

Chapter 34—Alternative Residential Accommodations

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§34.010 Purpose and Intent

The purpose of this Chapter is, on a limited basis that preserves and protects the character of existing single-family neighborhoods and other neighborhoods as applicable, to recognize that as the demographic makeup of Newnan changes, alternative housing options (otherwise known as secondary or subordinate residential units) must be available to meet the needs of specific groups of households. These households include but are not limited to retirees, "empty nesters," the elderly, physically or mentally challenged persons, single person households, developmentally disabled persons, and family members of the primary residential unit occupant. It is the intent of this Chapter to provide residential options for these persons and to regulate these options so as not to detract from the residential character of the neighborhoods in which they exist. Finally, the intent of this Chapter is to achieve specific community-oriented goals including permitting older homeowners to remain in their homes in the face of fixed incomes, rising expenses such as taxes and maintenance, physical infirmities, or the death of a spouse; the stimulation of new, moderate cost rental housing; preserving the vitality of older neighborhoods; and regulating the quantity, quality, and location of alternative residential unit types whereas the lack of such regulation can lead to the establishment of illegal units lacking adequate space, safety, and located in a haphazard and uncontrolled manner.

§34.020 Definitions Referenced

The definitions of certain terms referenced in these Sections are set forth in Chapter 3, "Definitions" of this Ordinance, as amended.

§34.030 Applicability

The requirements established herein shall apply to all districts which allow for alternative residential options in the City of Newnan. Where there is a conflict between the terms and/or requirements contained in this section and another section contained in this Ordinance, as amended or any other ordinance, code, or regulation of the City of Newnan, Georgia, the more strict shall apply.

§34.040 General Provisions

The following provisions shall apply to all residential options included in this Chapter.

1. All alternative residential options listed in the sections below shall be prohibited from being located in a platted subdivision existing or approved at the time of the adoption of this Ordinance unless specified below, and shall be prohibited from being located in any zoning district not specifically listed.
2. Limitation on the Number of Secondary or Subordinate Units:

- a. There shall be no more than one (1) secondary or subordinate residential unit per lot on any individual lot of record of less than two (2) acres.

3. Revocation of Alternative Residential Options

If the provisions are not met herein in full, the accessory dwelling unit shall be vacated within thirty (30) days and shall remain vacant until such time complete information can be provided.

4. Dimensional Zoning and Use Criteria

Refer to Table 34.01 at the end of this Chapter, which specifies the dimensional criteria for alternative residential options. Zoning district and use requirements are set forth in Chapter 21 of this ordinance, Table 21.04.

§34.050 Accessory Apartments and Residences for Domestic Help

1. Purpose

The purpose of permitting accessory apartments and residences for domestic help on a limited and select basis is to allow homeowners to rent, lease or provide living quarters for a single accessory apartment clearly subordinate to the primary unit and limited in size and location, which may include mother-in-law suites.

2. Infrastructure Requirements

Accessory Apartments must meet the following infrastructure requirements:

Water and Sewer Requirements:

Public water and sewer shall be required.

3. Additional Development Requirements

- a. Any new subdivision seeking approval for allowing the establishment of accessory apartments or residences for domestic help must include in the required application for preliminary plat approval a description of those lots designated for potential accessory apartments. The deed shall indicate that accessory apartments are permitted on the lot.

- b. Building Code Requirements

All additions or alterations to a primary residence or any other building or structure for the purpose of establishing an accessory apartment or residences for domestic help of such unit shall comply with all building codes governing residential development.

- c. Design of Additions or Alterations

Any addition or alteration for the purpose of establishing an accessory apartment or residences for domestic help should be compatible in design with the primary residence and in keeping with the character of the district in which it is to be established.

d. Same Address

The accessory apartment or residences for domestic help must have the same street address (house number) as the primary residence.

4. Ownership and Occupancy Requirements

- a. An accessory apartment may be occupied by a tenant or owner-occupant as long as the owner of the lot maintains residency in either unit. The residences for domestic help shall be within the housing unit in which the owner occupies.
- b. The owner-occupant may be permitted bona fide temporary absences not exceeding six (6) months in any twelve (12) month period. The period of temporary absence may be increased only by the Board of Appeals upon a finding that a hardship would otherwise result.
- c. Except in the case of an accessory apartment that lawfully exists at the time of the acquisition of the home by the applicant, one (1) year must have elapsed between the date when the owner purchased the property (settlement date) and the date when the special exception becomes effective. The Board of Appeals may waive this requirement upon a finding that a hardship would otherwise result.
- d. Under no circumstances shall an owner receive compensation for the occupancy of more than one (1) dwelling unit on a single-family zoned lot. Compensation shall not be received for residences of domestic help.

5. Unit Registration and Permitting

a. Registration

Each accessory apartment must be registered in the Planning Department and the owner shall keep all information related to the unit current.

b. Permitting

A permit will be granted for the period of one (1) year upon registration. Permit renewal will be required at least seven (7) days prior to expiration.

§34.060 Apartments Above Commercial Storefronts

1. Purpose

The purpose of allowing residential apartments above commercial storefronts on a limited and select basis in certain zoning districts is to encourage residential uses within these districts to accommodate residents who need easy and direct access to their place of work, to create an alternative housing option, to facilitate a housing option that is compatible with street level commercial uses with a minimum of disruption to those uses, and to provide an added security measure by creating a district that is active twenty-four (24) hours a day. Please refer to Chapter 33, §33.080, "Storefront Developments" of this Ordinance for additional information regarding storefront development configuration requirements.

2. Infrastructure Requirements

Residential apartments above storefronts must meet the following infrastructure requirements:

a. Water and Sewer Requirements

Public water and sewer shall be required

b. Sidewalk Requirements

Sidewalks adjacent to the building containing such units shall be required.

3. Additional Development Requirements

a. If residential uses are provided above the street level, such uses shall have separate and distinct entrances. In addition, such residences, defined in Chapter 3 of this Ordinance, must meet the following requirements:

1) Units permitted shall include the following:

Unit Type	Minimum Size (Square Feet)	Minimum/Maximum Percentages
Studio or Efficiency	500	None/30
One (1) Bedroom	700	None/None
Two (2) Bedroom	950	None/None
Three (3) Bedroom or More	1100	None/10

2) Building Codes

All such residential units shall comply with all existing commercial building codes and fire codes (NFPA Life Safety Code, 1991 Edition; Southern Building Code Standard Fire Prevention Code) with fire walls.

3) Restrictions

- a) All window treatments shall be off-white colors with no signs, drawings, or photographs incorporated therein. Nothing shall hang from the outside of the windows.
- b) No outside mailboxes shall be permitted; inside mailboxes or mail slots shall be used.
- c) No daily or weekly boarding rooms shall be permitted. Only complete dwelling units as defined herein may be established.
- d) Each dwelling unit shall be furnished with a washer and dryer or be located no more than 500 feet from a common wash area accessible to residents or a public laundromat; each unit must contain a garbage disposal unit.
- e) Outside building identification numbers shall be provided and not exceed six (6) inches in height.
- f) No drying of clothes shall be permitted on the outside of any building.
- g) Entry to the unit or to a hallway serving one (1) or more unit shall be provided by a stairway opening directly to the outside

at street level. All entry stairways shall be enclosed and secured. For buildings with multiple units, a central common hallway conveniently serving all units shall be established.

- h) All window air-conditioning units shall not be visible from any public street.
 - i) No outdoor cooking shall be permitted.
 - j) No maintenance, washing, or detailing of vehicles is permitted.
 - k) No recreation, entertainment, public gathering, or placement of furniture shall be allowed on the sidewalks adjacent to the building containing the units unless permitted by City Council.
 - l) No garage, yard, estate, rummage or other similar sales shall be permitted.
- 4) Landlords shall furnish a City approved trash container and recycling bin for each dwelling unit that shall be located with the approval of the Zoning Administrator.

A copy of these requirements shall be made a part of each lease agreement.

- a. Residential areas shall be designed in such a manner as to provide a safe and secure environment for residences. This shall include, at a minimum, secured common building entrances to residential areas which, for entrances serving six (6) or more units, shall open to a heated lobby of a minimum of ten (10) square feet per unit up to 300 square feet.
- b. Common residential building entrances shall be physically separated and distinct from commercial or other non-residential building entrances.
- c. For buildings with multiple apartment units, a central hallway conveniently serving all units shall be established.
- d. All construction of apartments above commercial storefronts shall comply with all building codes governing residential development.

4. Unit Registration and Permitting

a. Registration

Each apartment approval as a special exception must be registered in the Planning Department and the owner shall keep all information related to the unit current.

b. Permitting

While no permit is required, landowners with apartments above commercial storefronts are required to keep registration current or risk revocation of special exception approval.

§Section 34.070 Ground Floor Residential

1. Purpose

The purpose of allowing ground floor residential on a limited and select basis within certain areas of the Central Business District, as shown on Exhibit "A" referenced in paragraph 4 herein, is to accommodate residents who need easy and direct access to their place of work, to create alternative housing options, and to provide an added security measure by creating a district that is active twenty-four (24) hours a day.

2. Infrastructure Requirements

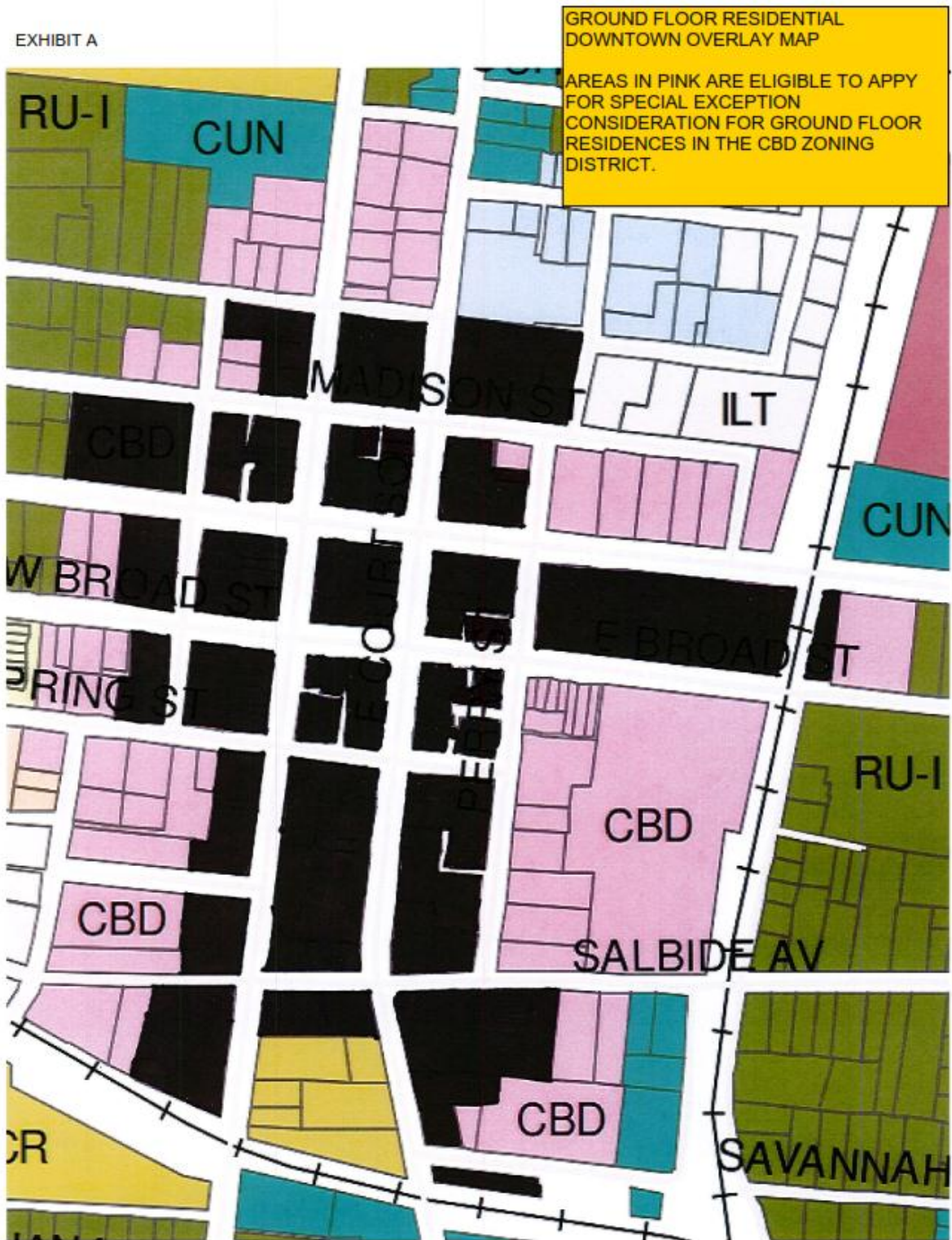
- a) Public water and sewer shall be required
- b) Sidewalks adjacent to the building containing such units shall be required.

3. Additional Development Requirements

- a) The Special Exception shall be heard by the Planning Commission since the property will lie within the Downtown Design Overlay District (DDO).
- b) If exterior improvements are being proposed, the structure must receive a Certificate of Appropriateness as outlined in Chapter 28, §28.150 - Downtown Design Overlay District.
- c) At least one off street parking space will be required for the residence.
- d) For buildings which have both non-residential and residential ground floor uses, separate entrances shall be required.
- e) Ground floor facades must be screened in such a manner to prevent visibility into the residence from the public right-of-way. For windows and glass doors, privacy can be achieved by using a full pane of non-reflective fixed translucent glass or non-reflective translucent window film of sufficient thickness to prevent views from the outside into the residence.
- f) The minimum residential unit size shall be 500 square feet.
- g) No outside mailboxes shall be permitted on City right-of-way.
- h) Outside building identification numbers shall be provided and shall not exceed six (6) inches in height.
- i) No drying of clothes shall be permitted on the outside of any building.
- j) All window air-conditioning units shall not be visible from any public street.
- k) No maintenance, washing, or detailing of vehicles is permitted on City right-of-way.
- l) No recreation, entertainment, public gathering, or placement of furniture shall be allowed on the sidewalks adjacent to the building containing the residence unless permitted by Council.

4. Establishment of Ground Floor Residential in Limited Areas of the CBD Zoning District

Ground Floor Residential will be permitted as a special exception in those areas designated on the overlay map of the CBD zoning district attached hereto as Exhibit "A" and by reference made a part hereof:



Dimensional Requirements	Accessory Apartments and Residences for Domestic Help	Apartments Above Commercial Storefronts	Ground Floor Residential
Districts Permitted	None	CBD	None
Districts as Conditional Uses	All residential districts	None	None
Districts as Special Exceptions		CSN, CUN, CGN, CCS, MXD-1, MXD-2, O1-1, O1-2, PDC	CBD
Maximum Density	One (1) unit per	n/a	One (1) Unit
Unit Cap	One (1) Unit	No Requirement	One (1) Unit
Floor Area as Percentage of Primary Unit (Maximum)	30 Percent	No Requirement	No Requirement
Minimum Distance Apart from Other Accessory Unit	10 Feet	No Requirement	No Requirement
Lot Size Minimum	7000 Square Feet	No Requirement	No Requirement
Unit Size Minimum	350 Square Feet	500 Square Feet	500 Square Feet
Unit Size Maximum	750 Square Feet	No Requirement	No Requirement
Location of Unit(s)	<ul style="list-style-type: none"> • Above garage • Basement • Attic • Rear of Primary 	Any permitted floor above street level.	Street Level
Separate Entrance Required? Location?	Yes. Not on front facade of primary residence.	Yes. Units must be accessible via an entrance separate from commercial entrances.	Yes. Units must be accessible via an entrance separate from commercial entrances.
Common Doorway Connection	Permitted	Not Permitted	Not Permitted
Water and Sewer	Required	Required	Required
Parking	One (1) paved space in rear yard or garage	See Chapter 30	One parking space in rear yard or garage.
Other Requirements	In single-family districts only.	See Chapter 33, §33.080, number 58.	See Chapter 34, §34.070