



STAFF REPORT

MORGAN COUNTY PLANNING COMMISSION

PETITION FOR: TEXT AMENDMENT

Applicant: Morgan County Planning & Development
Applicant's Agent:
Zoning Ordinance: Buckhead Zoning Ordinance:
Table 7.2.2 Permitted & Conditional Uses by Residential Zoning District

Summary

Morgan County Planning and Development has received inquiries regarding accessory dwellings in the Town of Buckhead. The specific concern is that an accessory dwelling in the Residential (R) zoning district is a conditional use and delays the construction of a second home, which is usually desired because of an aging or sick relative.

Accessory dwellings are a permitted use only in the Agricultural (AG) zoning district, with the stipulation that there can only be one accessory dwelling per parcel. It appears that the impetus to make accessory dwellings conditional in the Residential district is the minimum one acre lot. The AG district requires a minimum two acre lot and can accommodate two dwelling structures better than smaller lots.

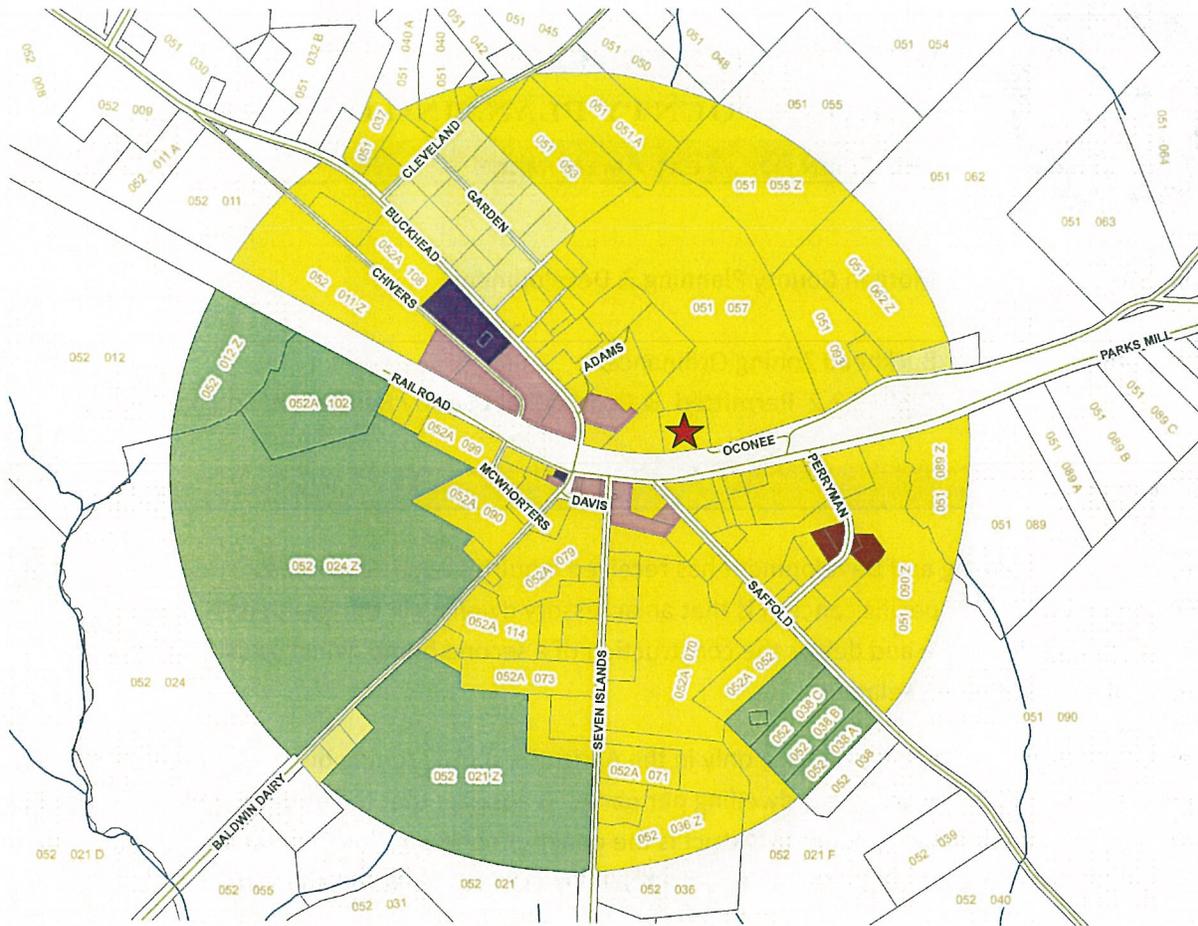
However, the zoning map for the Town of Buckhead shows that about half of the Residential zoned property within city limits is over two acres in size. Staff suggests that accessory dwellings in the Residential zoning district be changed to Permitted for lots two acres or more, making it compatible with the regulation for the AG district. Any accessory dwelling in the Residential zoning district with under two acres would remain a conditional use.

Existing language, Table 7.2.2:

Use Description R
Accessory dwellings, provided all requirements under Article 8, Section 8.2 are met.....C

Proposed language:

Use Description R
Accessory dwellings, provided all requirements under Article 8, Section 8.2 are met.....C(a)
(a) Accessory dwellings shall be permitted if the property is two acres or more in size and all setbacks can be met. No more than one accessory dwelling shall be allowed per parcel.



The Town of Buckhead zoning map: The yellow parcels are zoned Residential (R). For reference, the property with the star is a two acre parcel.

Staff Comments

It should be noted that multi-section manufactured homes are a conditional use in the R zoning district and would remain so, even for accessory dwellings in the R district.

Town of Buckhead Zoning Ordinance,
Section 14.4.5 Criteria for Granting a Conditional Use

- (a) Adequate provision is made by the applicant to reduce any adverse environmental impacts of the proposed use to an acceptable level;
- (b) Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered;
- (c) Off-street parking and loading, and the entrance to and exit from such parking and loading, will be adequate in terms of location, amount and design to service the use;
- (d) Public facilities and utilities are capable of adequately serving the proposed use;
- (e) Granting the request would not be an illogical extension of a use which would intrude a damaging volume of (1) agricultural, (2) commercial, (3) industrial, or (4) high density apartment use into a stable neighborhood of well-maintained single-family homes, and likely lead to decreasing surrounding property values, neighborhood deterioration, spreading of blight, and additional requests of a similar nature which would expand the problem;
- (f) Granting the request would not lead to congestion, noise and traffic hazards or overload public facilities, current or planned;
- (g) Granting this request would conform to the general expectations for the area population growth and distribution according to the Comprehensive Land Use Plan;
- (h) Granting this request would not lead to a major negative change in existing (1) levels of public service, (2) government employees or (3) fiscal stability;
- (i) Granting this request would not have a "domino effect," in that it becomes the opening wedge for further rapid growth, urbanization or other land-use change beyond what is indicated in the Comprehensive Land Use Plan.

Town of Buckhead Zoning Ordinance

Section 8.2 Accessory Dwellings

These regulations shall apply to accessory dwellings in all zoning classifications:

- a) One accessory dwelling unit is permitted as subordinate to an existing single-family dwelling provided.
- b) An owner of the property or an immediate family member of the property owner must occupy either the principal dwelling unit or the accessory dwelling unit.
- c) The accessory dwelling unit shall be owned by the same person as the principal dwelling.
- d) No more than one accessory dwelling unit shall be permitted on a single deeded lot in conjunction with the principal dwelling unit.
- e) Accessory dwelling units may be added to or included within the principal unit or located in a detached structure.
- f) Accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit.
- g) The accessory dwelling must comply with all requirements of the county health department for on-site sewage and well regulations.
- h) Accessory dwelling units shall be a minimum of two hundred (200) square feet and a maximum of 40% of the size of principal dwelling unit.
- i) An accessory dwelling unit shall not be served by a driveway separate from that serving the principal dwelling unless the accessory dwelling unit is accessed from a different road or street than the principal dwelling.
- j) Accessory dwelling units shall adhere to the parking and setback requirements and height restrictions for the district in which they are to be located.
- k) To the extent possible, accessory dwelling units must be served by the same utility meters as the principal dwelling.
- l) If located in a building detached from the principal building or dwelling, an accessory dwelling shall not be closer than twenty (20) feet to the principal building or dwelling.