



MEMORANDUM

Date: August 26, 2016
To: ACC Planning Commission
From: Bruce Lonnee, Senior Planner
Re: Infill Housing Text Amendments

The following text amendments have been proposed by the Planning Department in response to community concerns regarding single-family residential infill housing. The text amendments were developed as part of the Athens-Clarke County Infill Housing Study (Phase III) process, and are based on community input, Planning Staff research, and Planning Commission guidance. These text amendments represent one of several implementation steps identified in the most recent phase of the ACC Infill Housing Study. Complete recommendations, and the final draft of the report, are in development and will be distributed when available.

Staff Note: Deleted ordinance text is indicated with strikethroughs, and proposed new text is indicated with highlighting

CHAPTER 9-2. DEFINITIONS

Sec. 9-2-1. General

Current ordinance

Structure, 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. For the purposes of establishing the minimum rear setback only, the proposed average finished grade shall be measured as the arithmetic mean of the rear corner finished grade elevations. 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.

Proposed ordinance

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. For the purposes of establishing the minimum rear setback only, the proposed average finished grade shall be measured as the arithmetic mean of the rear corner finished grade elevations. 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.

Structure, architectural elevation height of: The vertical distance between the proposed average finished grade and the proposed average roof elevation of the vertical plane and associated roofline for the outermost enclosed portion of a structure. When used to determine a setback, the plane of the outermost enclosed portion of a structure facing the front lot line shall determine the front setback, the plane of the outermost enclosed portion of a structure facing the side lot lines shall determine the associated side setbacks, and the plane of the outermost enclosed portion of a structure facing the rear lot line shall determine the rear setback. 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 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

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

Sec. 9-7-3. General Regulations

Current ordinance

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

Table 9-7-3	RS-40	RS-25	RS-15	RS-8	RS-5
<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

Table 9-7-3	RS-40	RS-25	RS-15	RS-8	RS-5
Minimum lot width and continuous linear street frontage (feet) ⁴	150 For subdivisions containing at least ten lots, ten percent of the lots may have minimum widths of 100 feet.	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) ¹	50	20	20	15	15
Minimum side yard (feet)	15	6	6	6	6
Minimum side yard, adjacent to street (feet)	15	10	10	10	10
Minimum rear yard	25 feet	10 feet, plus one foot for each foot of building height above 20 feet	10 feet, plus one foot for each foot of building height above 20 feet	10 feet, plus one foot for each foot of building height above 20 feet	10 feet, plus one foot for each foot of building height above 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>					
Minimum lot width and continuous linear street frontage (feet) ²	40	40	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
Minimum building separation, subdivisions of more than 2 acres	30 feet	20 feet	12 feet	12 feet	12 feet

Table 9-7-3	RS-40	RS-25	RS-15	RS-8	RS-5
Minimum front yard (feet) ¹	50	20	15	15	15
Minimum rear yard	25 feet	10 feet, plus one foot for each foot of building height above 20 feet	10 feet, plus one foot for each foot of building height above 20 feet	10 feet, plus one foot for each foot of building height above 30 feet	10 feet, plus one foot for each foot of building height above 30 feet
<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 building height ³	35 feet	30 feet	30 feet	30 feet	30 feet

¹ Unless otherwise specified in section 9-15-9.

² 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.

³ Unless otherwise specified in section 9-15-22.

⁴ 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.

Proposed ordinance

Table 9-7-3	RS-40	RS-25	RS-15	RS-8	RS-5
<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) ⁴	150 For subdivisions containing at least ten lots, ten percent of the lots may have minimum widths of 100 feet.	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) ^{1, 2, 6}	50 feet, or one foot for each foot of overall structure height (not to exceed maximum overall structure height), whichever is greater.	20 feet, or one foot for each foot of overall structure height (not to exceed maximum overall structure height), whichever is greater.	20 feet, or one foot for each foot of overall structure height (not to exceed maximum overall structure height), whichever is greater.	15 feet, or one foot for each foot of overall structure height (not to exceed maximum overall structure height), whichever is greater.	15 feet, or one foot for each foot of overall structure height (not to exceed maximum overall structure height), whichever is greater.
Minimum side yard (feet) ⁵	15 18 feet or 12% of lot width as measured at the front property line, whichever is greater.	6 10 feet or 12% of lot width as measured at the front property line, whichever is greater.	6 10 feet or 12% of lot width as measured at the front property line, whichever is greater.	6 feet or 12% of lot width as measured at the front property line, whichever is greater.	6 feet or 12% of lot width as measured at the front property line, whichever is greater.

Table 9-7-3	RS-40	RS-25	RS-15	RS-8	RS-5
Minimum side yard, adjacent to street (feet) ^{5, 6}	15 feet or 12% of lot width as measured at the front property line, whichever is greater.	10 feet or 12% of lot width as measured at the front property line, whichever is greater.	10 feet or 12% of lot width as measured at the front property line, whichever is greater.	10 feet or 12% of lot width as measured at the front property line, whichever is greater.	10 feet or 12% of lot width as measured at the front property line, whichever is greater.
Minimum side yard building separation	30 feet	20 feet	12 feet	12 feet	12 feet
Minimum rear yard	25 feet, plus one foot for each foot of rear architectural elevation height above 20 feet	10 20 feet, plus one foot for each foot of building rear architectural elevation height above 20 feet	10 20 feet, plus one foot for each foot of building rear architectural elevation height above 20 feet	10 15 feet, plus one foot for each foot of building rear architectural elevation height above 30 feet	10 15 feet, plus one foot for each foot of building rear architectural elevation height above 30 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>					
Minimum lot width and continuous linear street frontage (feet) ^{1, 2, 6}	40 80	40 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
Minimum side yard (feet) ^{5,}	15 18 feet or 12% of lot width as measured at the front property line, whichever is greater.	6 10 feet or 12% of lot width as measured at the front property line, whichever is greater.	6 10 feet or 12% of lot width as measured at the front property line, whichever is greater.	6 feet or 12% of lot width as measured at the front property line, whichever is greater.	6 feet or 12% of lot width as measured at the front property line, whichever is greater.

Table 9-7-3	RS-40	RS-25	RS-15	RS-8	RS-5
Minimum side yard, adjacent to street (feet) ^{5, 6}	15 feet or 12% of lot width as measured at the front property line, whichever is greater.	10 feet or 12% of lot width as measured at the front property line, whichever is greater.	10 feet or 12% of lot width as measured at the front property line, whichever is greater.	10 feet or 12% of lot width as measured at the front property line, whichever is greater.	10 feet or 12% of lot width as measured at the front property line, whichever is greater.
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) ^{1, 2, 6}	50 feet, or one foot for each foot of overall structure height (not to exceed maximum overall structure height), whichever is greater.	20 feet, or one foot for each foot of overall structure height (not to exceed maximum overall structure height), whichever is greater.	20 feet, or one foot for each foot of overall structure height (not to exceed maximum overall structure height), whichever is greater.	15 feet, or one foot for each foot of overall structure height (not to exceed maximum overall structure height), whichever is greater.	15 feet, or one foot for each foot of overall structure height (not to exceed maximum overall structure height), whichever is greater.
Minimum rear yard	25 feet, plus one foot for each foot of rear architectural elevation height above 20 feet	10 20 feet, plus one foot for each foot of building rear architectural elevation height above 20 feet	10 20 feet, plus one foot for each foot of building rear architectural elevation height above 20 feet	10 15 feet, plus one foot for each foot of building rear architectural elevation height above 30 feet	10 15 feet, plus one foot for each foot of building rear architectural elevation height above 30 feet
<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 ^{3,7}	35 feet	30 feet	30 feet	30 feet	30 feet

¹ Unless otherwise specified in section 9-15-9.

² 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.

In all cases, the maximum architectural elevation height of the front architectural elevation of the principal structure as measured at the front setback line shall be 20 feet, with the overall structure height increasing at a maximum rate not to exceed 1 foot in additional height for each additional foot measured perpendicularly to, and laterally from, the front setback line.

³ Unless otherwise specified in section 9-15-22.

⁴ 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.

⁵ In all cases, the maximum architectural elevation height of the side architectural elevation of the principal structure as measured at the side setback line shall be 20 feet, with the overall structure height increasing at a maximum rate not to exceed 1 foot in additional height for each additional foot measured perpendicularly to, and laterally from, the side setback line.

⁶ In all cases, building setbacks adjacent to parking areas shall be at least 18 feet from the adjacent right-of-way to allow adequate depth for a parked car to be entirely within the private property.

⁷ 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).

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

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

Current ordinance- None

Proposed ordinance

- 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.

CHAPTER 9-15. GENERAL REGULATIONS

Sec. 9-15-9. Yard – General Exception

Current ordinance

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

Proposed ordinance

- A. If there are dwellings or accessory buildings on both abutting lots (even if separated by an alley or private way) with front elevations equal to or greater than the height of the front elevation height for the proposed structure, and with front yards of less than the required depth for the district, 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.