

**ORDINANCE 2017-09-2018-02**

AN ORDINANCE BY THE GOVERNING AUTHORITY FOR THE CITY OF STONE MOUNTAIN, GEORGIA TO AMEND APPENDIX A - ZONING, ARTICLE VI: SUPPLEMENTAL REGULATIONS, SECTION 6-8 ACCESSORY USES TO INCLUDE PROVISIONS FOR ACCESSORY DWELLING UNITS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE, TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

## PART I

The Council of the City of Stone Mountain hereby ordains that APPENDIX A – ZONING, ARTICLE VI: SUPPLEMENTAL REGULATIONS of *The Code of the City of Stone Mountain, Georgia* be amended as follows:

1. Add delete Section 6-8 Accessory uses in its entirety; and
2. To add new Section 6-8 Accessory Uses as follows:
  - A. Accessory uses or structures shall be permitted only in side or rear yards, except as otherwise provided in this ordinance.
  - B. No accessory building shall be erected on a lot prior to the time of construction of the principal building to which it is accessory.
  - C. Only two accessory buildings shall be permitted on a lot.
  - D. Accessory uses or structures (not including accessory dwelling units) shall be permitted if they meet the following:
    1. Accessory buildings shall be set back not less than ten feet from any lot line.
    2. An accessory building shall not be any larger than 24' x 24' and must comply with district development regulations.
    3. Accessory buildings located on property in excess of one acre will not be restricted to size, as long as the structure meets building codes and other requirements of this ordinance.
    4. Accessory buildings in residential districts shall not be used for any type of commercial operation whether permanent, part-time or as part of a home occupation except as otherwise provided for in this ordinance. A home occupation can be conducted in an accessory building if approved as a conditional use.
    5. No accessory structure shall exceed a height of 15 feet.
    6. Detached accessory buildings shall be located at least ten feet from the principal structure on a lot.
    7. Satellite dish antennas shall be permitted as accessory structures only in rear yards unless it can be documented that reception is impaired by such a location. In this case an antenna would be permitted in a side yard.
      - a. Satellite dish antennas which exceed two feet in diameter shall not be located on the roof of a single-family structure.

8. Basketball goals, which are attached to the principal residence structure or erected adjacent to and abutting the driveway of the principal residence structure or the driveway area shall be allowed in the front, side or rear yard but not in the right-of-way of a public street.
  9. No fabricated structure shall be erected on a lot for accessory purposes in any residential zoning district except when constructed in the rear yard.
    - a. No tent or tarpaulin structures shall be erected on a lot for accessory purposes in any zoning district. Tent or tarpaulin structures shall be permitted in residential districts for temporary recreational use or in the exercise of religious observances or similar events.
- E. Accessory dwelling units shall be permitted if they meet the following:
1. The accessory dwelling unit shall ~~not contain less than 300~~ **400** ~~or less square feet and not more than 1,000 square feet.~~
  2. There shall be one off-street parking space provided for the accessory dwelling unit, which is in addition to any off-street parking spaces required for the primary residence.
  3. No accessory dwelling unit shall exceed a height of 15ft.
  3. Accessory dwellings, whether attached or detached, shall have exterior finishes or architectural treatments (e.g. brick, wood, etc.) or an appearance substantially similar to those on the principal residence.
  4. The accessory building unit shall meet all building code standards including building, electrical, fire, and plumbing code requirements, and occupancy restrictions as provided in the City's ordinances.
  5. The accessory dwelling shall not contain a home occupation and shall not be used for any commercial occupation. Any property owner seeking to establish an accessory dwelling unit shall apply to register the unit with the Administration Department (Zoning Administrator). The property owner shall file a complete registration application form affirming that at least one owner will occupy the primary residence. (\*Note: If the property is to be built and the Council does not allow for manufactured or fabricated structures, registration of the property will be completed along with the building permit process).
  6. After receipt of a completed application for registration and prior to issuance of a Certificate of Occupancy or approval of use, the City (Building Official) shall inspect the property to confirm adherence to the size, height, design, and parking requirement of this code are met.
  7. The registration form or other forms as required by the Zoning Administrator shall be filed as a deed restriction with the DeKalb

County Tax Assessor to provide notice of the presence of the accessory dwelling unit, the requirement of owner occupancy, and other standards for maintaining the unit as described.

- 8. The Zoning Administrator (or his/her designee) shall report annually on accessory dwelling unit registration, number of units and distribution throughout the city, and average size of units.
- 9. Cancellation of registration of the accessory dwelling unit may be accomplished by the property owner filing a certificate with the Zoning Administrator (or his/her designee) for recording with the DeKalb County Tax Assessor or may occur as result of an enforcement action.

**PART II**

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**PART III**

This ordinance shall become effective on the \_\_\_\_\_ day of \_\_\_\_\_, 2017  
This ordinance was proposed by Council Member \_\_\_\_\_ with a motion to adopt. Thereafter, the motion was seconded by Council Member \_\_\_\_\_. \_\_\_\_\_ Council Members voted in favor of the motion and \_\_\_\_\_ Council Members voted against the motion.

\_\_\_\_\_  
Mayor Patricia Wheeler

\_\_\_\_\_  
Rhonda Blackmon, City Clerk

Approved as to form: \_\_\_\_\_  
City Attorney Joe Fowler

First read: \_\_\_\_\_

Second read: \_\_\_\_\_