

§7-9 RESIDENTIAL INFILL DEVELOPMENT

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[See Commentary]

§7-9-1 PURPOSE AND INTENT

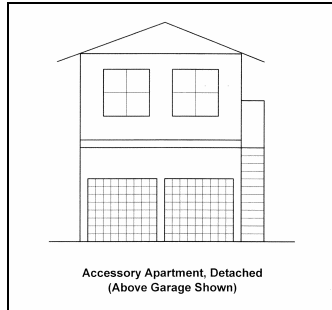
This Ordinance is intended to ensure neighborhood compatibility, maintain harmony and character of existing residential areas, and ensure residential infill development occurs in an orderly and desirable manner. It is also intended to:

- (a) Allow flexibility in housing type, location, lot width and vehicle access to facilitate infill development.
- (b) Provide development standards and guidelines to promote compatibility between existing and new development.
- (c) Eliminate regulatory constraints (e.g., restrictive zoning) to residential infill development and establish public processes and regulations that will reduce neighborhood resistance to infill and redevelopment.
- (d) Achieve other intentions as more specifically described in this Ordinance.

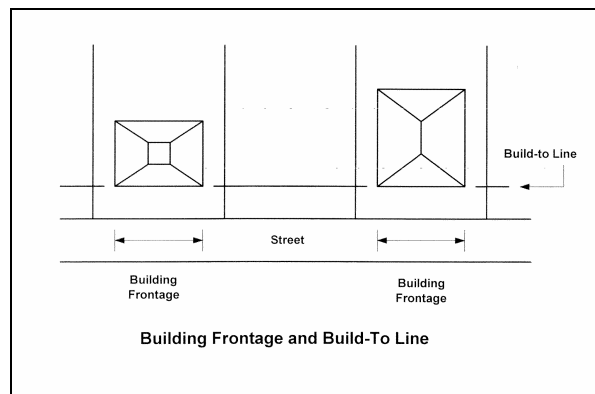
§7-9-2 DEFINITIONS

Accessory apartment, attached: A second dwelling unit that is added to the structure of an existing site-built single family dwelling, for use as a complete, independent living facility for a single household, with provision within the attached accessory apartment for cooking, eating, sanitation and sleeping.

Accessory apartment, detached: A second dwelling unit that is added to an existing accessory structure (e.g., residential space above a detached garage), or as a new freestanding accessory building, for use as a complete, independent living facility for a single household, with provision within the detached accessory apartment for cooking, eating, sanitation and sleeping.

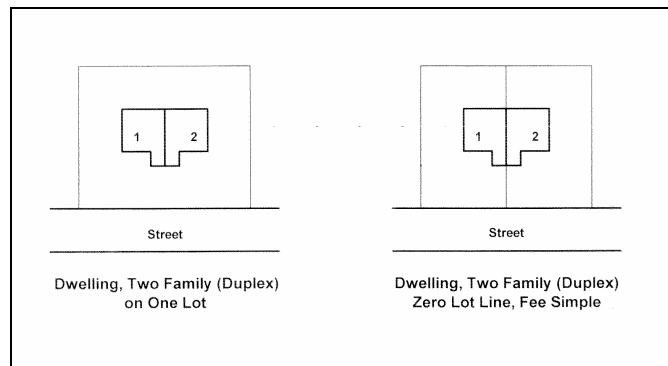


Build-to-line: A condition of setbacks in which a continuous building line creates a consistent street edge with the intent of providing a positive visual image to pedestrians and motorists.

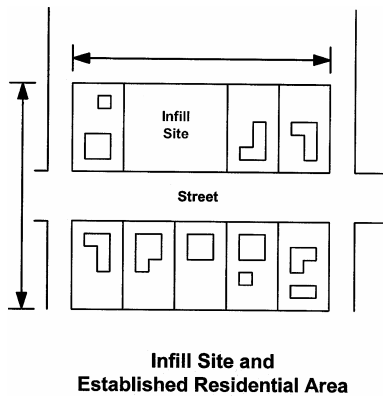


Compatibility: With regard to development, the characteristics of different land uses or activities that permit them to be located near each other in harmony and without conflict. With regard to buildings, harmony in appearance of architectural features in the same vicinity.

Dwelling, two-family (duplex): A building designed or arranged to be occupied by two (2) families or households living independently of each other.



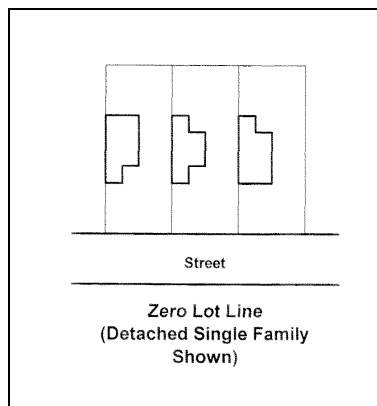
Established residential area: The area containing dwellings within the block of land proposed for infill residential development and the block of land across the street from the proposed development.



Lot, corner: A lot abutting upon two or more streets at their intersection.

Lot width: The horizontal distance between side lot lines measured at the minimum required front yard (regulatory front building set back) line.

Zero lot line: The location of a building on a lot in such a manner that one or more building sides have no (zero) side or rear building setback (or yard requirements) and rests directly on a side or rear lot line. A zero lot line development is one where houses in the development on a common street frontage are shifted to one side of their lots.



§7-9-3 RESIDENTIAL INFILL OVERLAY DISTRICT

There is established a residential infill overlay district as shown on the attached map which is hereby made a part of this ordinance. Said map may be amended by the local government by following procedures specified in the Zoning Procedures Law, O.C.G.A. 36-66.

§7-9-4 APPLICABILITY AND GENERAL PROVISIONS

- (a) This Ordinance shall apply to development within the residential infill overlay district.
- (b) No lot shall hereafter be created or approved as part of a subdivision, except in compliance with this Ordinance, if applicable.
- (c) No building or land use permit for a new dwelling shall be issued except in compliance with this Ordinance, if applicable.

- (d) No building or land use permit for a remodel of an existing dwelling which would increase the existing floor area by more than twenty-five percent (25%), or which would add a garage, shall be issued except in accordance with the applicable requirements of this Ordinance, if applicable.

§7-9-5 PERMITTED USES

The following residential uses, which are not allowed outright in SR, Suburban Residential, and UR, Urban Residential land use intensity district(s), shall be permitted in the residential infill overlay district.

- (a) Two-family dwelling (duplex) on a corner lot only.
- (b) Zero lot line housing, single-family detached, provided that when a zero lot line dwelling shares a property line with a non-zero lot line dwelling, the zero lot line dwelling shall be setback a minimum of ten (10) feet from said shared property line.
- (c) Accessory apartments, attached and detached, subject to the following:
 - 1. Only one attached accessory apartment shall be permitted on a lot and an accessory apartment shall not be permitted in conjunction with a home occupation.
 - 2. One additional off-street parking space is required and shall be provided, which must be located in a side or rear yard.
 - 3. At least four hundred (400) square feet of heated floor area shall be provided per occupant. The heated floor area for an accessory apartment shall be at least 400 square feet and shall not exceed 1,000 square feet or the size of the principal dwelling, whichever is less.
 - 4. Any additions to accommodate accessory apartments shall have exterior finishes or architectural treatments (e.g., brick, wood, stucco, etc.) of an appearance substantially similar to those on the principal dwelling.
 - 5. The _____ County Health Department must certify that existing or proposed water, sanitary sewer, and/or septic tank facilities are adequate to serve both the principal dwelling and the accessory apartment.
 - 6. Unless incorporated into an existing accessory structure (e.g., garage), detached accessory apartments shall be allowed in rear yards only and shall be setback a minimum of fifteen (15) feet from any property line.
 - 7. To ensure that infill development permissions do not unintentionally encourage the conversion of stable residential neighborhoods to disproportionately renter-occupied status, either the primary residence or the accessory apartment shall be occupied by the owner of the property.

[See Commentary]

§7-9-6 LOT REQUIREMENTS

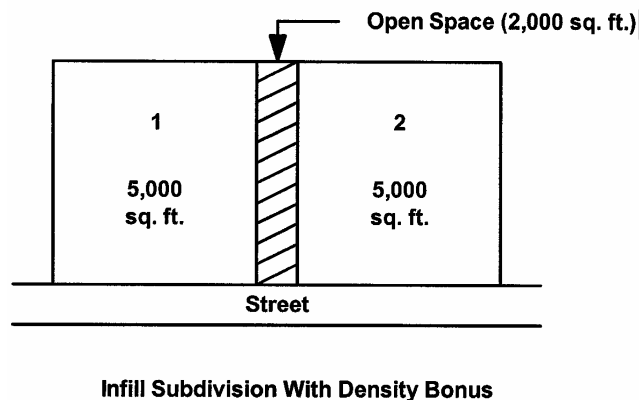
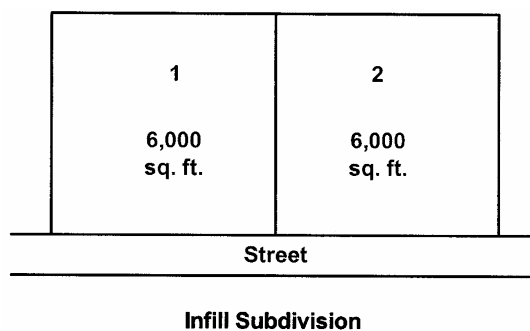
§7-9-6.1 Intent. This Code Section is intended to ensure that new lots platted in established residential areas are similar in size (lot area) as existing lots. It is also intended to provide for smaller lots (density bonuses) when open space is provided, and in cases where justified, through lot size averaging.

§7-9-6.2 Maximum Density (Minimum Lot Size). Residential infill development shall not exceed the density (shall not have lots smaller than the minimum) permitted for the zoning or

land use intensity district in which the property to be developed is located, except as permitted in this Code Section.

§7-9-6.3 Minimum Lot Width. When the average width of lots in the established residential area is 100 feet or more, the lots within the governed by this Code Section shall be no less than 85 feet wide at the regulatory front building setback line when fronting on an existing street. This subsection helps to ensure that the widths of lots in the infill residential overlay district are reasonably similar to those in the established residential area.

§7-9-6.4 Density Bonus for Open Space. The maximum allowable density as reflected in the minimum lot size for the applicable zoning or land use intensity district may be increased (lot size decreased) by one square foot for every square foot of land dedicated to public park, greenway, public park or other public space approved by the Land Use Officer; provided, however, that no lot shall be reduced to less than eighty percent (80%) of the required minimum lot size for the applicable zoning or land use intensity district.

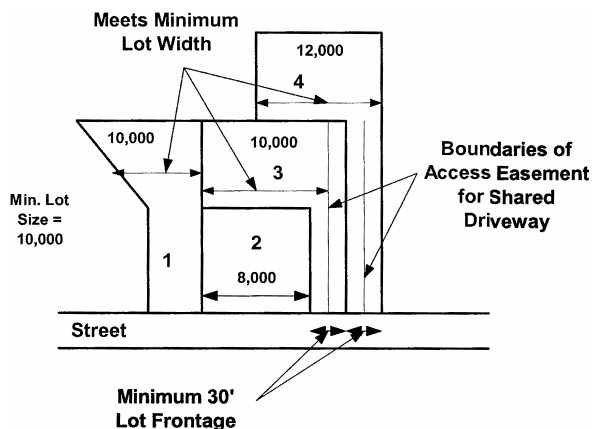


**Density Bonus
(Reduced Lot Size)
For Open Space Dedication**

§7-9-6.5 Lot size averaging. Where, in the opinion of the Land Use Officer, site specific conditions exist, such as irregular shape, difficult topography or other unique conditions that warrant flexibility in lot size, up to one-half of the total residential lots in any plat of a residential infill subdivision may be reduced below the minimum lot size for the applicable zoning or land use intensity district, provided that all lots meet the following:

**§7-9 Residential Infill Development
Model Land Use Management Code**

- (a) The average lot area of all lots within the subdivision meets the minimum lot size.
- (b) No lot shall be reduced to less than eighty percent (80%) of the required minimum lot size for the applicable zoning or land use intensity district.
- (c) This provision shall not extend to abutting undivided and undeveloped property under the ownership of the infill subdivider at the time of infill subdivision.



**Subdivision of Irregularly Shaped
Parcel for Infill Development
Using Flag Lot Design and
Lot Size Averaging**

§7-9-7 FLAG LOTS

§7-9-7.1 Intent. This section is intended to allow infill properties which have sufficient area and lot depth but insufficient lot frontage to be subdivided in a manner that will create “flag” lots.

§7-9-7.2 Flag Lots Permitted. When a lot contains an area more than twice the minimum required lot size of the zoning or land use intensity district in which said lot is located, said lot may be subdivided into two or more lots subject to the following:

- (a) Each lot meets the minimum lot size requirements of said zoning or land use intensity district.
- (b) Each lot contains a minimum of thirty (30) feet of frontage on a public street.
- (c) The area on which the building is placed shall meet the minimum lot width required for the zoning or land use intensity district in which said lot is located.

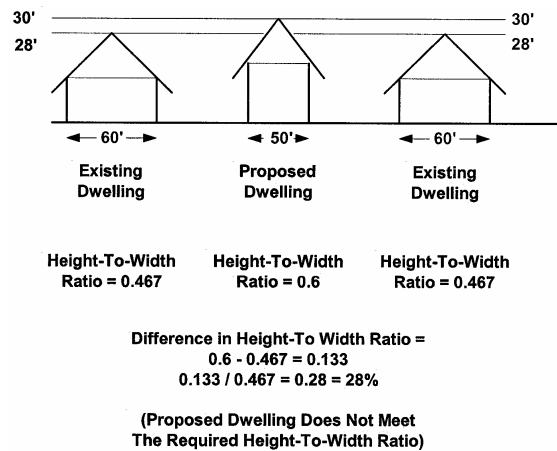
§7-9-7.3 Shared Driveways for Flag Lots. Although a minimum lot frontage of thirty (30) feet is required, flag lots authorized pursuant to this Code subsection shall share a driveway that is a minimum of twelve (12) feet wide and no more than twenty (20) feet wide. Where a shared driveway is required, there shall be a reciprocal access easement recorded on the subdivision plat. No more than three lots/dwellings shall be served by a single access easement.

§7-9-7.4 Administrative Approval. Plats containing up to four lots (which may be flag lots) can be administratively approved by the Land Use Officer as a minor subdivision pursuant to Section 2-2 of the Model Land Use Management Code.

§7-9-8 DWELLING HEIGHT AND WIDTH

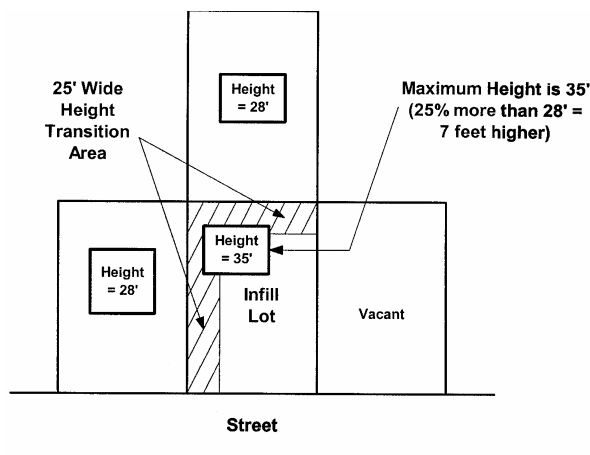
§7-9-8.1 Intent. The ratio of height to width along the building frontage is important in ensuring compatibility of residential infill development with established residential neighborhoods. If a new residence is much taller in height or narrower along the building frontage, it will be inconsistent with the character of the established residential area.

§7-9-8.2 Height to Width Ratio. Except for development of flag lots permitted pursuant to this Code Section, no new residential dwelling within the residential infill development overlay district shall be constructed which is more than twenty five percent (25%) above or below the average height-to-width ratio of existing residences abutting the lot to be developed on the same block of land. If only one residence abuts the lot to be developed, that residence shall be used to determine the allowable height-to-width ratio.



Illustrative Height-To-Width Calculation

§7-9-8.3 Height Transition Area. To ensure compatibility in the infill residential overlay district, within a given lot other than a corner lot or flag lot, a height transition area of twenty-five feet (25') in width is established along each side and rear property line abutting an existing residence. No new residential dwelling or addition to a dwelling shall be constructed within twenty-five (25) feet of a side or rear property line (i.e., height transition area), unless the portion of the dwelling within the height transition area does not exceed the height of the existing dwelling on the lot abutting the side or rear property line by more than twenty five percent (25%). If a residence does not exist on one or more abutting lots, this regulation shall not apply to such situation.



**Illustrative Application of
Height Transition Area**

§7-9-9 BUILD-TO LINE AND SETBACKS

§7-9-9.1 Intent. The intent of a build-to line is to ensure that new residences constructed in established neighborhoods are placed in a manner that is compatible and consistent with the placement characteristics of existing neighborhoods, and to maintain a consistent street edge. If existing residences are close to the street with shallow front yards, so too should be the residential infill development. If the character of the existing residential neighborhood is one where dwellings have deep front yards, the residential infill development shall also observe that average setback appropriate to its context.

§7-9-9.2 Requirement. The build-to line in the infill residential development overlay district shall be as determined by the Land Use Officer pursuant to this intent. In the case of residential infill development on a corner lot, the prevailing principal building setbacks along the side street shall establish the build-to line along the side street.

§7-9-9.3 Setback Averaging. When the front setbacks of principal buildings (dwellings) in the vicinity of the proposed residential infill development vary in terms of distance from the right-of-way in a manner that does not result in a consistent street edge, the Land Use Officer shall determine the average front building setback for dwellings in the established residential area. Based on the average front building setback determined for these blocks, the Land Use Officer shall establish a build-to requirement for the proposed infill development to be observed.

§7-9-9.4 Setback Variance. The Board of Appeals may grant a variance to any build-to line established by the Land Use Officer, in cases where site constraints (e.g., protection of existing trees, topographic limitations, etc.) or other practical difficulty would warrant such a variance. Said variance shall be considered upon application in accordance with Section 1-10 of this Code.

§7-9-9.5 Exemption. The placement of a principal residential dwelling on a flag lot created pursuant to this Ordinance shall be exempt from this Code Subsection.

§7-9-10 MISCELLANEOUS DESIGN REQUIREMENTS

This subsection articulates additional design requirements to make infill development acceptable aesthetically with neighboring dwellings and to help alleviate concerns about aesthetic impacts of infill development. Residential infill development should “learn” from its

neighbors with regard to size, bulk, scale, mass, and rhythm. Dwellings shall either be similar in size and height, or if larger, be articulated and subdivided proportionally to the mass and scale of other residential buildings in the existing residential area. Infill residential development shall maintain the rhythm created by the repetition of facades in the established residential area, including the sizing and frequency of windows.

§7-9-10.1 Garages. Each lot upon its development for a single-family dwelling shall have a garage, either attached to the dwelling or detached but placed to the rear of the principal dwelling, for the storage of two vehicles. Garage space capable of storing more than four vehicles shall not be permitted. Where detached, the height of the detached garage shall not exceed a height of twenty (20) feet. Where lots abut an existing street, garages shall not be allowed to dominate the architecture of the dwellings in the area governed by this Code Section.

§7-9-10.2 Screening of Rear Yards of Lots Fronting an Interior Street. When a new subdivision street is proposed, the project often will result in the orientation of dwellings such that they form a line of rear yards abutting the side yard of a lot in the established residential area. To protect existing dwellings in the established residential area for exposure to multiple residences, rear yards of the lots in the new subdivision shall be separated and screened along common lot lines of the established residential area with a solid wooden fence or masonry wall of six feet (6') in height and a minimum ten foot (10') wide vegetative buffer, or comparable screening approved by the Land Use Officer.

§7-9-10.3 Entrance Landscaping. When a new subdivision street is proposed and the infill residential development project contains six (6) or more lots, the entrance to the project (where the new road intersects with the existing street) shall be landscaped with a minimum twenty foot wide (20') landscape strip along the property frontage. If the landscape strip is platted as a part of a lot within the infill residential development project, a landscaping easement shall be provided over such lot or lots, and a landscape maintenance bond shall be required for a period of two years. The landscape strip shall provide street trees approved by the Land Use Officer that are indigenous to or compatible with trees in the established residential area.

§7-9-10.4 Entrance Monuments. When a new subdivision street is proposed, the entrance to the infill residential development project (where the new road intersects with the existing street) may include erection of a subdivision entrance monument. If provided, it shall be composed of stacked stone or brick and shall be located to the rear of the required front landscape strip required for the entrance per this Code Section.

§7-9-10.5 Architectural Building Materials. At least fifty percent (50%) of the front façade of each dwelling within an infill residential development project shall be brick masonry, stone masonry, or split-face block masonry. All other exterior wall materials of dwellings within infill residential development projects shall consist of brick masonry, stone masonry, or split-face block masonry; or wood clapboards or weather boarding, and appropriate architectural accents. Standing-seam or corrugated metal walls or vinyl siding shall not be permitted. Architectural treatments on all sides of the building other than the front façade shall be consistent. Roof materials shall be asphalt composition, wood shake, tile, or standing seam metal.

§7-9-10.6 Front Yards. Front yards of all lots subject to this Code Section shall be sodded.

§7-9-10.7 Detention Ponds. When a detention pond is required by the County [City] to serve the infill residential development project, it shall be sited underground; provided, however, that if not installed underground the detention pond shall meet the following requirements:

- (a) It shall be located no closer than fifteen feet (15') to an exterior property line (i.e., abutting the established residential area).
- (b) It shall be sloped so that fencing is not required.
- (c) It shall be landscaped subject to the approval of the Land Use Officer.

§7-9-11 APPEAL

A building or land use permit applicant, subdivider, or other party aggrieved by a decision of the Land Use Officer in the administration, interpretation or enforcement of this Ordinance may appeal said decision as provided in Section §1-10 of this Code.

[See References]