

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA  
WITH RESPECT TO **INFILL HOUSING**; AND FOR OTHER PURPOSES

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. Section 9-2-1 entitled “*General*” of the Code of Athens-Clarke County, Georgia, the definition therein of entitled “*Structure, height of*”, is hereby amended by adding to said title the word “overall”, and by adding to said definition the words “rooftop mechanical equipment, elevator equipment housing”, so that said definition in section 9-2-1 is:

**CHAPTER 9-2. - DEFINITIONS**

Sec. 9-2-1. - General

*Structure, overall height of*: The vertical distance between the proposed average finished grade and the proposed average roof elevation. The average roof elevation shall be measured at the highest point of the coping of a flat roof or the deck line of a mansard roof, or at the midpoint between the highest eave and the highest ridgeline elevations for pitched or hipped roofs. The proposed average finished grade shall be measured as the arithmetic mean of the finished grade elevations taken at each corner of the building footprint. Any height limitation of this title shall not apply to church spires, belfries, cupolas and domes not intended for human habitation, monuments, water towers, silos, chimneys, rooftop mechanical equipment, elevator equipment housing, flag poles, except as may be limited in the "A" Airport overlay zone.

SECTION 2. Section 9-2-1 entitled “*General*” of the Code of Athens-Clarke County, Georgia, is hereby amended by adding thereto a new definition entitled “*Structure, true elevation height of*” as follows:

**CHAPTER 9-2. - DEFINITIONS**

Sec. 9-2-1. - General

*Structure, true elevation height of*: The vertical distance between the proposed average finished grade and the highest point of the vertical plane. When used to determine a setback, the architectural elevations facing an associated lot line shall be used to determine the setback from that lot line. The proposed average finished grade associated with the architectural elevation being measured shall be measured as the arithmetic mean of the finished grade elevations taken at each corner of that architectural elevation. Any height limitation of this title shall not apply to church spires, belfries, cupolas and domes not intended for human habitation, monuments, water towers, silos, chimneys, flag poles, except as may be limited in the "A" Airport overlay zone.

SECTION 3. Section 9-7-3 entitled “*General Regulations*” of the Code of Athens-Clarke County, Georgia, is hereby deleted in its entirety and the following substituted in lieu thereof:

**Sec. 9-7-3. - General regulations.**

General regulations of the RS zone are contained in the table below:

<b>Table 9-7-3</b>	<b>RS-40</b>	<b>RS-25</b>	<b>RS-15</b>	<b>RS-8</b>	<b>RS-5</b>
<i>Subdivision of less than 2 acres and/or fewer than five lots:</i>					
Minimum lot area (square feet)	40,000	25,000	15,000	8,000	5,000
Minimum lot width and continuous linear street frontage (feet) <sup>2</sup>	150	85	75	60 For single-family attached units, the lot width shall not be less than 50% of the minimum lot width for the district	50 For single-family attached units, the lot width shall not be less than 50% of the minimum lot width for the district
Minimum lot depth (feet)	260	100	100	80	80
Minimum front yard (feet) <sup>1, 2, 5, 6</sup>	50 feet	20 feet, or one foot for each foot of overall structure height, whichever is greater. Any vertical plane facing a front lot line that exceeds 20 feet in height shall be setback an additional foot	20 feet, or one foot for each foot of overall structure height, whichever is greater. Any vertical plane facing a front lot line that exceeds 20 feet in height shall be setback an	15 feet, or one foot for each foot of overall structure height, whichever is greater. Any vertical plane facing a front lot line that exceeds 20 feet in height shall be setback an additional foot for each foot of true height of that	15 feet, or one foot for each foot of overall structure height, whichever is greater. Any vertical plane facing a front lot line that exceeds 20 feet in height shall be setback an additional foot

<b>Table 9-7-3</b>	<b>RS-40</b>	<b>RS-25</b>	<b>RS-15</b>	<b>RS-8</b>	<b>RS-5</b>
		for each foot of true height of that vertical plane that exceeds 20 feet.	additional foot for each foot of true height of that vertical plane that exceeds 20 feet.	vertical plane that exceeds 20 feet.	for each foot of true height of that vertical plane that exceeds 20 feet.
Minimum side yard (feet) <sup>6</sup> ,	18 feet. Any vertical plane facing a side lot line that exceeds 20 feet in height shall be setback an additional foot for each foot of true height of that vertical plane that exceeds 20 feet.	10 feet. Any vertical plane facing a side lot line that exceeds 20 feet in height shall be setback an additional foot for each foot of true height of that vertical plane that exceeds 20 feet.	8 feet. Any vertical plane facing a side lot line that exceeds 20 feet in height shall be setback an additional foot for each foot of true height of that vertical plane that exceeds 20 feet.	6 feet. Any vertical plane facing a side lot line that exceeds 20 feet in height shall be setback an additional foot for each foot of true height of that vertical plane that exceeds 20 feet.	6 feet. Any vertical plane facing a side lot line that exceeds 20 feet in height shall be setback an additional foot for each foot of true height of that vertical plane that exceeds 20 feet.
Minimum side yard, adjacent to street (feet) <sup>5, 6</sup>	15 feet. Any vertical plane facing a side lot line that exceeds 20 feet in height shall be setback an additional foot for each foot of true height of that vertical plane that exceeds 20 feet.	10 feet. Any vertical plane facing a side lot line that exceeds 20 feet in height shall be setback an additional foot for each foot of true height of that vertical plane that exceeds 20 feet.	10 feet. Any vertical plane facing a side lot line that exceeds 20 feet in height shall be setback an additional foot for each foot of true height of that vertical plane that exceeds 20 feet.	10 feet. Any vertical plane facing a side lot line that exceeds 20 feet in height shall be setback an additional foot for each foot of true height of that vertical plane that exceeds 20 feet.	10 feet. Any vertical plane facing a side lot line that exceeds 20 feet in height shall be setback an additional foot for each foot of true height of that vertical plane that exceeds 20 feet.
Minimum side yard building separation between primary	30 feet	20 feet	12 feet	12 feet	12 feet

<b>Table 9-7-3</b>	<b>RS-40</b>	<b>RS-25</b>	<b>RS-15</b>	<b>RS-8</b>	<b>RS-5</b>
residential structures					
Minimum rear yard	25 feet. Any vertical plane facing a rear lot line that exceeds 20 feet in height shall be setback an additional foot for each foot of true height of that vertical plane that exceeds 20 feet.	20 feet. Any vertical plane facing a rear lot line that exceeds 20 feet in height shall be setback an additional foot for each foot of true height of that vertical plane that exceeds 20 feet.	20 feet. Any vertical plane facing a rear lot line that exceeds 20 feet in height shall be setback an additional foot for each foot of true height of that vertical plane that exceeds 20 feet.	10 feet. Any vertical plane facing a rear lot line that exceeds 20 feet in height shall be setback an additional foot for each foot of true height of that vertical plane that exceeds 20 feet.	10 feet. Any vertical plane facing a rear lot line that exceeds 20 feet in height shall be setback an additional foot for each foot of true height of that vertical plane that exceeds 20 feet.
<i>The following limits apply to subdivision of 2 acres or more and five lots or more in lieu of minimum lot size requirements:</i>		Lots subdivided and receiving final plat approval between December 20, 2000 and February 10, 2017 shall be subject to the development regulations in effect at the time of such final plat approval.			
Minimum lot width and continuous linear street frontage (feet) <sup>1, 2, 6</sup>	80	60	40	40 For single-family attached units, the lot width shall not be less than 50% of the minimum lot width for the district	40 For single-family attached units, the lot width shall not be less than 50% of the minimum lot width for the district
Maximum residential density, subdivision of more than 2 acres	0.92 dwelling units per acre	1.4 dwelling units per acre	2.0 dwelling units per acre	3.8 dwelling units per acre	6.0 dwelling units per acre

<b>Table 9-7-3</b>	<b>RS-40</b>	<b>RS-25</b>	<b>RS-15</b>	<b>RS-8</b>	<b>RS-5</b>
Minimum side yard (feet) <sup>5</sup>	18 feet or 12% of lot width as measured at the front property line, whichever is greater. Any vertical plane facing a side lot line that exceeds 20 feet in height shall be setback an additional foot for each foot of true height of that vertical plane that exceeds 20 feet.	10 feet or 12% of lot width as measured at the front property line, whichever is greater. Any vertical plane facing a side lot line that exceeds 20 feet in height shall be setback an additional foot for each foot of true height of that vertical plane that exceeds 20 feet.	8 feet or 12% of lot width as measured at the front property line, whichever is greater. Any vertical plane facing a side lot line that exceeds 20 feet in height shall be setback an additional foot for each foot of true height of that vertical plane that exceeds 20 feet.	6 feet or 12% of lot width as measured at the front property line, whichever is greater. Any vertical plane facing a side lot line that exceeds 20 feet in height shall be setback an additional foot for each foot of true height of that vertical plane that exceeds 20 feet.	6 feet or 12% of lot width as measured at the front property line, whichever is greater. Any vertical plane facing a side lot line that exceeds 20 feet in height shall be setback an additional foot for each foot of true height of that vertical plane that exceeds 20 feet.
Minimum side yard, adjacent to street (feet) <sup>5, 6</sup>	15 feet or 12% of lot width as measured at the front property line, whichever is greater. Any vertical plane facing a side lot line that exceeds 20 feet in height shall be setback an additional foot for each foot of true height of that vertical plane that exceeds 20 feet.	10 feet or 12% of lot width as measured at the front property line, whichever is greater. Any vertical plane facing a side lot line that exceeds 20 feet in height shall be setback an additional foot for each foot of true height of that vertical plane that exceeds 20 feet.	10 feet or 12% of lot width as measured at the front property line, whichever is greater. Any vertical plane facing a side lot line that exceeds 20 feet in height shall be setback an additional foot for each foot of true height of that vertical plane that exceeds 20 feet.	10 feet or 12% of lot width as measured at the front property line, whichever is greater. Any vertical plane facing a side lot line that exceeds 20 feet in height shall be setback an additional foot for each foot of true height of that vertical plane that exceeds 20 feet.	10 feet or 12% of lot width as measured at the front property line, whichever is greater. Any vertical plane facing a side lot line that exceeds 20 feet in height shall be setback an additional foot for each foot of true height of that vertical plane that exceeds 20 feet.

<b>Table 9-7-3</b>	<b>RS-40</b>	<b>RS-25</b>	<b>RS-15</b>	<b>RS-8</b>	<b>RS-5</b>
Minimum side yard building separation, subdivisions of more than 2 acres	30 feet	20 feet	12 feet	12 feet	12 feet
Minimum front yard (feet) <sup>1, 2, 5, 6</sup>	50 feet	20 feet, or one foot for each foot of overall structure height, whichever is greater. Any vertical plane facing a front lot line that exceeds 20 feet in height shall be setback an additional foot for each foot of true height of that vertical plane that exceeds 20 feet.	20 feet, or one foot for each foot of overall structure height, whichever is greater. Any vertical plane facing a front lot line that exceeds 20 feet in height shall be setback an additional foot for each foot of true height of that vertical plane that exceeds 20 feet.	15 feet, or one foot for each foot of overall structure height, whichever is greater. Any vertical plane facing a front lot line that exceeds 20 feet in height shall be setback an additional foot for each foot of true height of that vertical plane that exceeds 20 feet.	15 feet, or one foot for each foot of overall structure height, whichever is greater. Any vertical plane facing a front lot line that exceeds 20 feet in height shall be setback an additional foot for each foot of true height of that vertical plane that exceeds 20 feet.
Minimum rear yard	25 feet. Any vertical plane facing a rear lot line that exceeds 20 feet in height shall be setback an additional foot for each foot of true height of that vertical plane that exceeds 20 feet.	20 feet. Any vertical plane facing a rear lot line that exceeds 20 feet in height shall be setback an additional foot for each foot of true height of that vertical plane that exceeds 20 feet.	20 feet. Any vertical plane facing a rear lot line that exceeds 20 feet in height shall be setback an additional foot for each foot of true height of that vertical plane that exceeds 20 feet.	15 feet. Any vertical plane facing a rear lot line that exceeds 20 feet in height shall be setback an additional foot for each foot of true height of that vertical plane that exceeds 20 feet.	15 feet. Any vertical plane facing a rear lot line that exceeds 20 feet in height shall be setback an additional foot for each foot of true height of that vertical plane that exceeds 20 feet.

<b>Table 9-7-3</b>	<b>RS-40</b>	<b>RS-25</b>	<b>RS-15</b>	<b>RS-8</b>	<b>RS-5</b>
<i>The following limits apply to all lots:</i>					
Maximum lot coverage	25%	25%	40%	45%	50%
<i>The following limits apply to all buildings:</i>					
Maximum overall building height <sup>3,6</sup>	35 feet	30 feet	30 feet	30 feet	30 feet

<sup>1</sup> Unless otherwise specified in section 9-15-9.

<sup>2</sup> The lot width shall be measured beginning at the front lot line and maintained for the entire depth of the front yard, except for lots entirely adjoining turnaround areas of cul-de-sacs, where the lot width shall be measured at the minimum required front setback line. Preliminary plats for residential subdivisions with ten or more lots may have a maximum of ten percent of such lots exempted from the minimum lot width and continuous linear street frontage requirements through the utilization of private drives and/or narrow lot widths and street frontages.

<sup>3</sup> Unless otherwise specified in section 9-15-22.

<sup>4</sup> Except for lots entirely fronting turnaround areas of cul-de-sacs, the lot width shall be measured beginning at the front lot line and maintained for the entire minimum lot depth. For lots entirely fronting turnaround areas of cul-de-sacs, the lot width shall be measured beginning at the minimum required front setback line and maintained for the remaining portion of the minimum lot depth.

<sup>5</sup> In all cases, building setbacks shall allow adequate depth and/or width for required parking to be entirely within the private property per 9-30-8(E).

<sup>6</sup> In all cases, when measuring overall structure height and architectural elevation structure height, retaining wall height shall be incorporated as provided for in Section 9-7-7(B).

SECTION 4. Chapter 9-7 entitled “*Single-Family Residential (RS) Districts*” of the Code of Athens-Clarke County, Georgia, is hereby amended by adding thereto new section 9-7-7 entitled “*Grading and retaining walls*” as follows:

#### **CHAPTER 9-7. SINGLE-FAMILY RESIDENTIAL (RS) DISTRICTS**

##### **Sec. 9-7-7. Grading and Retaining Walls**

A. Grading. No grading resulting in a finished slope of more than 3 horizontal units to 1 vertical unit will be allowed in RS zone setbacks, unless pre-development

grade exceeds 3 horizontal units to 1 vertical unit and the grading associated with the development will result in a slope reduction.

- B. *Retaining Walls.* No retaining wall greater than four feet in height shall be located within any required setback. Retaining walls within 5 feet of any structure shall be included in the height calculation for the associated structure. The lowest point of the finished grade along the retaining wall shall be used to calculate the average finished grade for use in the associated height calculation.

SECTION 5. Section 9-15-9 entitled “*Yard – General exception*” of the Code of Athens-Clarke County, Georgia, is hereby amended by adding to subsection A thereof the words “front” in three locations, “and with front elevations equal to or greater than the height of the front elevation height for the proposed structure”, and “with the proposed structure”, and by adding to subsection B thereof the words “front” in three locations, “with a front elevation equal to or greater than the height of the front elevation height for the proposed structure”, and “for the lot with the proposed structure”, so that section 9-15-9 is:

#### **CHAPTER 9-15. GENERAL REGULATIONS**

##### **Sec. 9-15-9. Yard – General exception**

- A. If there are dwellings or accessory buildings on both abutting lots (even if separated by an alley or private way) with front yards of less than the required depth for the district, and with front elevations equal to or greater than the height of the front elevation height for the proposed structure, the front yard for the lot with the proposed structure need not exceed the average front yard of the abutting structures.
- B. If there is a dwelling or accessory building on one abutting lot with a front yard of less than the required depth for the district and with a front elevation equal to or greater than the height of the front elevation height for the proposed structure, the front yard for the lot with the proposed structure need not exceed a depth one-half way between the depth of the abutting lot and the required front yard depth.

SECTION 6. Section 9-15-22 entitled “*Structure height – General exception*” of the Code of Athens-Clarke County, Georgia, is hereby amended by changing the reference to the Code of Athens-Clarke County, Georgia in subsection D thereof from 9-15-22.B. to 9-15-22.C., so that subsection D of section 9-15-22 is:

##### **Sec. 9-15-22. Structure Height – General exception**

Structure or building height in the RS and RM zones may be increased beyond the maximum permitted height by up to ten feet if the following condition(s) are met:

- D. For lots at the perimeter of a subdivision as described in 9-15-22 C, criteria of both 9-15-22 A and C must be met.



SECTION 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed.