

## CHAPTER 7. - R-5 TWO-FAMILY RESIDENTIAL DISTRICT REGULATIONS

### Sec. 16-07.001. - Scope of provisions.

The regulations set forth in this chapter or set forth elsewhere in this part when referred to in this chapter are the regulations in the R-5 Two-Family Residential District.

(Code 1977, § 16-07.001)

### Sec. 16-07.002. - Statement of intent.

The intent of this chapter in establishing the R-5 Two-Family Residential District is as follows:

- (1) To provide for the development of medium-density residential areas in a manner which will encourage owner occupancy of individual buildings and lots as well as provide variety in the rental housing stock available to residents of the city.
- (2) To encourage neighborhood maintenance and preservation by allowing the conversion of large single-family homes to two-family use.
- (3) To provide for development of the required recreational, religious and educational facilities as basic elements of a balanced community.

(Code 1977, § 16-07.002)

### Sec. 16-07.003. - Permitted principal uses and structures.

A building or premises shall be used only for the following principal purposes:

- (1) Single-family or two-family dwelling.
- (2) Public schools through the secondary level operated by the Atlanta Board of Education, having no dwelling or lodging facilities except for caretakers.
- (3) Single-family detached dwellings.
- (4) Structures and uses required for operation of MARTA, but not including uses involving storage, train yards, warehousing, switching or maintenance shops as the primary purpose.
- (5) The use of a building or premises as a party house is expressly prohibited.
- (6) Short-term rentals, subject to the regulations in Atlanta City Code section 20-1001.

(Code 1977, § 16-07.003; Ord. No. 2020-58(19-O-1393), § 20, 10-28-20; Ord. No. 2021-60(21-O-0682), § 11, 12-15-21)

### Sec. 16-07.004. - Permitted accessory uses and structures.

Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures are permitted. These include, but are not limited to, the following, subject to limitations and requirements set forth herein or elsewhere in this part:

- (1) Greenhouses, garden sheds, private garages and similar structures.
- (2) Barns for keeping of horses, provided that no such barn shall be within 50 feet of any lot line.
- (3) Guest houses, servant quarters, or lodging facilities for caretakers or watchmen.
- (4) Swimming pools, tennis courts and similar facilities.
- (5) Home occupation, subject to limitations set forth in section 16-29.001(17).
- (6) Structures necessary for active construction projects.
- (7) Devices for the generation of energy, such as solar panels, wind generators and similar devices.
- (8) Amateur radio service antenna structures 70 feet or less in height. Amateur radio service antenna towers over 70 feet in height shall be by special use permit and comply with the requirements of 16-25.002(3)h, except that subsection h(ii) and subsection h(iv)(d) shall not be applicable to such applications.
- (9) Electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE.
- (10) Urban gardens.
- (11) Market gardens are limited to parcels that are used as schools, churches, synagogues, temples, mosques and other religious worship facilities.
- (12) Accessory dwelling units, where the total number of dwelling units on any parcel, including the accessory dwelling unit, does not exceed two.

Except in the case of home occupation, no accessory use shall be of a commercial nature.

No accessory building shall be constructed until construction of the principal building has actually begun, and no accessory building shall be used or occupied until the principal building is completed and in use.

(Code 1977, § 16-07.004; Ord. No. 2014-53(14-O-1278), § 2(Attach. B), 12-10-14; Ord. No. 2014-22(14-O-1092), § 2-j-i, 6-11-14; Ord. No. 2017-19(16-O-1548), § 1, 5-1-17)

#### Sec. 16-07.005. - Special permits.

The following uses are permissible only by special permits of the kinds indicated subject to limitations and requirements set forth herein or elsewhere in this part:

- (1) *Special use permits:*
  - (a) Cemeteries, mausoleums and columbariums.
  - (b)

Child care nurseries, day care centers, prekindergartens, kindergartens, play and other special schools or day care facilities for young children.

- (c) Churches, synagogues, temples, mosques and other religious worship facilities.
- (d) Civil, service, garden, neighborhood or private clubs.
- (e) Colleges and universities, other than trade schools, business colleges and similar uses.
- (f) Extraction or removal of sand, gravel, topsoil, clay, dirt, or other natural resources.
- (g) Personal care homes, and rehabilitation centers.
- (h) Landfills.
- (i) Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications greater than 70 feet in height, except 1) alternative design mounting structures and 2) new or additional uses of existing structures as contemplated by section 16-25.002(3)(i)(iv)(k).
- (j) Nursing homes.
- (k) Parks; playgrounds, stadiums, baseball or football fields, golf course, sports arena, and community centers.
- (l) Private schools.
- (m) If a lot has no existing street frontage a special use permit is required for the development of a single-family detached dwelling. All other permitted uses and permitted accessory uses and structures are allowed by right on said lot.

(2) *Special administrative permits:*

- (a) Zero-lot-line subdivision of lots with existing two-family dwellings. See section 16-28.011(6).
- (b) Farmers' markets limited to parcels which meet the minimum lot size requirements and are used as churches, synagogues, temples, mosques and other religious worship facilities or schools.
- (c) Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications 70 feet or less in height, alternative design mounting structures, and new or additional uses of existing structures as contemplated by section 16-25.002(3)(i)(iv)(k).
- (d) Whenever an application for such a permit is made, the director of the bureau of planning shall provide prior notification to the pertinent district councilmember and at-large councilmembers.
- (e) Urban gardens as a principal use on an undeveloped lot.

(3) *Special exceptions:*

- (a)

Churches, synagogues, temples, mosques and other religious worship facilities, where lot area is one acre or less.

- (b) Structures and uses required for operation of a public utility, except uses involving storage, train yards, warehousing, switching, or maintenance shops as the primary purpose.
- (c) Accessory dwelling units without off-street parking on parcels without a curb-cut or parcels without off-street parking.

(Code 1977, § 16-07.005; Ord. No. 1995-40, § 1, 8-14-95; Ord. No. 1997-06, § 4, 2-10-97; Ord. No. 1997-65, § 1, 11-10-97; Ord. No. 2001-96, §§ XVIII, XIX, 12-12-01; Ord. No. 2004-53, §§ 10A—10C, 8-20-04; Ord. No. 2005-21, §§ 1, 2, 3-25-05; Ord. No. 2008-62(06-O-0038), § 3I, 7-7-08; Ord. No. 2011-39(10-O-1773), § 3J, 9-15-11; Ord. No. 2014-22(14-O-1092), § 2-J-ii, 6-11-14; Ord. No. 2017-19(16-O-1548), § 2, 5-1-17; Ord. No. 2020-60(20-O-1022), § 10, 11-11-20)

Sec. 16-07.006. - Transitional uses, structures, requirements.

None.

(Code 1977, § 16-07.006)

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; single lot area:* 2,500 square feet with a minimum combined area of 7,500 square feet; lot width: Not less than ten feet, with a minimum combined width of 50 feet. See section 16-28.007. Accessory dwelling units may not be subdivided from their lot.
- (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 or duplex. Zero lot line is permitted.

(Code 1977, § 16-07.007; Ord. No. 2005-21, §§ 1, 2, 3-25-05; Ord. No. 2007-48(07-O-0642), § 3, 8-23-07; Ord. No. 2017-19(16-O-1548), § 3, 5-1-17)

Sec. 16-07.008. - Minimum yard requirements.

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 zero-lot-line development where no side yard is required along the internal lot line and except for 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 seven feet except for zero-lot-line units where the internal side or rear lot line may be reduced to zero feet and except for 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 single-family detached dwelling on a lot which meets the minimum lot area requirement described in section 16-07.007(2): The maximum floor area ratio including accessory dwelling units shall not exceed 0.50 of the net lot area.
  - b. For a single-family detached dwelling on a lot which does not meet the minimum lot area requirement described in section 16-07.007(2):
    1. The maximum floor area including accessory dwelling units allowed shall not exceed the lesser of either: (i) 3,750 square feet of floor area; or (ii) a maximum floor area ratio of 0.65 of the net lot area unless otherwise permitted as stated in subpart 2 below;
    2. If the floor area ratio does not allow at least 1,800 square feet of floor area, a dwelling including accessory dwelling units of such size may be built provided that all other provisions of this part shall apply unless relief from such provisions has been granted by the board of zoning adjustment.
  - c. For a duplex: The maximum floor area ratio shall be 0.60 of the net lot area.
  - d. For a two-family dwelling that is not a duplex: The maximum floor area ratio within this district shall not exceed 0.50 of the net lot area for the main unit of a two-family dwelling, provided however that the secondary dwelling unit shall not exceed 750 square feet.
- (6) *Maximum lot coverage:* Maximum lot coverage within this district shall not exceed 55 percent of the net lot area.
- (7)

*Location of structures in two-family dwellings:* Any structure of lesser floor area in any two-family dwelling unit shall be located no nearer to any street frontage than the structure of greater floor area. Any dwelling structure with a street-fronting elevation shall provide a pedestrian entrance on that elevation.

(Code 1977, § 16-07.008; Ord. No. 2000-33, § 2, 5-24-00; Ord. No. 2007-48(07-O-0642), § 4, 8-23-07; Ord. No. 2017-19(16-O-1548), § 4, 5-1-17; Ord. No. 2019-09(18-O-1581), § 1.E, 1-31-19)

Sec. 16-07.009. - Maximum height.

The following height limitations shall apply to all uses approved by special permits as well as permitted uses: No building shall exceed 35 feet in height. See section 16-28.022 for excluded portions of structures.

(Code 1977, § 16-07.009)

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.
- (2) *Two-family dwellings:* 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.

- (3) *Schools, colleges, churches, recreational or community centers and other places of assembly:* One space for each four fixed seats (with 18 inches of 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:
  - (a) *Public or private elementary or middle school:* Two spaces for each classroom.
  - (b) *High school:* Four spaces for each classroom.

(c) *Colleges and universities:* Eight spaces for each classroom.

- (4) Nursing homes are required to have one space for each two employees and one additional space if there are three or fewer occupants. If there are four to six occupants, a second additional space is required.
- (5) *Child care centers, day care centers, prekindergartens, kindergartens, play and other special schools or day care centers for young children:* One space per 600 square feet of floor area. In addition to providing off-street parking, such establishments shall provide safe and convenient facilities for loading and unloading children as approved by the director, bureau of traffic and transportation.
- (6) *Other uses:* One space for each 300 square feet of floor area.
- (7) *Accessory dwelling units:* No parking required.

(Code 1977, § 16-07.010; Ord. No. 2004-53, § 10D, 8-20-04; Ord. No. 2019-09(18-O-1581), § 1.F, 1-31-19)

#### Sec. 16-07.011. - Sidewalks.

Whenever the following regulations are at variance with historic district regulations of part 16 chapter 20 or SPI district regulations, the more stringent regulations shall apply.

- (1) Public sidewalks shall be located along all public streets and shall consist of two zones: an amenity zone and a walk zone.
- (2) *Amenity zone requirements:* The amenity zone shall be located immediately adjacent to the curb. Width shall be measured from back (building side) of curb to the walk zone. Minimum width shall be two feet. This zone is reserved for the placement of street trees in a manner that does not obstruct pedestrian access or motorist visibility.
- (3) *Walk zone requirements:* The walk zone shall be located immediately contiguous to the amenity zone and shall be a continuous hardscape for a minimum width of five feet. Said zone shall contain a consistent cross-slope not exceeding two percent.
- (4) *Paving:* All sidewalk paving shall be of a type specified in accordance with uniform design standards for placement of such objects in the public right-of-way. Any existing decorative hardscape treatment of sidewalks, including amenity zone and sidewalk walk zone areas, shall be retained as part of any new development or replaced with materials that match in size, shape, and color.
- (5) *Street tree planting requirements:* Street trees are required and shall be planted in the ground within the amenity zone and spaced a maximum of 40 feet apart from other amenity zone street trees. All newly planted trees shall be single-stemmed at a minimum of three inches in caliper (measured 36 inches above ground), shall be a minimum of 12 feet in height at the time of planting and shall be limbed up to a minimum height of seven feet. Trees shall

be planted with a minimum of 40 square feet of evergreen ground cover such as mondo grass or liriope spicata. All tree plantings, replacement and removal shall be approved by the city arborist.

- (6) Adjustments to the sidewalk requirements may be permitted by the Director of the Office of Zoning and Development upon a finding that one or more of the site conditions set forth in subsections (6)(a) through (6)(i) below are present on the site. The applicant requesting the adjustment must provide documentation establishing the presence of the site condition(s) relied upon. If the adjustment results in the waiver of the sidewalk requirement on the site, the applicant shall construct sidewalks of equal or greater length along adjoining streets in a specific location approved by the director.
- a. Sidewalks exist that are not in need of repair;
  - b. Trees exist within the proposed sidewalk zone having a diameter at breast height (DBH) of six inches or more;
  - c. Topographic conditions exist that would locate the proposed sidewalk walk zone 12 or more inches above or below the top surface of the finished curb;
  - d. Topographic conditions exist that would prevent driveway access to the property upon completion of the proposed sidewalk;
  - e. Physical conditions exist such as existing structures, existing utility devices, or rock outcroppings that obstruct the installation of the proposed sidewalk;
  - f. Sidewalks on either side of the parcel block face or the opposing block face that are of a dimension different than these requirements. In this case, the new sidewalk dimensions shall match the dimensions of the sidewalks found on the block;
  - g. Parcels that are on block faces that do not have sidewalks or that have opposing block faces that do not have sidewalks may be permitted to waive these sidewalk requirements;
  - h. The existence of an overlay zoning district pursuant to chapter 20 of part 16 or an Overlay SPI District; or
  - i. Sidewalk improvements for the proposed sidewalk zone that are planned, approved, and publicly-funded by the City of Atlanta.

(Ord. No. 2018-11(18-O-1023), § 12.D, 5-16-18)

Sec. 16-07.012. - Relationship of building to street.

(1) *Front porches.*

- a. Front porches and/or stoops on the façade of the principal structure shall be required when such treatments are established by a majority of the single-family detached dwellings on the block face.
- b. Front porches, when required, shall:

- i. Be a minimum of 12 feet wide or one-third the width of the front façade, whichever is greater, and a minimum of eight feet deep; and
  - ii. Contain roofs, a minimum of six-inch wide porch roof supports, and steps.
  - c. For parcels with more than one street frontage, the front porch requirements of this section shall only be required to be applied to the building façade located in the front yard of the parcel, and not the half-depth front yard, side yard, or rear yard.
- (2) *Garages.* Garages with front-facing garage doors shall be recessed and located a minimum distance of ten linear feet behind the front façade of the principal structure. For parcels with more than one street frontage, front-facing garage doors shall be defined as those facing the front yard of the parcel, and not the half-depth front yard, side yard, or rear yard.
- (3) *Front doors.* Front doors shall face and be visible from the adjacent street.
- (4) *Window fenestration.* Window fenestration shall be provided along the façade of the principal structure for a minimum of ten percent of the front façade area of the principal structure.

(Ord. No. 2019-09(18-O-1581), § 8.5, 1-31-19)

**Editor's note—** Ord. No. 2019-09(18-O-1581), § 8.5, adopted Jan. 31, 2019, set out provisions intended for use as § 16-07.011. Inasmuch as there were already provisions so designated, and at the editor's discretion, these provisions have been included as 16-07.012.