

Sec. 16-06.001. - 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 for the R-4 Single-Family Residential District.

(Code 1977, § 16-06.001)

Sec. 16-06.002. - Statement of intent.

The intent of this chapter in establishing the R-4 Single-Family Residential District is as follows:

- (1) To provide for the protection of existing single-family communities and the development of new communities on lots of medium size at a density of not more than one dwelling unit per 9,000 square feet.
- (2) To provide for the development of recreational, educational and religious facilities as basic elements of a balanced community.

(Code 1977, § 16-06.002)

Sec. 16-06.003. - Permitted principal uses and structures.

A building or premises shall be used only for the following principal purposes, and in no case shall there be more than one main building and one main use on a lot:

- (1) Repealed.
- (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 the operation of MARTA, but not including uses involving storage, train yards, warehousing, switching or maintenance shops as the primary purposes.

(Code 1977, § 16-06.003)

Sec. 16-06.004. - 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 the 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 the 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, § 16-06.004; Ord. No. 2014-53(14-O-1278), § 2(Attach. B), 12-10-14; Ord. No. 2014-22(14-O-1092), § 2-G-i, 6-11-14; Ord. No. 2019-09(18-O-1581), § 1.A, 1-31-19)

ENSURING HOUSING DIVERSITY

(2.1) ACCESSORY DWELLINGS

THE PROBLEM

“Guest houses” are currently allowed in all R-1 through R-5 zoning districts, but installing a stove or allowing someone to live in one changes its classification to an “accessory dwelling unit,” which is only allowed in the R-5 district. Accessory dwelling units were once legal citywide, and those that still exist can provide extra income for the homeowner, new housing options, and more affordable rents than are found in large apartments buildings.

NOTE: In most zoning districts, it is currently illegal to exclusively use any dwelling unit, including an accessory one, for short term rental (e.g. Airbnb). Changing this is not proposed as part of the Zoning Ordinance update.

PROPOSED SOLUTION

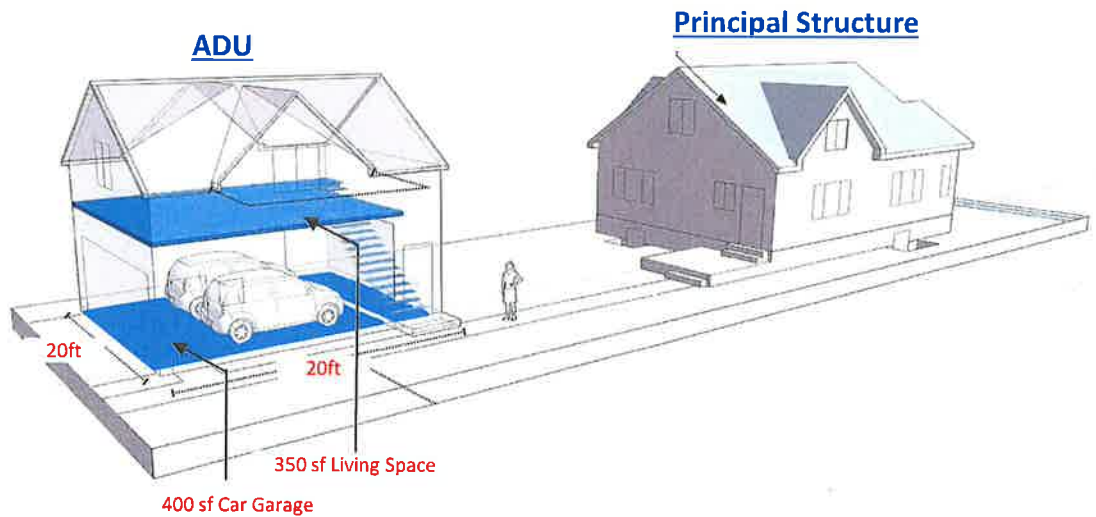
- » Allow accessory dwellings in R-4 and R-4A zoning districts
- » Create a consistent approach to accessory dwellings in R zoning districts (eliminate R-5 distance requirements)
- » Remove parking requirements for accessory dwellings
- » Require that accessory dwellings conform with all existing zoning and development regulations (lot coverage, setbacks, height, density, storm water runoff, etc.)



Photos: Examples of ADUs

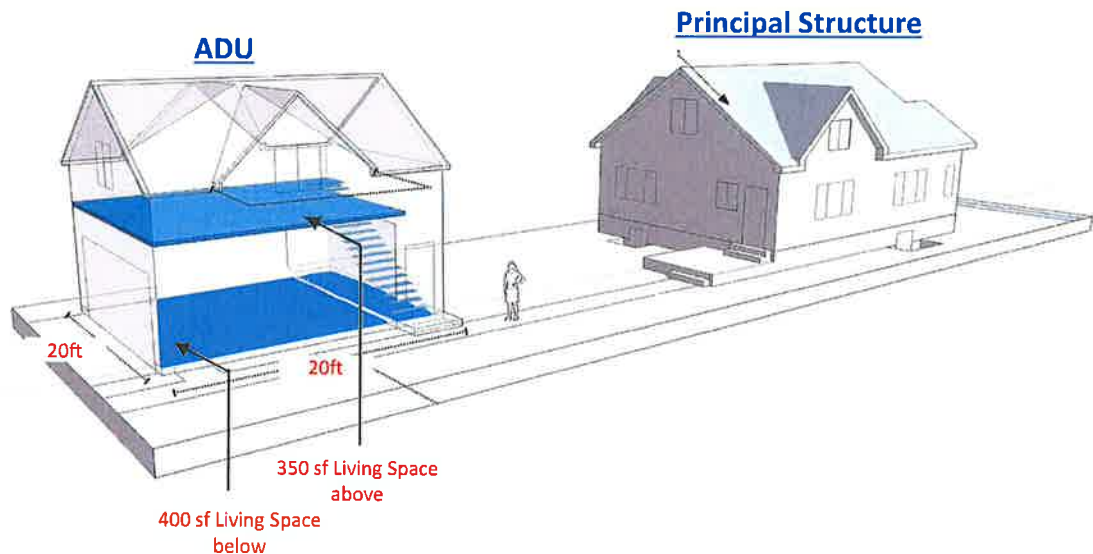
ACCESSORY DWELLING FLOOR AREA

Example 1:



An example of Accessory Dwelling Unit with maximum 750 sf. total floor area including 350 sf. living space above and 400 sf. car garage below

Example 2:



An example of Accessory Dwelling Unit without a garage with maximum 750 sf. of living space only

For purposes of calculating the total floor area of the Accessory Dwelling Unit, all gross floor area (under the roof) of the accessory building including garage, shall be included whether or not it is conditioned or habitable.

1. ADU maximum floor area: 750 sq. ft.
2. Height: 20ft Setback: Side: 4ft, Rear: 4ft

By definition, the ADU is a detached structure that has it's own kitchen. If the structure does not have it's own kitchen, it is an accessory structure and subject to those regulations.

ENSURING HOUSING DIVERSITY

(2.8) MULTI-UNIT HOUSING

WHAT IS MULTI-UNIT HOUSING?

Before the current Zoning Ordinance was adopted in 1982, duplexes, triplexes, and small apartment houses were legal in most of Atlanta. These still exist in many neighborhoods, despite being illegal to build today, and are termed “legal non-conforming” by the Zoning Ordinance. These buildings provide “invisible density” that is virtually indistinguishable from single-family houses. More importantly, they also often provide “natural occurring workforce housing” because they are less expensive than newer buildings **Unfortunately, between 2005 and 2014, Atlanta lost 9,267 residential units in multifamily buildings with between 2 and 9 units (Bleakly Advisory Group).**

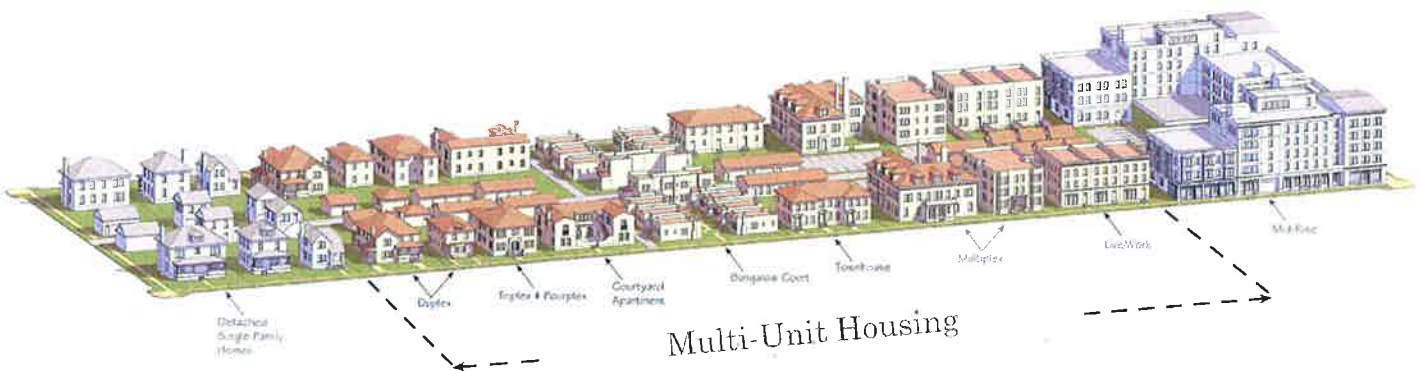


Photo: Fourplex on McLendon Ave in Candler Park

ENSURING HOUSING DIVERSITY

(2.8) MULTI-UNIT HOUSING

THE PROBLEM

- » Existing zoning does not properly support existing and future “Missing Middle” housing types, even though they are an established historic development pattern in many city neighborhoods

PROPOSED SOLUTION

- » Create a new MR-MU zoning district similar to MR-1 and MR-2, but with the following provisions:
 - Maximum number of units: 12 per building, but **do not limit floor area ratio (FAR)**
 - Prohibit all non-residential uses and **Prohibit freestanding parking decks**
 - Minimum parking requirements at 0.5 parking spaces per unit and Require a **5-foot side yard**
 - Allow in areas shown as **Low-Density Residential and Medium Density Residential** in the city’s Comprehensive Plan



Photo: Apartments on N Highland Ave in Inman Park

ENSURING HOUSING DIVERSITY

(2.8) MULTI-UNIT HOUSING

PROPOSED SOLUTION

Number of Units	4-12
Maximum Number of principle buildings per lot	1
Maximum Number of stories	Two to three story multi-unit buildings
Maximum Height	35 feet
Min. Lot Requirements: Side Yard	5 Feet
Rear Yard	10 Feet
lot size	2,000 Sf
Street frontage	25 feet
Parking	0.5 parking space per dwelling
Non Residential Uses	Prohibited
Transitional Yard	Not required
Single-family attached (zero-lot-line) dwellings.	Prohibited
Parking Decks	Prohibited
USOR	LUI Table
Compatible Land Use	LDR and MDR

ENSURING HOUSING DIVERSITY

(2.8) MULTI-UNIT HOUSING



Photo: Apartments on Dixie Ave in Inman Park

PROPOSED SOLUTION (contd..)

- » Create custom grandfather provisions for existing historic missing middle housing
 - Should apply only to buildings that are build **pre-1945** and have 12 or fewer residential units
 - Should apply only in R-3 through R-5, RG, and MR zoning districts
 - Allow buildings to be used for multifamily residential even if they sit wholly or partially unused for more than a year
 - **Allow renovations** as long as square footage doesn't increase
 - Allow buildings to be restored (with the same or few number of residential units) if **unintentionally destroyed** (such as by fire), as long as the cost of restoration is 60% or less than the replacement cost for the whole building, and if granted a special exception by the Board of Zoning Adjustment (BZA)
 - Allow buildings to be restored (with the same or few number of residential units) if **intentionally damaged**, as long as the cost of restoration is 20% or less than the replacement cost for the whole building
 - Allow the amount of existing parking to meet the parking requirements

Property Information

Administrative Area

Full Address **1266 MONROE DR NE**

Parcel ID: **17 00550007011**

Owner Name: **WEILER RENTALS LLC**

Fulton County Tax Assessor

Dekalb County Tax Assessor

LandLot & District **17-52**

Cadastral PDF [More Info](#)

City Council District **6**

NPU **F**

Neighborhood **Morningside/Lenox Park**

LandUse Planning

Zoning:

Zoning Classification **R-4**

Zoning Description [More Info](#)

Zoning Overlay:

Overlay Classification **Beltline**

Overlay Description **Beltline**

Zoning Map [More Info](#)

Mylar with old Zoning [More Info](#)

Mylar with old Zoning **2**

Inclusionary Zoning:

Name **Virginia Highlands/Ansley**

LandUse Future:

Land Use Code **SFR**

Land Use Description **Single-Family Residential**

DENSITY

Personal Care Home:

Within 2000ft of:

Incentive Zone

Reference Data

Handwritten in blue ink:
M. Weiler
Fulton County Tax Assessor