided on the same lot on which the principal dwelling is located.
- ii. Where there is no lane and parking is provided, the parking space shall be served by the same driveway as the principal dwelling.

g. Water and Wastewater Services, Electrical Meter

- i. An accessory dwelling may be required to connect to the water and sewer system of the principal dwelling.
- ii. A shared electrical meter between the principal dwelling and the accessory dwelling unit may be required.

h. Height

- i. When a parcel is located in a conservation overlay district, as provided in Section 7.15, or is designated a National Register Historic District without a Local Historic Overlay, as defined in Section 13.3, accessory dwelling units shall not exceed 25 feet in height or the height of principal building, whichever is less. If a variance is pursued, the Historic Preservation Commission shall provide a recommendation to the Zoning Board of Appeals.
- ii. Within all other permitted zoning districts, accessory dwelling units shall not exceed 25 feet or the height of principal building, whichever is less.
- iii. Any portion of an accessory dwelling unit over 15 feet in height shall be located at least 15 feet from a rear property line that does not abut a lane.

(Ord. of 10-10-2019(37), § 1, Ord. of 5-25-2023(10), § 1)

Effective on: 5/25/2023

8.7.5 Caretaker Dwelling Unit (does not include Accessory Dwelling Unit)

A single residential unit is allowed as an accessory use to any nonresidential use in any zoning district and is not required to be included in the gross residential density calculations. For such use, the following shall apply:

- a. Where there is a principal building, such use may be attached or detached from the principal building.
- b. An attached caretaker dwelling unit shall meet the setback standards for the principal building.
- c. A parcel shall not have an accessory dwelling unit and caretaker dwelling unit.

(Ord. of 5-25-2023(10), § 1)

Effective on: 5/25/2023

8.7.6 Residential Amenity Area, Clubhouse

The grounds of the amenity area/clubhouse for a residential development may contain a swimming pool, tennis courts, basketball courts, playground equipment, dock/boat slips and other similar amenities for use by residents and their guests. Such use shall:

- a. Be permitted only in conjunction with a residential development; and
- b. Be owned and maintained by the developer or any private association of persons that reside in the residential development which it serves.

- c. Swimming pools shall be completely enclosed by a fence or wall in accordance with Sec. 9.6, Fences and Walls. The exterior wall of the residence or accessory buildings may be incorporated as a portion of the fence to create a fully enclosed area around the pool. All fence openings into the pool area shall be equipped with self-closing and self-latching gates.
- d. Docks shall be compliant with the latest version of the Department of Natural Resources' Programmatic General Permit (PGP) for Private Single-Family Docks within Georgia.

8.7.7 Employee and Guest Services

Employee and guest services may include a restaurant, laundry and dry cleaning (pick up only), flower shop, gift shop, newsstand and/or any similar use that is not otherwise allowed in the zoning district. Such use is permitted in the OI, OI-E, IL and IH districts, but shall not be considered as an accessory use to a place of worship or private club or lodge in those districts. In all other zoning districts, such use shall be reviewed as a separate principal use. All of the following standards shall apply:

- a. Such use shall be located in a building with a minimum of 30,000 square feet gross floor area. However, such use can locate in a smaller building, if all the buildings on the same property contain a minimum total floor area gross of 30,000 square feet.
- b. The area of all employee and guest services shall occupy an area no more than 10% of any building that is 30,000 square feet or more. The area of all employee and guest services allowed to locate in building less than 30,000 square feet, shall be no more than 10% of the area of all buildings on the same property and no more than 20% of the area of the building within which it is located.

Commentary: *In any multi-tenant building, one (1) tenant may use the full 10% of the building floor area permitted for the employee and guest service use.*

- c. No more than 3,000 square feet shall be permitted for any one (1) use, unless the property is zoned IL or IH.
- d. The public entrance to such use shall be located within the building.
- e. Signage shall be internal to the building and not visible outside of the building.
- f. The principal use(s) and the employee and guest service use shall each provide the amount of parking required by Sec. 9.3, Off-Street Parking and Loading. The parking requirement for each shall be computed separately. However, where such use is only available to employees of the principal use(s), additional parking shall not be required.
- g. The display of products and activity of the use shall not be visible from outside the building.

8.7.8 Flagpoles, Vertical and Mast Arm

Flagpoles, whether vertical or mast arm, shall be allowed in all zoning districts and shall be subject to the following conditions:

- a. The term flag in this subsection shall mean the current, official flag of the United States of America, the State of Georgia, Chatham County, the City of Savannah or any other political jurisdiction. All other flags shall conform to the standards found in Sec. 9.9, Signs. References to flagpole height in this subsection refer to vertical flagpoles. References to the number of flag poles and flags refer to both vertical flagpoles and mast arm flagpoles (i.e., staffs extending at an angle from a building).
- b. **Height**
 - i. Vertical flagpoles in the Conservation, Residential, TN-, TC-, OI-T and B-L zoning districts shall not exceed 30 feet provided, however, the height of vertical flagpoles associated with monumental buildings shall not exceed 60 feet.
 - ii. Vertical flagpoles in the D- and Nonresidential zoning districts, except those districts listed above, shall not exceed 60 feet.
 - iii. Supporting bases of up to five (5) feet in height for vertical flagpoles shall not be counted as pole height.
- c. The maximum dimensions of any flag shall be proportional to the flagpole height. The hoist side of the flag shall not exceed 20% of the vertical height of the pole. In addition, flags are subject to the following size limitations:

Table 8.7-1 Permitted Size of Flags		
Pole Height (ft.)	Single Flag: Flag Size per Pole (max. total sq. ft.)	Multiple Flags: Combined Area per Pole (max. total sq. ft.)
Up to 30 ft.	24 sq. ft.	48 sq. ft.
30 up to 40 ft.	40 sq. ft.	80 sq. ft.
40 up to 50 ft.	60 sq. ft.	120 sq. ft.
50 to 60 ft.	96 sq. ft.	192 sq. ft.

- d. Properties that are less than five (5) acres are allowed a maximum of three (3) flagpoles. Properties that are five (5) acres or more in size are allowed a maximum of five (5) flagpoles.
- e. A maximum of three (3) flags shall be allowed per flagpole.
- f. Except for the Mixed-use zoning districts, vertical flagpoles shall be a minimum of ten (10) feet behind the street right-of-way.
- g. Lighting of the flagpole shall comply with Sec. 9.8, Lighting.

8.7.9 Outdoor Storage Units and Freezers

Enclosures for outdoor storage units and freezers associated with any nonresidential use, whether attached to or detached from the principal building, shall incorporate only those primary exterior materials as used for the walls of the principal building.

8.7.10 Helipads

- a. Such use is permitted only in the OI-E, B-C, D-W, IL-T, I-L and I-H districts as a Special Use in accordance with Sec. 3.10, Special Use Permit.
- b. A written recommendation of the Federal Aviation Administration shall be provided at the time of application.
- c. The helipad shall comply with additional conditions of the governing jurisdiction. See City Code, Part 6: Licensing and Regulation; Article V: Helicopter Landing Facilities, as amended.

8.7.11 Home Occupations

The intent of a home occupation use is to permit very limited nonresidential activity within a residential dwelling or any building accessory to the dwelling, provided that such activity does not detract from nor is incompatible with the surrounding residential uses. The following standards shall apply:

a. Permit Required

- i. A Home Occupation Permit shall be required prior to the establishment of a home occupation use. A permit shall be issued in accordance with Sec. 3.13, Home Occupation Permit, only after a determination by the City Manager or his or her designee that the proposed home occupation use complies with this Section.
- ii. A signed, notarized letter of authorization shall be required from the property owner when the applicant is not the owner of the property for which the home occupation use is proposed. Such letter shall be provided at the time of application for a Home Occupation Permit.

b. General Standards

All home occupation uses that comply with the following standards shall be permitted. Some home occupations uses, as specified in Sec. 8.7.11.c. below, have additional standards.

- i. The use of a residential dwelling and any accessory buildings for a home occupation use shall be clearly incidental and subordinate to its use for residential purposes and shall under no circumstances change the residential character of the dwelling or premises.
- ii. If operated inside a residential dwelling, such use shall not have an external entrance serving only such use.

- iii. In Residential zoning districts, only persons residing on the premises shall work onsite. In all other zoning districts, no more than one (1) person not residing on the premises shall be permitted to work onsite.
- iv. If more than one home occupation operates from a residence, clients and non-resident workers shall be limited to only one home occupation
- v. The operation and storage space for such use shall not exceed 25% of the total floor area of the dwelling or 500 square feet, whichever is less. This limitation shall not apply to child/adult day care homes or child/adult care, 24-hour care.
- vi. Sales shall be limited to off-site sales of any product or service, whether produced onsite or off-site.
- vii. In Residential zoning districts, clients and employees shall not be permitted when the home occupation is a group living use residence.
- viii. Clients and employees shall not be permitted to visit or work at any home occupation conducted in an accessory dwelling unit.
- ix. Clients coming to the dwelling to conduct business shall not be permitted except as provided in Sec. 8.7.11.c. below.
- x. Where clients are permitted, clients may patronize the use only between the hours of 8:00 a.m. and 8:00 p.m. unless otherwise specified in Sec. 8.7.11.c. below.
- xi. There shall be no visible evidence of the conduct of such use from the exterior of the dwelling or premises, including the storage or display of equipment, appliances, materials or supplies. However, a Residential Sign in compliance with Sec. 9.9, Signs.
- xii. No equipment or process shall be used that creates external noise, vibration, smoke, dust, odor, heat, glare, fumes or electrical interference detectable at or beyond the property line of the use.
- xiii. Any internal or external alterations inconsistent with the residential use of the dwelling and the premises shall not be permitted.
- xiv. Equipment, materials, supplies and other goods used in such use shall not be picked up from or delivered to the residence by tractor-trailer.
- xv. Where clients and/or employees are permitted, one (1) additional off-street parking space shall be provided. Tandem parking shall be permitted. Where an area is exempt from providing off-street parking in Sec. 9.3, Off-Street Parking and Loading, no additional parking shall be required.

c. **Specific Standards**

The uses listed below shall comply with the following specific use standards in addition to the standards provided in Sec. 8.7.11.b. above.

i. Child/Adult Day Care Home

1. Such use shall not provide care for more than six (6) individuals, not including the caregiver's own family.
2. Such use shall be operated only between the hours of 6:30 a.m. and 7:00 p.m.
3. In any Residential zoning district, if the use is located on a street classified as Residential or greater as identified in Appendix A-1, the applicant must provide a site plan for approval and include:
 - a. A minimum of 60 foot of off-street stacking shall be required per Table 9.3-9 Vehicle Staking Requirements.
 - b. Adequate vehicle queuing shall be provided on site to prevent the obstruction of travel lanes that are adjacent City streets.
 - c. The site shall be evaluated for feasibility to incorporate a circular driveway with two curb cuts if permitted by the City's Traffic Engineering Manual; and
 - d. The City of Savannah Traffic Engineer shall review the site for adequate traffic circulation and traffic safety.
4. Such use shall not be permitted within 500 feet, as measured in any direction from property line to property line, of the same use.
5. The applicant shall provide a letter from the homeowner's association, where applicable, stating that the use is not prohibited by a Declaration of Covenants.

ii. **Child/Adult Care, 24-hour Care Center**

1. Such use shall not provide care for more than six (6) individuals, not including the caregiver's own family.
2. Such use shall not be permitted in Residential districts.

iii. Instruction

In Residential zoning districts, no more than two (2) pupils can receive instruction at one time. In all other zoning districts, no more than four (4) pupils can receive instruction at one time.

iv. Internet Sales / Mail Order Sales

If sales include firearms, firearms may only be sold by firearms collectors licensed by the Bureau of Alcohol, Tobacco and Firearms as a firearms collector.

v. Hair Styling

For hair styling, such use shall be limited to one (1) hair station and one (1) shampoo station, and no more than two clients (2) shall be permitted on the premises at one time.

vi. Photography Studio

No more than one (1) client shall be permitted on the premises at one time. For the purposes of this use, a client shall be an individual, couple or family.

vii. Professional Advising Services

No more than one (1) client shall be permitted on the premises at one time. For the purposes of this use, a client shall be an individual, couple or business partners.

Commentary: For the purposes of this Section, professional advising services shall mean legal, accounting, financial, engineering, architectural, interior design or similar uses as determined by the City Manager or his or her designee.

viii. Professional Counseling Services

1. Such use is permitted in all zoning districts except Residential districts.
2. Counseling services shall be provided only by a medical doctor (MD), psychologist, clinical social worker (LCSW), professional counselor (LPC) or marriage and family therapist who maintains a valid license in the state of Georgia.
3. Counseling shall not include counseling for substance abuse, including alcohol and drugs.
4. No more than one (1) client shall be permitted on the premises at one time. For the purposes of this use, client shall be an individual, couple or family, but not a group.

(Ord. of [2-10-2022\(14\)](#), § 1)

Effective on: 2/10/2022

8.7.12 Outdoor Display Areas

The following standards apply to outdoor display areas that are not a principal use (see [Sec. 9.7, Principal Use Outdoor Storage Areas](#)), or temporary use ([Sec. 8.8, Temporary Uses](#)). A permanent and enclosed component of a retail use that shares a common wall with the principal building is not considered an outdoor display area.

a. General

- i. The outdoor display area shall be located on an improved surface such as the sidewalk or pavement.
- ii. Outdoor display areas shall not include hazardous and/or flammable materials, such as gasoline, oil, antifreeze and kerosene. Such areas may include propane tanks. Fertilizers must be contained to prevent run-off and shall be stored no less than 25 feet from a stormwater detention pond or a stormwater inlet (drain).

b. Outdoor Display Areas Adjacent to Building

Outdoor display areas shall be permitted adjacent to the building façade provided that such display area:

- i. At least four (4) feet along the parking lot side of the display area shall be maintained free of obstruction to allow for pedestrian and handicap movement, such that pedestrians do not have to enter the parking lot or drive aisle to walk around the display.

ii. Shall be located at least three (3) feet from any public entrance.

iii. Shall only occur along building façades with a public entrance.

c. Outdoor Display Areas away from Building

Outdoor display areas not adjacent to the façade shall be permitted according to the following standards:

i. The display area shall not exceed more than 10% of the yard in which it is located or 20,000 square feet, whichever is less; and

ii. A designated display area shall be shown on the site plan. At least two (2) sides of the display area shall have a fence, planters or similar physical barrier.

8.7.13 Accessory Uses for Places of Worship

The following uses and activities are considered accessory to a place of worship. Additional buffering may be required where the proposed accessory use requires a greater use buffer than the principal use. The uses listed below shall comply with the following specific use standards in addition to the standards provided in Sec. 8.7.2 above.

- a. Office for the place of worship;
- b. Rooms for religious instruction or counseling;
- c. Temporary child and adult care during religious services and events;
- d. Fellowship hall;
- e. Kitchen facilities (not to include restaurants);
- f. Outdoor play area (including ball fields);
- g. Community food programs using the kitchen facilities but delivering food elsewhere;
- h. Accessory dwelling unit (no more than one unit);
- i. Caretaker's dwelling unit (no more than one unit); and
- j. Gymnasium/multi-purpose building.

8.7.14 Accessory Uses at Public or Private Schools (K thru 12)

The following facilities are considered accessory to a public or private school. Additional buffering may be required where the proposed accessory use requires a greater use buffer than the principal use. The uses listed below shall comply with the following specific use standards in addition to the standards provided in Sec. 8.7.2 above.

- a. Administrative offices;
- b. Auditorium, theater;
- c. Pre-K classes;
- d. Before and after school day care;
- e. Child day care services only for staff and students;
- f. Cafeteria and other food services (excluding restaurants);
- g. Health facility;
- h. Laboratory;
- i. Library;
- j. Maintenance facility; and
- k. Stadium, Outdoor arena, Athletic fields, playgrounds.

8.7.15 College, University, Seminary

The following facilities are considered support buildings which are permitted uses for a college, university or seminary. Additional buffering may be required where the proposed use requires a greater use buffer than the principal use. The uses listed below shall comply with the following specific use standards in addition to the standards provided in Sec. 8.7.2 above.

- a. Administrative offices;
- b. Auditorium; theater/cinema/performing arts; museum; art/photo studio, gallery; event venue;
- c. Child day care services only for staff and students;
- d. Cafeteria and other eating and drinking establishments;
- e. Dormitory laundromat; dry-cleaning/laundry/drop-off facilities;
- f. General retail; convenience store;
- g. Health facility;
- h. Laboratory; studio/multimedia production facility;
- i. Library; places of worship;
- j. Maintenance facility; and
- k. Stadium, arena, indoor and outdoor athletic facilities.
- l. Uses not specifically listed:
 - i. Any use not specifically listed may be permitted by the City Manager if the City Manager determines that the use is similar to a permitted use listed in this Ordinance using the criteria in 8.7.15.l.ii. below. Where the similar permitted use is subject to any use standard contained in Article 8.0, Use Standards, or special use review, the proposed use shall also be subject to such standards and/or approval. The City Manager or his or her designee shall not amend this Ordinance by adding to or eliminating any use standard for the proposed use.
 - ii. Treatment of a use not specifically listed shall be determined by the City Manager or his or her designee applying the following criteria:
 - 1. The actual or projected characteristics of the activity in relationship to the stated characteristics of each group of uses.
 - 2. The relative amount of site area or floor space and equipment devoted to the activity.
 - 3. Relative amounts of sales from each activity.
 - 4. The relative number of employees in each activity.
 - 5. Hours of operation.
 - 6. Building and site arrangement.
 - 7. Types of vehicles used and their parking requirements.
 - 8. The relative number of vehicle trips generated.
 - 9. The likely impact on surrounding properties.
 - 10. Whether the activity is likely to be found independent of the other activities on the site.
 - iii. Where a use not listed is found by the City Manager or his or her designee not to be like any other permitted use, the use shall be permitted only following a text amendment to this Ordinance provided in Sec. 8.7, Zoning Text Amendment.

8.7.16 Outdoor Storage of Personal Recreational Vehicles, Watercraft and Trailers

Outdoor storage of personal recreational vehicles, watercraft and trailers in Residential and Mixed-use districts shall comply with the following:

a. Number and Size Permitted

- i. No more than one (1) recreational vehicle, watercraft or trailer per lot is permitted within all Residential zoning districts, except RSF-E, RSF-30 and RSF-20, and within all Mixed-Use zoning districts. Recreational vehicles and watercraft shall not exceed 22 feet in length nor 10 feet in height.
- ii. Within the RSF-E, RSF-30 and RSF-20 zoning districts, no more than two (2) such recreational vehicles, watercraft or trailers are permitted per lot.

Commentary: *Two (2) personal watercraft on a single trailer shall be considered one (1) watercraft. When watercraft is stored on a trailer, the trailer shall not be counted against the number permitted.*

- iii. Recreational vehicles, watercraft and trailers of any size and number may be kept within an enclosed accessory structure.

b. Storage Location

- i. The outdoor storage area for recreational vehicles, watercraft and trailers shall not be located in the front or side yard, except for a period not to exceed 24 consecutive hours for the purpose of (un)loading or cleaning.
- ii. All watercraft and recreational vehicles shall be stored or parked in a secure and safe manner that does not inhibit emergency access to any property.
- iii. The storage and use of recreational vehicles and watercraft shall comply with City of Savannah Code of Ordinances, Part 9, Chapter 1, Sec. 9-1022, Storing or sleeping in vehicular recreational equipment on public thoroughfare, as amended and Sec. 7-1016, Parking of specified motor vehicles, motor homes, trailers, semitrailers or truck tractors in residential zone—Prohibited, as amended.

iv. Designated Storage Area for Residential Developments

Residential developments may provide a designated area within the subdivision for the purpose of storing recreational vehicles, watercraft and/or trailers. Only residents of the development may use such storage area. The storage area shall be shown on a site development plan and shall be screened with a Type B use buffer when adjacent to any street or property not internal to the development.

c. Other

- i. Recreational vehicles, watercraft and trailers shall not be used permanently or temporarily for living, sleeping or household purposes. Such uses shall not be connected to sewer, water or other utility for any period of time.
- ii. No recreational vehicles, watercraft or trailers shall be permitted on a vacant lot without a primary structure except as provided in 8.7.16.b above.
- iii. Recreational vehicles shall not be permanently affixed to the ground in a manner that would prevent removal.
- iv. All recreational vehicles and watercraft shall be currently registered and operable at all times while being stored.

8.7.17 Recycling and Collection Units (Outdoor - Temporary or Permanent)

Recycling and collection units located outdoors that are either temporary or permanent in nature shall comply with the following standards:

- a. Recycling and collection units (e.g., units for clothing and household goods) that are located outdoors shall be subject to an approved City of Savannah development plan (Sec. 3.8, Development Plan Review), whether the unit is permanent or temporary.
- b. Within the local historic districts, such units shall meet the refuse screening standards of the overlay district.

c. Size

The total area encompassed by such units shall not exceed 500 square feet and occupy no more than five (5) non-required parking spaces not including space needed for removal or transfer of the unit.

d. Acceptable Materials

Such units shall accept only glass, metals, plastics, papers, clothing and such other non-hazardous materials suitable for recycling that can be placed in the unit.

e. Parking

No additional parking spaces for units located in an established parking lot of a primary use shall be required.

f. Setbacks

Such units shall conform to the setback and development standards of the zoning district in which the facility is located and shall not obstruct pedestrian or vehicular traffic. However, such facilities shall be set back at least 10 feet from any property line.

g. Storage

- i. Such units shall be securable and constructed of waterproof and rustproof materials.

- ii. Storage of recyclable materials outside of containers when an attendant is not present is prohibited.
- iii. Containers shall be clearly marked to indicate the type of material acceptable for collection. The unit shall identify the operator and hours of operation.
- iv. Distribution or sorting of items collected shall not occur onsite.

h. Signs

- i. Signs shall comply with the provisions of wall signs in Sec. 9.9, Signs.
- ii. Directional signs may be installed, as approved, if necessary to facilitate traffic circulation.
- iii. A sign shall be affixed to the unit prohibiting the deposit of hazardous or toxic materials after hours. For containers requiring an attendant, a sign shall be affixed to the unit prohibiting the deposit of any materials when an attendant is not present.

i. Maintenance

Containers shall be maintained in a safe and litter free condition.

8.7.18 Satellite Dish

The following standards apply only to satellite dishes within Nonresidential districts that are two (2) meters in diameter or greater.

- a. All satellite dishes shall be screened from view from any public right-of-way. Such screening may consist of a parapet wall (if located on the roof), fence or wall, hedge, natural vegetation or building or structures on the lot.
- b. Open mesh satellite dishes shall be painted or finished in a dark neutral color. Solid satellite dishes shall be painted or finished in a light or dark neutral color.
- c. A solid satellite dish that is adjacent to a public right-of-way, Residential zoning district or conforming residential use shall be screened by a six (6) foot high opaque fence or a hedge meeting the standards in Sec. 9.5.4.e.v.(5).
- d. No form of advertising or identification shall be permitted upon a satellite dish except for the manufacturer's small identification plate.

8.7.19 Solar Energy Systems

The following standards shall apply to all systems utilizing solar energy systems for the heating and cooling of buildings, heating of hot water and generation of electricity.

a. General

- i. No form of advertising or identification shall be permitted except for the manufacturer's small identification plate.

Commentary: *It is recommended that prospective owners of solar energy systems seek a solar access easement, where necessary, to preserve access to solar energy. A solar access easement sets limits on the amount of shading permitted by construction and vegetation on adjacent property where shading would adversely affect the efficiency of systems that depend of access to solar energy.*

b. Attached Systems

Solar energy systems attached to a structure shall meet the following standards:

- i. Systems may extend no more than seven (7) feet above the roofline of the building and may exceed base zoning district height limitations.
- ii. Systems which exceed the height limit shall be placed so as not to shade an existing solar energy system or property to the north on December 21st at noon, any more than would a structure built to the maximum permitted height and bulk.

c. Stand Alone Systems

Stand-alone solar energy systems shall meet the following standards:

- i. Systems shall not exceed the allowed height of the base zoning district.
- ii. Systems servicing the principal use shall not be counted in lot coverage calculations.

iii. The following setbacks shall apply:

1. Systems located in side or rear yards shall be no closer than three (3) feet from the property line;
2. Systems located in a front yard of any Residential zoning districts must be architecturally integrated with the principal structure; and
3. Systems located in the front yard in all zoning districts excluding Residential districts shall be no closer than five (5) feet from the front property line.

8.7.20 Reserved

8.7.21 Vehicle Sales

Vehicle sales shall be prohibited within Residential districts or on property devoted to a residential use, except that the sale of a private vehicle registered to an occupant of the residence shall be allowed. No more than one operable vehicle may be displayed for sale at the same time and no more than six (6) vehicles may be sold per year.

8.7.22 Outdoor Vending Machines, Freestanding Automatic Teller Machines (Less than 25 square feet)

Outdoor vending machines and freestanding automatic teller machines shall comply with the standards below.

Commentary: For the purpose of this Section, outdoor vending machines shall include newspaper/magazine racks, whether or not a fee is charged for the product, LP gas storage racks, ice boxes and machines that offer for sale or rent DVDs, drinks, snacks, candy, toys and similar items.

a. Location

- i. Outdoor vending machines and freestanding automatic teller machines may only be established in conjunction with a principal building and shall be located without impeding pedestrian or vehicular traffic, or occupying parking spaces, drive aisles, greenspace, buffers or landscaped areas required for the principal building. Outdoor vending machines shall be located immediately adjacent to the principal building as allowed by applicable building codes and ordinances.
- ii. Outdoor vending machines and freestanding automatic teller machines more than four (4) feet tall shall not block any window.
- iii. Within any local historic district, outdoor vending machines, not including newspaper/magazine racks, shall not be visible from any right-of-way, except for lanes. Vending machines that are within a building yet are visible due to an open door or wall shall not be considered outdoor vending machines.
- iv. Vending machines shall maintain at least four (4) feet of walkway free of obstruction to allow for pedestrian movement around such use.

b. Size

Outdoor vending machines and freestanding automatic teller machines shall occupy no more than 25 square feet of ground area per machine and shall be no more than eight (8) feet in height. The total width of all vending machines along a façade shall not be more than 10% of the length of such façade or 15 linear feet, whichever is less.

c. Signs

Signage on outdoor vending machines shall be limited to four (4) square feet on each side. Signage on automatic teller machines shall be limited to 12 square feet or two (2) square feet per linear foot of the machine, whichever is less, per side.

d. Lighting

A lighting plan shall be required if outdoor lighting is proposed.

e. Maintenance

Outdoor vending machines and freestanding automatic teller machines shall be maintained in a clean and litter free condition. For automatic teller machines, a waste receptacle shall be integrated into the structure housing the automatic teller machine.

f. Design

Outdoor vending machines and freestanding automatic teller machines shall be constructed and maintained with durable waterproof and rustproof material and shall identify the telephone number of the operator or responsible person to contact in the event of machine malfunction or if the machine is inoperative.

8.7.23 Outdoor Vending Unit (25 square feet or greater)

a. Location

- i. Such units shall be allowed only within the B-C, B-M, IL-T, IL and IH zoning districts.
- ii. The use shall be located on a road classified as a collector or arterial as identified in [Appendix A-1](#).
- iii. Such units shall only be allowed on a site occupied by another [principal building](#); and further, such units shall be located immediately adjacent to the other principal building as allowed by applicable [building codes](#) and ordinances.
- iv. Such use shall not be allowed within the boundaries of any local historic overlay district.

v. Ice Vending Units

1. An ice vending unit shall not be located within a 300-foot radius of an existing ice vending unit.
2. Only one (1) ice vending unit shall be allowed on any single parcel.

b. Development Standards

- i. A site plan shall be submitted for review according to Sec. [3.8](#), Development Plan Review.
- ii. Such units shall be not less than 25 nor more than 250 square feet in size.
- iii. Such use shall not be located on or in any parking spaces required for a [principal use](#).
- iv. Such use shall provide a minimum of two (2) off-street parking spaces.
- v. A trash receptacle with a minimum capacity of at least 30 gallons shall be placed adjacent to an ice vending unit. Such receptacles shall be properly maintained and emptied by the ice vending unit owner or his designee at least once every two (2) days.

c. Signage

Signage shall be permitted on any two (2) sides of the unit only and shall not exceed one (1) square foot for each linear foot of unit wall as measured along the longest wall. In no case shall permitted signage exceed 20 square feet per side.

8.7.24 Accessory Alcohol Sales

a. Accessory Sales of Beer and Wine by the Package

Such use shall only be permitted in the TC-1, TC-2, D-C, D-CBD, D-W, D-X, B-N, B-C, B-M, IL-T and I-L zoning districts, except where prohibited by Section [7.14](#), Alcohol Density Overlay District.

b. Accessory Alcohol Sales by the Drink in Association with a [Restaurant](#)

- i. Such use shall be permitted by right in the TC-2, D-N, D-C, D-CBD, D-W, D-X, B-N, B-C, B-M and IL-T zoning districts, except where prohibited by Section [7.14](#), Alcohol Density Overlay District.
- ii. Such use shall be permitted in the TN-2 ([corner lot](#)), TC-1, D-R, OI, OI-T, and OI-E zoning districts only with a [Special Use Permit](#).
- iii. Alcohol sales are limited to on-premises consumption only.

(Ord. of [11-22-2022\(10\)](#), § 1)

Effective on: 11/22/2022

Chapter 18.122 ACCESSORY DWELLING UNITS

Sections:

18.122.010 Purpose.

18.122.020 Definitions.

18.122.030 Designation.

18.122.040 Procedure.

18.122.050 Standards.

18.122.060 Additional requirements.

18.122.010 Purpose.

In accordance with RCW [36.70A.696](#), the purpose of these code provisions for accessory dwelling units (ADUs) is to (A) provide homeowners with flexibility in establishing separate living quarters within or adjacent to their homes for the purpose of caring for seniors, providing housing for family members, or obtaining rental income; (B) increase the range of housing choices and the supply of accessible and affordable housing units within the community; and (C) ensure that the development of accessory dwelling units does not cause unanticipated impacts on the character or stability of single-family neighborhoods. [Ord. 2021-05; Ord. 2019-06 § 2 (Exh. C); Ord. 2013-01 § 1 (Exh. A).]

18.122.020 Definitions.

A. "Accessory dwelling unit (ADU)" means a subordinate dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit.

B. "Attached accessory dwelling unit" means an accessory dwelling unit located within or attached to a single-family housing unit, duplex, triplex, townhome, or other housing unit.

C. "Detached accessory dwelling unit" means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a single-family housing unit, duplex, triplex, townhome, or other housing unit.

D. "Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

E. "Owner" means any person who has 50 percent ownership in a property on which an accessory dwelling unit is located.

F. "Short-term rental" means a lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit or portion thereof, is offered or provided to a guest by a short-term rental operator for a fee for fewer than 30 consecutive nights. [Ord. 2021-05; Ord. 2019-06 § 2 (Exh. C); Ord. 2013-01 § 1 (Exh. A).]

18.122.030 Designation.

One accessory dwelling unit (ADU) shall be permitted in any zone where single-family dwellings are listed as a permitted use only on parcels which meet the following conditions:

- A. Is a legal lot of record sufficient to support water and septic.
- B. Contains an existing single-family dwelling, which is conforming in use.
- C. Contains no other accessory dwelling.
- D. The new ADU conforms to all current bulk and dimension standards of the zone.
- E. The ADU may be constructed within the existing structure, attached as a new addition or partial addition or detached either built on site or moved to the site, including state-certified manufactured or modular homes set on a permanent foundation as real property. [Ord. 2021-05; Ord. 2019-06 § 2 (Exh. C); Ord. 2013-01 § 1 (Exh. A).]

18.122.040 Procedure.

Each accessory dwelling unit shall require an administrative permit as follows:

- A. The permit for an ADU shall be considered a nondiscretionary permit to be approved administratively by the planning director.
- B. The required fee as established by the BOCC shall be submitted with the application.
- C. The application shall be made in accordance with submittal requirements on file with the planning department.
- D. Prior to submitting an application the applicant shall meet with the planning department to determine compliance of the property with current zoning codes.
- E. An applicant seeking to build an accessory dwelling unit shall file a Columbia County accessory dwelling unit affidavit that identifies the dwelling unit as accessory and stipulates regulations. The applicant shall submit proof that the notice was filed before a permit for construction is approved. The notice shall run with the land. [Ord. 2021-05; Ord. 2019-06 § 2 (Exh. C); Ord. 2013-01 § 1 (Exh. A).]

18.122.050 Standards.

A. New construction for an ADU shall comply with all the development standards for a single-family dwelling including, but not limited to, setbacks, height limits, and lot coverage and shall not increase any nonconforming aspect of any existing structure unless otherwise addressed by this chapter.

B. The following standards shall also apply:

1. The accessory dwelling unit, excluding any garage area and other nonhabitable spaces, shall not exceed 1,100 square feet, or 50 percent of the total square footage of the primary residence, excluding any garage area and other nonhabitable spaces, whichever is less.
2. Both the ADU and the primary unit shall comply with all applicable building codes.
3. If the ADU is attached to the primary building, the main exterior entrances may not be on the same side of the building.

4. The ADU should be designed to be compatible with the primary dwelling unit, taking into consideration materials, colors and building forms.
5. One off-street parking space shall be provided for the ADU in addition to those required for the primary dwelling.
6. There shall be no more than three bedrooms in an ADU.
7. The ADU shall be no more than 100 feet away from the primary residence.
 - a. The planning director shall have authority to permit an additional 50-foot distance from the primary residence only if topography and/or the placement of existing structures requires.
8. Travel trailers and recreational vehicles shall not be permitted as accessory dwelling units.
9. Accessory dwelling units must be dependent upon the primary residence, and must share at least three of the following criteria with the primary residence:
 - a. Road access;
 - b. Septic system;
 - c. Water system;
 - d. Utility meter;
 - e. Yard area; and/or
 - f. Parking area.
10. Any additions to the ADU shall meet the requirements of this chapter.

C. An accessory dwelling unit which conforms to the standards in this chapter shall not be considered to exceed the allowable density for the lot upon which it is located and shall be considered a residential use which is consistent with the comprehensive plan and zoning designation for the lot. [Ord. 2021-05; Ord. 2019-06 § 2 (Exh. C); Ord. 2013-01 § 1 (Exh. A).]

18.122.060 Additional requirements.

Accessory dwelling units shall be subject to the following requirements:

- A. Sale or ownership of such unit separate from the primary residential unit is prohibited.
- B. If the ADU is being offered or used as a short-term rental, the occupant of either the ADU or the primary unit shall be the owner of the entire property.
- C. Prior to issuance of a permit for ADU evidence shall be provided that there is adequate potable water and sanitary sewer capacity for an additional dwelling unit on the lot.
- D. Prohibited occupancy or sale, in addition to authorizing all other remedies available to the county, shall constitute a zoning violation and a nuisance subject to abatement. [Ord. 2021-05; Ord. 2019-06 § 2 (Exh. C); Ord. 2013-01 § 1 (Exh. A).]



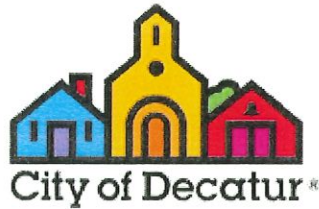
The Columbia County Code is current through Ordinance 2023-01, passed March 20, 2023, and Resolution 2022-29, passed October 17, 2022.

Disclaimer: The Clerk of the Board's Office has the official version of the Columbia County Code. Users should contact the Clerk of the Board's Office for ordinances passed subsequent to the ordinance cited above.

County Website: <http://www.columbiaco.com/>

County Telephone: (509) 382-4676

[Code Publishing Company](#)



Search

Accessory Dwelling Units

An ADU (accessory dwelling unit) is an additional, self-contained dwelling on a typical single-family lot. It can be attached, such as in the lower level of the main dwelling, or detached at the rear of the property. These smaller units represent the “missing middle,” filling the gap between single-family homes and multi-unit dwellings downtown. While ADUs are not the sole answer to Decatur’s missing middle, they represent a big step in the right direction. Residents of ADUs contribute to the vitality of the community, and ADUs make it possible for more families to own and maintain a home in the city.

ADUs were permitted as a housing type in December 2012. They are allowed in most single-family and multi-family residential zoning districts – R-85, R-60, R-50, RM-18, RM-22, and RM-43. One ADU per primary dwelling unit is possible. Other considerations:

- An ADU may be developed in or to the rear of an existing or new main dwelling.
- To keep true to its accessory size, an ADU may have a floor area up to 800 square feet, and should not exceed 40 percent of the floor area of the primary dwelling. If the ADU is combined with the garage, the total floor area may be up to 1,000 square feet.
- An ADU may have up to two bedrooms.
- The owner is required to reside in either the main dwelling or the ADU for at least eight months of the year; an affidavit will be required of the owner confirming residency.

- If detached from the main dwelling, an ADU must be located in the rear yard and have a footprint no greater than 30 percent of the rear yard.
- In combination with the main dwelling, the total floor area should not exceed 40 percent of the lot area.
- Similarly, the total lot coverage of all impervious surfaces should not exceed 40 percent of the lot area.

As a housing option, ADUs demonstrate the values of diversity and affordability promoted by the City of Decatur. They serve to fill a gap in Decatur's housing market by providing a new, neighborhood scale rental housing option for those looking for affordable living arrangements in a more traditional single-family-home setting.

Planning and Zoning

Contact Information

Office Hours

N/A

Main Office - City Hall

509 N. McDonough St.
Decatur GA 30030

Application Submittal

Public Works

2635 Talley St.
Decatur, GA 30030

[Angela Threadgill](#)

Planning & Economic Development Director

Accessory Dwelling Units

Planner: Erica Greene

Consideration of amending the Dallas Development Code pertaining to accessory dwelling units.

GOAL

To develop a proposal amending the development code which would allow accessory dwelling units “by-right” and form regulations for an “opt-out” process should City Council approve the “by-right” regulations.

BACKGROUND:

- On June 27, 2018, City Council approved two code amendments to allow accessory dwelling units via 1) Board of Adjustment (BDA) granting a special exception to authorize an accessory dwelling unit as a rental accommodation ([Sec.51A-4.209](#))(6)(E)(ii)(aa), and 2) Accessory Dwelling Unit (ADU) Overlay process and regulations ([Sec.51A-4.510](#))(c).
- On February 24, 2020, the Housing & Homelessness Solutions (HHS) Committee discussed accessory dwelling units. Some committee members asked staff to research a “by-right” and “opt-out” process for accessory dwelling units. Other members expressed a desire to maintain existing regulations. Staff was asked to discuss options with ZOAC and CPC.
<https://dallastx.swagit.com/play/02242020-548>
- Since Council approval of the two processes to allow ADUs in 2018, the BDA has granted two accessory dwelling units for rent, both in January 2020. There has been no neighborhood request to begin the overlay process.
- On July 23, 2020, staff presented to ZOAC a “by-right” and “opt-out” process for accessory dwelling units along with a summary from the community survey that represented all 14 districts of the City of Dallas.
- **Updates and additional information to this case report are highlighted in yellow.**

Accessory Dwelling Unit District Survey¹:

Staff solicited input from residents on their thoughts on accessory dwelling units via an online survey from June 25, 2020 to July 10, 2020. The survey received 2,314 responses to the following questions:

1. In which council district do you live?
2. Are there any accessory dwelling units in your neighborhood?
3. Do you think accessory dwelling units should be allowed in all Dallas neighborhoods?

¹ This was not a scientific survey, but staff wanted to provide ZOAC with feedback on ADUs from the community.

-
4. List three things you like about accessory dwelling units.
 5. List three things you dislike about accessory dwelling units.

Respondents to question one were from all 14 Council Districts. District 14 was the most heavily represented district making up 20% the survey. District 1 represented 8% of the survey. District 2 represented 5% of the survey. District 3 represented 2% of the survey. District 4 represented 3% of the survey. District 5 represented 1% of the survey. District 7 represented 8% of the survey. District 8 represented 2% of the survey. District 9 represented 10% of the survey. District 10 represented 6% of the survey. District 11 represented 2% of the survey. District 12 represented 14% of the survey. District 13 represented 15% of the survey.

In response to question two, 38% responded that there were ADUs in their neighborhood, while 20% did not have them, and 41% did not know if there were any ADUs were in their neighborhood.

In response to question three, 66% said that ADUs should be allowed in Dallas neighborhoods, while 30% said they should not. Only 3% did not have an opinion.

Comments regarding what was favorable about ADUs included "affordable housing", "city could collect short term rental taxes", "housing flexibility for guest and family", and "potential for extra income".

The overall respondents regarding what was disliked about ADUs included comments such as: "additional street parking", "nothing", "increased stress on infrastructure", and "lower property value".

CURRENT CODE:

Accessory Dwelling Unit Regulations

- Unit cannot be sold separately from main dwelling unit
- Additional electrical utility service allowed on a lot with an ADU
- Owner occupancy required; either the primary dwelling unit or the ADU
- Non-owner-occupied unit on the lot must be registered with the Single Family Rental Registration Program of the City annually if rented
- Parking
 - At least one off-street parking space is required; except
 - No additional parking is required if ADU is located within 1,200 feet of a DART bus or transit stop
- May be attached or detached
 - Maximum floor area is 700 sq. ft. or 25% of main structure, whichever is greater
 - If detached
 - Minimum floor area is 200 sq. ft.
 - Cannot be located in front of the main structure
- Height
 - Maximum height of structure containing the ADU cannot exceed the height of the main dwelling unit
 - If ADU is located over a detached garage, maximum height is the maximum height allowed in that zoning district

-
- Side and Rear Yard Setbacks
 - Setbacks of the zoning district if over 15' height;
 - 3' side yard setback if less than 15' height and located in rear 30% of the lot
 - 3' rear yard setback if less than 15' height

Accessory Dwelling Unit Overlay

- Neighborhood driven petition process
- Similar to a Neighborhood Stabilization Overlay (NSO)
- Allowed only in an area that allows single family uses and does not expressly prohibit accessory dwelling units

Board of Adjustment (BDA) Regulations

- BDA special exception to allow an accessory dwelling unit as a rental accommodation
- BDA grants special exception if accessory dwelling unit will not adversely affect neighboring properties
- If granted:
 - Subject property must be deed restricted to require owner occupancy on the premises
 - Board may determine if an additional parking space is required
 - Must register the rental property with the Single Family Rental Registration Program of the City annually

POTENTIAL AMENDMENTS:

ADUs "By-Right"

"By-right" option would allow an accessory dwelling unit to be built on property with a single family use in any area that allows single family uses, unless expressly prohibited. If City Council were to approve a "by-right" ordinance, staff proposes an effective date of seven months post Council approval. This would allow for the "opt-out process", as discussed below, to be pursued. However, Council could choose not to approve an "opt-out" process and a post effective date of the "by-right" ordinance would not be necessary. If ADUs are ultimately allowed 'by-right' a property owner would need to obtain a building permit for the ADU.

Current regulations for accessory dwelling units would remain for the "by-right" option.

This "by-right" option would require property owner notification prior to the public hearings for consideration at City Plan Commission and City Council for the areas that it would affect. Notification would be required to zoning districts that allow single family use but not duplex use, to include Planned Development Districts for single family uses but not duplex use. Single family is defined as one dwelling unit on a lot. Unlike other code amendments, this change is fundamentally altering the classification of the zoning district from single family to, essentially what is similar to a Duplex District. State law requires zoning changes to be noticed. Notices would be required to be mailed to property owners within the affected districts as well as those within a 500 foot buffer.

Opt-Out Process:

An “opt-out” process would provide for a neighborhood-driven process to create an overlay that would not allow accessory dwelling units to be built “by-right” in that neighborhood.

The “opt-out” overlay process might look similar to the Neighborhood Stabilization Overlay (NSO) process that we currently have in place. For example:

- Must contain at least 50 single family structures in a compact, contiguous area, or be an original subdivision if the subdivision contains fewer than 50 single family structures.
- Neighborhood Committee formed
 - Owners of at least 10 properties within the proposed overlay
- Neighborhood Committee requests petition form from the department
- Department staff holds neighborhood meeting
 - Notices are sent to all property owners within the proposed overlay at least 10 days prior to the meeting
- Staff provides petitions to the neighborhood committee at the neighborhood meeting
 - Petition includes: map of overlay area, name and address of property owner, and statement that by signing the petition the signers are indicating their support of the district
- Neighborhood Committee collects petition signatures
 - 30 days from neighborhood meeting
 - 75% or more signatures required
- Neighborhood Committee submits petition to department
- Staff verifies and determines complete petition and application
- **CPC**
 - Application is heard by CPC for their input and recommendation
- **City Council**
 - Application is heard by City Council for final decision
 - If approved, the “by-right” option to allow accessory dwelling units will go into effect seven months from the approval date of the ordinance. However, City Council could make this time frame less/more than what is referenced. During that time, no building permit application can be processed for ADUs during this time
 - If a neighborhood wants to proceed with the “opt-out” process after the effective date, the permits for ADUs will not be restricted, and a property owner can apply for building permits for an ADU throughout the process

ADU “Opt-Out”/ “Opt-In” Post Effective Date of the “By-Right” Ordinance

In the event that the ADU “by-right” option is approved by City Council and a neighborhood decides to “Opt-Out” after the effective date of the “by-right” ordinance, then the following would occur:

Opt-Out Overlay: A neighborhood can go through the process to exclude the right to allow accessory dwelling units in that neighborhood. A neighborhood with existing legal ADUs could not pursue an “opt-out” process as it would make existing ADUs nonconforming.

Opt-In By Right: A neighborhood could go through the process to reverse an “opt-out” overlay. To reverse the “opt-out” overlay, after the effective date of the “by-right” option, would require 75% of signatures from the neighborhood. If a neighborhood had put an “opt-out” overlay in place and later decides they do not want the ADU “opt-out” overlay, they would go through the petition process to remove the overlay.

RESEARCH

Other Cities Research from 2017

	Austin	Baltimore	Boston	Columbus	El Paso	Fort Worth 2	Philadelphia	Phoenix 1	San Antonio	San Jose	San Diego	* Vancouver, Canada	* Atlanta	* Birmingham	* Decatur
Additional Dwelling Unit allowed in Single Family District by right	√	X	X	√	√	√	√	√	√	√	√	√	√	√	√
ADU in Rental Allowed in Single Family District	√	X	X	√	√	X	√	X	√	√	√	X	X	X	X
If allowed:															
Attached and Detached	√			√	√		√		√	√	√				√
Owner Occupancy on same lot	X			√	√		√		√	√	√	X			√
ADU size regulations	√			√	√		√		√	√	√				√
Lot size, set back requirements	√			√	√		√		√	√	√				√
Additional or separate utility and sewer connections allowed				X			X		X						
Parking requirements	√			√	√		X		√	√	√				√
Design requirements	X			X	√				√	√	√				
ADU - Accessory Dwelling Unit * Not an Index City Empty - Unknown √ - Yes X - No 1. Phoenix City Code states that a guest room may not contain any cooking facility. 2. Accessory Dwelling Unit cannot be rented in a one family district. In Urban Residential District (UR), a transition zone between low density single-family neighborhoods and high-density commercial area, a range of housing options are allowed.															

	Allen	Arlington	Cedar Hill	Duncanville	Garland	Grand Prairie	Irving	Mesquite	McKinney	Plano	Richardson	University Park	Highland Park
Additional Dwelling Unit allowed in Single Family District by right	X	√	√	√	√	√	√	√	√	√	√	√	√
Rental Allowed in Single Family District by right	X	X	X	X	X	X	X	X	X	X	X	X	X
Note: Surrounding cities except Allen, allow an additional dwelling unit. Per the respective City Codes, the additional dwelling unit can be used for family or as a servant quarter, not for income/rental purpose. ADU- Accessory Dwelling Unit √ - Yes X - No Empty - Unknown													

Accessory Dwelling Unit: Overview in Other Cities – Updated:

Texas

Austin:

Austin has allowed Accessory Dwelling Units (ADUs) since 2001. A council-initiated amendment in 2015 aimed to make secondary units more widely available across the city. The goal was to add needed additional housing units that could be more affordable and provide an income stream for the property owner. ADUs that are built in central locations utilizes existing infrastructure and have minimal impact to the "character" of a single family neighborhood. Austin's City Council were prompted to approve the resolution to amend the code based on demographic information assessed that 34% of households in Austin were single person households, along with the need for more relatively affordable units, and the need to provide options for multi-generational families and seniors, among others. From 2007-June 2014, there were 230 ADU/secondary dwelling units built. Since the 2015 amendment an estimated 400 permits a year have been approved.

There are several requirements for a lot to build an accessory dwelling unit:

- 1) Maximum 1,100 square feet or 15% of the lot size, whichever is smaller
- 2) Must be detached and separated by 10'
- 3) 1 parking space required unless within ¼ mile of a transit stop
- 4) Rentable – long term or no more than 30 days per year short term
- 5) 2 separate water meters if renting one of the units
- 6) Maximum 30' height
- 7) Maximum 2 stories – 2nd story must be less than 550 square feet
- 8) May be sold separately
- 9) Allowed in some single-family zoning districts: SF-3, SF-5, SF-6 zoning area, because they allow for single family residential use as well as duplex, two-family, townhouse, or condominium residential use

San Antonio:

Has allowed Accessory Dwelling Units (ADUs) since 2001. There are several requirements for a lot to build an accessory dwelling unit.

- 1) The property owner, which shall include title holders and contract purchasers, must occupy either the principal unit or the accessory dwelling as their permanent residence, and shall at no time receive rent for the owner-occupied unit.
- 2) No accessory dwelling shall be constructed, used or occupied unless and until an accessory dwelling permit is issued.
- 3) The accessory dwelling shall be connected to the central electrical, water and sewer system of the principal structure.
- 4) The total number of occupants in the accessory dwelling unit combined shall not exceed three (3) persons.
- 5) The accessory dwelling shall not exceed eight hundred (800) square feet of gross floor area in any single-family residential zoning district other than the "FR" zoning district, or one thousand two hundred (1,200) square feet in the "RE" zoning district.
 - a) The building footprint for the ADDU shall not exceed forty (40) percent of the building footprint of the principal residence. The "building footprint" shall include porches but shall not include patios.
 - b) Total floor area of the ADDU shall not exceed eight hundred (800) square feet or be less than three hundred (300) square feet.

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- c) An ADDU shall not contain more than one (1) bedroom.
 - d) Only one (1) accessory unit shall be permitted per lot.
 - e) Parking areas shall be located behind the front yard.
- 6) In order to maintain the architectural design, style, appearance and character of the main building as a single-family residence, the ADDU shall have a roof pitch, siding and window proportions identical to that of the principal residence.
- 7) Accessory detached dwelling units shall require a minimum setback from the rear and side property lines of five (5) feet.
- a) The gross floor area of the accessory apartment shall not exceed thirty-five (35) percent of the total living area of the principal dwelling unit.
 - b) Occupancy of the accessory apartment shall not exceed one (1) person per two hundred (200) square feet of gross floor area.
 - c) Attached accessory dwelling units shall be in compliance with the required setbacks of the primary structure required by the underlying zoning district.

Plano: Approved an ordinance change to allow accessory dwelling units/ backyard cottages February 25, 2019.

- Minimum-required property size to 6,000 square feet.
- Must have at least one more off-street parking space.
- Must include a complete bathroom, kitchen and sleeping area.
- Must be located behind the main dwelling unit and 10 feet away from main structure
- Cannot exceed the height of that main house
- Property owner must reside on the property
- Must be at least 400 square feet and no larger than 1,100 square feet, or 50% of the main dwelling unit (whichever is more restrictive)

California:

In 2017, California passed a statewide law to clarify ADU rules and stimulate the development of ADUs. This law allowed for cities to adopt their own ordinances and fine tune certain parts of the State law. Several new state measures overriding municipal limitations on the structures took effect Jan. 1, 2020. New policy also dictates that owner-occupancy of ADUs isn't required, homeowners can add two units per lot, and parking minimums are capped near transit. The new law allows ADUs up to 800 square feet as well as an additional junior ADU attached to the primary residence on a property. Side and rear setbacks for ADU buildings will also be reduced to 4 feet, and applications will not require LA City Planning Commission review.

Los Angeles- has deferred entirely to the State law since January 1, 2017, revised in 2019. ADUs can be developed on any site that is zoned for residential use and contains an existing or proposed single-family home.

San Francisco- San Francisco's ADU Program allows two different types of ADUs: 1) "Waiver" ADUs – all multi-family buildings and single-family homes that need one or more waivers from the Planning Code for requirements like exposure, open space, or rear yards; and 2) "No-Waiver" ADUs – single-family homes that do not need waivers from the Planning Code.

Illinois:

Since February 2020, the adoption of the HB 4869 bill would prohibit any unit of local government from banning second living units on a residential property. The legislation as proposed leaves it up to the municipality how to regulate ADUs' size and location, but it explicitly bars local governments from enacting regulations that would have the effect of prohibiting new ADUs.

Chicago- Chicago's ADUs (structures separate from the main house would be limited to 700 square feet. They could not be used for short-term rentals such as Airbnb. And it would require backyards be preserved in accordance with neighborhood standards. City building standards and permit rules still apply. The ordinance contains no requirement for parking to serve the new units.

Evanston- Evanston expanded its code provisions for ADUs, also called "coach houses" to allow coach houses on any residential lot, not only those with single-family homes. The code also allows for permitted construction of a coach house on any residentially-zoned lot, rather than just behind single-family homes. The code also waives the requirement that an additional parking space be provided for a coach house if the property is within 1,500 feet of a bus stop or train station or if it meets city-specified affordability requirements. Ease height limits for coach houses outside historic districts based on side yard setbacks provided, but set a maximum height limit of 28 feet.

Tennessee:

Memphis- Since 2010, ADUs are governed by the size of lot on which they sit. Accessory structures may be as close as 5 feet to the rear property lines and adhere to the required side setback for the zoning district. Most districts require a 5-foot side setback. If the accessory structure contains a garage facing an alley, it must be either 5 feet or at least 20 feet from the alley to prevent parked cars impeding the alley. Accessory structures must be lower than the principal dwelling. Any portion of an accessory structure over 20 feet in height must be 20 feet from the rear lot line.

Nashville- Nashville's ADUs adopted in 2011 (See Ordinance No. BL2011-900) means a detached dwelling unit separate from the principal structure on a lot located within residentially zoned neighborhoods as well as a Historic Overlay District. The dwelling shall be clearly subordinate in size, height, and purpose to the principal structure, it shall be located on the same lot as the principal structure but may be served by separate utility meter(s) and is detached from the principal structure. A detached accessory dwelling can be an independent structure, or it can be a dwelling unit above a garage, or it can be attached to a workshop or other accessory structure on the same lot as the principal structure.

	California		Illinois		Tennessee		Texas		Washington
	Los Angeles	San Francisco	Chicago	Evanston	Memphis	Nashville	Austin	San Antonio	Seattle
Year Established	2017*	2017	2020	2020	2010	2011	2001	2001	2010*
Unit Size (max)	800sf	800sf	700sf	1000sf	700sf	200sf	1200sf	800sf	1000sf
Setback Requirements	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Zoning Districts	Single Family	Single Family	Single Family	Single Family	Single Family	Single Family	Single Family	Single family	Single Family
Ability to Rent	Yes	Yes	Yes**	Yes	Yes	Yes	Yes	Yes	Yes
Owner Occupancy on Lot	No	No	Yes	Yes	Yes	Yes	No	Yes	No
Attached/ Detached	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
Parking Regulations	Yes***	Yes***	No	Yes***	Yes	Yes	Yes	Yes	No

*revised 2019

** rentable but not for AirB&B

***if within distance of transit station or if it meets city-specified affordability requirements

Maryland

Baltimore

- State Bill 81-0188 was introduced in February 2018 for the purpose of allowing accessory dwelling units as a conditional use but was withdrawn due to lack of support in July 2020. ADUs are still not allowed in Baltimore.

Massachusetts

Boston

- An initial pilot program to allow ADUs was introduced in November 2017, the ADU amendment was made to Article 53 (East Boston Neighborhood District), Article 55, (Jamaica Plain Neighborhood District), and Article 60 (Greater Mattapan Neighborhood District)
- As of February 2019, 55 applications have been filed with the Inspectional Services Department (ISD) for ADUs and 12 permits have been issued.

Oregon

Portland- On August 12, 2020, Portland City Council adopted the [Residential Infill Project](#) that allows more housing types (triplexes, fourplexes, sixplexes and cottage clusters) in residential neighborhoods.

- Maximum square footage for a unit(home) went from 6,500 to 2,500 sq. ft
- Same size limit for one-unit buildings. Duplexes will be up to three-fifths the square footage of their lot, and triplexes and fourplexes up to 0.7
- Eliminate all parking requirements, citywide, for low-density residential zones

Canada

Vancouver- In September 2018, Vancouver's City Council adopted to re-legalize duplexes citywide. This policy allows buildings that include two full-size homes instead of just one in all its single-family neighborhoods.

Georgia

Atlanta- Accessory dwelling units were revised in 2019 to allow for accessory dwelling units in three zoning districts.

- R-4 Single Family Residential District allows for accessory dwelling units
 - Permitted where the total number of dwelling units on any parcel, including the accessory dwelling unit, does not exceed two
 - No parking required
 - Minimum yard requirements for R-4
 - Minimum lot requirements: lot size can be no less than 9,000sq ft and a frontage of not less than 70 ft
- R-4A Single Family Residential District allows for accessory dwelling units
 - Permitted where the total number of dwelling units on any parcel, including the accessory dwelling unit, does not exceed two.
 - No parking required
- R-5 Two -Family Residential District allows for single-family or two-family dwelling.

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- Permitted accessory dwelling units, where the total number of dwelling units on any parcel, including the accessory dwelling unit, does not exceed two.
 - No parking required
 - The distance between an accessory dwelling unit 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.

COMMUNITY ENGAGEMENT

Staff is organizing a series of community meetings to continue the dialogue and receive community input on allowing accessory dwelling units “by-right”. The meetings will be held via videoconference and are tentatively scheduled for September.