

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of Conflicting Provisions:** All ordinances, part of ordinances, maps, or regulations in conflict herewith are repealed.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

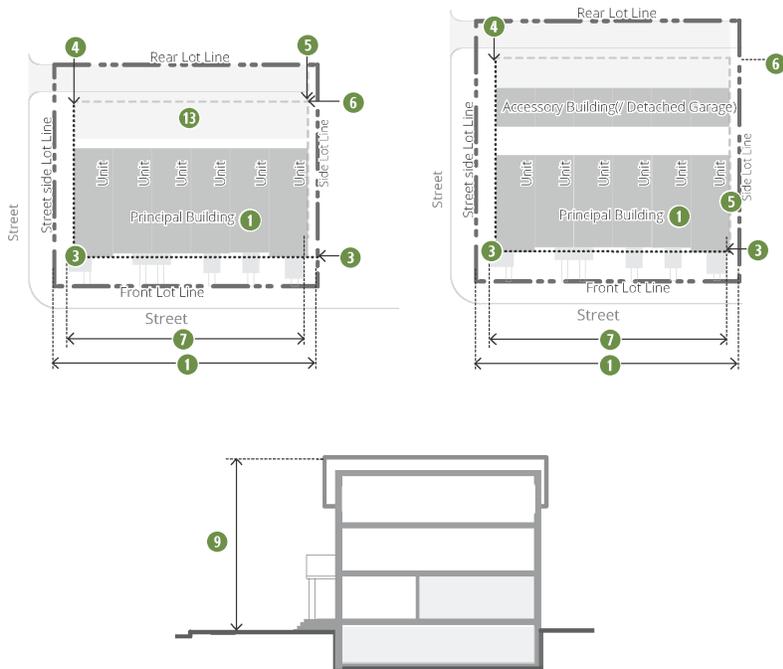
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13	Surface Parking Location	— — Permitted in rear yard only — —		
	Garage Configuration	— — See Article II, Division 9 — —		
f. Transition Buffers (See Article IX, Division 2)				
	Minimum Buffer Depth Abutting RS-Zoned Lot (feet)	20	20	20

[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)