

**AN ORDINANCE TO CHAPTER 27, SECTION 27-79, ATTACHED HOUSES IN RSA
AND RM DISTRICTS OF THE CODE OF THE CITY OF BROOKHAVEN**

WHEREAS, Section 1.03(b)(25) of the Charter of the City of Brookhaven grants the City of Brookhaven the power to provide comprehensive planning and regulation through zoning and subdivision requirements to ensure a safe, healthy, and aesthetically pleasing community; and

WHEREAS, The Mayor and City Council have determined that further amending the City's short-term rental ordinance is in the best interest of the public's health, safety, and welfare.

WHAREAS, The City of Brookhaven is charged with providing for the health, safety, and welfare of the citizens of the city; and

WHEREAS, the City regulates short-term rentals within the City limits; and

WHEREAS, the city desires to amend its code of ordinances to further improve the short-term rental program and to make necessary changes; and

WHEREAS,

BE IT ORDAINED by the Mayor and Council of the City of Brookhaven, Georgia and it is hereby ordained by the authority of same:

SECTION I:

The identified sections of Chapter 27, Section 27-79 related to Attached Houses in RSA and RM Districts are amended to read as shown in the attached mark-up.

SECTION II:

Severability: Should any section of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION III:

Repeal of Conflicting Provisions: All ordinances, part of ordinances, maps, or regulations in conflict herewith are repealed.

SECTION IV:

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF BROOKHAVEN

ORDRZ2023-12-09

Effective Date: This ordinance shall be effective immediately upon adoption.

SO ORDAINED, this _____ day of _____, 2023.

Approved by:

Approved as to Form and Content

John Arthur Ernst Jr., Mayor

Jeremy Berry, City Attorney

Attest:

Sandra Bryant, City Clerk

SEAL

Sec. 27-79. Lot and building regulations—RSA and RM Districts.

Attached houses are allowed in all RSA and RM districts, subject to compliance with the lot and building regulations of table 2-5 (see also figure 2-3).

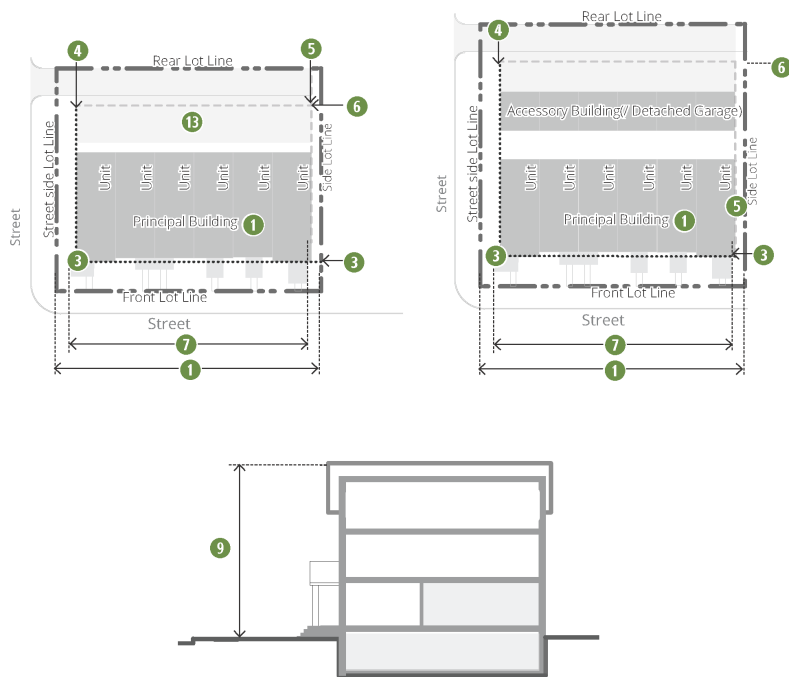
TABLE 2-5 — ATTACHED HOUSES IN RSA AND RM DISTRICTS				
Regulation		RSA-5	RSA-8	RSA-18 and RM
a. Site/Lot				
	Minimum Site Area (square feet)	6,000	6,000	6,000
①	Minimum Site Width & Street Frontage (feet)	100	100	60
	Minimum Lot Width (feet)	20	20	20
②	Maximum Impervious Coverage (%)	50	50	80
	Maximum Density (dwelling units per acre)	5	8	18
b. Building Siting				
Minimum Principal Building Setbacks (feet)				
③	Front Street	5[1]	5[1]	5[1]
④	Side Street	15[1]	15[1]	15[1]
⑤	Interior Side (applies to end units only)	7.5	7.5	7.5
⑥	Rear	30	30	30
⑦	Maximum Building Width (no. of units)	8	8	RSA = 8 / RM = 12
Minimum Accessory Building & Accessory Structure Setbacks (feet)				
	Front Street	— — Permitted in rear yard only — —		
④	Side Street	15[1]	15[1]	15[1]
⑤	Interior Side	10	10	5
	Rear	10[2]	10[2]	10[2]
c. Maximum Building Height				
⑨	Principal Building (feet)	40	40	RSA = 40 or 52 [see note 4] RM = 40
	Accessory Building (feet)	20[3]	20[3]	20[3]
d. Street Facades				
e. Parking and Garages				

13	Surface Parking Location	— — Permitted in rear yard only — —		
	Garage Configuration	— — See Article II, Division 9 — —		
f. Transition Buffers (See Article IX, Division 2)				
	Minimum Buffer Depth Abutting RS-Zoned Lot (feet)	20	20	20

[1] Street-facing garage entries shall be set back at least 20 feet from the back of the sidewalk or from the street right-of-way, whichever results in a greater setback. [2] Minimum 25-foot rear setback required for accessory buildings when rear yard adjoins side yard of abutting lot. [3] Or height of principal building, whichever is less.

[4] Maximum height for RSA-18 is 52 feet, except for buildings or portions of buildings within 100 feet of RS-100, RS-85, RS-75, RS-60, RS-50, R-3 and detached units within the RSA districts which shall have a maximum height of 40 feet. The distance is measured from the common property line without an intervening public street.

Figure 2-3. Attached Houses in RSA-8, RS-18 and RM Districts



(Ord. No. RZ-2018-11-06 , § I, Exh. A(27.29), 11-27-2018; Ord. No. 2019-05-03 , § I(Attch.), 5-28-2019)