

Purpose & Intent

It is the policy of Oglethorpe County to promote and encourage the creation of legal ADUs in a manner that enhances residential neighborhoods and helps residents meet their housing needs and realize the benefits of ADUs.

The primary intent of this ordinance is to permit accessory dwellings in situations which promote aging in place or where accessory dwellings otherwise support the health and flexibility of families in Oglethorpe County.

According to AARP, 78 percent of adults between the ages of 50 and 64 report that they would prefer to stay at home as they age. Accessory dwelling units can provide senior or disabled citizens the ability to live in one's own home and community safely, independently, and comfortably. Accessory dwelling units can be used to create semi-independent living arrangements in which adult children or caretakers can give necessary care and support to parents and seniors. Likewise, accessory dwellings could provide a variety of other semi-independent living possibilities for families. For example, beneficiaries could include a recent high school graduate who is not yet ready or does not yet have the means to move out on his/her own, or a single parent that relies on family to assist with child care. Other potential benefits of accessory dwellings include increased personal security, companionship, and reduced costs of health-related services.

It is not the intent of this ordinance for accessory dwellings to be used primarily for income. Tenant occupied properties tend to deteriorate property values and quality of life in residential neighborhoods. Supplementary income, however, is a recognized potential benefit of accessory dwellings for homeowners to help offset property taxes, the cost of maintenance and repair, or other financial burdens.

Definitions:

“Accessory Dwelling Units” (ADUs) are self-contained secondary living spaces that are either inside of, attached to, or detached from a single-family dwelling. It means a residential living unit that provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling it accompanies. An ADU usually consists of one bedroom, a sitting room, a bathroom, and a kitchen. ADUs are typically secondary to the main dwelling unit in terms of size, appearance, and location.

An “accessory apartment” is a type of ADU created by converting part of or adding on to an existing detached single-family home, or by building a separate unit into a new single-family home. Accessory apartments can be located in any part of the main dwelling, depending on where space is available. Common locations for accessory apartments include attics, basements, attached garages, or small additions.

An “accessory cottage” is a type of ADU that is a house built or placed permanently on the same lot as a single-family house. An accessory cottage may be attached or detached from the house but is not built within the existing house. Detached accessory cottages are sometimes called ECHO homes (Elderly Cottage Housing Opportunities) if they are intended for inhabitation by elderly residents.

“Attached” means that the units share at least one or part of an interior wall.

“Detached” means that the units do not share an interior wall.

“Living area” is the interior habitable area of a dwelling unit.

ADUs are permitted in zoning districts designed to permit single-family dwelling units on individual lots, provided the Planning Administrator first approves the proposed ADU as complying with the standards of this ordinance.

Conditions:

1. Applications for approval of an ADU shall be submitted to the Planning Administrator on forms required by the Planning Administrator. No construction or use of an ADU is permitted without approval as required by this ordinance. The Planning Administrator shall grant approval for construction or use of an ADU upon proof that all requirements of this ordinance are satisfied.
2. A lot or parcel of land containing an ADU shall be occupied by the owner of the premises. The owner may live in either the ADU or the principal dwelling unit.
 - a. An affidavit, provided by the Planning Administrator, must be filed with the Clerk of Superior Court of Oglethorpe County giving notice of the conditions which apply to the property. The affidavit must be cross-referenced with the deed so that it will appear in the chain of title and give notice to all subsequent buyers of the occupancy requirement. Proof that such affidavit has been so filed shall be provided to the Planning Administrator prior to issuance of the building permit for the ADU.
 - b. The purposes of the owner-occupancy requirement are
 - i. to discourage speculation in residential properties that can make housing less affordable,
 - ii. to prevent the disadvantages of absentee ownership, and
 - iii. to preserve residential neighborhood character.
3. No more than one (1) ADU is permitted per R1, AR, A2, and A1 lot.
4. An ADU may not be developed on lots less than 1.5 acres.
5. The living area of a detached ADU shall be limited to a maximum of 800 square feet of living area.
6. The living area of a detached ADU shall require a minimum of 450 square feet of living area.
7. An ADU shall have no more than one (1) bedroom.
8. An ADU shall be limited to two (2) occupants, not including individuals serving as health care providers.
9. An ADU may be incorporated in either an existing or a new dwelling unit.


10. A manufactured home may be used as an ADU where that class of manufactured home is permitted, provided that it meets all other requirements, including living area limitations.
11. Applicants for ADU permits must supply the Planning Administrator with certification by the Department of Public Health that the water supply and sewage disposal facilities are adequate.

This ordinance shall take full force and effect at 12:01 am on the date of _____
Ordained, adopted, and approved by the Board of Commissioners of Oglethorpe County after a
public hearing held on 3/4/2013 @ 6:00 P.M.

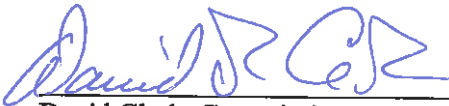
By:



Billy Pittard, Chairman



John D. Meyer, Commissioner

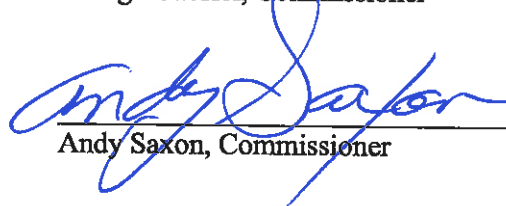


David Clark, Commissioner

George Gabriel, Commissioner



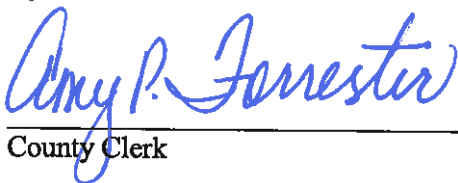
Phil Sanders, Commissioner



Andy Saxon, Commissioner

Attest:

By:



County Clerk

County Attorney

A Public Hearing and Regular Meeting of the Oglethorpe County Board of Commissioners were held on Monday, March 4, 2013 at 6:00 p.m., in the Commissioner's Office in Lexington, Georgia.

Members Present: Chairman Billy Pittard
Commissioner John Meyer
Commissioner Andy Saxon
Commissioner David Clark
Commissioner Phil Sanders

Members Absent: Commissioner George Gabriel

Staff Present: Josh Hawkins, Planning Administrator
Amy Forrester, County Clerk

Building Setback: Commissioner Saxon made a motion to approve Frankie Ogle's application to reduce the required building setback from the property line of tax map 022 parcel 020, seconded by Commissioner Sanders and unanimously approved by the Board.

Text Amendment: Commissioner Clark made a motion to approve the text amendment to Oglethorpe County Zoning Ordinance, Section 713.1, Planned Development District Classification, to allow planned commercial development as an overlay in Local Business (B1) Districts. This section will further be adjusted to accurately reflect Sections 713.6 through 713.10. Seconded by Commissioner Saxon and unanimously approved by the Board.

Rezone: Commissioner Clark made a motion to approve Joe and Gina Nolan's application to rezone tax map 145 parcel 040 from Heavy Industrial (Mineral Extraction) H1(ME) to Local Business (B1) and an application to a planned commercial development overlay. A variation to permit certain residential uses was further approved. Seconded by Commissioner Saxon and unanimously approved by the Board.

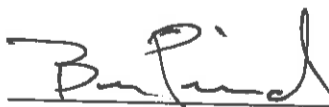
Ordinance: Commissioner Saxon made a motion to approve an accessory dwelling ordinance to permit certain accessory dwellings in situations which promote aging in place or where accessory dwellings otherwise support the health and flexibility of families in Oglethorpe County. Accessory dwellings specified in the ordinance in A1, A2, AR and R1 Districts will further be permitted. Seconded by Commissioner Clark and unanimously approved by the Board.

Text Amendment: Commissioner Clark made a motion to approve a text amendment to Section 701.6, 702.3 and 703.2 to permit some limited personal care facilities as conditional uses in additional zone designations. Specifically, this amendment makes family personal care homes conditional uses in A2, AR, and R1 Districts. Seconded by Commissioner Sanders and unanimously approved by the Board.

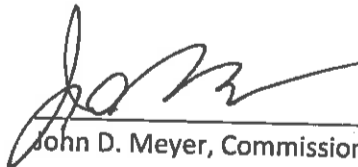
Resolution: Commissioner Clark made a motion to approve the appointment of Amy P. Forrester as Alternate Open Records Officer.

Minutes: Commissioner Sanders made a motion to approve the February 4 and February 11, 2013 Minutes. Seconded by Commissioner Clark and unanimously approved by the Board.

There being no further business at 7:10 p.m., the meeting was adjourned until the next regularly scheduled meeting on April 1, 2013, unless sooner convened because of an emergency.



Billy Pittard, Chairman



John D. Meyer, Commissioner



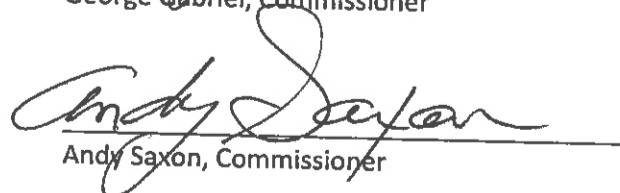
David Clark, Commissioner



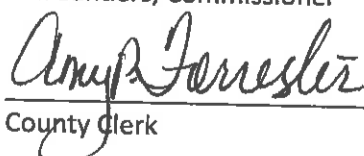
George Gabriel, Commissioner



Phil Sanders, Commissioner



Andy Saxon, Commissioner



County Clerk