

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND THE CLARKSTON ZONING ORDINANCE, APPENDIX A OF THE CITY CODE OF ORDINANCES TO ALLOW AND REGULATE ACCESSORY DWELLINGS IN CERTAIN ZONES OF THE CITY; TO ALLOW HOME OCCUPATIONS TO BE CONDUCTED IN ACCESSORY DWELLINGS; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City desires to promote affordable housing options; and

**WHEREAS**, the City desires to accommodate extended families residing together; and

**WHEREAS**, allowing Accessory Dwellings will facilitate both of the goals; and

**WHEREAS**, certain restrictions on Accessory Dwellings are necessary to prevent negative impacts on surrounding properties; and

**WHEREAS**, the City Council has determined that Accessory Dwellings are appropriate for single-family detached lots in the NR-1, NR-2, NR-3, NR-CD and RC zones of the City.

**NOW THEREFORE, BE IT ORDAINED** by the City of Clarkston, Georgia, that the City's Zoning Ordinance be amended as follows:

**SECTION ONE**

Zoning Ordinance § 603 is hereby amended to add new subsections (m) and (n), to read as follows:

“(m) Accessory structures may not be used for residential purposes, except for Accessory Dwellings in conformance with subsection (n).

(n) *Accessory Dwellings*. Where listed as a permitted accessory use in a district, an accessory structure may be constructed and used as a residential dwelling place if the structure and use comply with the following regulations:

- (1) Accessory Dwellings are only permitted on lots with single-family detached residential dwellings as the primary structure.
- (2) Accessory Dwellings must include their own independent code-compliant kitchen and bathroom facilities.
- (3) Accessory Dwellings shall be limited to one such structure per qualified lot.
- (4) Accessory Dwellings shall be located either beside or behind the principal building. No portion of an accessory building may be located in the front yard of the primary structure.
- (5) Notwithstanding any provision of the zoning ordinance limiting the size of accessory structures generally, Accessory Dwellings shall be permitted to have a first floor (main floor) area of up to 1,250 square feet or the area of the first floor of the primary residential structure on the same lot, whichever is smaller.

(6) The maximum permitted height for an Accessory Dwelling is eighteen (18) feet from the finished first floor height, except that, if the ridge of the Accessory Dwelling's roof is pitched with a minimum slope of six (6) to twelve (12), then the maximum roof height may extend up to twenty-five (25) feet. All parts of the roof extending above eighteen (18) feet from finished first floor height shall be so pitched. This provision is intended to allow Accessory Dwellings to be a maximum of one and one-half (1½) stories in height.

(7) Each Accessory Dwelling shall be provided with at least one (1.0) off-street parking space located on the same lot as the Accessory Dwelling. Such required parking space shall consist of a space adequate for parking an automobile of standard dimensions, with room for opening doors and entering or leaving on both sides and with safe and convenient access to a public street or alley. The required Accessory Dwelling parking space shall be positioned in such a way that a standard sized automobile has the ability to ingress and egress from the space without moving another vehicle.

(8) Accessory Dwellings shall comply with all applicable codes for residential buildings, including the Americans with Disabilities Act.”

## SECTION TWO

Zoning Ordinance § 605, subsection (b)(2)(f), is hereby repealed and replaced with the following text:

“f. No accessory buildings shall be used in connection with a home occupation, except for bona fide Accessory Dwellings in compliance with Section 603(n).”

## SECTION THREE

Zoning Ordinance § 701 is hereby amended to add new subsection (b)(4), to read as follows:

“(4) Accessory Dwellings in compliance with Section 603(n).”

## SECTION FOUR

Zoning Ordinance § 702 is hereby amended to add new subsection (b)(4), to read as follows:

“(4) Accessory Dwellings in compliance with Section 603(n).”

## SECTION FIVE

Zoning Ordinance § 703 is hereby amended to add new subsection (b)(4), to read as follows:

“(4) Accessory Dwellings in compliance with Section 603(n).”

SECTION SIX

Zoning Ordinance § 704 is hereby amended to add new subsection (b)(9), to read as follows:

“(9) Accessory Dwellings in compliance with Section 603(n).”

SECTION SEVEN

Zoning Ordinance § 705 is hereby amended to add new subsection (b)(10), to read as follows:

“(10) Accessory Dwellings in compliance with Section 603(n).”

SECTION EIGHT

This Ordinance shall become effective upon the date of its adoption by the City Council. Any provision of any ordinance in conflict herewith that is not specifically repealed herein shall be construed to give precedence to the provisions of this Ordinance.

**SO ORDAINED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**CITY COUNCIL, CITY OF CLARKSTON, GEORGIA**

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**EDWARD TERRY, Mayor**

Attest:

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Tracy Ashby, City Clerk

Approved as to Form:

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Stephen Quinn, City Attorney