

Decatur Next Submitted Comments
Unified Development Ordinance
Personal information withheld

Here are my thoughts re: the Unified Development Ordinance: Update local historic district guidelines: The city could institute intensive education process with respect to variety of historic districts and the levels of protection they offer; engage neighborhood associations who might have blocks/streets interested in historic district designation; host workshop with experts; for the already-existing local districts, convene forums to review on a periodic basis.

Infill guidelines for neighborhoods: Consider lot coverage, which current standards allow far too much lot coverage, especially on smaller lots in Oakhurst; allow for tax-relief incentives for certain characteristics of lot coverage that is less than maximum or preserves trees, e.g. by maintaining current tax rate for 5 years or until home is sold or some percentage of appraised value discount).

Historic home demolition : make zoning variances rare exception.

Preserve historic buildings: consider updates to property assessments especially with renovation and for new builds

Time: November 22, 2013 at 10:39 am

Here are my thoughts re: the Unified Development Ordinance: I would like to see more teeth in the animal ordinance for domestic dogs as well. I have so many neighbors living next to dogs that bark for extended periods or are left tied to trees all day and night. Everyone says that our animal control does nothing other than speak to the residents and only once. Just as my neighbor cutting down border trees impacts me, their pets impact me too.

Time: January 16, 2014 at 8:50 am

Here are my thoughts re: the Unified Development Ordinance: Writing in support of removing the stormwater system requirements for single family homes. I was forced to install a useless \$30,000 storm water on my property this last year. I have already gone on record about this and hope to help with the UDO process in order to scale these requirements so that they are appropriate.

Decatur's S.W. requirements place an unfair burden on a single family resident. Additionally, the city's description of a "subdivision" and "subdivided lot" are vague at best. As I have stated in the forum of a city commissioners meeting, the City of Chapel Hill had the same exact problem in the Fall of 2012. They recognized it and fixed it almost immediately. They would be a good resource for recognizing another city's problem and solution as their city meetings are all archived on video.

Please feel free to contact me if anyone would like to view my property to witness the direct impact of the city's unfair ordinance.

Time: January 31, 2014 at 12:50 am

Here are my thoughts re: the Unified Development Ordinance: That new parking deck going up at 315 W. Ponce? Sure would look nice with some mandated greenery instead of just boring plain old concrete. The parking deck at the Atlanta Botanical Gardens/ Piedmont Park is absolutely gorgeous and is a perfect example of what Decatur needs.

Time: February 6, 2014 at 5:48 pm

Here are my thoughts re: the Unified Development Ordinance: The current Floor Area Ratio needs to be modified for R-60 zoned properties.

The intent of the rule is to prevent monstrous and out of scale homes from destroying the character of a neighborhood. As it is written, it is fine for R-85 properties, where the minimum lot size translates into a minimum 6,000 square foot home (more if they have a basement).

However, on tiny R-60 zoned lots, it is causing undue hardships, without really accomplishing any useful purpose (which I'll explain below). Here are the problems it causes:

** Family's often end up moving when they have more than one child, because they can't expand their homes to a reasonable size.

** Families are forced to have tiny bedrooms that feel like prison cells, even for new construction.

** Homes end up not having garages, because garages count as Floor Space in the rule, and families must give up the garage if they want a few extra bedrooms. Most streets in R-60 neighborhoods are lined with cars because of this rule. There are studies that show car lined streets increase the risk of a child being hit by a car because they can't see them coming when they run into the street.

** The constantly rotating families in a home destabilizes the neighborhood and places a burden on our schools, because families move here just for the schools, and immediately move away afterwards, and are replaced by another family coming just for

the schools (if they stayed, the ratio of homes with a child in school would decrease, easing crowding in the schools).

** I have neighbors that literally have so little room that they store things in boxes under their front porch. If the rule were modified, they could build an accessory building or garage to store things in (and it would not look monstrous or out of scale)!

** The average home values is reduced by about \$100,000 because of this rule. (This has been confirmed by multiple real estate professionals now; but it is just common sense that a home with 3 fewer bedrooms is worth less than one with the bedrooms.)

** Many homes already vastly exceed the FAR limit, and to prevent nearby homes from making similar improvements is simply unfair and creates special classes of homeowners -- some who are allowed to have reasonably sized homes, and some who are simply out of luck.

All these hardships are being place on families based on a false fear, when it comes to R-60 lots.

In R-60 Zoned areas, the fear of a monstrous house is unfounded, because a tiny lot only gives you a tiny house, even without the FAR rule -- because of the other rules such as the lot coverage ratio, setbacks, and story/height limits already limit the size tremendously.

Remember, this rule did not exist until 2008, and the character of Decatur only got better in the decade before this rule, as homes were renovated and improved into larger, more modern, and nicer homes.

If the rule were entirely eliminated, what would happen on R-60 lots? Houses would only be able to be about 20 feet deeper into the back yard. This extra 20 feet would not make any discernable difference to the appearance of the neighborhood. But this extra twenty feet would make a huge difference to the family that lives on the property. It would amount to about three extra rooms, between the two stories that should be allowed.

Ideally, the rule should be eliminated for R-60 zoned properties.

Alternatively, at a minimum, all of the following changes together would be reasonable:

A. Allow homes to have a FAR equal to their permitted Lot Coverage Ratio (which is increased for tiny lots above 40% based on a formula)

B. Similarly to the way Basement space is exempted from being counted as floor area, also exempt Garage/Accessory building space (keep in place the other limits on size though).

C. Also Exempt floor area directly under a roof (attic space). Allowing a family to utilize their attic space if they desire does nothing to increase the outward appearance of massiveness.

D. These alternative options allow a satisfactory compromise that removes much of the hardships families currently face while still achieving the original purpose of the rule.

Time: March 7, 2014 at 11:54 am

Here are my thoughts re: the Unified Development Ordinance: I attended the meeting last night, and I wanted to share my input after gathering the information you shared.

Of course, it seemed as if we had at our table, those in favor of rights for square footage freedom, and those who would like to maintain some of the current character of the neighborhood. I fall somewhere in the middle. I believe the ability to build homes that bring in home owners who will give back to the community, stay involved in the leadership opportunities, support local businesses and encourage the continued improvement of our schools has been crucial to making Decatur what it has become. I am guessing the tax base it has provided has made funding possible for much of the improvements in the area. I do however, worry about the ultimate possibility of our neighborhood being filled with only large, inaccessible homes for various income levels, along with the look and feel of the neighborhood changing to only include those homes. I support encouraging the development of townhomes, apartments and mixed use work/live housing as long as it's done in a thoughtful way considering the aesthetics of those homes surrounding it. I like the idea of creating an R50 lot category to allow for specific flexibility on small lots, again, taking into account preserving some sense of visual continuity with the surrounding homes. That said, I am a homeowner living on a small lot and I would love the opportunity to expand our home as our young family grows and not be forced to move to a big lot, tear down a home and build a large new home. I do recognize that I have neighbors and I also recognize the limitations we might have if we want to maintain an aesthetic that matches the surrounding homes, but I think the limitation of square footage as the lone measure of acceptance of a rehab or new construction may not be really what you are shooting for. It seems as if maintaining the character of the neighborhood is the goal.

I love the idea of the design review board, and if we were able to add a second story, I would be happy to have the option of choosing to stay within the parameters of one of the suggested designs for minimizing visual impact from the street and for our neighbors. It would be great if we could allow all 5-6 options within the building envelope to be a choice/option to be made by the owners, the design team and the neighbors, while not limiting the ability of our right to add square footage. This would allow a variety of designs in the neighborhood, vs all homes with additions beginning to look the same. The idea of the historic design review board for the current historic districts serving as the design review board for this new zoning plan is not the most optimal solution, I believe. At my table, that idea really got people concerned and worried that this would simply be a subtle way to create a historic district in all of Decatur. I envision a board to be voted on by the community, with a plan to include representation of variety of citizens including possibly a few current design board members, average citizens, a few builders, possibly a few members from our current commissioners or from other government roles. I think this board representation would

be met with much less opposition. The 90 day demolition delay was met with much resistance by all parties at our table and I believe would not be a viable acceptable option to most citizens. I would also suggest providing some sort of financial incentive to those who decide to rehab a historic home vs adding square footage or to gut the home and add a basement, but maintain the facade and historic look of the home. This would not limit those citizens who want to build larger homes, but would incent those who do not want to do so but would like to update the look of their home. I know that a process like this is never a smooth one, and i appreciate the time and effort you are making to maintain the character of the City of Decatur. On a side note, the plan to support Canopy coverage is wonderful, and very forward thinking. That kind of plan would make our neighborhood healthier, add value, aesthetic and would likely bring recognition from those around the country. Thanks for all you do!

Time: March 13, 2014 at 8:44 am

Here are my thoughts re: the Unified Development Ordinance: Recognize that Decatur is not monolithic; we need development ordinances granular enough to recognize different neighborhood characteristics. For example, the FAR at 40% works for affluent and large lot areas, but maybe it should be set at 50% for areas that have 50 ft. wide lots and already have higher building densities. Historical setbacks are 3 ft. on my street. This higher density actually contributes to community because neighbors can literally converse with their neighbors as they sit on their porch. Consider creating a process that gives more control to local areas. For example, put a line in the code that says if the majority of neighbors within 100 ft. of a lot agree to allow something that goes beyond what the code allows it can be done.

Time: March 15, 2014 at 2:11 pm

Here are my thoughts re: the Unified Development Ordinance: I have heard there is consideration of creating an R-50 zoning designation.

It would make no sense to create a new zoning and keep all of the same rules in place.

If an R-50 category is created, it should reflect a recognition that these areas have greater building density. In particular, the Floor Area Ratio should be increased to a minimum of 50% of lot area from the current 40% that applies to all zoning.

These smaller lots reflect a preference for small yard sizes and higher density. It is not uncommon for homes to have a 3' setback, and homeowners are OK with this higher density.

We would rather have more available home size which the current FAR rule unreasonably restricts (note that an R-85 lot could have a minimum of 9,000 sf inclusive of basement, so it is not particularly restrictive to larger lots, but is very impactful in a negative way to owners of small lots).

The creation of R-50 zoning would be welcome if, and only if, it recognized the higher density requirements of smaller lots and provided for a minimum of 50% FAR. Also, garage space and attic space should be exempted from counting towards the FAR.

Time: April 8, 2014 at 12:19 pm

Here are my thoughts re: the Unified Development Ordinance: I'd like to submit just a few thoughts on community character to those more involved in developing the UDO.

-I've lived in Oakhurst for 17+ years. I was very involved with community groups in South Decatur during my first 8-ish years here, but have been largely uninvolved since then due to family issues.

-With all due respect, I can't fathom how anyone could say the city's regulation of "community character" is "too strong". I live on Maxwell Street, and THREE perfectly serviceable (or at least repairable) homes have been bulldozed in the the past six months alone! They are being replaced by three expensive new homes that are much bigger and stylistically inconsistent with existing homes.

--Five or six additional Maxwell Street homes have been demolished and replaced with big new houses or extreme renovations during the past few years.

--Those with a vested financial interest say these teardowns do not affect the value of existing homes. I respectfully disagree.

--Teardowns create dirt, noise, construction waste, dumpsters, mud in the streets, truck traffic and an unattractive panorama of port-a-potties and construction dumpsters.

--The new houses are all much more expensive than existing homes. In my experience the new residents tend to be wealthier and unfriendly to existing residents. One factor may be that many of the new homes are essentially gated communities of one. Residents come home, drive through gate, gate closes and they apparently spend the rest of the evening in their fenced back yards. When you never see your new neighbors, it's hard to get to know them.

--In my opinion, we are disrespecting those who have been here before us by bulldozing perfectly good homes. Lives were lived there. History was made. Each bulldozed home eliminates one more connection to those memories. What kind of community disrespects those who have gotten us to this point by bulldozing at will all evidence that they existed?

--Demolishing and rebuilding--even if the big new houses are LEED certified--is a waste of embodied energy and environmentally unsound. There's plenty of research to support my statement. And is there any meaningful recycling of demolished brick, stone, old growth hardwoods and appliances from teardowns? I was distressed when

one neighbor told me that the people demolishing a very nice home to build a "whopper" told her that she could retrieve some nice new appliances before they tore down the house. They lied. The backhoes ripped them up. Why? Those could have made a difference to someone in need. But I guess the new people are so rich, they don't feel the need to hassle with recycling. And this is happening in Decatur, GA, supposedly a progressive, "green" city. Please tell me how we can permit this demolition and McMansionization to continue and call ourselves progressive and environmentally caring with straight faces!

I could go on, but I'll end now with this observation: Decatur, GA used to feel like the place I wanted to live until I died. But now, I feel as if I'm only in the way of the wealthier new residents. I feel unwelcome and unwanted. And I certainly don't want to live here for the rest of my life feeling unwanted--ESPECIALLY not when I've paid \$7,000 or so annually for years in property taxes for my home of 2,000 square feet. Absolutely not.

Thank you for the opportunity to submit these comments. Some would disagree with them, but I know that many people concur with me. Unfortunately, they are not necessarily those with the time and money to promote their ideas, so they are a silent faction. I expect that that Decatur's leadership will live up to its responsibility to proactively seek the comments of everyone, not just developers, builders, realtors, executives and others who know how to work the system because it is their business to do so. Broad participation is a hallmark of a progressive society. Is that really what Decatur is? This is one way to prove it-or not.

Time: April 11, 2014 at 2:37 am

Here are my thoughts re: the Unified Development Ordinance: 1. We are losing our neighborhood to outside developers. Since moving to Oakhurst 8 years ago I've been shocked by the transformation and the intrusion of outside developers. In my opinion these folks are like parasites: they capitalize on the hard work done by the neighborhood, profit at the expense of the community, and leave. I would like to see communities/neighborhoods have more tools to deal with outside developers.

2. The regulatory toolkit discussed at Hack the code meetings seems insufficient to deal with current threats to our 'hood. Although these go some way towards minimizing "McMansions", they don't keep smaller houses on the market so that middle income people can move into the neighborhood. The median house prices has gone up dramatically over the past three years and this effectively keeps many families, occupations, lifestyles from being a part of our community.

3. Decatur, with input from citizens, should take a stand on what it wants its community to look like. They do this for other areas, what with mixed use plans so why not for single family housing stock? Currently it seems like any developer can get a permit to build whatever the heck they want. Why doesn't the City incentivize diverse housing types? Or, offer a lottery system of permit types. The tools proposed at the meeting aren't very creative. I'm sure that there are issues with this idea, but what about a portfolio of permit types which outside developers/those seeking a full tear down could

enter a lottery for. this portfolio could include 2/1, 2/2, 2/3 etc. If a developer drew a 2/1 and decided NOT to build then that 2/1 would go on the market and family with a lower income could then purchase it. This way the original home owner doesn't lose out: they sell either to a developer or a family who wants to move in that house.

4. Developers and real estate agents are in cahoots, to their profit and to the detriment of the community. Because houses are sold to developers prior to going on the market, middle income families do not have the chance to bid on "inexpensive" homes. These are then torn down and built up to very expensive homes.

5. The UDO should have a mechanism in place for community members to voice their concern before a permit is issued, if issuance of said permit will significantly impact on their current community. The Hibernia case would be one such case that seems to have been handled so poorly that I, and others, have lost faith in the City. As one person said, "we feel like no one is looking out for us." Some of us have the sense that the City is selling our community to the highest bidder.

6. The UDO needs to differentiate the rights of homeowners from developers. Based on an admittedly small # of conversations, I am hearing that people feel that they aren't able to remodel their small homes because of regulations but then have developers construct a McMansion right next door; this obviously confuses and angers homeowners.

Time: April 16, 2014 at 3:24 pm

Here are my thoughts re: the Unified Development Ordinance: Allowing families to have a small number of goats, chickens, even pot bellied pigs would be great. I'm surprised this is not already allowed. This grounds our children and provides additional sources of healthy food (eggs, goat milk).

As for the number to allow, I would say up to three of each species is about right (for example 3 chickens and 3 goats). However, if babies are born, a reasonable amount of time should be allowed for them to get rid of the extra animals, say a year.

Time: April 17, 2014 at 5:19 pm

Here are my thoughts re: the Unified Development Ordinance: As a landlord with rental property in the city of Decatur, I'm concerned about the idea of offering two leases. I'd like to know more about how that would be enacted. My property is not in downtown, but on a narrow residential street.

Time: April 17, 2014 at 1:27 pm

Here are my thoughts re: the Unified Development Ordinance: I know & think highly of Lena; however...

My observations from the UDC meeting last night (<http://www.decatuish.com/2014/04/bok-bok-decatour-discusses-chickens/>):

Makes me wonder if the city wants to make us a little Buckhead. If many of the "required" options are made law only the wealthy can afford to live in Decatur. What happened to all the diversity our officials say they want? I call BS on it.

Next thing you know all the Jews who live here will have to register with the city.

Who knows after that, Catholics, Presbyterians, Seventh Day Adventists, gays, parents without partners? Maybe they'll remove all our animals which provide us food.

I see Orwell's 1984 in the making.

Time: April 17, 2014 at 5:38 pm

Here are my thoughts re: the Unified Development Ordinance: Just a thought; several posts ago someone commented that people who owned the large homes currently in Oakhurst have "won the lottery" if the UDO passes. Such homes have four or more bedrooms and at least three baths. I have noticed that no sooner is one built than it is sold. I conclude that people moving into the neighborhood are seeking that size home. I also have noticed two houses that are three bedroom/two bath houses that are sitting on the market. Makes me pause to think that the demand is not for the cute cottage but for a larger home. Both houses on the market have been renovated and are southern bungalows. If we pass an ordinance that precludes larger homes then we are not supplying the demand. I also think that the larger, newer, open floor plan homes will increase in value because of demand and my three bedroom "cottage" will decrease. The rhetoric that I have heard that promotes the idea that we can enlarge our homes by going back rather than up is erroneous and does not apply to all residents.

Time: April 17, 2014 at 5:48 pm

Here are my thoughts re: the Unified Development Ordinance: Sustainability:

The parking idea is quite frankly the stupidest proposed regulation I have ever heard of. It would be impossible to enforce. Rental agreements are private agreements between two parties, not the subject of any regulatory authority. INSANE. I can't believe such stupidity would even be entertained.

As for the rest, it seems that we are going hog wild on the idea of regulating every aspect of life in Decatur. I just want to know that if I want, I will be allowed to install solar panels on my roof, or build a cistern to collect rain water. But I don't need to be forced to adhere to some obscure efficiency standard, nor much less to have to pay for someone else to certify that I'm being efficient. This would be like saying no one is allowed to do their own taxes, but must hire a CPA to do them. Market forces alone already make many want to be efficient. That is enough.

We don't need to add an additional 1 to 2 percent to the costs of our homes. That amounts to between \$5,000 and \$10,000 out of our pockets. Frankly, I don't have that kind of spare money laying around.

You will also drive out all retirees and be left with only families squatting in Decatur just long enough to get their children through school and then leave, to be replaced by another family here temporarily just for the schools. This is why Decatur's schools are already overcrowded and our taxes are so high. Some of these will make Decatur the laughing stock of Georgia; we are already known as "The Peoples Republic of Decatur".

Time: April 17, 2014 at 6:03 pm

Here are my thoughts re: the Unified Development Ordinance: Whoever came up with the idea related to separate rental for parking must live in a fantasy world.

Rental rates are set by the desirability of a property and related demand, not whether or not the renter has a car.

All that will happen is the landlord will charge the same total amount that the market will bear, regardless of whether or not it is split between home and parking, or perhaps only rent to those with a car - defeating the purpose of the rule for those less affluent people who hope to have cheaper housing (and the landlord will just tack on a fee for the trouble of having to comply with this rule).

And what would the City do, demand every rental agreement to be filed with the city and appoint someone to read it to see if the rule is being followed? That would be a full time job and another bureaucrat added to the taxpayer's burden.

Come on.... get real

Time: April 18, 2014 at 2:04 pm

Here are my thoughts re: the Unified Development Ordinance: Animals: Great idea!

Definitely allow small animals of every type.... goats, miniature versions of any species under 4 feet, chickens, etc.

However, the ordinance needs to provide that if the animals make unreasonable noise (roosters crowing at 4 am) or smells or other disturbances, the owner could be required to get rid of it, if neighbors complain (but only if there are complaints), and they can't otherwise remedy it.

Time: April 18, 2014 at 2:11 pm

Here are my thoughts re: the Unified Development Ordinance: Very much against the proposed requirements for 3rd party certifications that would cost thousands to a home owner (buyer/seller/builder).

Incentives are great, but don't force it. People already invest in efficiency upgrades because of the long run savings.

The free market is already driving this.

Just don't hinder those who do want to invest in something that is green. For example, allow solar panels (everything is so regulated already, I assume these are not allowed currently as they would not be "historically" appropriate).

Time: April 18, 2014 at 2:17 pm

Here are my thoughts re: the Unified Development Ordinance: There seems to be too little enforcement of the building codes as I have witnessed in my neighborhood, Lenox Place. Some of the new houses are way too big for the lots and their height restrictions are not enforced. It is beginning to look like money will indeed buy you anything, including waiving code enforcement.

There are way too many condo buildings in City of Decatur. What created the "character" of our neighborhoods are the vintage single family homes. What we have now is a condo canyon called City of Decatur. I don't see how this figures into smart growth. Downtown is about to be inundated with car traffic on an already congested Ponce de Leon when the development of the apartments wrapping around the Wachovia building are completed. Even when studies showed that the traffic would be more than our municipality can handle you all went right ahead and let them build 200+ units which will mean at least 200 more cars exiting on Ponce.

Some of our quality of life issues are not addressed. Like allowing farm animals in the city neighborhoods. Would you like a chicken coop under your bedroom window? I have one less than 50 from my bedroom and now I can't open my windows for any natural air because of the noise of the chickens. And worse - I'm considered the bad neighbor because their children now think of the chickens as pets. Bad move on the parent's part. Also - our streets are not swept except maybe once a year although we are charged by taxes for "twice a month" service. When I call the office I'm told it is "inconvenient" for

them to sweep our streets because of on street parking. Only once have they posted signs in advance so people can move cars for sweeping.

I have lived in City of Decatur for 26 years and it feels like the city is going down hill, not progressing.

Time: April 22, 2014 at 11:41 am

Here are my thoughts re: the Unified Development Ordinance: I am strongly in favor of regulations to reduce night light pollution. If my neighbor wants his yard light up like a Costco parking lot, that's his call, but he should not be able to light up my yard too. There should be a requirement to focus light downward and limit how bright the lights can be, especially as it impacts neighbors who do not want the light on their property.

Time: April 25, 2014 at 8:08 am

Here are my thoughts re: the Unified Development Ordinance: The accessory dwelling unit (ADU) size limitation of 800 SF is not appropriate for all size lots, specifically the larger R-85 lots, and is arbitrary for lots that can comply with the following typical and reasonable zoning limitations:

1. Lot coverage: 40%;
2. Height for ADU (2 stories & 25');
3. Setback for ADU: 3' from side & 10' from rear (if 2-story; 3' if 1-story); and
4. FAR of 40% (of the size of principal residence).

Mandating a specific size (i.e. 800 SF) doesn't allow ADU's the ability to vary in proportion to their lot size, and therefore creates a unfair bias against larger lots. Larger lots should naturally be allowed to have larger ADUs, and why the 40% FAR rule should govern the size of ADUs for all lots.

And on the topic of arbitrary size limitations, the 200 SF maximum for a garage does not even provide a large enough enclosure for today's larger vehicles where 275 SF (12' x 23' gross) is much more appropriate. Again, the reason why the 40% FAR rule should apply across the board for ADU size limits.

The definitions associated with defining the size of ADUs are also problematic. Basements must be included as part of the area calculation for ADUs while they are not for principal residences. Code definitions should be the same for all residential building types. Basements do not add any volume or mass to the building and nowadays basements contain many storage, service and utility amenities needed for houses to function properly. Lot owners should not be penalized by counting basements as part of the total area of their ADU, just as they do not count for the principal residences that are inherently larger. This is counter-intuitive.

The definitions further unfairly limit ADU size by requiring that "all enclosed areas" must count toward their size determination. This means that crawl spaces – even mechanical only crawl spaces - are not allowed, as well as all attic spaces under roof of zero inches on up to seven feet. In principal residences, attics do not count toward the area calculation unless they are seven feet tall or greater. Why should ADU be calculated any differently? Again, this is counter-intuitive to the already much smaller limitations of ADUs compared with principal residences.

In a nutshell, ADU size should be governed by the 40% FAR rule of the principal residence size, and the definitions associated with that determination should be the same as the definitions that apply to principal residences.

Time: May 22, 2014 at 11:52 am

Here are my thoughts re: the Unified Development Ordinance: Why can't I review the draft ordinance in advance of any meetings? I need the opportunity to see specifics to consider my perspective on the updated code. "Unveiling" the draft to a limited number of people who happen to be in town in one week during summer break is not an appropriate, complete or effective manner to get broad engagement and buy-in from residents and home-owners.

Time: July 16, 2014 at 11:02 am

Here are my thoughts re: the Unified Development Ordinance: Please don't pass the zoning R-50!! We need good development in our community. If this is pass it will turn away many good families.

Time: July 28, 2014 at 4:23 pm

Here are my thoughts re: the Unified Development Ordinance: For R-50 and R-60, you allow higher lot coverage for smaller lots, but no commensurate increase in FAR. Why did the people at my table waste their time submitting comments as a part of the UDO process when they are all ignored, everyone agreed that for small lots with a higher than 40% lot coverage ratio, the FAR should be set at the same percentage as the lot coverage.

Also, regarding the 30% rear lot coverage rule: This is worded in such a way that it could be interpreted to mean an accessory structure can only be in the 20' rear yard for an R-50, which is only 20' wide. So with a required 10' setback, this leaves a 10' wide structure, which is not enough for a garage at all. With car break-ins on the rise, this would be outrageous. I think the intent is that accessory buildings must simply be to the rear of the main structure, but it is worded such that it might mean it has to be in just the rear 20'. (or 30 ft for R-60, etc.) This needs to be clarified and corrected.

Also, I have not met a single person in my area who doesn't think garages should be exempt from FAR. Why wasn't this corrected?

Time: July 28, 2014 at 4:46 pm

Here are my thoughts re: the Unified Development Ordinance: I am opposed to the proposed plan. I am currently in a 3/1 in Oakhurst and looking to add on. Your proposal of outlawing 2 story buildings will surely effect the need for more space for my family. Patti Garrett and Keisha Cunningham informed the residents of Oakhurst that this wasn't the case. Seems to be the case. I very much am opposed to any law that would dictate to a home owner/tax payer his/her rights to build a house to meet his/her family's needs.

Time: July 30, 2014 at 9:38 am

I live on Ansley Street in Oakhurst and I have serious concerns with the proposed Unified Development Ordinance. Specifically I am concerned with the direction we seem to be heading with regards to expanding the HPC's role to areas beyond an actual Historic District. I have no desire to one day live in a neighborhood that requires the type of approval and authorization for home repairs and modifications that are typically seen in true historic districts. Furthermore, while I do understand the need to consider the recent rise of very large homes in our neighborhood, the proposed outlawing of two-story homes on certain lots and tweaks to FAR ratios may have serious, negative consequences down the road. I actually live in a 1800 sq ft house and will be right next to the upcoming giant 4500 sq ft Arlene Dean modern going up this fall...so I get it. But at the same time, despite how good the schools are and how much we enjoy the people in our community, we will ultimately have to move from Oakhurst if we are one day unable to expand our current house or modify a different house in Oakhurst appropriately. Please reconsider the UDO on a fundamental level and think long and hard who you are really serving with some of these proposed changes. Are you doing what is best for the actual residents of Oakhurst and Decatur? Or are you pushing through changes that benefit certain groups financially? Why are garages such a bad thing? My wife and I chose to live in Oakhurst and Decatur primarily because of the incredibly open-minded nature of the majority of residents when it comes to life-styles. We want to raise our son in the most tolerant environment possible. I would hate to see our city and our neighborhood head in the wrong direction with regards to property rights. Give homeowners more freedom...don't take it away. I know it sounds like a bit of a stretch to correlate property regulations and social tolerance...but don't give future families who share our values a reason to look to somewhere else for a house if they one day find Decatur too complicated to live in.

Time: July 30, 2014 at 12:37 pm

Here are my thoughts re: the Unified Development Ordinance: I find it hard to understand why a Historic Preservation Commission, a body who's name even suggests a preconceived agenda, would be allowed to govern all FAR variances instead of Zoning Board of Appeals? Is the board being dissolved? Are they overburdened? It's just odd that Zoning would not be handling a clear zoning issue and would defer to a board with an agenda. Seems the equivalent of letting PETA approve hunting licenses.

Secondly, if the proposals do go forward I would like the language added that no existing zoning classifications will be altered without a physical change to the property.

Finally, doesn't it seem obvious that any changes restricting FAR from a current level would be beneficial to all the large homes that have been constructed but would actually penalize the more "historic" homes that have yet to be renovated? This will stifle conversion and renovation to newer inventory as well as value growth which will in turn limit home values and tax revenue as a result. Does Decatur really want to limit property tax revenues?

Time: July 30, 2014 at 1:11 pm

Here are my thoughts re: the Unified Development Ordinance: If Decatur chooses to remove our potential to add a second story to our house...well we will ultimately be forced to move as we can't afford to buy the size of house we're going to need as the BIG HOMES will go UP in pricing and value due to the Real Estate principle of scarcity as well as general supply and demand and the rest of us will be forced to suffer DECLINING market values. I feel that these changes will cause Oakhurst to almost "stagnate" in its current state.

Time: July 30, 2014 at 3:22 pm

Here are my thoughts re: the Unified Development Ordinance: Most of this process seems over my head and too complicated for a lay person, even the UDO website is a total turnoff. The rhetoric on local social media and news sites seems dominated by a very vocal minority, many of whom seem to have a financial stake in the outcome (beyond the stake we all have as homeowners).

However, I submit the following comments as my participation in the process:

1. the abandonment of historic preservation is heartbreaking. Decatur is so unique and special because of it's rich and varied architectural history. The city, through past ordinances or whatever the reason, seems to have a complete disregard for Decatur's old homes. The fact that perfectly sound brick homes can be tossed in a dumpster, plans stamped and approved by the city, makes me worry very much that this city that has felt so welcoming to people of all income levels and personal aesthetics will not be the Decatur of the future. Even if historic preservation is not the tool, I beg the city to

find ways to PRESERVE Decatur's old homes. New, giant, \$800k homes is not the Decatur we want to live in.

2. Please consider density - enough is enough, right?! Some of the UDO language seems focused on what the city can do to foster MORE building and MORE residential homes. Why? The school system is overburdened as it is. Our density is already off the charts as it is. Why do we need more apartments? More townhomes? More infill housing? These housing options are available on all sides of Decatur's borders - perfectly fine households living outside of the city but patronizing Decatur's businesses. **If the goal is affordability, I don't believe for one second that creating more, smaller homes will lead to affordability** Townhomes & apartments currently under construction are proof of this.

3. Watch carefully the burden placed on current homeowners regarding small renovations (decks, sheds, etc.) and separate this process from major construction (adding a story to a home, a remodel over \$50,000, etc.).

4. Please, please help Decatur stay diverse - consider significant tax breaks for Decatur's long-term & elderly residents.

5. Finally, and so importantly, when receiving advice and opinion from those with a significant financial stake in the outcome (the builders, developers, architects, real estate agents), please know that I believe their interests are NOT aligned with most RESIDENTS who are here to peacefully raise a family in this great community.

My fingers are crossed that the march toward homogenous affluence can slow or stop, Decatur can preserve what's great and choose a path of moderation and restraint. God speed.

Time: July 30, 2014 at 4:13 pm

Here are my thoughts re: the Unified Development Ordinance: Dear sir or madam,

I only have three comments about the draft UDO.

1. I am against and will strongly seek to fight any legislation that expands or provides the ability to expand designation of historical districts. The citizens of Oakhurst spoke very loudly and clearly, by ballot, that we are not interested in becoming a historical preservation district. Several clauses in the UDO directly contradict the wishes and votes of this communities citizens, specifically:

- Allowing the HPC to become the review body for FAR variances seeks to give more power to those strongly in favor of historical districts, and
- section 11.2.6, which mandates that the HPC searches for and identifies candidate properties in Decatur for historical districting.

I request that both of these sections be stricken from the UDO for reasons previously stated, and I'm disappointed that leaders of this community seek to empower organizations directly opposed by its citizens.

2. R-50 zoning. First, I strongly disagree with its limitations to only 1.5 stories and request that the provision be amended to allow 2.0 stories for several reasons:

1. I don't want a neighborhood full of split levels, which is what developers will come in and build because this provision creates a market opportunity.
2. A full second story allows existing residents, such as myself, the flexibility to add a second story in the future should we so choose. The current price of the market prohibits families such as mine from buying 4 br/3ba houses and selling our 3/2. Instead, it is more economical to add a second story.

Beyond this, I am very concerned about the commissioner's ability to assign this zoning designation. The majority of the lots in Oakhurst are less than 50' wide creating the scenario where almost the entire neighborhood could be rezoned and severe restrictions placed on our properties against our wishes.

3. The powers of the zoning administrator should be expressly documented and communicated. Providing one individual with unprecedented power and discretion opens the door to abuse. If this person's power and the process by which they exercise it cannot be explicitly documented, then it should be restricted.

Finally, let me say this, the pace of development in the area has caught all of us by surprise, and it's natural to want to understand and control future growth. However, these are our homes and this is our property. Many of the provisions in the proposed UDO seek to strictly limit property owner's rights and seeks to empower those with agendas contradictory to that of the community. That is not right, and I expect a better, more pragmatic plan from our leaders than this. I hope that you all will strongly consider the points raised and make amendments to future drafts.

Time: July 30, 2014 at 4:29 pm

Here are my thoughts re: the Unified Development Ordinance: I object to Article 2.D.3 as written, in particular to, "Accessory buildings and structures shall be located in a rear yard and shall not occupy more than 30% of the rear yard. Accessory buildings and structures shall not be nearer than 3 feet to any side or rear lot line." This significantly impacts my ability to use my yard for no apparent benefit to my neighbors. There are tall fences between my home and the homes located directly behind/beside my home that provide any desired privacy. If the concern is noise, that's what noise ordinances are intended to accomplish. However, forbidding me from moving my shed to the far corner of my yard so that I may have more usable space and allowing a waste of 3 feet on the sides near the neighboring yards robs me of precious yard space in my already

small yard. Similarly the setback requirement for the rear lot line on corner lots seems completely unnecessary. Again, there are tall fences separating our lots, forcing greater setbacks between the accessory building and the neighbors seems unwarranted and greatly limits my ability to utilize my meager rear yard.

Time: July 30, 2014 at 6:48 pm

Here are my thoughts re: the Unified Development Ordinance: Additional comments - I have a HUGE problem with the height limitations for R-50 designated parcels and the side yard requirements for 2-story R-60 parcels. I own a very small lot in a historic district. The lot is designated R-60, but is barely over 5,000 sqft and probably ought to be designated R-50. My home is a tiny 2BR/1BA that my husband and I would need to (and were planning to) expand if we were to have kids and wanted to stay in Decatur (which we happen to want to do). These proposed regulations would outright prohibit any possible expansion, essentially force us to move out of Decatur (because we wouldn't be able to afford to buy a big enough home in the city), sell our home and prevent us to benefit in any way from increasing property values because the only folks that would be interested in our home would be those with no kids or elderly parents they may need to care for. I am vehemently opposed to these restrictions. While I understand these restrictions are intended to prevent developers from coming in and destroying the little lots to build mega-mansions, there needs to be some sort of accommodation made for those of us that own smaller homes and want to reasonably expand to accommodate dependents. It is horribly unfair and deprives us of any value we may be able to achieve in developing our existing home.

Time: July 30, 2014 at 7:17 pm

Here are my thoughts re: the Unified Development Ordinance: I have lived in Oakhurst for 10 years and get excited every time I see a new property being renovated; especially with a 2nd story addition. The neighborhood has been growing and developing beautifully.....all without the UDO.

I am appalled that an unelected group of people (Historic Preservation Commission) is even being considered the ability to make decisions on my behalf regarding what they feel is best for MY property. This is outrageous and beyond frustrating. I paid for my property and I pay my taxes and I should not have to limit my future development plans because someone else thinks and feels differently. As a community we already denied these groups their desire to classify our neighborhood as an historic district but now they are put in charge of deciding whether or not I can add on to my house? What's the difference? Seems like they found a work around to get what they want and it makes me lose respect for the city I love. I have a growing family and plan on adding on a 2nd floor in the future. Am I going to have to overextend my financial wherewithal so that I can complete my plans now instead of in the future? I am ashamed of your actions and sense of entitlement and am genuinely upset at this proposed oppression and how it is being handled.

The R-50 designation needs to be modified to allow 2 stories and the FAR is set to be equal to the permitted Lot Coverage Ratio.

Time: July 30, 2014 at 9:32 pm

Here are my thoughts re: the Unified Development Ordinance: I am very scared and disappointed by this proposed UDO. My husband and I have been working with an architect and contractor to develop plans for an addition to our existing home on Nelson Ferry Road. We have spent \$12,000 to date to get plans drawn, variances submitted and all the other stuff that goes along with preparing for this type of project. However, for multiple reasons we had to push the start of the project back to 2015 or 2016. After reading the UDO it looks like I wouldn't be able to complete any addition without spending thousands more to a historic preservation committee and still risk not getting approved. This makes me feel like I am screwed because I can either spend money I don't have to do this renovation/addition now before the city says I can't do anything and I have lost all the money that I have spent already. After reading this it just doesn't seem like something I would have ever seen come out of the city. I am a city of decatur 101 graduate and I have always been proud of the type of city we are and this seems like I have moved to Red China!

I understand wanting to preserve the community and curtail the non-conforming building that is happening but the market will solve that problem as it always does. This just doesn't seem like a good solution and a total punishment to those of us who have lived here for 10 years and finally need to get more space but can't afford to buy a new home for \$800K! Please don't run the good citizens out of our city!!

I do not agree or support this UDO at all!

Time: July 31, 2014 at 8:50 am

Here are my thoughts re: the Unified Development Ordinance: I am most concerned about decision making and powers over residential build projects being assigned to the Historic Preservation Committee for areas of Decatur not self-elected into such historic preservation. These should remain with the zoning committee for recommendations to the commission.

Restricting my right to expand my home on my R-60 lot that is 50 feet wide like so many others in Decatur is disconcerting. The restrictions could take away a promising future sale as well for my 1400 sq ft cottage. As a senior resident that sale is more a reality than for most as expenses continue to rise.

The staff prepared Q&A is informative but I remain skeptical. What we really need in the UDO is legally protective language that does not allow for the assurances stated in the

Q&A to be circumvented once enacted. Can the Commissioners do that? And why wouldn't you?

Time: July 31, 2014 at 2:25 pm

Here are my thoughts re: the Unified Development Ordinance: Time for a redo again. I am totally opposed to several parts of the current draft:

1. Historical Preservation oversight
2. Small lot property owners being discriminated against due to lot size and having heavy restrictions placed upon their property, i.e. not allowing a two story home.
3. The rules regarding FAR including space that is not living space and space that is not fully enclosed.

I feel that the elements of the UDO should be put to a referendum where all residents of the City have a chance to vote. Just disseminating information via the Internet primarily is not acceptable to me.

Time: August 1, 2014 at 8:50 am

Here are my thoughts re: the Unified Development Ordinance: I've seen some opposition on Facebook to the idea of having the Historic Preservation Commission review FAR requests and have to admit, I was kind of put off by the idea myself.

After thinking about it a bit though, I understand that it's not practical to add another new commission to handle the reviews. That leaves either the HPC or the ZBA in charge and, frankly, I'd rather have a board of architects consider my design than a board of lawyers!

Thanks for including a way for us small lot residents to boost FAR. Just make sure the HPC's role is defined and limited.

Time: August 2, 2014 at 1:56 pm

Here are my thoughts re: the Unified Development Ordinance: * Outlawing of 2 story homes:

Problem: New R-50 designation outlaws 2 story homes, which might be applied to existing lots with 50 ft wide yards (many if not most homes in Oakhurst have 50 ft wide lots)

Proposed Solution: Either change building standard for R-50 to allow 2 story's or eliminate the designation.

Reason(s): Many small lots in Oakhurst have two stories, and this is a part of the existing neighborhood character. In fact, many parts of Oakhurst are very dense, with small yards and close buildings with only 3' setbacks. If anything, the standards for R-50 should be less stringent in terms of Massing regulations, because density expectations for other parts of Decatur are out of character with many parts of Oakhurst, and should not be forced on Oakhurst. 2 stories need to remain available for those families that want to have that opportunity to improve the value of their homes. Assigning this designation to remaining properties that have not yet added a second story will cause property values to plummet which has been validated by a certified appraiser. Moreover, we were assured at a recent ONA meeting that there was no strategy to limit people to one story homes, yet this new designation is clearly a significant step in that direction.

* HPC is Made Review Body for FAR Variances Instead of ZBA and no language pertaining to small lots

Problem: In response to requests at the UDO Community Input sessions to increase FAR (Floor Area Ratio) to be equal to the allowable Lot Coverage Ratio, instead, FAR variance appeals are placed under the review domain of the HPC (Historical Preservation Commission) for all of Decatur, not just HPD's.

Proposed Solution Part 1: Instead of setting the FAR equal to .40 in each Zoning section -- In Section 2.1 add a clause stating that the FAR is equal to the permitted Lot Coverage Ratio. Then remove reference to FAR under each District's section.

Part 1 Reason: It is still .40 for almost all of Decatur. However, for those eligible for the sliding scale increase in Lot Coverage, without increasing FAR proportionally, all you are doing is saying they can pave over more of their lot, but not actually use it. It is worse for the drainage situation but gives little if any actual benefit to the homeowner. You are recognizing that small lots merit special exceptions to allow reasonable development, but you are stopping half-way and giving something that is not beneficial to the homeowner without a corresponding increase in FAR. Even those that have argued strongly in favor of mass regulation have acknowledged that this would be innocuous and reasonable for the few lots eligible for the sliding scale on lot coverage. Increasing FAR proportionally just makes sense, especially since FAR does not necessarily equate to increased mass. If a building can stay within the available lot coverage, height, story limits, and setbacks, what harm is there in allowing the FAR to go up to the lot coverage ratio?

Proposed Solution Part 2: In addition, FAR variances should still be permitted, however the Zoning Board of Appeal (ZBA) Charter should be modified to specify that they can consider variances for FAR, NOT the Historical Preservation Commission (HPC). It is probably something the ZBA is already empowered to do, but it would not hurt to make it more explicit in the charter. Eliminate any language giving this power to the HPC.

Part 2 Reason: It is not in the Charter for the HPC to have any powers over broader Decatur in any matter, only HPD's, and would therefore exceed their charter. It would be like saying the Georgia Supreme Court has jurisdiction to review all Georgia court cases, plus any case involving peanuts in any other state. This is reason enough alone. It would be illegal. Simply change it so the ZBA is the review body for applications for FAR variances.

* Unprecedented Zoning Administrator Powers Without Sufficient Governing Principles To Adhere to

Problem: The "Zoning Administrator" is given the power to unilaterally waive certain code requirements at will ("Administrative Adjustment") and make exceptions to rules without sufficient guiding principles being provided. While it may actually streamline and simplify matters for these powers to be given to the "Zoning Administrator", these powers could easily be abused and used unequally, giving unfair advantage to those who curry favor with certain City employees. It opens the door to abuse and corruption. Rather than eliminating the idea of Administrative Adjustments, which are an efficiency enabling tool, additional governing rules need to be developed to act as a guide to how these powers are used and ensure they are used equitably.

Proposed Solution: In Section 11.2.9. Rather than narrowly specifying allowable Administrative Adjustment types, the language should be broadened to simply state that "Any provision may be administratively waived, subject to the following guiding principles:

- a. The Zoning Administrator should seek to facilitate, encourage, and support the maximum enjoyment of property rights possible for all equally, consistent with protecting adjacent property owners from unreasonable actions.
- b. Consistent with principle "a" above, The Zoning Administrator is directed to grant requested Adjustments in cases where such adjustments would have an inconsequential external impact that could adversely affect adjacent property owners.
- c. In cases where the external impact would be more than inconsequential, but still small, the Zoning Administrator may also grant administrative adjustments provided all adjacent property owners to the property under consideration indicate in writing that they do not object to such adjustments. ("Adjacent Property" meaning any property whose boundary touches the subject property)
- d. No provisions may be Administratively Adjusted or waived if the result would cause a significantly external impact, and any requests of this nature shall require the Request for Variance process to be followed.

Reasons: This allows for a balance between efficiency, respect for property rights, and the larger public interest. Moreover, Decatur has gone too far in the direction of being "anti-development" (and the vast majority of "developers" are just homeowners and citizens of Decatur). Citizens are starting to have contractors refuse to work for them because they don't want to "deal with Decatur". The Development Office has become antagonistic to property owners, with aggressive interpretations that serve no public

good, and oppress property rights for no logical reason. An example is the current policy of interpreting "Enclosed" to mean anything more than 50% surrounded, which defies common sense. No reasonable person would call a square missing one side "enclosed"; yet because that is 75% surrounded, the Development Office would currently call that "enclosed". These guiding principles should help City Employees recognize they are employed by the citizens to serve their interests in a balanced way. No rule can always anticipate all circumstances and an efficient mechanism like this allows them to be modified or waived where no public good is served by a rule and no harm would occur to adjacent property owners.

* No Exclusion for Garages from FAR

Problem: Despite a large number suggestions and support for excluding detached unconditioned garages from counting towards FAR, there is no update reflecting this.

Proposed Solution: Modify the definition of Floor Area to exclude detached unconditioned garages, similarly to the way basements are excluded.

Reason: In a time of rising crime and car break-ins, it is not unreasonable to want to be able to enclose one's vehicles without having to sacrifice space in one's home. Allowing a carport to be enclosed has no impact on mass or scale. It does not affect the roof line, height, or size of a structure. There is no public good served by discouraging garages from being fully enclosed, and it actually is a detriment to the public good. Let's fix this ridiculous rule.

Discover something new.

Time: August 7, 2014 at 12:25 pm

Here are my thoughts re: the Unified Development Ordinance: Section 2.2.2: Building Types Allowed by District: Specific to RS-17 [formerly High Density Single Family (HDSF)]: Carriage Houses and Duplexes should be allowed in RS-17. Carriage Houses are allowed in ALL other single family zoning types (RS-85/60/50, RM-18, RM-43). Duplexes should be allowed in RS-17, since housing types already allowed include Detached Houses (with garages), Cottage Courts, Attached Houses, and Townhouses. Duplexes are structurally the same as the Attached Houses, and even less dense than Townhouses and Cottage Courts, which are also allowed. In order to provide more affordable housing options, carriages houses and duplexes should be allowed in RS-17, especially since it is already within the spectrum of allowed housing types. It should be noted that Duplexes are not currently allowed, nor are they proposed, for single family zoning areas with only detached houses (R-85/R-60/R-50).

Section 3.3: R-50 zoning: This is a good opportunity to create flexibility for new development opportunities for smaller lots. It also seems like a viable option for property owners who wish to voluntarily re-zone to R-50. However, it should not allow any properties as part of a neighborhood driven re-zoning effort to be re-zoned to R-50 against a property owners will. Is there any language that could be introduced to require

consensus so this would not be a concern? Also, it was mentioned at the meeting that it was technically possible for the City to re-zone existing properties to R-50, but it was said the City was not planning on initiating this.

Section 10.1.6: High Performance Building Standards: I am opposed to City government mandated green building certification. Let it remain the decision of the property owner as to whether they want to implement any particular energy efficient products or standards, and not require another layer of bureaucracy, and additional cost for certification that people may not want or need. Property owners are already motivated to implement “green building” practices that are proven to have a good Return on Investment, and Builders already implement green building practices that buyers value. Requiring certification will add extra unnecessary cost for the certification itself, force costly options on property owners that they may not desire, and will add an unnecessary layer of government involvement and administration that ultimately taxpayers will fund. In addition, property owners will have to deal with another layer of administration during their building process dealing with the City and the Standards organization to comply. Currently, the property owners and builders are able to make choices that make the most sense for them, keep costs down where desired, and focus their investments on the green building practices that make the most sense.

Section 11.2.9: Adjustment: I support the changes for Administrative Adjustment allowing some flexibility during development review. There are many reasons why this makes sense, including variations in lot size and topography. It will also reduce the burden of property owners and the Zoning Board of Appeals from having to deal an arduous process for minor variances.

Section 11.2.10: Demolition Permit: The proposed 90 day delay for the demolition of a residential building is excessive and interferes with property owners’ rights to sell their property, as well as with the ability of buyers to move forward with any planned new construction in a timely manner. There is a cost associated with the 90 day period, which will ultimately reduce the value of the property, thereby impacting all surrounding property values. If this delay is approved at all, it should be no more than 14 days, so that it can occur concurrent with any customary Due Diligence period that most residential contracts allow for a potential Buyer to terminate a contract without losing their deposit (i.e., Earnest Money) on the property.

Section 11.2.5: Design Plan: I strongly support an approval process for design plans to increase the Floor Area Ratio that meet the specified criteria. Some flexibility for FAR is necessary since it is very limiting on some of Decatur’s smaller lots. In addition, perhaps FAR for R-60 lots can have a sliding scale similar to what is proposed for Lot Coverage for R-50? This would reduce the need for as many design reviews for small variations within specified guidelines. In some cases, homeowners are not able to build a complete second story because of FAR limits, even though they are within impervious limits and would otherwise comply with R-60 guidelines. There is some concern that the Historic Preservation Commission may be biased in their review. If possible, allowing community members, and other professionals to participate in the review may lead to a more balanced review process.

Time: August 15, 2014 at 11:21 am

Here are my thoughts re: the Unified Development Ordinance: On behalf of the over 7,500 members of the Atlanta Commercial Board of REALTORS® (ACBR) and the Atlanta Board of REALTORS® (ABR), their affiliates, clients, and property owners, I am writing to share our comments and concerns regarding the first draft of Decatur's Unified Development Ordinance and specifically the possible 90 day delay on permitted demolitions and the proposed mandated "High Performance Building Requirements."

Article 11's Demolition Permit policies recognize the value of creating some notification requirements for neighbors of homes that have been permitted for demolition. However, the potential for a 90 day delay on the demolition process will inhibit the private property rights of those Decatur residents wishing to improve their property through demolition. One of the goals of this policy (as stated by Planning Director Amanda Thompson) is to allow neighbors around homes which homeowners wish to demolish to propose alternative uses for the property to the homeowner and possibly even raise the funds to purchase the property. While neighbors having notice to react to a demolition appropriately for their safety and convenience is understandable, the motivation stated by Ms. Thompson is both extremely unlikely and arguably impossible while the financial impact of the delay and infringement on private property rights are inevitable. This is because the demolition permit process does not begin until after the legal exchange of ownership of the property. There would be no opportunity for "neighborhood bidding" during this process though presumably, if the neighbors were afraid of a future demolition they could bid high during the sale process. This option however is an option for neighbors under existing law. One likely negative effect the possible 90 day delay would be real estate sales contracts being made contingent upon the issuance of a demolition permit, which will only serve to reduce the net proceeds to the seller and cause a delay in closing therefore making homeownership in Decatur less appealing.

We propose that a better way to handle the issue of neighborhood reaction to demolitions is by posting the demolition permit and allowing for neighbors to adequately prepare within in a short window (10 days or less) prior to demolitions. The current building permit process already considers the impact on the neighborhood of the new structure and any delay denies the owner's rights to simply demolish property which they own. But, a short window of 10 days or less would accomplish the goal of notice while avoiding the financial hardship and infringement on the homeowner's rights that would result from a possible 90 day delay.

ABR and CBR support the incentivization of green building techniques. However, the mandating of building standards as found in the draft UDO's proposed "High Performance Building Requirements" increases the base cost of any construction in Decatur. This serves to decrease the accessibility of Decatur to those who might wish to live or work there further adding to Decatur's decreasing diversity. Incentive-based building standards allow property owners to make decisions based on the value they seek from their own property. We have no problem with the standards as outlined in the draft UDO but consider such mandated standards an unnecessary infringement on the rights of property owners when the same standards can be achieved through an incentive-based system which allows Decatur's resident landowners to decide how best to use their property.

Time: August 15, 2014 at 12:35 pm

Here are my thoughts re: the Unified Development Ordinance: We have two areas of concern related to the proposed changes in the UDO. Our first area of concern relates to the proposal to mandate High Performance (Green) Building programs. The programs suggested for compliance for this requirement are all fine programs and have found success around the region and the country, particularly when they are linked to incentives for their use. We would support their inclusion, if they rewarded homeowners who want these higher and more expensive construction standards with things like greater density or more flexibility in the permitting process.

In addition, Georgia has adopted the 2009 Energy Code that has significantly increased the energy efficiency of home that were built just a few years ago. Further, it's being projected that by 2018, Georgia will adopt the 2015 Energy Code which is designed to offer a 30% higher level of energy efficiency than the present code. Since the implementation of the proposal mandating the High Performance Building programs does would not go into effect until 2016, it appears that any mandate for these programs is not as crucial since the codes are rapidly becoming more focused on higher performing homes.

Second, the proposed 90 day waiting period for demolition seems unnecessarily long. Some form of notification for the community like the signs that are used for re-zoning or tree removal might be appropriate for a short period. A three month delay would unreasonably impact private real estate transactions and the property rights of the landowner.

Time: August 15, 2014 at 2:56 pm

Here are my thoughts re: the Unified Development Ordinance: Top 10 Fixes Needed

1. Interim Controls Activation. Elected officials accountable to the residents (City Commission) should be the only body enacting interim controls during proposed historic district designation reviews. As the UDO is currently drafted in Section 11.2.6(C)(4), it only takes one disgruntled resident and the UDO Administrator to trigger the interim control restrictions on properties within a proposed historic district by only starting a nomination process. There is also no limit to how long a nomination process is, so residents/entities proposing the district could drag out the nomination package preparation for as long as they like. Interim Controls, if any, should only start after the complete nomination package has been submitted and the City Commission has approved their use, so as to accelerate the pace of review & limit an uncertain period of heightened development requirements. Plus, have Commissioners actually added up the time Interim Controls could be in play even after a complete nomination has been submitted? Mystery number of days for nomination preparation, then 60 plus an

additional 30 for designation process once a complete nomination is received, plus 10-20 days for public notice of hearing, plus 15 days for Preservation Commission to consider their action, plus then time to get on City Commission Agenda (at least 7 days?)—this adds up to 130-135 days of interim controls after the nomination is complete—so if long nomination package preparation period, this means the controls could be 160-364+, and as written, this could be triggered by NON-ELECTED OFFICIALS. To require large additional development requirements & approval layers, which may lead to putting renovation & development hold for that period of time, must be enacted by elected officials, so as to be accountable to residents. I also believe that if there is not a super-majority of property owners requesting the district designation, then the requestors should have to have some skin in the game and make some kind of good faith

deposit to the city, refunded upon successful district designation or invested in City historic preservation efforts if the designation is not approved. Either way, the petitioners have then invested in historic preservation for the City, and the City limits frivolous applications.

2. Work on the demolition parameters. City Commissioners need to focus on the currently drafted demolition guidelines. Structurally, there is a 15 day notice requirement in Section 11.2.10C, but then nowhere else in that Section 11.2.10 does it say when that notice requirement is triggered or utilized. Substantively, 90 days of potential delay at the determination of just one disgruntled resident and 1 city employee does not give any type of planning certainty to property owners (the purpose of zoning codes), and gives too much power to a potentially frivolous and/or fractious neighbor. Also, it places a large discretionary burden on the UDO Administrator. If variances are being sought, then notice of potential demo could be noticed at the same time as the variance hearing, which would give plenty of notice to residents. If no variances are being sought, then after notice of a demo to neighbors (no longer than 7 days seems appropriate), there should be no wiggle room for further delay unless 1) preservation commission has voted to recommend delay for possible preservation purposes, providing confirmation for the preservation need/desire, and 2) the residents or community group filing the protest also provide some type of financial surety bond for the carry costs of the land during the delay. If there is a preservation buyer approved by the property owner, then the surety can be dismissed or applied to cost of sale, but protesters should have skin in the game since the property owner will have real and substantial costs during any demo permit delay.

3. Carriage Houses. Adjust the allowable square footage for accessory buildings (1,000) to allow for carriage houses bigger than a studio to be located above 2 car garages, which would then allow for carriage houses as pictured throughout the UDO. While carriage houses are limited to 800sf (seems appropriate), if they are above a 2 car garage (23x23=529) there is only about 450-475sf of allowable accessory building sf left for the carriage house, which is really then just a studio. If you look up garage plans on the internet, to get a carriage house that looks like the pics in the UDO, the garage is usually at a minimum 23x23, and usually 26x30+, which would total over 1,000sf for both levels. The accessory building sf size adjustment can be limited to garages with carriage houses above. These carriage houses can really help meet our community goals of diverse and lifespan housing and should be encouraged- and be actually livable. Additionally, if the lot coverage (impermeable surface) is being met, the

community should be able to max out on utilization of that detached impermeable surface so long as adhering to other limitations of height, setback, FAR, etc.

4. Remove garages from the FAR calculations and rely instead on the remainder of height, lot coverage, and accessory building limitations. If the policy concern is enormous garages, then at least give an “allowance/credit” of a certain amount of garage sf excluded from FAR (22x22 or the like). Planners and Commissioners should remember that garages help prevent crime & crowded street parking and are useful for storing things in addition to cars, such as workshops, sports equipment (Active Decatur!), gardening supplies/equipment, strollers, etc.

5. Triggers for Green Building Standards. The green building standards should only be applied to the areas of the substantial renovation; this may require different standards for renos vs. new builds. The building envelope standard may be impossible for older homes to meet unless a planned 2 room addition then spills over into a whole house enviro upgrade due to the Green Building requirements—which wasn’t originally in the budget of the resident and may financially prevent that resident from utilizing their legally allowable use of the property. Also, the definition of “substantial renovation” uses “property value”- is that land plus building value, or just building value? In the materials distributed at the meetings re the Green Building standards, it seemed to say just building value was taken into consideration for determination of substantial renovation. This needs to be clarified as it makes a big difference in the trigger amount for requiring Green standards. Also, the value says “fair market” which will require a disputable appraisal—wouldn’t using the values listed in the DeKalb Tax Commissioner site be a steadier measure?

6. Define terms. Too many terms used in the UDO are undefined. Some undefined terms include “enclosed/unenclosed,” “designated property” (historic), “mean ground level,” “chimineas,” etc. Also, several terms are not used consistently/don’t use the defined term- “substantial renovation” vs “substantial improvements,” “side street” v “minor street” etc. While the City Planner has an understanding of what those terms mean (and I’ve heard they are somewhat consistently applied), the terms should be codified and used consistently so that residents can have a better idea of what may be allowed, restricted or prohibited by reading the UDO itself.

7. Complete the Tree Ordinance. The tree species list, administrative guidelines and fee schedule for canopy coverage/tree bank payments should be incorporated into the UDO, not referenced as separate documents (this is the purpose of the UDO). Please also bring forward all the substance of the tree permitting section in Article 11 to Article 9 (see below for more detail on this comment).

8. Review for full listing of powers. As currently drafted, 1) tree bank money (See Section 9.1.13C) cannot be used for planting of trees on city easements to private property as contemplated in Section 9.1.16, and 2) design review outside of historical districts is not currently listed as an enumerated power of the Historic Commission in Section 11.1.2D. There may be other gaps as well, these are just the 2 I caught in my limited reading.

9. Clarify within the UDO itself, not just at info sessions. Make it clear that R-50 Zoning will only be applied to an existing lot upon request by the property owner- this needs to be written into the UDO, not just told to residents by the staff. Also, better highlighting that tree removal permits can be granted if the tree otherwise impedes the legally allowed development of the property (this is buried in the criteria for tree permits).

10. Fix all cross-references for 2nd UDO draft. I realize that the cross-references will be corrected for the final product, but it needs to be done for any drafts reviewed by the public, otherwise it is too difficult to get full meaning of certain sections with references to the old ordinance sections.

Additional Comments:

Formatting/Ordering-

I very much like having all the development rules in one place, and find the new document and its formatting very helpful and clear. It could be made better by including more information in the headers, such as the particular section of the Article (i.e. Trees in the Environmental Article). Additionally, the zoning district designation should be listed on each page of Article 3, so a reader can quickly know what parameters they are viewing.

Properly use consistent referencing of Article vs. Section, keeping in mind sections are sub portions of articles (so a reference to “this Section” only means 9.1 vs all of Article 9).

Minor Subdivision terms should be at the start of Section 11.2.4, so the new fast-tracking for minor subdivisions is clear- to be followed by the more lengthy major subdivision requirements.

Bring like with like: 1) the substance of the tree ordinance is split in half, between Article 9 and Article 11, and 2) the fire protection provisions seem to be randomly split up within Article 10- keep them all in one section (particularly water sprinkler requirements, which are all over the place), and cross-reference elsewhere as needed. Re the Tree info: all of the substance contained in Article 11 should be brought forward to Article 9, with Article 11 just outlining who is administering the permitting process, permit timing, etc., with cross-references to Article 9 for the criteria used in reviewing the permit requests. Some of the substance included in Article 11 include that trees can be cut if they prevent developing the property to the legally allowable amount and if they are deceased—this is important for residents to understand and gets lost in the back. There are probably other examples of needing to reorganize like with like, but I didn't make it through every section of the doc.

Legal Review Investment:

The City needs to make a bigger investment in legal review of such impactful documents as the UDO. Several of my Top 10 Fixes above would have been caught by a good lawyer given enough budget to review the document beyond looking for constitutional/state law issues.

Community Review:

The staff roundtable feedback sessions were helpful, but 1) not enough notice was provided as to their dates (less than 14 days, during summer vacation season) and 2) residents should have been provided at least a week to read the draft UDO prior to those meetings to make the feedback given by the residents more meaningful. It would have also been helpful if some of the sessions could have been provided in the subsequent week, in case residents were out of town the only week of the sessions.

For the future second draft provided to the community, please be sure all changes from the initial public draft are noted in red, not just the changes the City thinks that the residents want to see. Additionally, the PDF of the draft should be Word Searchable- if the City needs help converting the doc to searchable format, reach out to a private business that can do so (mine can and I'd be happy to help).

I will also be providing separately to Ms. Thompson an actual mark-up of certain sections of the UDO draft.

Time: August 15, 2014 at 3:04 pm