

AN ORDINANCE**BY: COUNCILMEMBER AMIR FAROKHI**

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF ATLANTA (PART 16), BY AMENDING VARIOUS PROVISIONS OF THE TEXT OF THE ZONING ORDINANCE, INCLUDING INDIVIDUAL ZONING DISTRICT REGULATIONS, WITH REGARD TO THE SUBJECT AREAS AND PROVISIONS THAT FOLLOW: MR-MU (MULTIFAMILY RESIDENTIAL MULTI-UNIT) ZONING DISTRICT AND REGULATIONS (SECTION 1 BELOW); MINIMUM PARKING REQUIREMENTS (SECTION 2 BELOW); ACCESSORY DWELLINGS (SECTION 3 BELOW); TO PROMOTE A DIVERSITY OF HOUSING OPTIONS AND INCREASE HOUSING AFFORDABILITY; AND FOR OTHER PURPOSES.

WHEREAS, increasing the supply of housing options, the City gets closer to achieving its chartered vision outlined in the 2017 Atlanta City Design that people of all income ranges, generations, races, and educational levels can thrive as city residents; and

WHEREAS, the 2016 Comprehensive Development Plan calls for the City to encourage a range of housing types, and promote missing middle development in areas with single family homes; and

WHEREAS, the City’s Consolidated Plan requires the City to review its zoning ordinances for prospective barriers to affordable housing development and make amendments as needed; and

WHEREAS, One Atlanta Housing Affordability Action Plan (HAAP) calls for changing zoning ordinances to promote missing middle housing, accessory dwelling units, affordable housing near transit, and reduce parking minimums; and

WHEREAS, a strategic objective in the 2020 One Atlanta Economic Mobility, Recovery, and Resiliency Plan is to incentivize affordable housing, encourage innovative development models, help more low- and moderate-income residents generate wealth through homeownership, and assist low- and moderate-income homeowners to safely remain in their existing homes; and

WHEREAS, Atlanta City Design provides a framework for subordinate plans and policies to be based upon the unique physical attributes of Atlanta and should accentuate these qualities for a growing city; and

WHEREAS, Atlanta City Design Housing tells the story of how the last hundred years of housing policy resulted in a low density and inequitable city; and

WHEREAS, the City of Atlanta (“the City”) has grown significantly in population since 2010 and is expected to continue growing rapidly; and

WHEREAS, limiting housing options through restrictive zoning prevents property owners and the community from adapting to changing housing demands; and

WHEREAS, more zoning restrictions and rules and restrictions on land-use are associated with higher home prices; and

WHEREAS, Atlanta is missing its middle housing densities where in 2019, there were about 110,000 structures that had one unit, about 76,000 structures that had over 50 units, but only about 15,000 structures with between 2-4 units; and

WHEREAS, about 11,500 new units would be created if 15% of current single-family zoned properties added an accessory unit, creating much needed housing in the City; and

WHEREAS, zoning reforms to increase accessory dwelling unit (ADU) production, along with financial incentives and education/outreach programs, lead to increases in ADUs which can mean more affordable housing options in the City; and

WHEREAS, in hot housing markets, the majority of ADUs are used for permanent housing (and not as tourist rentals), and nearly 60% of ADUs were rented below the market rate, suggesting that ADUs provide affordable options for some residents; and

WHEREAS, under current zoning, owners of single-family lots in Atlanta in R4, R4A, and R5 can only develop ADUs in limited ways; and

WHEREAS, many Atlanta neighborhoods boast examples of vernacular architecture containing two family dwellings such as duplexes, basement apartments, granny flats, tree houses, front rooms over garages, backyard cottages, tiny homes, modular container homes, and other types of dwelling units; and

WHEREAS, small apartment buildings play a crucial role in creating affordable housing options while gently increasing density; and

WHEREAS, allowing for multiple structures in MR-MU will promote a greater variety of affordable housing options through cottage court-style developments; and

WHEREAS, zoning reforms that allow for a variety of housing types along with density bonuses increase the supply of affordable and transit accessible homes; and

WHEREAS, minimum parking requirements in the zoning code add to the cost of housing production and reenforce patterns of car-dependency; and

WHEREAS, a review of research on parking minimums and development patterns in other cities suggests that regulation (i.e. parking minimums) drives the supply of parking rather than market demand; and

WHEREAS, when Seattle reduced its minimum parking requirements, developers built 40% less parking than would have been required, resulting in lower direct construction costs which can reduce the cost of housing for residents; and

WHEREAS, as the city grows, it is critical that the zoning code is amended to address the changing needs of the city and promote a variety of housing options across price points; and

WHEREAS, the City Charter, at Section 1-102(b), provides that the City shall have all powers necessary and proper to promote the safety, health, peace, and general welfare of the City and its inhabitants; and

WHEREAS, this ordinance is adopted pursuant to Georgia Constitution Article IX, Section II, Paragraph IV which empowers the governing authority of each county and of each municipality to adopt plans and exercise the power of zoning; and

WHEREAS, the Atlanta City Council finds this amendment to the affected zoning district regulations will serve the public health, safety, and general welfare of the community.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

SECTION 1: MR-MU AFFORDABLE HOUSING DENSITY BONUS

Section 1.A: City Code Chapter 35 Section 16-35.003 governing the intent of multi-family zoning districts is amended as follows with permanent deletions in ~~striketrough~~ and **bold** format and permanent additions in underline and **bold** format.

Sec. 16-35.003. - Districts established.

Nine MR districts are established, the intent of which is described below:

- 9. ~~MR-MU. Two to three story m-~~Multi-unit buildings **up to three stories** targeting "Missing Middle" housing needs.

Section 1.B: City Code Chapter 35 Section 16-35.007 governing special permits in multi-family zoning districts is amended as follows with permanent deletions in ~~striketrough~~ and **bold** format and permanent additions in underline and **bold** format.

Sec. 16-35.007. – Special permits.

- 2. Special administrative permits

r. Variations permitted for front yard depth requirements in MR-MU. Front yard setbacks may be reduced to match the existing building setbacks of the shortest setback, as measured from the curb, of the nearest three adjacent buildings, on either side of the block face, located on the same side of the street.

Section 1.CB: City Code Chapter 35 Section 16-35.010(1) governing development controls regarding site limitations within multi-family zoning districts is amended ~~to add a part 6~~ as follows with permanent deletions in ~~striketrough~~ and **bold** format and permanent additions in

underline and **bold** format.

vii *MR-MU*: Individual ~~buildings~~ **lots** shall have a maximum of ~~12~~ **4** dwelling units per ~~building~~ **lot**. **Units in MR-MU must not exceed the size limits in Table B.**

Section 1.DC: City Code Chapter 35 Section 16-35.010 Table A governing development controls regarding site limitations within multi-family zoning districts is amended to add a part 6 as follows with permanent deletions in ~~strike through~~ and **bold** format and permanent additions in underline and **bold** format. **Table B is added to the same section to govern maximum unit size in MR-MU.**

Table A: Summary of Density and Open Space Requirements

MR DISTRICTS	Maximum Floor Area Ratios *(net lot area)			Minimum Open Space Requirements		
	Non-residential	Residential	Combined	Public Space	TOSR	UOSR
MR-1	5% of total floor area	0.162	0.162	none	none	LUI ^
MR-2	5% of total floor area	0.348	0.348	none	none	LUI ^
MR-3	5% of total floor area	0.696	0.696	none	none	LUI ^
MR-4A	5% of total floor area	1.49	1.49	none	none	LUI ^
MR-4B	5% of total floor area	1.49	1.49	none	none	LUI ^
MR-5A	5% of total floor area	3.20	3.20	none	none	LUI ^
MR-5B	5% of total floor area	3.20	3.20	none	none	LUI ^
MR-6	5% of total floor area	6.40	6.40	none	none	LUI ^

MR DISTRICTS	Maximum Floor Area Ratios *(net lot area)			Minimum Open Space Requirements		
MR-MU	Not permitted	12 4 units/ build ing lot	12 4 units/ build ing lot	none	none	LUI ^

Table B: MR-MU Maximum Unit Size

<u>Unit</u>	<u>Maximum dwelling unit size</u>
<u>1st unit</u>	<u>2500 square feet</u>
<u>2nd unit</u>	<u>2000 square feet</u>
<u>All subsequent units</u>	<u>1500 square feet per dwelling unit</u>

Section 1.ED: City Code Chapter 35 Section 16-35.010(1) governing development controls regarding site limitations within multi-family zoning districts is amended to add a part c. as follows with permanent deletions in ~~strikethrough~~ and **bold** format and permanent additions in underline and **bold** format.

Sec. 16-35.010. – Development Controls.

1. Bulk limitations. (Refer to Table A: Summary of density and open space requirements).

c. Affordable Housing Density Bonus: The following bonus is eligible in the MR-MU zoning district.

1. **Affordable housing (new for-sale or rental housing dwelling units) for the purposes of this section shall mean residential dwelling units that are solely and actually provided to individuals and/or families as specified by the following measures:**

Rental dwelling units:

- i. **A minimum of 1 rental dwelling unit provided at or below 60 percent of area median income (AMI) in developments with 5-8 dwelling units; or**
- ii. **A minimum of 2 rental dwelling units provided at or below 60 percent of area median income (AMI) in developments of 9-12 dwelling units.**

For-sale dwelling units:

- iii. A minimum of 1 for-sale dwelling unit provided at or below 80 percent of area median income (AMI) in developments with 5-8 dwelling units; or
- iv. A minimum of 2 for-sale dwelling units provided at or below 80 percent of area median income (AMI) in developments with 9-12 dwelling units.

In addition to the above each of the following criteria shall be met:

- iii. Affordable requirements shall be in place for a minimum of 20 years from the date of issuance of the occupancy permit and shall include deed restrictions or land use restrictive covenants, where applicable, governing the resale value or rental rate placed on the affordable dwelling units.
- iv. Parking for all such affordable dwelling units shall be leased or sold separately from the rental or purchase price for such units for the life of the unit such that the renter or purchaser has an option to have the unit priced lower than if the price of the unit and parking space were combined.
- v. No certificate of occupancy shall be issued until such time as a recorded land use restrictive covenant is provided to the Office of Housing and Community Development establishing that the affordable housing requirements are met. No temporary or final certificate of occupancy shall be issued until a LURA or Land Use Declaration, as applicable, in the form provided by the City and approved by the Office of Housing and Community Development, is recorded in the county real estate records where the property lies and a recorded copy is affixed to the application for certificate of occupancy
- vi. The Office of Housing and Community Development shall certify compliance with the the affordability requirement before issuance of the certificate of occupancy and oversee compliance for the duration of the 20-year affordability period. No development shall maintain its eligibility for density incentives under this chapter unless a valid LURA or Land Use Declaration, as applicable, remains in effect and unless the development continuously meets the affordability requirement during the entire period of the LURA or Land Use Declaration, as applicable.
- vii. The City may take any other legal remedies allowed under the LURA, Land Use Declaration, or Atlanta City Code Section 16-30.001 or 16-30.002, as applicable., These remedies include, but are not limited to, seeking an injunction to prevent the leasing of units that would cause the development to exceed the number of market rate units to be leased under the LURA or Land Use Declaration, as applicable, or seeking the appropriate legal remedy to compel the sale of units to satisfy the terms of the LURA or Land Use Declaration, as applicable.

Section 1.F: City Code Chapter 35 Sections 16-35.010(4-7) governing development controls within multi-family zoning districts is amended as follows with permanent deletions in ~~strike~~through and **bold** format and permanent additions in underline and **bold** format.

Sec. 16-35.010. – Development Controls.

4. Minimum Lot Size

a. ~~MR-1 through MR-4, and MR-MU~~: 2,000 square feet.

b. ~~MR-5 through MR-6, and MR-MU~~: 5,000 square feet.

5. Minimum Street Frontage.

a. ~~MR-4B~~: 20 linear feet.

b. ~~MR-1, MR-2, and MR-MU~~: 25 linear feet.

c. ~~MR-3 through MR-4 A, MR-5 through MR-6, and MR-MU~~: 40 linear feet.

6. Minimum open space requirements.

7. Front Yards and lot coverage for MR-MU.

a. ~~There shall be a front yard having a setback of not less than 25 feet. Supplemental Zone does not apply to MR-MU.~~

b. ~~Maximum lot coverage for lots with:~~

i. ~~1-4 units is 55%~~

ii. ~~5-8 units is 60%~~

iii. ~~9-12 units is 65%~~

iv. ~~When preserving an existing structure that is at least 50 years of age or older and contains at least one dwelling unit, a lot is permitted a 5% lot coverage bonus.~~

Section 1.GE: City Code Chapter 35 Section 16-35.011, subsection (1) governing development controls regarding site limitations within multi-family zoning districts is amended to add a part 6 as follows with permanent deletions in ~~strike~~through and **bold** format and permanent additions in underline and **bold** format.

Sec. 16-35.011. - Site limitations.

5. Additional regulations for MR-4B:

~~a. **For MR-4B:** No residential unit shall be located above or below another residential unit.~~

~~b. **For MR-MU:**~~

~~i. **An individual lot may not contain less than four nor more than 12 dwelling units.**~~

- ii. ~~Single-family attached (zero-lot-line) dwellings are prohibited.~~
- iii. ~~Only one principal building is permitted on a lot.~~

6. Additional regulations for MR-MU:

- i. **An individual lot may not contain more than 4 dwelling units, except when utilizing the affordable housing density bonuses permitted in Section 16-35.010.**
- ii. **Zero-lot-line development**
 - a. **Single-family attached (zero-lot-line) dwellings are prohibited, except for duplex zero-lot-line development. A maximum of one duplex zero-lot-line development is allowed per lot.**
 - b. **Single-family detached (zero-lot-line) dwellings are permitted.**

6.7. Drive-through service windows and drive-in facilities are prohibited.

Section 1.H: City Code Chapter 35 Section 16-35.014 (11) governing relationship of building to the street in multi-family zoning districts is amended as follows with permanent deletions in ~~strikethrough~~ and **bold** format and permanent additions in underline and **bold** format.

Sec. 16-35.014 Relationship of building to street.

11. Front Porches for MR-MU

- a. **Front porches on the façade of the principal structure shall be required on new construction when such treatments are established by a majority of the residential structures on the block face.**
- b. **Front porches, when required, shall:**
 - i. **Be a minimum of eight feet in depth; and**
 - ii. **Porches may be separated horizontally flanking a front entryway or continuous across the façade; and**
 - iii. **Porches are only required on the first floor of the building but may also be constructed on the second and third floors where applicable.**
- c. **For parcels with more than one street frontage, the front porch requirements of this section shall only be required on the building facade located in the front yard of the parcel, not in the side yard, half depth side yard, or rear yard.**

SECTION 2: PARKING MINIMUMS

Section 2.A: Section 16-06.010 of the Atlanta City Code of Ordinances governing minimum

off-street parking requirements in the R-4 Single-Family Residential Zoning District is hereby amended, with permanent deletions in ~~striketrough~~ and **bold** font and permanent additions in underline and **bold** font:

Sec. 16-06.010. - Minimum off-street parking requirements.

The following parking requirements shall apply to all uses approved by special permits as well as permitted uses (see section 16-28.014):

- (1) *Single-family detached dwellings:* ~~One space per dwelling.~~ **No minimums.**

Section 2.B: Section 16-06A.010 of the Atlanta City Code of Ordinances governing minimum off-street parking requirements in the R-4A Single-Family Residential Zoning District is hereby amended, with permanent deletions in ~~striketrough~~ and **bold** font and permanent additions in underline and **bold** font:

Sec. 16-06A.010. - Minimum off-street parking requirements.

The following parking requirements shall apply to all uses approved by special permit as well as permitted uses (see section 16-28.014):

- (1) *Single-family detached dwellings:* ~~One space per dwelling.~~ **No minimums.**

Section 2.C: Section 16-06B.010 of the Atlanta City Code of Ordinances governing minimum off-street parking requirements in the R-4B Single-Family Residential Zoning District is hereby amended, with permanent deletions in ~~striketrough~~ and **bold** font and permanent additions in underline and **bold** font:

Sec. 16-06B.010. - Minimum off-street parking requirements.

The following parking requirements shall apply to all uses approved by special permit as well as permitted uses (see section 16-28.014):

- (1) *Single-family detached dwellings:* ~~One space per dwelling.~~ **No minimums.**

Section 2.D: Section 16-07.010 of the Atlanta City Code of Ordinances governing minimum off-street parking requirements in the R-5 Two-Family Residential Zoning District is hereby amended, with permanent deletions in ~~striketrough~~ and **bold** font and permanent additions in underline and **bold** font:

Sec. 16-07.010. - Minimum off-street parking requirements.

The following parking requirements shall apply to all uses approved by special permit as well as permitted uses (see section 16-28.014):

- (1) *Single-family detached dwellings and single-family zero-lot-line detached, semidetached, and attached dwellings:* ~~One space per dwelling.~~ **No minimums.**

(2) *Two-family dwellings: No minimums. One space per dwelling for structures in which one of the dwelling units does not exceed 750 square feet. For two-family structures, other than those provided for above, parking shall be provided as follows:*

a. ~~One space per dwelling for dwellings with up to three bedrooms.~~

b. ~~One space per dwelling plus one space for each bedroom above three bedrooms for dwellings with four or more bedrooms.~~

For the purpose of determining the number of bedrooms, all rooms suitable for occupancy other than those specifically designed as a kitchen, bathroom, living room or dining room, whether designated as a den, study, recreation room or similar name, shall be counted as a bedroom. Notwithstanding any other provisions of this part, for two-family dwellings in which either dwelling has four or more bedrooms, all parking shall be located in the side or rear yard behind the front façade of the building.

Section 2.E: Table I of Section 16-08.010 of the Atlanta City Code of Ordinances governing Land Use Intensity Ratios is hereby amended to eliminate parking space requirements for lodging units and dwelling units, with the amended table shown below:

TABLE I

LAND USE INTENSITY RATIOS

LUI Ratios Times Gross Land Area

	Floor Area (FAR)	Total Open Space (TOSR)	Useable Open Space (UOSR)	Parking Spaces Per Lodging Unit	Parking Spaces Per Dwelling Unit
Sector 1	.100	.80	.65	1.00	2.20
	.107	.80	.62	1.00	2.10
	.115	.79	.60	1.00	2.10
	.123	.79	.58	1.00	2.00
	.132	.78	.55	1.00	1.90
	.141	.78	.54	1.00	1.90
	.152	.78	.53	1.00	1.80

	.162	.77	.53	1.00	1.80

Sector 2	.174	.77	.52	-.670	1.70
	.187	.77	.52	-.670	1.70
	.200	.76	.52	-.670	1.60
	.214	.76	.51	-.670	1.60
	.230	.75	.51	-.670	1.50
	.246	.75	.49	-.670	1.50
	.264	.74	.48	-.670	1.50
	.283	.74	.48	-.670	1.40
	.303	.73	.46	-.670	1.40
	.325	.73	.46	-.670	1.30
	.348	.73	.45	-.670	1.30

Sector 3	.373	.72	.45	-.600	1.30
	.400	.72	.44	-.600	1.20
	.429	.72	.43	-.600	1.20
	.459	.72	.42	-.600	1.20
	.492	.71	.41	-.600	1.10
	.528	.71	.41	-.600	1.10
	.566	.71	.40	-.600	1.10
	.606	.70	.40	-.600	1.00

	.650	.70	.40	-.60 <u>0</u>	1.0 <u>0</u>
	.696	.69	.40	-.60 <u>0</u>	.99 <u>0</u>

Sector 4	.746	.69	.40	-.45 <u>0</u>	-.96 <u>0</u>
	.800	.68	.40	-.45 <u>0</u>	-.93 <u>0</u>
	.857	.68	.40	-.45 <u>0</u>	-.90 <u>0</u>
	.919	.68	.40	-.45 <u>0</u>	-.87 <u>0</u>
	.985	.68	.40	-.45 <u>0</u>	-.85 <u>0</u>
	1.06	.68	.40	-.45 <u>0</u>	-.83 <u>0</u>
	1.13	.67	.41	-.45 <u>0</u>	-.81 <u>0</u>
	1.21	.67	.41	-.45 <u>0</u>	-.79 <u>0</u>
	1.30	.67	.42	-.45 <u>0</u>	-.77 <u>0</u>
	1.39	.68	.42	-.45 <u>0</u>	-.75 <u>0</u>
	1.49	.68	.43	-.35 <u>0</u>	-.73 <u>0</u>

Sector 5	1.60	.68	.43	-.35 <u>0</u>	-.71 <u>0</u>
	1.72	.68	.45	-.35 <u>0</u>	-.69 <u>0</u>
	1.84	.69	.46	-.35 <u>0</u>	-.67 <u>0</u>
	1.97	.70	.47	-.35 <u>0</u>	-.65 <u>0</u>
	2.11	.71	.49	-.35 <u>0</u>	-.63 <u>0</u>
	2.26	.72	.50	-.35 <u>0</u>	-.61 <u>0</u>
	2.42	.75	.51	-.35 <u>0</u>	-.60 <u>0</u>

	2.60	.76	.52	-.35 <u>0</u>	-.58 <u>0</u>
	2.79	.81	.56	-.35 <u>0</u>	-.56 <u>0</u>
	2.99	.83	.57	-.35 <u>0</u>	-.55 <u>0</u>
	3.20	.86	.61	-.35 <u>0</u>	-.54 <u>0</u>
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Sector 6	3.43	.91	.64	-.27 <u>0</u>	-.53 <u>0</u>
	3.63	.95	.67	-.27 <u>0</u>	-.52 <u>0</u>
	3.95	1.00	.71	-.27 <u>0</u>	-.50 <u>0</u>
	4.24	1.05	.75	-.27 <u>0</u>	-.49 <u>0</u>
	4.55	1.11	.79	-.27 <u>0</u>	-.48 <u>0</u>
	4.88	1.17	.83	-.27 <u>0</u>	-.46 <u>0</u>
	5.23	1.24	.89	-.27 <u>0</u>	-.45 <u>0</u>
	5.60	1.31	.94	-.27 <u>0</u>	-.44 <u>0</u>
	5.99	1.39	.99	-.27 <u>0</u>	-.43 <u>0</u>
	6.40	1.46	1.05	-.27 <u>0</u>	-.42 <u>0</u>

See section 16-28.010 for definitions of terms. See also section 16-28.00867.

Section 2.F: Section 16-35.021 of the Atlanta City Code of Ordinances governing minimum off-street parking requirements in the MR Multi-family Residential District Regulations is hereby amended, with permanent deletions in ~~striketrough~~ and **bold** font and permanent additions in underline and **bold** font:

Sec. 16-35.021. - Off-street parking requirements.

In addition to the provisions of subsection 16-28.008(7), which shall apply and are incorporated herein, the following parking requirements shall apply to all uses approved by special permits (see also sections 16-28.013 and 16-28.014):

- ~~5. For residential uses. In the MR-MU district, the minimum parking requirement shall be 0.5 parking space per dwelling. In all other MR districts, see Table I, "Land use intensity ratios", for minimum parking requirements under appropriate FAR for the development.~~
- ~~65. Single room occupancy residence. One parking space for each two dwelling units, plus one space for each employee, shall be provided on the site.~~
- ~~75. For nonresidential uses minimum requirements unless otherwise stated:~~
- a. Nursing homes, convalescent homes, and similar care facilities: One space for four beds.
 - b. Specific regulations for retail and eating and drinking establishments within 500 feet of a MARTA rail station entrance, as measured along public streets and pedestrian walkways: Establishments with a floor area of 500 square feet or less shall have no parking requirements.
 - c. Schools, colleges, churches, recreation or community centers and other places of assembly: One space for each four fixed seats (with 18 inches if bench length counted as one seat or one space for each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater, plus the following:
 - i. Public or private elementary or middle school: Two spaces for each classroom.
 - ii. High school: Four spaces for each classroom.
 - iii. Colleges and universities: Eight spaces for each classroom.
 - d. All other nonresidential uses: One parking space for each 600 square feet of floor area shall be provided on the site.
- ~~86. Notwithstanding any provision of the City of Atlanta Code of Ordinances to the contrary, park-for-hire surface parking lots and parking decks are prohibited.~~

Section 2.G.: Section 16-36.020(1)(a) of the Atlanta City Code of Ordinances governing off-street parking and loading requirements in the BeltLine Overlay District Regulations is hereby amended, with permanent deletions in ~~strickthrough~~ and **bold** font and permanent additions in underline and **bold** font:

Sec. 16-36.020. - Off-street parking and loading requirements.

In addition to the provisions of subsection 16-28.008(7), which shall apply and are incorporated herein the following parking requirements shall apply to all permitted uses. (See also sections 16-28.013 and 16-28.014.)

1. *Minimum parking*: The number of off-street parking spaces required shall be as followings:

- a. *For residential uses:* ~~No parking minimums. Determined by the underlying zoning and any applicable provisions of section 16-28.014, but not more than one space per dwelling units.~~

SECTION 3: Accessory Dwelling Units

Section 3.A: City Code Chapter 29 Definitions Section 16-29.001(12)(a)(7) is hereby amended to change the definition of dwelling, attached and dwelling, accessory as follows, with permanent deletions in ~~strike through~~ and **bold** font and permanent additions in underline and **bold** font: font:

7. *Dwelling: Accessory* — A secondary ~~detached~~ dwelling unit ~~meeting the height requirement of section 16-28.004 and having a floor area of 750 square feet or less~~ on the same lot as a primary dwelling. Accessory dwelling units are distinct dwelling units as defined in section 16-29.001(10)(a) with independent kitchen facilities. The floor area of an accessory dwelling does not count against the floor area of the lot.

a. Detached Accessory Dwelling: An independent dwelling unit detached from the primary structure and meeting the height requirement of section 16-28.004 and having a floor area of 751,000 square feet or less or up to 30% of the primary dwelling, whichever is greater.

b. Attached Accessory Dwelling: An independent dwelling unit attached to the primary structure and having a floor area of 1,000 square feet or less or up to 50% of the primary dwelling, whichever is greater.

Section 3.B: City Code Chapter 28 of Part 16 General and Supplementary Regulations Section 16-28.004 governing accessory uses and structures is hereby amended to amend the height requirement and the total floor area calculation for accessory dwelling units as follows, with permanent deletions in ~~strike through~~ and **bold** font and permanent additions in underline and **bold** font:

Sec. 16-28.004. - Accessory uses and structures.

The following regulations and requirements apply to accessory uses and structures:

- (1) Except as otherwise specifically provided in this part, use of accessory buildings as dwellings or lodgings is prohibited.
- (2) Accessory buildings shall be constructed concurrent with or after construction of principal buildings.
- (3) Accessory buildings in R-1 through R-5 districts shall not exceed 20 feet in height, shall not cover more than 25 percent of the area of the rear yard, and shall not contain a total floor area greater than 30 percent of the main structure. For purposes of calculating the total floor area of the main structure, the definition of residential floor area set forth in the first sentence of section 16-29.001(13)(a) shall apply, except where modified by the provisions of 16-24.008. For purposes of calculating the total floor

area of the accessory building, all gross floor area of the accessory building shall be included whether or not it is conditioned or habitable.

(a) **Exceptions for detached accessory dwelling units**

(i) Detached accessory dwelling units shall not exceed 24 feet in height.

(ii) For the purposes of calculating the total floor area of the detached accessory dwelling unit, all conditioned space shall be included but unconditioned ~~or uninhabitable~~ space shall not count toward the gross floor area. However, ~~Ununconditioned uninhabitable~~ space in a detached accessory dwelling unit structure shall count toward the total 30 percent floor area allowance for accessory structure in section 16-28.004(3).

Section 3.C: City Code Chapter 28 General and Supplementary Regulations Section 16-28.011(6) governing zero lot line subdivisions is hereby amended to permit the use of zero lot line subdivisions for accessory dwelling units as follows, with permanent deletions in ~~strike through~~ and **bold** font and permanent additions in underline and **bold** font:

- (6) *Zero Lot Line Subdivision:* Zero lot line subdivision of two (2) classes is permitted by this part, without the necessity for compliance with Part 15 of the Code of Ordinances, through the approval of a special administrative permit:
- (a) In the R-5 (Two-Family Residential) District, lots may be subdivided to allow the individual sale of each of the two units in any existing duplex structure which otherwise meets all of the requirements of the R-5 (Two-Family Residential) District. ~~Lots may also be subdivided through zero-lot-line subdivision to allow the individual sale of each of the two units when one of the units is a detached accessory dwelling unit which otherwise meets all of the requirements of the R-5 (Two-Family Residential) District. In the instance that a lot contains a two-family structure, only one zero-lot line subdivision is allowed per lot.~~
 - (b) In the R-G (Residential General), R-LC (Residential-Limited Commercial), and O-I (Office-Institutional) districts, lots may be subdivided to allow the sale of individual units within any existing multi-family or duplex structure which otherwise meets all of the requirements for the district in which it is located.
 - (c) In Subarea 2 (Mill Housing) of the Cabbagetown Landmark District (section 16-20A.005), lots may be subdivided to allow the sale of individual units in any duplex structure which otherwise meets all the requirements for the Cabbagetown Landmark District.
 - (d) In R-4 (Single Family Residential), R-4A (Single Family Residential), ~~and~~ R-4B (Single Family Residential) Districts, and R-5 (Two-Family Residential) Districts,** lots may be subdivided through zero-lot-line

subdivision to allow the individual sale of ~~each of the two~~ units when one of the units is an ~~detached~~ accessory dwelling unit and when the requirements of the District are otherwise met. Only one zero-lot line subdivision is allowed per lot.

An application for said special administrative permit shall be filed in accordance with the procedures established in Chapter 25 and shall contain a plat of survey prepared by a registered land surveyor or engineer, appropriately scaled and dimensioned, which indicates the existing structures and the proposed subdivision of the land. The plat shall also show that the zoning regulations for the district in which such development is located have been met. Where open space or private streets are a part of the development, a written agreement outlining a program for guaranteeing perpetual maintenance of all common areas, including open space and streets, through a condominium association, homeowners association, bonding, or other protective maintenance guarantee, shall be filed with the Clerk of the Superior Court and shall be noted and properly referenced on said plat.

Section 3.D: City Code Chapter 6 R-4 Single-Family Residential District Regulations, Section 16-06.004 (12) governing accessory uses is hereby amended to reduce the side yard and rear yard setbacks for accessory dwelling units. Permanent deletions are shown in ~~striketrough~~ and **bold** font and permanent additions in are shown in underline and **bold** font:

(12) Accessory dwelling units, where the total number of dwelling units on any parcel, ~~including accessory dwelling units,~~ does not exceed two, **including all dwelling units on zero-lot-line developments.**

Section 3.E: City Code Chapter 6 R-4 Single-Family Residential District Regulations, Section 16-06.005 (2) governing permitted accessory uses and structures is hereby amended to allow accessory dwelling units. Permanent deletions are shown in ~~striketrough~~ and **bold** font and permanent additions in are shown in underline and **bold** font:

(2) *Special administrative permits:*

(e) **Zero-lot-line subdivision of lots with ~~detached~~ accessory dwelling units. See section 16-28.011(6).**

Section 3.F: City Code Chapter 6 R-4 Single-Family Residential District Regulations, Section 16-06.007 governing minimum lot requirements. Permanent deletions are shown in ~~striketrough~~ and **bold** font and permanent additions in are shown in underline and **bold** font:

(4) **Accessory dwelling zero-lot-line development; single lot area: ~~Detached a~~ Accessory dwelling units may be subdivided from their lot through accessory dwelling zero-lot-line subdivision. 2,500 square feet with a minimum combined area of 7,500 square feet; lot width: Not less than five feet, with a minimum combined width of 50 feet. See section 16-28.007.**

- (5) If a lot has less area or width than herein required and was a lot of record on the effective date of this part, that lot shall be used only for a single-family dwelling, **detached and attached accessory dwelling units. Accessory dwelling zero lot line is permitted.**

Section 3.G: City Code Chapter 6 R-4 Single-Family Residential District Regulations, Section 16-06.008 governing minimum yard requirements is hereby amended to reduce the side yard and rear yard setbacks for accessory dwelling units. Permanent deletions are shown in ~~strikethrough~~ and **bold** font and permanent additions in are shown in underline and **bold** font:

The following minimum yard requirements shall apply to all uses approved by special permits as well as permitted uses:

- (1) *Front yard:* There shall be a front yard having a depth of not less than 35 feet.
- (2) *Side yard:* There shall be two side yards, one on each side of the main building, each having a width of not less than seven feet, **except for detached accessory dwelling units where a minimum four foot side yard is required.**
- (3) *Rear yard:* There shall be a rear yard of not less than 15 feet, **except for detached accessory dwelling units where a minimum four foot rear yard is required.**
- (4) *Accessory structures:* Accessory structures other than fences, when permitted, shall be placed to the side or rear of the main structure within the buildable area of the lot so as not to project beyond the front of the main structure. For fences, see section 16-28.008(5).
- (5) *Maximum floor area ratio:* The maximum floor area ratio within this district shall not exceed 0.50.
- (6) *Maximum lot coverage:* Maximum lot coverage within this district shall not exceed 50 percent of total lot area.

Section 3.H: City Code Chapter 6A R-4A Single-Family Residential District Regulations, Section 16-06A.004 (11) governing accessory uses hereby amended to reduce the side yard and rear yard setbacks for accessory dwelling units. Permanent deletions are shown in ~~strikethrough~~ and **bold** font and permanent additions in are shown in underline and **bold** font:

- (11) Accessory dwelling units, where the total number of dwelling units on any parcel, ~~including the accessory dwelling unit,~~ does not exceed two, **including all units on zero-lot-line developments.**

Section 3.I: City Code Chapter 6A R-4A Single-Family Residential District Regulations, Section 16-06A.005 (2) governing permitted accessory uses and structures is hereby amended to allow accessory dwelling units. Permanent deletions are shown in ~~strikethrough~~ and **bold** font and permanent additions in are shown in underline and **bold** font:

- (2) *Special administrative permits:*

- (e) **Zero-lot-line subdivision of lots with ~~detached~~ accessory dwelling units. See section 16-28.011(6).**

Section 3.J: City Code Chapter 6A R-4A Single-Family Residential District Regulations, Section 16-06A.007 governing minimum lot requirements. Permanent deletions are shown in ~~strikethrough~~ and **bold** font and permanent additions in are shown in underline and **bold** font:

- (3) *Accessory dwelling zero-lot-line development; single lot area: ~~Detached a~~ accessory dwelling units may be subdivided from their lot through accessory dwelling zero-lot-line subdivision. 2,500 square feet with a minimum combined area of 7,500 square feet; lot width: Not less than five feet, with a minimum combined width of 50 feet. See section 16-28.007.*
- (4) *If a lot has less area or width than herein required and was a lot of record on the effective date of this part, that lot shall be used only for a single-family dwelling, detached and attached accessory dwelling units. Accessory dwelling zero lot line is permitted.*

Section 3.K: City Code Chapter 6A R-4A Single-Family Residential District Regulations, Section 16-06A.008 governing minimum yard requirements s hereby amended to reduce the side yard and rear yard setbacks for accessory dwelling units. Permanent deletions are shown in ~~strikethrough~~ and **bold** font and permanent additions in are shown in underline and **bold** font:

The following minimum yard requirements shall apply to all uses approved by special permits as well as permitted uses:

- (1) *Front yard:* There shall be a front yard having a depth of not less than 30 feet.
- (2) *Side yard:* There shall be two side yards, one on each side of the main building, each having a width of not less than seven feet, **except for detached accessory dwelling units where a minimum four foot side yard is required.**
- (3) *Rear yard:* There shall be a rear yard of not less than 15 feet, **except for detached accessory dwelling units where a minimum four foot rear yard is required.**
- (4) *Accessory structures:* Accessory structures, when permitted, shall be placed to the side or rear of the main structure within the buildable area of the lot so as not to project beyond the front of the main structure. For fences, see section 16-28.008(5).
- (5) *Maximum floor area within this district:*
 - a. For a lot which meets the minimum lot area requirement described in section 16-06A.007(1): The maximum floor area ratio shall not exceed 0.50 of the net lot area.
 - b. For a lot which does not meet the minimum lot area requirement described in section 16-06A.007(1): The maximum floor area shall not exceed the lesser of either:
 1. 3,750 square feet of floor area; or
 2. A maximum floor area ratio of 0.65 of the net lot area.
- (6) *Maximum lot coverage:* Maximum lot coverage within this district shall not exceed 55 percent of the net lot area.

Section 3.L: City Code Chapter 6B R-4B Single-Family Residential District Regulations, Section 16-06B.004 governing permitted accessory uses and structures is hereby amended to allow accessory dwelling units. Permanent deletions are shown in ~~strikethrough~~ and **bold** font and permanent additions in are shown in underline and **bold** font:

(10) Accessory dwelling units, where the total number of dwelling units on any parcel does not exceed two, including all units on zero-lot-line development.

Section 3.M: City Code Chapter 6B R-4B Single-Family Residential District Regulations, Section 16-06B.005 (2) governing permitted accessory uses and structures is hereby amended to allow accessory dwelling units. Permanent deletions are shown in ~~striketrough~~ and **bold** font and permanent additions in are shown in underline and **bold** font:

(2) *Special administrative permits:*

(e) Zero-lot-line subdivision of lots with ~~detached~~ accessory dwelling units. See section 16-28.011(6).

Section 3.N: City Code Chapter 6B R-4B Single-Family Residential District Regulations, Section 16-06B.007 governing minimum lot requirements. Permanent deletions are shown in ~~striketrough~~ and **bold** font and permanent additions in are shown in underline and **bold** font:

(3) Accessory dwelling zero-lot-line development; single lot area: ~~Detached a~~ accessory dwelling units may be subdivided from their lot through accessory dwelling zero-lot-line subdivision. 1,000 square feet with a minimum combined area of 2,800 square feet; lot width: Not less than five feet, with a minimum combined width of 40 feet. See section 16-28.007.

(4) If a lot has less area or width than herein required and was a lot of record on the effective date of this part, that lot shall be used only for a single-family dwelling, detached and attached accessory dwelling units. Accessory dwelling zero lot line is permitted.

Section 3.O: City Code Chapter 6B R-4B Single-Family Residential District Regulations, Section 16-06B.008 governing minimum yard requirements is hereby amended to establish reduced side yard and rear yard setbacks for accessory dwelling units. Permanent deletions are shown in ~~striketrough~~ and **bold** font and permanent additions in are shown in underline and **bold** font:

The following minimum yard requirements shall apply to all uses approved by special permits as well as permitted uses:

- (1) *Front yard:* There shall be a front yard having a depth of not less than 20 feet.
- (2) *Side yard:* There shall be two side yards, one on each side of the main building, each having a width of not less than five feet, **except for detached accessory dwelling units where a minimum four foot side yard is required.**
- (3) *Rear yard:* There shall be a rear yard of not less than five feet, **except for detached accessory dwelling units where a minimum four foot rear yard is required.**
- (4) *Accessory structures:* Accessory structures, when permitted, shall be placed to the side or rear of the main structure within the buildable area of the lot so as not to project beyond the front of the main structure. For fences, see section 16-28.008(5).

- (5) *Maximum floor area within this district:*
- a. For a lot which meets the minimum lot area requirement described in section 16-06B.007(1): The maximum floor area ratio shall not exceed 0.75 total of the net lot area.
 - b. For a lot which does not meet the minimum lot area requirement described in section 16-06B.007(1): The maximum floor area shall not exceed the lesser of either:
 1. 2,100 square feet of floor area: or
 2. A maximum floor area ratio of 0.90 of the net lot area.
- (6) *Maximum lot coverage:* Maximum lot coverage within this district shall not exceed 85 percent of the net lot area.

Section 3.P: City Code Chapter 6B R-4B Single-Family Residential District Regulations, Section 16-06B.010 governing minimum parking requirements is hereby amended to establish that there are no minimum parking requirements for accessory dwelling units. Permanent deletions are shown in ~~strike through~~ and **bold** font and permanent additions in are shown in underline and **bold** font:

(6) Accessory dwelling units: No minimums.

Section 3.Q: City Code Chapter 7 R-5 Two-Family Residential District Regulations, Section 16-07.004 (12) governing accessory uses is hereby amended as follows, with permanent deletions shown in ~~strike through~~ and **bold** font and permanent additions shown in underline and **bold** font:

- (12) Accessory dwelling units, where the total number of dwelling units on any parcel, including the accessory dwelling unit, does not exceed ~~two~~ **three. Zero-lot-line developments can include a maximum of four total dwelling units.**

Section 3.R: City Code Chapter 7 R-5 Two-Family Residential District Regulations, Section 16-07.005 (2) governing special permits is hereby amended as follows, with permanent deletions shown in ~~strike through~~ and **bold** font and permanent additions shown in underline and **bold** font:

(2) *Special administrative permits:*

- (a) Zero-lot-line subdivision of lots with ~~existing~~ two-family dwellings ~~or detached~~ **accessory dwelling units**. See section 16-28.011(6).

Section 3.S: City Code Chapter 7 R-5 Two-Family Residential District Regulations, Section 16-07.007 governing minimum lot requirements is hereby amended as follows, with permanent deletions shown in ~~strike through~~ and **bold** font and permanent additions shown in underline and **bold** font:

Sec. 16-07.007. Minimum lot requirements.

The following minimum lot requirements shall apply to all uses approved by special permits as well as permitted uses:

- (1) *Churches, temples, synagogues, mosques and similar religious facilities*, except when authorized by a special permit. Repealed.
- (2) *Single-family detached dwellings and all other uses*: Every lot shall have an area of not less than 7,500 square feet and a frontage of not less than 50 feet, except for zero-lot-line development.
- (3) *Single-family zero-lot-line development; accessory dwelling zero-lot-line development; single lot area*: 2,500 square feet with a minimum combined area of 7,500 square feet; lot width: Not less than ~~ten~~ **five** feet, with a minimum combined width of 50 feet. See section 16-28.007. ~~Accessory dwelling units may not be subdivided from their lot.~~ **Detached** ~~Accessory dwelling units may be subdivided from their lot through~~ **accessory dwelling zero-lot-line subdivision.**
- (4) If a lot has less area or width than herein required and was a lot of record on the effective date of this part, that lot shall be used only for a single-family dwelling, two-family **dwellings, detached and attached accessory dwelling units**, or duplex. Zero lot line is permitted.

SECTION 4

Section 4: That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby waived to the extent of the conflict.